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**IMPORTANT FEATURES
OF THE
KENTUCKY SCHOOL CODE**

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An Opportunity And An Obligation

Two years ago the Educational Commission began its work. Assisted by more than a hundred able Kentuckians and supported by the teachers through their Kentucky Education Association, it formulated a plan for improving our educational system.

This plan was submitted to the General Assembly in the form of a new code of school laws. By an almost unanimous vote, the code was adopted in substantially the form recommended by the Commission.

We have now reached the third and most important stage of the program. The new code affords an opportunity which has long been sought by those responsible for the operation of our schools. It simplifies the school laws; it makes certain fundamental changes which are set out in this bulletin; it provides the foundation upon which can be built a better school system, more efficiently and economically operated.

The code imposes upon the school interests of the state a very definite obligation. By enacting it into law, members of the General Assembly have said, in effect, "We have acted on your recommendation and have set up the machinery which you believe necessary for improving educational standards in Kentucky. It is now your responsibility to use it in the most effective way."

This new law does not automatically solve any of our problems, although it has made their solution easier. Its success will depend upon the care with which you and I put it into operation. Difficult problems are certain to arise; parts of the new law must be interpreted; as time goes on certain changes may become necessary. The next few years will be a period of adjustment which must be met with patience and a spirit of mutual helpfulness.

While planning this new foundation for our school system, the Educational Commission made every effort to let the people know the needs of the schools and how these needs should be met. As we build upon the foundation we must remember that the patrons are our partners in this enterprise, and that they are entitled to know what is being done and why.

In working out the code and in securing its enactment into law, educational leaders have enjoyed the unified support of the friends of education. If teachers and school administrators will carry on in the same fine spirit of co-operation, the new code is certain to succeed. Most important of all, we must not forget for a single day that our primary obligation is to the 720,000 children of Kentucky for whom the schools are maintained and in whose interest the new school code was formulated and enacted into law.

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JAMES H. RICHMOND,
Superintendent of Public Instruction.

F.O.S. 5/24/38

The New School Code

Recently many inquiries have come to the State Department of Education concerning the new school code enacted by the Kentucky General Assembly at its present (1934) session. The new school code provides for practically a complete revision of the school law. It materially simplifies all administrative procedure and unifies and makes more readily accessible all phases of school law. When published, it will represent approximately one-fourth the volume required for the publication of the old law. This article outlines provisions incorporated in the new code relative to the state board of education, public school districts, compulsory attendance, and council on public higher education. The principal modifications in the old school law and in administrative procedure are organized about these four central themes.

State Board of Education

One of the most fundamental changes brought about by this new school code is that which pertains to the personnel and functions of the State Board of Education. Under the new code this board is composed of the Superintendent of Public Instruction and seven lay members to be appointed by the Governor. Four members are to be appointed, who, with the present ex officio board, shall constitute the State Board of Education until January, 1936. On the first Monday in January of that year, the Governor shall appoint three lay members, who, together with the four previous appointees and the Superintendent of Public Instruction, shall constitute the State Board of Education thereafter. The length of term of each member appointed thereafter shall be for four years from date of appointment.

It will be recalled that the old, or ex officio, board was composed of the Superintendent of Public Instruction, the Attorney General, and the Secretary of State. This ex officio board had charge of the common schools of the state, whereas the new board shall have under its jurisdiction and management the control of the common schools, higher education for negroes, and vocational education and vocational rehabilitation. All the duties, rights, powers, purposes, responsibilities, and jurisdiction of the present Kentucky State Board of Education, the Board of Trustees of West Kentucky Industrial College for colored persons at Paducah, the Board of Trustees of Kentucky State Industrial College for Colored Persons at Frankfort, and the State Board for Vocational Education, are transferred to and vested in this new State Board of Education.

The number of boards and officers is thus reduced, and the duties of the State Board of Education are extended to provide a more eco-

nomical and efficient administration of education in the state. Some of the duties for which the Superintendent of Public Instruction was made officially responsible under the old law are transferred to and made part of the duties of the new State Board of Education. This new code, therefore, takes from the Superintendent of Public Instruction much of the authority which originally by law was vested in him and places it under control of the State Board of Education.

School Districts

The second fundamental change in this code is a new district setup. Under the new code legal recognition is given to only two kinds of districts, namely, county districts and independent districts, instead of the several types of districts legally recognized in the old law, namely county districts, independent graded school districts, and districts which contain cities of the first, second, third and fourth classes. Each of these districts operated under a separate and distinct set of laws. Some districts had boards of education composed of five members, some of six, and still others of nine. These boards of education were elected at different times, served different lengths of term, and performed separate and distinct duties. Under the code all districts will operate under essentially the same law.

Under the new code independent districts shall be composed of all districts embracing cities of the first five classes and all independent graded common school districts with a census enumeration of more than 250. Independent graded districts with a census enumeration of less than 250 pupil children may, under stated conditions, be permitted by the State Board of Education to operate as temporary independent districts for periods of four years.

The county school district shall be composed of all the county not included in an independent district.

Board members.—Under this new setup the board of education of each district will be composed of five members, who shall take office the first Monday in January following their election, and shall serve for a term of four years.

