

● Commonwealth of Kentucky ●

EDUCATIONAL BULLETIN

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SUPPLEMENT TO KENTUCKY COMMON SCHOOL LAWS

Enactments of 1936
and
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H. W. PETERS
Superintendent of Public Instruction

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FOREWORD

This bulletin contains laws relating to education enacted by the General Assembly of Kentucky at its 1936 regular session, and at the extraordinary session of 1934.

The laws passed at the extraordinary session of 1934 were not included in the 1934 compilation of law. For that reason I am placing them in this pamphlet. Decisions of the Court of Appeals relating to sections of the new school code are also included.

This bulletin, together with a copy of the new school code, will make an up-to-date reference for school law.

H. W. PETERS,
Superintendent Public Instruction.

March 4, 1936

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**LAWS RELATING TO EDUCATION IN KENTUCKY ENACTED
AT THE 1936 REGULAR SESSION OF THE
GENERAL ASSEMBLY OF KENTUCKY**

**AID FOR STUDENTS IN EDUCATIONAL INSTITUTIONS OUT OF
THE STATE**

AN ACT providing state aid for education in certain courses of study for state students pursuing certain courses of study at educational institutions outside of the state for whom no such courses are provided in educational institutions of the state.

Section one. That pending the full development of the educational institutions of the Commonwealth of Kentucky, all bona fide residents of this state at the time of making written application for the benefits provided in this act and have been such residents continuously for five (5) years next preceding the time of filing said application, and who are duly qualified for matriculation in courses of study offered at the University of Kentucky, but who, because of section one hundred eighty-seven (187) of the constitution of Kentucky cannot pursue such courses at the University of Kentucky or other state institutions at which such courses are offered, or who have otherwise qualified to pursue such courses therein, and who are now pursuing or may hereafter pursue such courses in educational institutions outside of the state whereof no courses of study are provided for such persons within this state, shall have their tuition and fees paid at such institution by the Commonwealth of Kentucky.

Section two. That such tuition and fees be ascertained by the State Superintendent of Public Instruction and paid upon requisition of him out of funds not otherwise appropriated.

Section three. That the State Board of Education shall prescribe the rules and regulations governing the granting of state aid under this act. In the event the funds appropriated for the purpose of carrying out the provisions of this act are insufficient for the purpose in any year, said Board of Education shall have the right to prorate the same among such persons whose applications are approved therefor pursuant to the provisions of this act; and provided further, that not more than one hundred and seventy-five (\$175.00) dollars shall be allowed to any such person for the purposes and under the provisions of this act during any one school year of nine (9) months.

Section four. That for the purpose of carrying out the provisions of this act and for no other purpose, there is hereby appropriated for the State Board of Education of Kentucky, out of funds in the State Treasury not otherwise appropriated the following sums: five thousand (\$5,000) dollars for the fiscal year ending June thirtieth (30th) one thousand nine hundred thirty-seven; and five thousand

(\$5,000) dollars for the fiscal year ending June thirtieth (30th) one thousand nine hundred and thirty-eight.

Section five. That if any part of this act shall be held unconstitutional, such holding shall not invalidate any other portion thereof.

Section six. It being immediately necessary for educational opportunity to certain persons of this Commonwealth, and for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist by reason whereof this act shall take effect and be in full force from and after passage and approval.

Independent Districts may Contract for Eleventh and Twelfth Grade Service for its White Children, and Provide an Approved Twelfth Grade Service for its Colored Children.

AN ACT repealing and re-enacting Section 4399-3, Kentucky Statutes, Baldwin's Kentucky Statute Service, 1934 Edition, relating to independent school districts.

