

EDUCATION

Public Schools—Virginia

Chapter 66 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, makes amendments to the Virginia school laws with respect to minimum school terms.

CHAPTER 66

An Act to amend and reenact § 22-5, as amended, of the Code of Virginia, relating to minimum school terms.

Be it enacted by the General Assembly of Virginia:

That § 22-5, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 22-5. Minimum term.—The school board of each county and city in the State is empowered * to maintain the public free schools of such county and city for a period of at least nine months or one hundred and eighty teaching days in each school year; provided, however, * that if the length of the term of any school be reduced *, the amount paid by the State shall, *unless otherwise provided by law*, be reduced in the same proportion as the length of the term has been reduced from nine months.

EDUCATION

Public Schools—Virginia

Chapter 67 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, makes amendments to the Code of Virginia with respect to city and county budgets. The amendments relate to the availability of state funds for the purpose of making grants to pupils attending private, nonsectarian schools.

CHAPTER 67

An Act to amend and reenact § 15-577 of the Code of Virginia, relating to county and city budgets; to amend and reenact § 22-117 of the Code of Virginia, relating to when State funds are to be paid for public schools; to amend and reenact § 22-125 of the Code of Virginia, relating to procedure when governing body refuses to provide funds for public school purposes; to amend and reenact § 22-126 of the Code of Virginia, as amended, relating to school levies and the use thereof; to amend and reenact § 22-127 of the Code of Virginia, relating to cash appropriations in lieu of school levies; to amend and reenact § 22-129 of the Code of Virginia, relating to town levies and appropriations for public school purposes; to amend and reenact § 22-138 of the Code of Virginia, relating to unexpended school funds; to amend the Code of Virginia by adding thereto a section numbered 22-127.1, relating to levies and appropriations by the governing bodies of counties, cities and towns for school purposes, so as to

authorize such governing bodies to withhold funds already made available for school purposes, and to provide penalties for violation.

Be it enacted by the General Assembly of Virginia:

That §§ 15-577, 22-117, 22-125, 22-126 as amended, 22-127, 22-129, 22-138 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding a new section numbered 22-127.1, the amended sections and new section being as follows:

§ 15-577. A brief synopsis of the budget shall be published in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least fifteen days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. The board of supervisors of any county not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct, so as to accomplish the purposes of this

chapter. After such hearing is had the boards of supervisors of the counties and the councils of the cities and towns shall by appropriate order adopt and enter on the minutes thereof a budget covering all *tentative* expenditures for the locality or any subdivision thereof for the next appropriation year, itemized and classified as required by the preceding section. The boards, councils or other governing bodies may recess or adjourn from day to day or time to time as may be deemed proper before the final adoption of the budget, provided that the final adoption of the county budget by the board of supervisors shall not be later than the date on which the annual levy is made.

The proposed expenditures for school purposes as contained in any budget prepared under §§ 15-575 and 15-576 and published under this section shall be tentative only and conditioned upon appropriations for such purposes being made by the board, council or other governing body, from time to time, as authorized by § 22-127 and § 22-129.

§ 22-117. No State money shall be paid for the public schools in any county until evidence is filed with State Board, signed by the superintendent of schools and the clerk of the board, certifying that the schools of the county have been kept in operation for at least nine months, or a less period satisfactory to the State Board, or that arrangements have been made which will secure the keeping of them in operation for that length of time or a less period satisfactory to the State Board; provided, however, that no county shall be denied participation in State school funds, *except* as provided by law, when the board of the county has appropriated a fund equivalent to that which would have been produced by the levying of the maximum local school tax allowed by law, or has levied the maximum local school tax allowed by law; provided, such appropriation or levy is based on assessments not lower than the assessments on real and personal property in such counties in the year nineteen hundred and twenty-five.

