

Legislature did not have an opportunity to consider a revision of Texas laws in view of the Court's decision.

We are limiting our advice only to the 1955-56 school session. Beyond this we do not venture to forecast. Your subcommittee recognizes that the responsibility lies with the school districts to start implementation in accordance with the Supreme Court's decision. It does feel, however, that in view of the Gilmer-Aikin Laws, which form the cornerstone of our present public free school system operation, state and local officials concerned should realize their obligation to advise and assist local school districts by providing them with any information available on the latitude they may have legally, within the framework of the decision, to work out their problems. Hasty, ill-advised action should not be allowed to mar efforts to build a better school system for all Texas children.

Respectfully submitted,
/s/ Eugene E. Sanders
Eugene E. Sanders, Chairman

For the Legal and Legislative Subcommittee"

[The following appendices are omitted:

Appendix II—a tabular listing of scholastic population by county, showing number and percentages of Negro students and number of white students.

Appendix III—a graphical representation of percentages of Negro scholastic population by county.

Appendix IV-A—a graphical representation of the location of integrated school districts.

Appendix IV-B—a tabular listing of integrated school districts.

Appendix V—a tabular listing of the county vote for segregation and for integration.

Appendix VI—a graphical representation of percentage of votes for segregation.

Appendix VII—a graphical representation of the percentage of votes for interposition.]

EDUCATION

Public Schools—Virginia

Reproduced below are a number of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, relating to the operation of the Virginia public schools. The acts state that the public policy of Virginia is to prevent the racial integration of the public schools of the state (p. 1103). Several means are adopted to carry out that public policy. Among these are the withholding of state funds from any school which is racially integrated (p. 1111); the use of such withheld funds for making expense grants to individual pupils to enable them to attend private, nonsectarian schools (pp. 1091, 1097, 1101); the establishment of a Pupil Placement Board empowered to designate the school to be attended by pupils pursuant to certain established criteria (p. 1109); and the establishment of "state" schools operated by authority of the General Assembly and the governor (p. 1103) and concerning which consent to suit is withheld (p. 1106).

EDUCATION

Public Schools—Virginia

Chapter 56 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, makes provision for the granting of equivalent funds to counties, towns, or school districts which become ineligible for the normal state school funds through the operation of Chapter 71 (*infra*, p. 1111), (i. e., where racial integration exists in the schools). The

act provides that such funds may be made available for the furnishing of grants to pupils attending private, nonsectarian schools (see 1 Race Rel. L. Rep. 83 and 241).

CHAPTER 56

An Act to make available to certain counties, cities and towns funds to be expended in furtherance of the elementary and/or secondary education of pupils in nonsectarian private schools and for payments to teachers and other employees under certain conditions, and to provide for a determination of the amount and conditions for receipt of such funds.

Be it enacted by the General Assembly of Virginia:

§ 1. Whenever the amounts, or any part thereof, of the funds appropriated by Items 133, 134, 137, 138 and 143 of Chapter 716 of the Acts of Assembly of 1956, as amended, to which any county, city or town would otherwise have been entitled for the maintenance of its elementary public school system, shall be withheld as prescribed by law, the amounts so withheld shall be available to such county, city or town for the furtherance of the elementary education of the children of such county, city or town in nonsectarian private schools as hereafter provided, and for the payment of salaries and wages of unemployed teachers in State aid teaching positions, and other public school employees, who are under contract; provided, nothing herein contained shall obligate the State to release such funds for the employment or compensation of unemployed teachers and other public school employees beyond the terms and conditions of their contracts, or the end of the school year, whichever is longer.

§ 2. Whenever the amounts, or any part thereof, of the funds appropriated by Items 133, 134, 137, 138 and 143 of Chapter 716 of the Acts of Assembly of 1956, as amended, to which any county, city or town would otherwise have been entitled for the maintenance of its secondary public school system, shall be withheld as prescribed by law, the amounts so withheld shall be available to such county, city or town for the furtherance of the secondary education of the children of such county, city or town in nonsectarian private schools as hereafter provided, and for the payment of salaries and wages of unemployed teachers in State aid teaching

positions, and other public school employees, who are under contract; provided, nothing herein contained shall obligate the State to release such funds for the employment or compensation of unemployed teachers and other public school employees beyond the terms and conditions of their contracts, or the end of the school year, whichever is longer.