Independent school districts. All school districts embracing cities of the first five classes together with the territory within their limits, including any territory which has heretofore been added for school purposes outside of the limits of such cities or districts, and any territory which may be included by any future change in the limits of such cities, and all independent graded common school districts having a school census enumeration of two hundred fifty (250) or more white children shall hereafter be known and designated as independent school districts, provided that no such district other than cities of the first, second, third, fourth, and fifth classes, operating as independent districts at the time this act becomes effective, shall continue to operate when its school census enumeration of white children falls below two hundred fifty (250) pupils unless it appears to the State Board of Education that the district can maintain a more efficient program of school service by operating as an independent district. The State Board of Education may permit an independent graded common school district existing at the time of the passage of this act with a census enumeration of white children below two hundred and fifty (250) to operate as a temporary independent school district for four-year periods beginning with July first (1st), one thousand nine hundred and thirty-four (1934), if it appears to the State Board of Education that such district can maintain a more efficient program of school service by operating as a temporary independent district, and the decision of the State Board of Education shall be final; provided, at the end of each four-year period the State Board of Education may permit such independent district to operate for an additional four-year period on the condition that such inspection as the State Board of Education may make shows that it is operating a school in accordance with the school law and the standards, rules, and regulations set up by the State Board of Education. The State Board of Education may by order make any temporary inde-

pendent school district and a part of the county district whenever the same is (it) not complying with the school law and the standards, rules, and regulations of the State Board of Education, and after it has been given a reasonable time, to be fixed by the State Board of Education, within which to so comply. The first application of such district to operate as a temporary independent district shall be filed with the State Board of Education not later than July first (1st), one thousand nine hundred and thirty-four (1934). Each subsequent application of such independent district to operate as a temporary independent district for an additional four-year period shall be filed with the State Board of Education not later than May first (1st), of the last year of the four-year period. Each independent school district shall maintain at least an approved twelve-grade school service for the white children residing in its district. Provided, however, any independent school district that maintains within the district at least an approved ten-grade school service for the white children residing in its district, may furnish free transportation for white children residing within the district to attend school in an adjoining district for completing the eleventh and twelfth grade school work and provide by contract with an adjoining district, which maintains at least an approved twelve-grade program of school service, for such children procuring eleventh and twelfth grade service in such adjoining district. Provided further that each independent school district shall provide by establishment or by contract with another district for at least an approved twelve-grade program of school service for its colored children.

All laws in conflict herewith are hereby repealed.

Government of Teachers Colleges and Powers of Boards of Regents in Appointing Teachers.

AN ACT to amend and re-enact Section 4527-44, Baldwin's Revision of Carroll's Kentucky Statutes, 1934 Edition.

The government, administration, and control of each of the said state teachers colleges is hereby vested in its respective board of regents which when its members have been appointed and qualified, shall constitute a body corporate and shall have perpetual succession with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode of conveyance property of any description, and to have and to hold and enjoy the same; to receive grants of money and to expend the same for the use and benefit of the said college; also, to sell and convey any real estate, buildings, or equipment belonging to it, but the proceeds from such sale shall be reinvested in other real estate and/or buildings and equipment for the use and benefit of the said college; to make and use a corporate seal with power to alter and enjoy the same; to adopt by-laws, rules, and regulations for the government of their members, officers, agents, and employees, and to enforce obedience to

such rules; to elect a secretary and a treasurer and to fix the bond of the treasurer which shall not be less than \$10,000, and the treasurer shall not be a member of the board of regents; to designate a depository or depositories for its funds and to fix the bond thereof; to require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time; to determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the said college; to invest the faculty or a committee of the faculty with the power to suspend or expel any student for disobedience to its rules; or for any other contumacy, insubordination, or immoral conduct; to appoint a president and, on the recommendation of the president, appoint, in its discretion, all officers, teachers, and employees and fix their compensation and tenure of service, provided no person shall be employed for a longer period than four years; and provided further that no person shall be employed who is related to any member of said Board of Regents, as father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, sister-in-law, or daughter-in-law, except that upon written recommendation of the President of the respective institution, one such relative of each member of the Board of Regents may be appointed upon confirmation by the remaining three members of said board; to dismiss any president and, upon the recommendation of the president, any officer, teacher, or employee for cause as hereinafter provided; to grant diplomas and confer degrees upon the recommendation of the president and the faculty, and to possess all other immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions.

Teacher Retirement in Cities of the First, Second and Third Classes.

AN ACT repealing and re-enacting Sections 4506-1, 4506-2, 4506-4, 4506-6 and 4506-7, Kentucky Statutes, Carroll's 1934 Supplement.