The legal qualifications of all board members will be the same. The new law provides that a person to be eligible for the office of board member must be at least 24 years of age, a citizen of the Commonwealth at least three years preceding his election, and a voter of the district in which he is elected. Formerly a county board member was elected from part of the school district while all other board members were elected from their respective districts at large. All board members will now be elected from their districts at large.

The educational qualifications set out in the new code provide that "He must have completed at least the eighth grade in the common schools as shown (a) by the records of the school in which said eighth grade was completed; or (b) by affidavits of the teacher or teachers under whom the work was completed; or (c) by an exami-

nation to be held under such rules and regulations as may be adopted by the State Board of Education for holding such an examination." It will be noted that the new law sets up three ways to determine these qualifications. This is much more definite than the old law which required him to have completed the eighth grade.

It also provides that "No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to such member as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law, or first cousin, and the entire vote of the remainder of the board shall be required in the case of appointment of such person."

Under the old law there was a separate code for each of the different kinds of districts setting out the powers and duties of the respective boards of education. Under the new setup sections of law dealing with a board of education will apply to all alike.

The time of appointment, qualifications, duties and functions of the superintendent employed by each board of education will be the same. Each board of education has ample authority to make such rules and regulations as are necessary to put in effective operation the schools under the direction of such superintendent.

Collections and management of school funds.—The collection and management of school funds will be much simplified and unified under the new code. Instead of having different times and personnel for levying and collecting taxes, as was provided for under the old law, the new code provides that all taxes shall be levied by the fiscal court of each county except in independent school districts embracing cities of the first, second, third and fourth classes when the boundary lines of independent districts in such cities are coterminous with the municipal limits of such cities. In such independent districts the tax shall be levied by the governing body of the city. The rates of levy for the different districts are the same under the new code as under the old law.

Whenever an independent district, which has a bonded indebtedness, becomes a part of the county district or consolidates with another independent district, a rate of tax to provide for the payment of the bonds of such independent district shall be levied until such time as the revenue accruing therefrom is sufficient to retire the bonds of the former independent district.

Subdistrict trustees.—The original draft of the code made no provision for a subdistrict trustee, but an amendment to the bill made in committee provides for one subdistrict trustee instead of three. The person elected to fill this position will serve for a term of four years. The first election will be held at the schoolhouse by secret ballot the second Saturday in July, 1934, between the hours of 8 A. M. and 4 P. M.

Each person who becomes a candidate for the office of subdistrict trustee shall notify the county superintendent, in writing, of his

intention to seek this office not less than 15 days nor more than 60 days prior to the date of the election. The county board of education shall pay all expenses incurred in holding such election.

When a person has been elected, he shall have authority to recommend, between February 1 and April 1, for election by the county board of education, teachers in schools where no high schools are being conducted. No subdistrict trustee shall nominate any person related to such subdistrict trustee as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law, or first cousin.

The board of education may reject for cause the nomination of such subdistrict trustee provided all rejections shall be stated in writing. After a written recommendation has been filed with the county board of education, the subdistrict trustee has no authority to withdraw such recommendation except for legal cause or by permission of the county board of education. In case of the withdrawal of any recommendation, the second recommendation must be made on or before the subsequent regular meeting of the county board of education.

Each subdistrict trustee in office at the time this act becomes effective may serve to the end of the time for which he was elected and qualified.

Compulsory Attendance

The third important change provided by the new code is one concerning compulsory attendance. The new law provides for the employment of an attendance officer who shall (a) enforce compulsory attendance and census laws; (b) acquaint the school with the home conditions of the child and the home with the work and advantages of the school; (c) ascertain the causes of irregular attendance and truancy, and seek to eliminate them; (d) secure the enrollment in school of all children who should be enrolled and keep enrolled children in reasonably regular attendance; and (e) perform such other duties as may be assigned him. One other duty assigned this officer by statute is to keep an accurate, permanent, and continuous census of all children between the ages of 6 and 18.

The laws governing compulsory attendance remain practically unmodified.

Certification

1. *Certification authority.*—The new code provides that the certification of all superintendents, principals, teachers, supervisors, attendance officers, and other administrative, supervisory or instructional employees shall be vested in the State Board of Education. All certificates provided for by this act shall be issued through the Superintendent of Public Instruction, who is the chief executive officer of the State Board of Education.

The State Board of Education, on the recommendation of the Superintendent of Public Instruction, shall publish, from time to time, bulletins containing information as follows: (a) kinds and grades of certificates; (b) rules and regulations governing the issuance of each kind and grade of certificate; (c) schools offering teacher-training courses; (d) renewal of certificates; (e) the transfer of certificates to and from other states; (f) correspondence and credentials from institutions of other states; and (g) such other information relating to the training and certification of teachers as it deems advisable. No rule or regulation of the State Board of Education shall become effective until after it has been published.

2. *Certificates of former issue.*—The validity of any certificate or license in force at the time this act goes into effect shall not be impaired by this act, and such certificate or license shall be reissued or renewed in accordance with the terms of the law applying at the date of issue.