§ 22-125. If the governing body refuse to lay such a levy or make such cash appropriation as is recommended and requested by the division superintendent, then, on a petition of not less than twenty per centum of the qualified

voters of the county or city qualified to vote, requesting the same, the circuit court of the county or corporation court of the city or the judge thereof in vacation may, in its or his discretion, order an election by the people of the county or city to be held during the month of June, to determine whether such levy or cash appropriation in lieu of such levy shall or shall not be fixed, provided that in those counties and cities in which a school levy is made the election shall be limited to the question as to whether or not such levy shall be increased; *provided that, whenever any such governing body has made a cash appropriation on a tentative basis only as provided by § 22-127, no petition hereunder shall lie and no order calling an election may be entered, even though no resolution authorizing the payment or transfer of any funds to the local school board has been made.*

§ 22-126. Each county and city is authorized to raise sums of money by a tax on all property, subject to local taxation, at such rate as may be deemed sufficient, but in no event * more than three dollars on the one hundred dollars of the assessed value of the property in any one year, to be expended by the local school authorities * in establishing, maintaining and operating such schools as in their judgment the public welfare requires *and in payment of grants for the furtherance of elementary or secondary education and transportation costs as required or authorized by law*; provided that in counties with a population of more than six thousand four hundred but less than six thousand five hundred, such rate may be increased to four dollars on the one hundred dollars of the assessed value of the property therein in any one year; and provided further that in counties having a population of more than thirty-seven thousand but less than thirty-nine thousand such rate may be increased to four dollars on the one hundred dollars of the assessed value of the property therein any one year.

§ 22-127. In lieu of making such school levy, the governing body of any county or city may, in its discretion, make a cash appropriation, *either tentative or final*, from the funds derived from the general county or city levy of an amount not less than the sum required by the county or city school budget provided for by § 22-122 and approved by the governing body of the county or city, but in no event to be less

than the minimum nor more than the maximum amount which would result from the laying of the school levy authorized by the preceding section for the establishment, maintenance and operation of the schools of the county or city *and for the payment of grants for the furtherance of elementary or secondary education and transportation costs.* In addition to this, the governing body of any county or city may appropriate, *either tentatively or finally*, from any funds available, such sums as in its judgment may be necessary or expedient for the establishment, maintenance and operation of the public schools in the county or city, *and for the payment of such grants and transportation costs required or authorized by law.*

Whenever any such appropriations have been made on a tentative basis, no part of the funds so appropriated shall, in any event, be available to the local school board except as the local governing body may, from time to time, by resolution authorize the payment or transfer of such funds, or any part thereof, to such local school board.

§ 22-127.1. *Notwithstanding any other provision of law to the contrary, the governing body of any county, city or town which has made a levy for school purposes under § 22-126 or § 22-129 or has made a cash appropriation under § 22-127 or any other provision of law may by resolution direct the school board of such county, city or town and the treasurer of such county, city or town to make no further expenditures of local school funds until further authorized to do so by such local governing body. Any school board, and each member thereof, and any treasurer who makes any expenditure of local school funds after being so directed not to make such expenditures shall be personally liable to make restitution to the county, city or town involved of the funds so expended in violation of any such resolution of the local governing body and*

may be removed from office under the provisions of Article 3, Chapter 16, Title 15, of the Code.

§ 22-129. The governing body of any incorporated town in the State is authorized to levy an additional tax on all the property in the town, subject to local taxation, at such rate 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, for the support and maintenance, and capital outlay of the public schools in the town *and for the payment of grants for the furtherance of elementary and secondary education and transportation costs.* In lieu of such levy, the governing body may, *in its discretion*, make a cash appropriation, *either tentative or final*, out of the general town levy of an amount not more than the maximum amount which would result from the school levy for the support and maintenance of the public schools in the town *and for the payment of such grants and transportation costs required or authorized by law.*

Whenever any such appropriation has been made on a tentative basis, no part of the funds so appropriated shall, in any event, be available to the local school board except as the governing body may, from time to time, by resolution authorize the payment or transfer of such funds, or any part thereof, to such local school board.

§ 22-138. All sums of money derived from State funds for school or educational purposes, which are unexpended in any year in any county or city shall go into the * fund of the State from which derived for redivision the next year, unless the State Board direct otherwise. All sums derived from county or city funds unexpended in any year shall remain a part of the county or city funds, respectively, for use the next year, but no local funds shall be subject to redivision outside of the county or city in which they were raised.

EDUCATION

Public Schools—Virginia

Chapter 68 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, announces the public policy of the State of Virginia as requiring segregation in the public schools and provides for the assumption of control by the "Commonwealth of Virginia" of any school which is "voluntarily or under compulsion of any court order" racially integrated. The act further provides for the closing of any such school until an investiga-