Section 4506-1. Boards of Education of Independent School districts embracing cities of the first, second and third classes may and are hereby empowered to establish retirement systems for the purpose of providing retirement allowances and other benefits for teachers and other school employees. A retirement system so created shall have the powers and privileges of a corporation and shall be known as "The Teachers Retirement System of the Schools of, Kentucky," and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held.

Section 4506-2. In Independent school districts embracing cities of the first, second and third classes which are already operating insurance and annuity systems, for teachers or for teachers and other employees, full authority to adopt, modify, change or revise the present systems, including pensions already granted, is by this act conferred upon the boards of education of such school districts, subject

to the approval of the board or governing body of the existing system and subject also to the provisions hereinafter stated.

Section 4506-4. Each board of trustees of retirement systems in independent school districts embracing cities of the first, second and third classes may adopt, subject to the provisions of this act, such regulations as are necessary to the effective operation of the retirement systems without regard to regulations adopted by any other such board of trustees.

Section 4506-6. The participating teachers and other employees, and the board of education in districts in which such retirement system is continued, reorganized or established may contribute to the retirement fund and the rates of the contribution shall be fixed by the board of trustees of the retirement system on the basis of careful actuarial investigations, and shall be adequate and sufficient to support the benefits granted in the system set up: provided that the total contribution of the board of education shall be at least the equal of the total contributions of the members of the system. The board of trustees of the retirement system may increase or decrease the rates of contribution whenever such action is deemed by them to be necessary to preserve the solvency and equity of the system as determined by actuarial studies, provided that the contribution of the board of education of a city of the first class shall in no case exceed the returns from a tax rate of four and one-half cents ($4\frac{1}{2}c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district, and that the contribution of a board of education of a city of the second or third class shall in no case exceed the returns from a tax rate of four cents ($4c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district.

Section 4506-7. It shall be the duty of the board of education in cities of the second and third classes, the board of aldermen in cities of the first class, or such other agency to which the General Assembly may in the future delegate the function of levying taxes for local school purposes in independent school districts embracing cities of the first, second and third classes, to levy the tax rate recommended by the board of trustees of the retirement system; provided that the rate of taxation in a city of the first class shall not exceed four and one-half cents ($4\frac{1}{2}c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district, and provided the rate of taxation in a city of the second or third class shall not exceed four cents ($4c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district.

On account of the immediate necessity for the inauguration of retirement systems to take care of infirm and incapacitated teachers, an emergency is declared to exist and this act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor.

All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Certification of Property Assessment in Annexed Territory to the Annexing Authority.

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AN ACT to provide for the certification of property assessment in annexed territory to the annexing authority; to provide for the equalization of such assessment and levy of tax thereon by the annexing authority.

Section 1. That all assessments of property heretofore made or hereafter made in territory annexed thereafter to another civil division, prior to such annexation shall be certified by the assessor making the same, to the annexing civil division and by the proper authority thereof, submitted to its board of equalization to be equalized as provided by law; and when so equalized the regular annual tax of the annexing division shall be levied by the proper authority thereof and placed upon its tax bills made therefor and collected as its other taxes; and said taxes if allowed to become delinquent, shall be subject to the same interest and penalty charged and enforced in the manner provided by the law governing such annexing division.

Section 2. Should the equalization board be about to adjourn when, or have adjourned before said assessment is certified as provided in the preceding section, the time of such board may be extended for a reasonable time or it shall be reconvened for the purpose of passing upon such certified assessment; and should, for any reason, such assessment and equalization be completed after the regular levy of taxes for that year have been levied, a levy may thereafter be made as soon as practicable for that year's tax.

Section 3. Whereas territories in this state have been annexed at the last election, and the property therein could otherwise not be taxed for the ensuing year because the levies are directed in the months of March and April, an emergency is hereby declared to exist and this act shall take effect immediately upon its passage.