3. *Fees.*—A fee of two dollars (\$2.00) shall be paid for each issuance of a certificate and a fee of one dollar (\$1.00) for each renewal or conversion from lower to higher grade.

4. *Kinds of certificates.*—The code provides for the issuance of the following:

a) *Elementary certificates.*—These certificates shall be valid in the elementary schools. These are:

(1) *Provisional elementary certificate.*—This certificate shall be issued on the basis of 64 semester hours of standard college credit and shall be valid for three years. It may be reissued or renewed after two years' teaching experience or upon presentation of one-half year (16 semester hours) additional standard college or university work earned during the life of the certificate and prescribed in the same manner as for the original issue, and may be renewed thereafter upon the same terms.

(2) *Standard elementary certificate.*—This certificate shall be issued upon the completion of a curriculum of four years (120 semester hours of standard college credit) and shall be valid for four years. This certificate may be renewed every four years after three years' teaching experience during the life of the certificate or upon presentation of one-half year of standard college or university work of graduate grade prescribed in the same manner as for the original issue. It may be extended for life upon the completion of one year of standard college or university work of graduate grade and three years' teaching experience in the elementary field during the life of the certificate.

b) *High school certificates.*—These certificates shall be valid for use in the high schools of the Commonwealth. There are two kinds:

(1) *Provisional high school certificate.*—This certificate shall be issued to a person who is a graduate of a standard four-year college or university and who has completed a curriculum of four

years for the training of high school teachers. It shall be valid for four years, and may be reissued every four years after three years' teaching experience during the life of the certificate or upon presentation of one-half year of standard college or university work of graduate grade earned during the life of the certificate.

(2) *Standard high school certificate.*—This certificate shall be issued to a person who is a graduate of a standard college or university and who has completed a standard college or university curriculum for the training of high school teachers and who, in addition, has completed one year of standard college or university graduate work. This certificate shall be valid for five years. It may be extended for life upon three years' teaching experience in the high school field during the life of the certificate.

c) *Certificates in administration and supervision.*—There are two kinds of certificates in administration and supervision, either of which shall be valid for use in any position of superintendent, principal, supervisor, teacher, or attendance officer.

(1) *Provisional certificate in administration and supervision.*—This certificate is valid for four years and shall be issued to a person who has had at least two years of successful teaching experience and who is a graduate of a standard four-year college or university and has completed a four-year college curriculum for the training of administrators and supervisors. It may be renewed each four years upon three years' experience during the life of the certificate or upon the presentation of one-half year of standard college or university graduate work.

(2) *Standard certificate in administration and supervision.*—This certificate shall be valid for a period of five years. It shall be issued after two years' successful teaching experience and the completion of a standard four-year college or university curriculum and one year of work of graduate grade. It may be extended for life upon three years' successful teaching experience gotten during the life of the certificate.

d) *Attendance officers' certificates.*—The law provided that the State Board of Education shall, upon the recommendation of the Superintendent of Public Instruction, prepare rules and regulations providing for the issuance of certificates for attendance officers.

e) *Emergency certificates.*—When a board of education finds it impossible to secure qualified teachers, the State Board of Education, upon the approval of the Superintendent of Public Instruction, may issue emergency certificates to persons who meet the qualifications set by the State Board of Education for emergency certificates. Such certificate shall be valid only for the specific position for which issued and for the current term. The State Board of Education may, at its discretion, require a written examination to be passed before it issues such an emergency certificate.

5. *Renewal of certificates.*—Certificates lower than the standard provided for in this act may be raised to a higher grade only by com-

pleting in a standard college or university the amount of academic or professional work prescribed for such renewal or for such higher grade certificate.

6. *Effective date.*—The law relating to Section 4 above (kinds of certificates) shall not become effective until September 1, 1935.

Higher Education

The fourth important change made by the new code is the provision for a Council on Public Higher Education. The duties of this Council shall be to coordinate the work of public higher education in the Commonwealth. This Council shall be composed of the presidents and a member of the board of regents other than the Superintendent of Public Instruction of each of the following institutions of higher learning for white persons: University of Kentucky, Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Murray State Teachers College, and Morehead State Teachers College; three appointive members of the board of trustees of the University of Kentucky; two lay members of the State Board of Education; the dean of the College of Education of the University of Kentucky; and the Superintendent of Public Instruction.

When the Council shall meet to consider curricula for teacher training, three persons representing accredited institutions of higher learning, who are not members of the Council, and who have been appointed by the executive committee of the Association of Kentucky Colleges and Universities, shall be invited to meet with the Council in an advisory capacity.

This Council shall have authority to (a) coordinate the work and determine the curricular offerings of the five public institutions of higher learning for white persons above mentioned; (b) determine the amount of entrance fees and the qualifications for admission to each of the above mentioned institutions; (c) consider the budgetary requirements of each of the above institutions; (d) require such reports from the executive officer of each of these institutions as it may deem necessary; and (e) publish at least biennially a report of the educational and financial affairs of these institutions.

Amendments

The school code, submitted to the General Assembly at its 1934 session, was amended in the committee before it was submitted to the House for consideration. The amendments listed below will show the changes in the original bill before it was finally passed by both houses of the General Assembly.