§ 3. Such amounts as may be available to any county, city or town under the provisions of §§ 1 and 2 of this act shall be distributed, under rules and regulations of the State Board of Education, to such county, city or town, for grants to pupils attending nonsectarian private schools, upon the following basis:

(a) Each pupil attending a nonsectarian private school, elementary or secondary as the case may be, shall be entitled to an amount equal to the quotient derived by dividing the total amount withheld for the elementary or secondary public school system by the enrollment of pupils formerly attending those schools which comprised the elementary or secondary public school system for which such amounts have been withheld.

§ 4. Should any of the funds authorized to be distributed under § 3 of this act remain undistributed at the end of any school year, such surplus may be released under rules and regulations of the State Board of Education to the counties, cities and towns entitled thereto for distribution to the pupils to whom grants for that school year were originally made; provided, however, in no case shall the total amounts distributed to a pupil exceed the total cost of his attendance for the school year in a nonsectarian private school; provided, further, the aggregate received on account of any one pupil shall not from all public sources exceed three hundred fifty dollars.

§ 5. No distribution shall be made to any county, city or town under the provisions of §§ 3 and 4 of this act except upon receipt of evidence, satisfactory to the State Board of Education, that such sums have been or will be expended in furtherance of the elementary and/or secondary education of the children of such

county, city or town in nonsectarian private schools.

§ 6. In the event of the unavailability of any data for the current school year which would otherwise have been utilized by the State Board of Education in making allocations in accordance

with the provisions of Items 133, 134, 137, 138 and 143 of Chapter 716 of the Acts of Assembly of 1956, as amended, and rules and regulations of the State Board, the most recent data available to the State Board of Education shall be used in making such allocations.

EDUCATION

Public Schools—Virginia

Chapter 57 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, makes provision for tax levies by counties or cities where no tax levy is provided otherwise for public schools. The act provides authority for the expenditure of funds derived from such taxation for making expense grants to pupils attending nonsectarian private schools and for other expenses in connection with such pupils.

CHAPTER 57

An Act to authorize certain localities to raise sums of money by a tax on property, subject to local taxation, to be expended by local school authorities for educational purposes including cost of transportation, and to impose penalties for violations.

Be it enacted by the General Assembly of Virginia:

§ 1. In any county or city wherein no levy is laid or appropriation made for operation of the public schools, the governing body of such county or city is hereby authorized to provide for the levy and collection of such educational taxes as in its judgment the public welfare may require. Such levy shall be on property, subject to local taxation, not to exceed in the aggregate in any one year, the rate fixed by § 22-126 of the Code, as amended.

§ 2. In lieu of making such levy, the governing body of any such county or city may, in its discretion, make an appropriation for educational purposes from funds derived from the general county or city levy of an amount not more than the maximum amount which would result from the laying of the educational levy authorized by § 1 hereof. In addition to this, the governing body of any such county or city may appropriate from any funds available, such sums as in its judgment may be necessary or expedient for educational purposes.

§ 3. In any town wherein no levy is laid or appropriation made for operation of the public

schools, if the same be a separate school district approved for operation, the governing body thereof is hereby authorized to provide for the levy and collection of such additional educational taxes on all the property in the town subject to local taxation at such rates as it may deem proper, but in no event more than one dollar on the one hundred dollars of the assessed value of property in the town subject to taxation by the local town authorities. In lieu of such levy, the governing body may make an appropriation out of the general town levy and from any other source, of such sums as in its judgment may be deemed necessary or expedient for educational purposes.

§ 4. Any town wherein no levy is laid or appropriation made for operation of the public schools, if the same be a separate school district approved for operation, shall be entitled to its share of school funds as distributed under § 22-141 of the Code, as amended, and is hereby authorized and required to expend same for educational purposes, as provided in § 7 of this act.

§ 5. If any town constitutes a separate town school district approved for operation and any county in which it is located does not lay a levy or make an appropriation for operation of the public schools, the governing body of such town may impose such additional town school levy on locally taxable property, not exceeding three dollars on the one hundred dollars of the assessed value of the property in one year, as in its discretion is required. If the county imposes a