1934

**LAWS RELATING TO EDUCATION IN KENTUCKY ENACTED
AT THE 1934 EXTRAORDINARY SESSION OF THE
GENERAL ASSEMBLY OF KENTUCKY.**

Free Textbooks

That the State Board of Education shall have full authority to purchase textbooks as provided by Chapter forty-eight, Acts of nineteen hundred twenty-eight, and shall have full authority to adopt such rules and regulations for the purchase and distribution of such books as in its judgment may be necessary, provided such rules and regulations are not in conflict with law. In the purchase and distribution of textbooks the State Board of Education shall begin with the first grade and shall furnish textbooks to the first grade before any are bought for the second grade. After books have been furnished to the first grade, if additional funds are available the State Board shall furnish books to the second grade, and so on, until the fund is exhausted; provided if, in the judgment of the State Board of Education sufficient funds are not available to furnish all the textbooks to any grade, then that Board shall have authority to determine for what subject or subjects in that particular grade textbooks shall be provided. There is hereby appropriated annually, out of the General Fund, the sum of five hundred thousand dollars for the purchase and distribution of textbooks as provided in this Act, and any unused balance left from one year shall be carried to the following year and shall be used for the purposes provided in this Act. This sum is irrevocably set aside for purchase and distribution of textbooks as provided in this Act. The State Board of Education is hereby given full authority to administer the purchase and distribution of textbooks in the Commonwealth of Kentucky, and shall expend from the funds appropriated by this Act a sufficient amount to bear the expense of Acts providing for the purchase and distribution of textbooks in this Commonwealth, provided that no amount shall be expended out of this fund except on proper approval of the State Board of Education, and by requisition of the Superintendent of Public Instruction drawn upon the Auditor of Public Accounts. As the time is drawing so near for many rural schools to open, there is hereby declared an emergency to exist and this bill shall become effective immediately upon the passage of the two houses of the General Assembly and the signature of the Governor.

AN ACT authorizing Boards of Education of county school districts and independent school districts of unincorporated villages to deed property to county fiscal court for purpose of erecting school buildings.

1. That for the purpose of providing buildings for elementary and/or high school purposes, boards of education of county and independent school districts located within counties, exclusive of incorporated cities of such counties, are hereby authorized and empowered to convey a fee simple title with covenant of general warranty of title, to a site for any such building now held or hereafter acquired by such boards of education, to such counties.

2. Every such county to which a building site for a building has been conveyed, as provided in section one hereof, shall enter into a contract or contracts with some person or persons, corporation or corporations, for the erection on said site of a building with the necessary appurtenances according to plans and specifications adopted by such county and approved by the board of education of the county or independent school district in which such building is proposed to be constructed and by the Superintendent of Public Instruction.

3. Immediately upon the approval of the plans and specifications as provided in section two hereof, such board of education shall offer to lease such building for a term of one or more years from the time such buildings shall be completed and ready for occupancy, which term shall be for a number of years acceptable to such county. The said lease by its terms shall give such lessee the right and option to extend the term of such a lease for a term of one or more years from the expiration of the original term of such lease and for one or more years from the expiration of each extended term of such lease, until the original term of such lease shall have been extended for a total number of years, not exceeding thirty years, at a rental which, if paid for the original term and for each of the full number of years for which the term of said lease may be extended, will amortize the cost of the erection of said building and appurtenances, provide an adequate maintenance fund and in addition thereto a sum sufficient to pay the cost of insuring the building against loss or damage by fire and windstorm or other calamity in such sum as may be agreed by the parties thereto.

4. This act shall be deemed to create an additional and alternate method for the acquisition of elementary and/or high school buildings by any county board of education or board of education of independent school districts and shall not be deemed to include, alter, amend or repeal any other statute and shall apply solely to school buildings constructed with financial assistance from the Federal Government.

AN ACT authorizing the fiscal court to accept property deeded by boards of education for constructing and financing school buildings and to issue bonds.

That counties whether organized under the general law or special charter law are hereby authorized and empowered to establish

and erect elementary and/or high school buildings, together with necessary appurtenances thereto under the provisions of this act for the purpose of supplying the board of education of such county or independent school districts located outside of the incorporated cities of such county, adequate buildings necessary to carry out their corporate duties and powers.

For the purpose of defraying the cost of acquiring any such elementary and/or high school building by construction and appurtenances thereto, any such county may borrow money from the Public Works Administration or other agency of the Federal Government and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by a resolution specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six per cent (6%) per annum. Such resolution shall further provide that the proposed elementary and/or high school buildings and appurtenances thereto are to be constructed or acquired pursuant to the provisions of this act.