Educational Bulletin, January 1934, Vol. 1, No. 11, contains a copy of the original bill, and by using the amendments listed below you will be enabled to know what the law is. This should serve your

need until the volume of common school laws can be prepared. This volume cannot be prepared until the new code has been assigned statute sections.

1. That page 8, Article I, Section 5, line 3 of the first paragraph be amended by inserting after the word "school" the words "or any approved private or parochial school."

2. That page 12, Article III, Section 1, lines 1 to 5, inclusive, be amended by striking out the entire section and substituting therefor the following:

That Section 4377, Kentucky Statutes, Carroll's 1930 Edition, be amended and re-enacted so that when amended and re-enacted it shall read as follows:

1. *State Board of Education created.*—There is hereby created a State Board of Education which shall have under its jurisdiction the management and control of the common schools; the management and control of public higher education for negroes; and the management and control of vocational education and vocational rehabilitation.

3. That page 14, Article III, Section 12, line 4 of the first paragraph be amended by inserting before the word "higher" the word "public," and by inserting before the word "vocational" the word "public."

4. That page 14, Article III, Section 13, line 5, be amended by striking out the word "public," and by striking out the word "officer" and inserting in lieu thereof the words "board members."

5. That page 15, Article IV, Section 5, line 10, be amended by inserting before the word "higher" the word "public," and by inserting before the phrase "vocational education" the word "public."

6. That page 16, Article IV, Section 11, line 4, be amended by adding after the word "Education" the following words: "and in so doing he shall freely consult with the Attorney General."

7. That page 16, Article IV, Section 13, lines 4 and 5, be amended by striking out the words "superintendent of schools, principal, teacher, or other public school officer."

8. *Removal of board members, superintendents, principals, teachers, and other public school officers.*—That page 16, Article IV, Section 13, line 9, be amended by adding, after the word "writing," the following:

The Superintendent of Public Instruction shall recommend, to the proper school authorities, the removal of any superintendent of schools, principal, teacher, or other public school officer, who in his opinion is guilty of immorality, misconduct in office, incompetency, or willful neglect of duty. In all such cases the charges shall be filed in writing.

9. That page 19, Article IV, Section 25, line 3, be amended by striking out after the word "State" the word "School."

10. That page 19, Article IV, Section 27, line 4, be amended by striking out the words "inspecting and."

11. That page 21, Article V, Section 3, line 2, be amended by striking out the word "four" and inserting in lieu thereof the word "five."

12. That page 21, Article V, Section 3, line 9, be amended by inserting after the word "district" the following words: "other than cities of the first, second, third, fourth, and fifth classes, operating as independent districts at the time this act becomes effective."

13. *Independent districts.*—That page 21, Article V, Section 3, lines 14 to 21, inclusive, be amended by striking out the two sentences beginning with "In such case" and ending with "August 20, 1934," and inserting in lieu thereof the following:

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 1, 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 independent school district a part of the county district whenever the same is 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 1, 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 1 of the last year of the four-year period.

14. *Colored children in independent districts.*—That page 21, Article V, Section 3, last line, be amended by adding after the word "children" the following:

except in an independent district embracing a city of the fifth or sixth class. For such districts the county board of education shall provide educational facilities for the colored children.

15. *Authority of independent districts to purchase school sites outside corporate limits of district.*—That page 21, Article V, Section 5, last line of third paragraph, be amended by adding after the word "district" a semicolon instead of the period, and the following words:

and any independent school district may purchase school sites and establish and maintain schools outside the school or corporate limits of the independent district, but such independent districts containing cities of the first or second class shall not purchase school sites or

establish or maintain schools outside the county in which such independent district is located.

16. That page 22, Article V, be amended by adding the following section between sections 6 and 7:

6½. *Subdistrict trustee, qualifications.*—Each subdistrict of each county school district in this Commonwealth shall elect one subdistrict trustee, who, when duly elected and qualified, shall serve for a term of four years from the third Saturday in July next succeeding his election and until his successor is duly elected or appointed and qualified, unless sooner removed for cause. Each candidate for the office of subdistrict trustee shall be at least twenty-five (25) years of age and shall have resided in the subdistrict at least six (6) months prior to the date of election.

a) *Filing petition; election by secret ballot; ballots; procedure.*—Each candidate for the office of subdistrict trustee shall make known his intention of becoming a candidate for such office by filing, in writing, a notification to the superintendent of schools of his county district, not less than fifteen (15) days, nor more than sixty (60) days prior to the date of election.

Elections for subdistrict trustees shall be by secret ballot and each legal voter of the subdistrict shall be eligible to vote in the election of subdistrict trustee, provided each has resided in the subdistrict for at least sixty (60) days prior to the date of the election.

Separate printed ballots shall be furnished by the board of education of each county school district in sufficient numbers for such election, provided the county board of education shall arrange for at least ten (10) per cent more ballots than the estimated number of legal voters in any subdistrict. The name of each qualified candidate for subdistrict trustee shall be printed on the ballots of this subdistrict. Such names shall be printed in the order in which the written notifications were filed with the county superintendent. As many blank spaces shall be left on each ballot as there are candidates in each subdistrict. There shall also be blank spaces provided for the signatures of the judge and the clerk and no ballot shall be considered valid unless it bears the name of either the judge or the clerk of the election.