All bonds under the provisions of this act may be issued bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding thirty years from the date thereof, and at such place or places as such fiscal court or board of commissioners shall determine.

Any and all bonds shall have and are hereby declared to have in the hands of bona fide holders all of the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. In case any of the officers whose signatures or counter signatures appearing on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures or counter signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the fiscal court or board of commissioners shall deem for the best interest of such county. Such bonds when issued shall be payable solely from the revenue funds derived from such elementary and/or high school building as provided in sections eight and nine hereof and shall not constitute an indebtedness of such county within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of such bond that same has been issued under the provisions of this act and that it does not constitute an indebtedness of such county within the meaning of any constitutional provisions or limitations.

All moneys received from any bonds issued pursuant hereto shall be applied solely for the establishment or erection of such elementary and/or high school building and necessary appurtenances thereto, provided such moneys may be used also to advance the payment of the interest on bonds during the first three years following the date of such bonds. And there shall be and there is hereby created a statutory mortgage lien upon the elementary and/or high school

building and appurtenances so acquired to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

The elementary and/or high school building so acquired, together with the appurtenances thereto, shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either at law or in equity, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus or other proceedings, enforce and compel performance of all duties required by this act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said elementary and/or high school building on behalf of the county, with power to charge and collect rentals sufficient to provide for the payment of any bonds or obligations outstanding against said elementary and/or high school building and for the payment of the operating expenses and apply the income and revenues in conformity with this act, and the resolution referred to in sections eight and nine hereof.

When any such county shall desire to construct such elementary and/or high school building, the fiscal court or board of commissioners of such county shall, by resolution, cause plans and specifications of such building to be constructed, to be duly made and filed in the office of the county court clerk, which plans and specifications shall give a full description of the building to be constructed, the details thereof and the manner of construction.

The plans and specifications of such building shall be prepared by an architect selected by the fiscal court and approved by the board of education of the school district and shall be submitted to the board of education of the school district in which said building is proposed to be constructed and to the Superintendent of Public Instruction for approval and if approved, and if such board of education shall offer to lease such building for a term of one or more years from the time such building shall be completed and ready for occupancy, with the right and option in such lessee to extend the term of such lease for a term of one or more years from the expiration of each extended term of such lease, until the original term of such lease shall have been extended for a total number of years, not exceeding thirty years, at a rental which, if paid for the original term and for each of the full number of years for which the term of said lease may be extended, will amortize the total cost of the erection of said building and appurtenances, provide an adequate maintenance fund and in addition thereto a sum sufficient to pay the cost of insuring the building erected against loss or damage by fire and windstorm or other calamity in such sum as may be agreed by the parties thereof, the fiscal court or board of commissioners shall by resolution authorize the issuance of bonds, in the manner and form as herein provided, sufficient to pay the cost of constructing such building, and shall

cause the county court clerk to advertise for bids, and thereafter the fiscal court or board of commissioners, by and through the county judge of such county, may contract for the construction of such building.

At or before the issuance of such bonds the fiscal court or board of commissioners of such county shall, by resolution, set aside and pledge the income of such building into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance thereof. Said resolution shall definitely fix and determine the amount of revenue which shall be necessary and be set aside and applied for the payment of the principal and interest of the bonds, and balance of such income shall be set aside for the reasonable and proper maintenance thereof, including a sufficient sum to pay the cost of such insurance as hereinabove provided. The rentals to be charged for the use of such building shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the maintenance thereof including the cost of insuring such building erected against loss or damage by fire and windstorm or other calamity.

If any surplus shall be accumulated in the maintenance fund, which shall be equal to the cost of maintaining such building during the remainder of the calendar, or fiscal year, as may be provided by the resolution hereinbefore required and the cost of maintaining and operating such building the succeeding like calendar or fiscal year, any excess over such amount shall be transferred to the sinking fund.

Such county may issue refunding bonds for the purpose of providing for the payment of any outstanding bonds, in accordance with the procedure prescribed by this act. Such refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

Should the fiscal court or board of commissioners find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein required.