On the second Saturday of July, 1934, between the hours of eight (8) a. m. and four (4) p. m., and every four (4) years thereafter, subdistrict trustee elections shall be held. Such elections shall be held at such place or places in the subdistrict as the board of education of the county shall direct. The election of subdistrict trustee shall be conducted by at least three qualified voters of the subdistrict who shall be appointed by the county board of education. One of the election officers shall serve as judge, one as sheriff, and one as clerk. In its discretion the county board of education may appoint more than one clerk to serve at such elections. Election officers shall serve without pay, but one officer of each subdistrict, or other person or persons designated by the county board of education, shall be entitled to actual expenses incurred in delivering ballots and ballot boxes to the designated voting place or places and returning same to the office of the board of education. The county board of education shall provide ballot boxes with locks and shall make other necessary arrangements for conducting the election. The expenses of all subdistrict trustee elections shall be paid out of the county school fund. The county board of education shall provide for the safekeeping of the ballots and ballot boxes. The counting shall start

not later than ten o'clock of the next week day following the election and shall proceed by subdistricts until the county is completed. Any candidate in the subdistrict trustee election shall have the privilege of being present in person or by a representative during the counting of the ballots in his subdistrict. As soon as the counting is finished in any subdistrict the tabulators shall announce, at the door of the counting room, the results for that subdistrict and shall certify the results to the county board of education, whereupon the county board of education shall issue a certificate of election to the candidate receiving the greatest number of votes.

Each subdistrict trustee elected under the provisions of this act shall serve with the trustee or trustees of his subdistrict and each of said subdistrict trustees shall share alike the duties and powers conferred upon subdistrict trustees by the provisions of this act, but no subdistrict trustee shall be elected or appointed after the effective date of this act except as provided in this act. Any subdistrict trustee who is not an actual resident of the subdistrict for a period of sixty (60) days shall forfeit his office. Such vacancy shall be filled as provided by law.

b) *Nominating teachers.*—The subdistrict trustee shall nominate a competent and qualified teacher or teachers for each teaching position in his subdistrict, provided that no subdistrict trustee shall nominate any person related to such subdistrict trustee as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law, or first cousin, for any teaching position in his subdistrict and the board of education of the county school district shall elect such person or persons to such teaching position or positions except that the board of education of the county school district may reject the nomination or nominations for cause, provided all rejections shall be stated in writing. In the event of the rejection of the person or persons nominated, the subdistrict trustee or trustees shall nominate another person for the position or positions and the board of education may reject such nomination or nominations for cause, provided that the nomination for teachers shall be made in writing on or before the first day of April next preceding the beginning of the school year, and such nomination shall not be made before the first day of February.

After a written recommendation has been filed with the county board of education, the subdistrict trustee shall not have authority to withdraw such recommendation except for legal cause or by permission of the county board of education; provided further that in case the subdistrict trustee withdraws his recommendation for cause or by permission of the county board of education, he shall make another recommendation on or before the subsequent regular meeting of the county board of education; and provided further that if the subdistrict trustee does not recommend a teacher within the time set out in the law, the county board of education has authority to elect a teacher upon the recommendation of the county superintendent.

c) *Vacancies; how filled.*—In the event of a vacancy in the office of subdistrict trustee, regardless of the cause, the board of education of the county school district shall, on the recommendation of the superintendent of schools, at its next regular meeting, appoint a qualified person to fill such a vacancy. The subdistrict trustee so appointed shall serve until the next regular time for the election of subdistrict trustees. Any person removed from the office of subdistrict trustee for cause shall be deemed ineligible for appointment by the school board of the county district to fill any vacancy in the office of subdistrict trustee prior to the date of the next regular election of such trustees. The subdistrict trustee shall be eligible to succeed himself.

d) *Trustees in office at the time this act becomes effective.*—Section 4399a-7, Kentucky Statutes, shall be amended and re-enacted so that when amended and re-enacted it shall read as follows:

Each subdistrict trustee in office when this act becomes effective and each such trustee that may be elected under the provisions of this act, shall have the power and it shall be his duty, to exercise general control over the school property of the subdistrict under the general supervision of the county board of education. Each shall advise freely with the superintendent of the school of the county districts on all matters pertaining to the general welfare of the school or schools in his subdistrict.

17. That page 25, Article V, Section 12, lines 1 to 6, inclusive, be amended by striking out said section and inserting in lieu thereof the following:

That Sections 4399a-1a, 4465, 2978a-1, 3235a-1, 3462, and 3587a-1, Kentucky Statutes, Carroll's 1930 Edition, be amended and re-enacted so that when amended and re-enacted it shall read as follows:

12. *School districts under control of board of education.*—Each school district of this Commonwealth is hereby placed under the management and control of a board of education consisting of five members to be nominated and elected as hereinafter provided and shall be known as the "Board of Education of, Kentucky." (The name of the district to be inserted in the blank space.)

18. *Record of qualifications of board members.*—That page 26, Article V, Section 17, line 5, be amended by inserting after the word "elected" the following:

He must have completed at least the eighth grade in the common schools as shown (a) by the records of the school in which said eighth grade was completed; or (b) by affidavits of the teacher or teachers under whom the work was completed; or (c) by an examination to be held under such rules and regulations as may be adopted by the State Board of Education for holding such an examination.

19. That page 27, Article V, Section 17, line 3 of the third paragraph be amended by striking out the words "other property," and inserting in lieu thereof the following words: "any other property, materials, supplies, equipment, or services for which school funds are expended."

20. That page 28, Article V, Section 20, line 22 of the third paragraph be amended by striking out the word "four" and inserting in lieu thereof the word "five."

21. *Election of board members in independent districts embracing a city of the fifth class.*—That page 29, Article V, Section 22, line 9 of the third paragraph be amended by adding after the word "qualified" a semicolon instead of the period and the following words:

provided that any independent school district embracing a city of the fifth class may, at the discretion of its board of education, hold its election of board members at its public school building on the first Saturday in May, the election to be held by three officers appointed by

said board of education and the expenses of such district election to be paid from the treasury of such school district, and in all other respects the provisions of this act relating to holding elections for board members shall apply.

22. *Vacancies in board of education; how filled.*—That page 30, Article V, Section 25, lines 3 and 4, be amended by striking out the words “as soon as practicable after such vacancy occurs,” and substituting therefor the following words:

within 90 days after such vacancy occurs, and in case the vacancy is not filled by the other members of the board within said 90-day period, it shall be filled by the State Board of Education within 30 days after information has been filed by any citizen of the district that such vacancy has existed for more than 90 days.

23. That page 32, Article V, Section 29, line 5 of the fourth paragraph be amended by adding before the words “All appointments” the following words: “Except as provided under Article V, Section 6 $\frac{1}{2}$ of this act,”.

24. *Deciding controversy in appointment made by board of education on recommendation of superintendent.*—That page 32, Article V, Section 29, line 12 of the fourth paragraph be amended by inserting after the word “year” the following:

In the event the board of education cannot agree with the superintendent as to any certificated person recommended by such superintendent, such board of education may appeal to the State Board of Education to review the case and the decision of the State Board of Education shall be final.

25. That page 34, Article V, Section 35, line 2, be amended by striking out the words “and collected.”

26. That page 34, Article V, Section 35, lines 11 and 12 of the second paragraph be amended by striking out in line 11 the words and figures “prior to the fiscal year 1938-39” and by inserting before the word “authorized” in line 12 the word “now.”

27. That page 35, Article V, Section 35, line 28 of the second paragraph be amended by striking out the words and figure “one dollar (\$1)” and substituting therefor the words and figure “two dollars (\$2).”

28. *No poll tax in a city of the first class.*—That page 35, Article V, Section 35, line 29 of the second paragraph be amended by inserting after the word “age” and the semicolon, the following words: “provided further, there shall be no poll tax levied in an independent district embracing a city of the first class.”

29. That page 38, Article V, Section 39, line 6, be amended by inserting before the word “interest” the words “principal and.”

30. That page 39, Article V, Section 40, line 4, be amended by inserting after the word “year” the following words: “as shown by the budget adopted by the board and approved by the State Board of Education.”

31. *Bond issues.*—That page 39, Article V, Section 42, lines 20 and 21, be amended by striking out the words “shall be so issued for the purpose or purposes aforesaid” and inserting in lieu thereof the following:

shall be so issued for the purpose or purposes aforesaid; provided, however, that in independent districts embracing cities of the first, second, third, or fourth class the election upon all school bonds shall be held at the next final election after the aforesaid ordinance or resolution has been adopted, the same to be not less than thirty days after the adoption of the ordinance, and in the said city districts the qualified voters shall vote upon the question of whether or not the aforesaid bonds shall be so issued at a final election only, and in the regular voting booth now established by law, and not in any special election or in any primary election.

32. That page 41, Article V, Section 42, line 9 of the third paragraph be amended by striking out the word “or” and by inserting after the word “fourth” the words “or fifth.”

33. *Colored children in independent districts.*—That page 41, Article V, Section 44, line 3, be amended by inserting after the word “district” a semicolon instead of the period, and the following words:

provided that the county board of education shall provide for the education of colored children residing within the territorial limits of an independent graded school district embracing a city of the fifth or sixth class, located in the county.

34. That page 42, Article V, Section 46, the last four lines, be amended by striking out the words: “In case the tuition fee is paid by the parent, guardian, or legal custodian of the child there shall be a deduction of school taxes on property in the school district paid by such persons.”

35. That page 44, Article VI, Section 3, subsection d, line 12, be amended by inserting after the word “pupils” the following words: “or legal parents, guardians, or other persons having custody of such children.”

36. That page 54, Article VII, Section 1, last line of first paragraph be amended by striking out the word “shall” and inserting in lieu thereof the word “may.”

37. That page 55, Article VII, Section 2, line 6 of the first paragraph be amended by inserting after the word “accredited” the words “four-year.”