Such county in acquiring any building under the provisions of this act, may provide by resolution any such provision and stipulation for the administration of the income and for the security of the bondholders as the fiscal court or board of commissioners of such county may deem necessary: Provided, that the sinking fund, which shall be provided by resolution as hereinbefore required, shall be deposited in a depository selected by such fiscal court or board of commissioners, which deposit, where practicable, may be continuously secured by a pledge to the county of direct obligations of the United States of America, exclusive of accrued interest, at all times at least equal to the balance on deposit in such account, or in such other manner acceptable to the purchaser or holders of such bonds. Such securities shall either be deposited with the county or be held by a trustee or agent satisfactory to the fiscal court or board of commis-

sioners of such county. Such sinking fund may be invested in direct obligations of the United States of America.

When such board of education has paid rentals, in the manner and form as provided in this act, sufficient to amortize the cost of the erection of such building and appurtenances, to maintain such building and pay the cost of insurance, such county shall thereupon convey said premises to such board, and shall transfer the balance, if any, remaining in the funds herein provided to the account of such board of education.

This act shall be deemed to create an additional and alternate method for the acquisition of elementary and/or high school buildings by the county and shall not be deemed to include, alter, amend or repeal any other statute.

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COURT DECISIONS ON THE LAWS CONTAINED IN THE NEW SCHOOL CODE.

Wilson, et al. v. Alsip, et al., 256 Ky. 466.

Subdistrict trustee has authority to nominate teachers in schools where only elementary grades are taught through the eighth grade. County superintendent nominates in all other schools.

Hager, Mayor, et al. v. Cisco, 256 Ky. 708.

Acts of 1934, Chapter 65, Article 5, Section 42, provides that all bonds voted by the various types of school districts and subdistricts prior to the passage of this act shall be retired and the interest paid thereon in accordance with the laws under which they were voted.

School bond issue authorized and voted by the city (of second class) in 1929, did not then become indebtedness or obligation of city, nor did it become such until and to the extent that parts of such authorized bond issue were later issued and sold.

Reynolds, et al. v. Spurlock, 257 Ky. 582.

Qualifications of teacher determined when applicant begins to teach. Withdrawal of recommendation not valid because trustee was not before the board and no record was made of his attempted withdrawal.

Montgomery County Board of Education, et al. v. Messer, 257 Ky. 836.

(1) Board of education may establish qualifications higher than the minimum required by the statutes. (2) The board may require transcript of college work filed before application of the teacher is placed before the board. (3) Board may require sixty-four semester hours' college training of teachers under its order except those who taught in the county the preceding year.

Bullock v. Brown, 258 Ky. 522.

Law requires written contract with a teacher. Petition fails to state that employment was evidenced by written contract. It, therefore, fails to state a course of action.

Thompson v. Pendleton County Board of Education, et al., 258 Ky. 843.

Findings of the county board of education in proceeding wherein principal-teacher and principal-teachers were tried on charge were conclusive on court unless it is clearly shown that the board abused its discretion.

Huff, et al. v. Black, et al., 259 Ky. 550.

Person whose name was written on the ballot entitled to contest in election even though not on a petition. Signatures on first petition not invalidated because later signed another petition.

Board of Trustees of Fairview Graded Common School District, et al. v. Renfroe, 259 Ky. 644.

Principal of a school a state employee and not disqualified to be employed by trustees even though he was a member of the General Assembly.

Emmons v. Board of Education of Lewis County, 260 Ky. 17.

County board of education has authority to deed property to holding corporation with understanding it will be deeded back when bonds are paid.

Superior Coal and Builders Supply Company v. Board of Education of Dayton, Ky., 260 Ky. 84.

Landowner could not recover from the board of education for damages alleged to have been caused by heavy rains in the absence of allegation of negligence of the school board.

County Board of Education of Bath County, Ky., et al. v. Goodpaster, 260 Ky. 198.

County board of education has authority to discontinue all subdistricts provided it can show necessity therefor and if the results would be reasonably useful, convenient, and proper. The board has discretion to exercise this authority. The constitutionality of the new school code is determined by this case. The constitutionality of the new school code was referred to by the court in the case of County Board of Education of Montgomery County, et al., on petition ex Parte, 260 Ky. 246.

Taylor v. Bell County Board of Education, 260 Ky. 253.

Where two teachers were to be chosen, county board held unauthorized to consider the teacher's nomination signed by trustee and filed two months after filing of same trustee's nominations of two other teachers. County board of education must consider employment of teachers nominated.

Waddle, et al. v. Hughes, Superintendent of Ferguson Independent Graded School District No. 76, et al., 260 Ky. 269.

Letter carrier ineligible to hold office of member of the board of education because of violation of Section 237 of the state constitution. This decision quotes from the case *In United States v. McCrory (C. C. A.)*, 91 F. 295, 296 which holds: "Letter carriers are appointed by the postmaster general under authority of the acts of congress, practically during good behavior. They are sworn and give bond for the faithful performance of their duties. They are paid from moneys appropriated for the purpose by congress, and their salaries are fixed by law. They have regularly prescribed services to perform, and their duties are continuing and permanent, not occasional or temporary."

Davis v. Board of Education of City of Newport, et al., 260 Ky. 294.

Thirty-year lease of school building to board on condition of paying \$15,000 a year until all rentals paid on condition that building would be conveyed to board held unconstitutional. Lease of building to board by city for annual rental which does not exceed budget for year constitutional.

Morgan County Board of Education v. Elliott, 260 Ky. 672.

Only subdistrict trustee elected in 1934 has legal authority to recommend teachers.

Mollette v. Board of Education of Van Lear Graded District, 260 Ky. 737.

Upholding a bond election and interpreting and clarifying in detail the 1934 statutes in connection with holding bond elections in independent districts.

Board of Education of Calloway County, et al. v. Talbott, Auditor of Public Accounts, 261 Ky. 66.

Held unconstitutional to pay equalization money to teachers because constitution required money for payment of teachers to be distributed on census of pupils.

Richmond, et al. v. Lay, 261 Ky. 138.

Statute giving teacher life certificate on twenty years' experience prior to effective date of act of Special Session of Legislature held invalid because was not within the scope of the Governor's call.

Swinford v. Chasteen, et al., 261 Ky. 249.

Subdistrict trustee may recommend teachers between February 1 and April 2. After that date county superintendent has sole recommending authority.

Lee v. Board of Education of Bell County, 261 Ky. 379.

Debt which arose from unexpected decrease in value of property of county school district held a valid obligation as regards validity of bonds authorized to fund such obligations.

Board of Education of Pulaski County v. Nelson, et al., 261 Ky. 466.

Facts were not presented which proved fraud was practiced in creating indebtedness.

Board of Education of Wurtland Independent School District, et al. v. Stevens, et al., 261 Ky. 475.

Office of member missing three consecutive meetings not vacant unless action of board so declares. Boards of education had authority to merge districts.

Board of Education of Paducah v. City of Paducah, et al., 261 Ky. 549.

City held not liable for delinquent taxes, interests, and penalties due on assessment to the board of education. City is liable for taxes, interests, and penalties collected.

J. W. Smith v. Board of Education of Ludlow, et al. (Not yet printed in Kentucky Reports.)

Held that facts in the case did not warrant conclusion that the charges or evidence was sufficient to remove appellant superintendent from his office. In quoting from 22 R. C. L., page 571, section 822, the court held that the word "cause" in the statutes authorizing the removal of the officers for cause means legal cause and not any cause which the board authorized to make such removal may deem sufficient. Where an officer holds for a fixed term and is removable for cause only, it is essential to a valid removal that the charges be legally sufficient. *Henderson v. Layne*, 202 Ky. 610.

Duke White, Mayor, et al. v. Board of Education of the City of Maysville.

(Not yet printed in Kentucky Reports.)

Held that the city council should make the levy requested by the board of education because it appeared that the board did nothing which would appear to be corrupt or in bad faith in arriving at the amount of money which should be included in its budget.

Fayette County Board of Education, et al. v. Mollie H. Bryant, et al. (This case has not yet been printed in the Kentucky Reports.)

This case involves the right of the board of education to three tracts of land which were deeded for school purposes with a reversionary clause which provided that when the property ceased to be used for school purposes that it should revert to the original owner or the original tract or to the owner of the tract from which one of the plots was taken. The deed in this case conveyed this reversionary right to the purchaser of the tract in which it was reserved. The courts held in each case that the county board of education had no control over the property when it ceased to be used for school purposes.

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