38. That page 57, Article VII, Section 4, lines 1, 4 and 5, be amended by striking out in line 1 the words “emergency certificates,” and by striking out in lines 4 and 5 the words “and it may provide for the issuance of emergency certificates”; and that a new section be added as follows:

4a. *Emergency certificates.*—When a district board of education shall satisfy the State Board of Education that it is impossible to secure qualified teachers for a position or positions in the school under the control of such district board of education, the State Board of Education

may, on approval of the Superintendent of Public Instruction, issue emergency certificates to persons who meet the qualifications which the State Board of Education shall determine for emergency certificates. An emergency certificate shall be valid only for the specific job for which issued and for the current school term.

The State Board of Education may, at its discretion, require the passing of a written examination before such emergency certificate shall be issued. In case an examination is used, it shall be prepared and administered and the papers graded in the State Department of Education under the direction of the Superintendent of Public Instruction, in accordance with rules and regulations approved by the State Board of Education for such examinations.

39. That page 57, Article VII, Section 5, line 1, be amended by striking out the word "teacher's."

40. That page 58, Article VII, Section 9, line 4, be amended by inserting after the word "employee" the words "of a public or common school."

41. That page 61, Article IX, Section 6, line 20, be amended by striking out the words and figure "two cents (2c)" and substituting therefor the words and figure "four cents (4c)."

42. That page 61, Article IX, Section 7, line 12, be amended by striking out the words and figure "two cents (2c)" and substituting therefor the words and figure "four cents (4c)."

43. That page 66, Article XI, Section 1, line 2, be amended by inserting before the word "higher" the word "public."

44. *Three persons from accredited institutions of higher learning invited to attend Council meetings.*—That page 66, Article XI, Section 2, line 17, be amended by adding after the word "council" the following words:

When the Council shall meet to consider curricula for teacher training, three persons who are from accredited institutions of higher learning, who are not members of the Council, and who have been appointed by the Executive Committee of the Association of Kentucky Colleges and Universities, shall be invited to meet with the Council in an advisory capacity.

45. *Powers, duties, and functions of Council.*—That page 66, Article XI, Section 3, subsection a, be amended by striking out said subsection and substituting therefor the following words:

a) To coordinate the work and determine the curricular offerings of the five public institutions of higher learning for white persons in Kentucky, namely, the University of Kentucky, Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Murray State Teachers College, and Morehead State Teachers College, on the basis of efficiency and economy.

46. That page 66, Article XI, Section 3, subsection b, be amended by striking out said subsection; and that subsections now designated as c, d, e, f, and g be designated as b, c, d, e, and f, respectively.

47. That pages 68 and 69, Article XI, Section 13, be amended by

striking out the entire section and inserting in lieu thereof the following:

That Section 4636c-1, Kentucky Statutes, Carroll's 1930 Edition, be amended and re-enacted so that when amended and re-enacted it shall read as follows:

13. *Government of the University.*—The government, administration, and control of the University of Kentucky is hereby vested in a board of trustees, constituted and appointed as follows: The Governor of Kentucky, who shall be chairman of the board; the Superintendent of Public Instruction, and the Commissioner of Agriculture, Labor and Statistics, who shall be ex officio members; and twelve citizens of Kentucky, discreet, intelligent and prudent, who shall be appointed by the Governor of Kentucky according to the following manner: Four members shall be appointed each biennium for a term of six years, and until their successors are appointed and qualified. One of the four so appointed shall be a member of the State Board of Agriculture, one shall be from the alumni of the University, and the other two shall be distinguished citizens of the Commonwealth. The board of trustees shall be bipartisan and the Governor, in making the appointments of the trustees, shall make them so as to divide the representation upon said board equally between the two leading political parties of this Commonwealth, including the ex officio members.

With the exception of the members of the board of trustees appointed from the alumni of the University, no two members of the board of trustees who are appointed by the Governor shall be residents of any one county in Kentucky.

All appointments as members of the board of trustees by the Governor shall be made during the month of January in even years.

The board of trustees of the University shall prescribe the method by which the alumni may, at its annual meeting or at a special meeting called for that purpose, nominate to the Governor three persons from whom the alumni members shall be appointed, provided that no alumnus shall be permitted to vote for the nomination of alumni trustees in the year in which such alumnus has secured his or her degree; and provided further, that if the alumni should fail to make nominations to the Governor for any year in which nominations are to be made, the Governor shall for that year appoint the alumni trustees from the entire alumni, a list of which shall be provided by the secretary of the Alumni Association.

No member of the board of trustees shall be held to be a public officer by reason of his or her membership on said board.

The Governor shall make all regular appointments under this act upon the expiration of the terms of office of the present board members of the University of Kentucky; provided, that all members of the board of trustees of the University of Kentucky in office when this act goes into effect shall be permitted to serve out the term for which appointed.

In case of vacancies by resignation, removal, or death, the Governor shall fill such vacancies by appointment for the unexpired term. Such appointments shall be made in the same manner as provided for regular appointment of members of the board of trustees.

48. That page 74, Article XI, Section 39, be amended by striking out the entire section and inserting in lieu thereof the following:

That Sections 4535-3 and 4535b-4a, Kentucky Statutes, Carroll's 1930 Edition, be amended and re-enacted so that when amended and re-enacted it shall read as follows:

39. *Boards of regents created.*—There is hereby created a board of regents for each of the said teachers' colleges to be designated and known as the Board of Regents of the Eastern Kentucky State Teachers College, the Board of Regents of the Western Kentucky State Teachers College, the Board of Regents of the Murray State Teachers College, and the Board of Regents of the Morehead State Teachers College.

49. That page 75, Article XI, Section 44, line 10, be amended by striking out the word "in" and inserting therefor the word "for"; and by striking out the words "maintenance" and "operation" and inserting therefor the words "use" and "benefit," respectively.

50. *Reinvestment of revenue accruing from sale of real estate.*—That page 80, Article XI, Section 64, line 8, be amended by inserting after the word "maintained" the following:

Any revenue accruing by reason of the sale or conveyance of any real estate or building now owned by it, shall be reinvested in other real estate and buildings for use of said school.

A CHARTER FOR PUBLIC EDUCATION

PREAMBLE

Democracy aims to give all people a fair start in life and an equal chance for development. Public education, free and open to all, is the most important agency for the preservation of democracy.

In the stress of the present great economic and social crisis the expense of public education is made the object of attack. Proposals have been made to reduce the number of years of education, to shorten the school day and the school year, to limit the scope of public education, to impoverish the school program, to place part or all of the cost of education on the parents of the children.

These proposals have been acted upon in some localities to the detriment of the democratic institution of public education. Classes have been increased in size. Teachers have been dismissed. Subjects of great importance to child development have been eliminated. Health services have been abandoned. Books and materials of instruction have been denied. Destructive forces fortified by alarming power threaten destruction of the institution which safeguards democratic ideals. It is time for the people to rise in defense of their rights to a decent system of education.

All proposals to curtail public education must be considered in terms of the welfare of society. The man of wealth will give his own children every possible advantage of education. To deprive the child of the common man of educational advantages is to take away his one opportunity for equality. Without proper education, the citizens of the nation would soon be incompetent to deal with public problems. Human welfare demands the protection of the rights of every individual to a free public education. Only through education can a happy, cooperative, and progressive society be realized.

In the belief that public education is the greatest safeguard of democracy, and that democracy means opportunity for all people to have free, cooperative, happy lives; to make their own decisions on the basis of their trained intelligence; to enjoy the richest benefits of civilization; to contribute to human progress in accordance with their abilities, we advocate the following guiding principles for public education:

PURPOSES OF PUBLIC EDUCATION

It is the purpose of public education to:

1. Promote the common welfare and contribute to social progress.
2. Provide opportunity for the greatest development of every individual so that he may take an intelligent part in the civic, social, economic, and vocational responsibilities of life.
3. Teach each individual to respect the rights of others.
4. Protect and improve health.
5. Foster the development of spiritual values.
6. Develop appreciation for beauty in art and nature.
7. Develop a desire to search for and a willingness to accept truth.
8. Provide opportunity for each individual to learn to make good use of leisure.
9. Develop a spirit of good will, friendliness, and understanding on the part of every individual toward his fellow beings in his own community, in his nation, and in other nations.

ORGANIZATION AND ADMINISTRATION

10. Public education should be available on all levels without fees or tuition charges.
11. Equality of educational opportunity appropriate to mental ability or physical handicap should be provided for all regardless of race, creed, social or economic status.
12. Public schools should provide opportunity for adults to continue their education.
13. Such units of educational administration should be established as will provide adequate, educational programs and financial economy.
14. Local control of schools should be in the hands of boards of education selected by the people.
15. Public education should be served by competent, professionally trained, carefully selected teachers.
16. Teachers should receive such salaries as will guarantee a standard of living commensurate with the service rendered.
17. Safe, sanitary, and educationally serviceable school buildings, playgrounds, and facilities should be provided.
18. An adequate supply of textbooks, proper library facilities, and appropriate instructional materials should be provided for all pupils.

THE CURRICULUM

19. The curriculum should center around an understanding of the problems of present day life.
20. Activities based on life situations should be selected in accordance with the interests, needs, and abilities of individual pupils.

FINANCIAL SUPPORT OF EDUCATION

21. The state should guarantee equality of education through an equitable system of state support.
22. School support should be the joint responsibility of local, state, and federal government. True equality of educational opportunity may be achieved only through federal participation in support.
23. The management of public funds for education should meet the highest standard of efficiency and economy.

RESEARCH

24. Investigation and experimentation in all phases of education should be encouraged to the end that new truths may be discovered and educational procedures may be improved.

RESPONSIBILITY OF CITIZENS TO PUBLIC EDUCATION

Public education is an agency of society established by the people for their own welfare and advancement. It is, therefore, the responsibility of every citizen to understand the purposes, procedures, and needs of the school. It is the responsibility of educators to help citizens maintain an intimate relationship to their schools. Only if the school and the public are in closest cooperation may education serve the paramount need of modern society—namely, the subordination of individual profit, pleasure, and privilege to the welfare of the social group. To these principles we subscribe in the belief that only through education can the American ideals of liberty, justice, and equality be realized.

(California Department of Education Bulletin—Feb., 1934.)