

be decided upon by the fiscal officers of the Commonwealth, the State Board of Education and the duly constituted authorities of the locality involved.

§ 9. Whenever it is made to appear to the Governor that any school which has been closed under the conditions aforesaid can be reopened and operated in accordance with the provisions of § 4 of this act, the Governor is authorized to return forthwith the operation, control and maintenance of such school to the local school board of the political subdivision in which it is located.

§ 10. Notwithstanding any other provision contained in this act, if after investigation the Governor concludes, or, at any time the school board or board of supervisors of the county or the council of the city in which the closed school is located, certifies to the Governor by resolution that in it or their opinion such school cannot be reopened, or reorganized and reopened, in conformity with provisions of this act, the Governor shall so proclaim, in which event the said school shall again become a part of the public school system of the political subdivision in which it is located, and such school, elementary or secondary, shall along with all other schools of its class in the political subdivision in which it is located thereby become subject to the applicable provisions of the laws of this State.

§ 11. The Governor is given the power to take any and all actions and make such expenditures as may be necessary to carry into effect the provisions of this act and to fulfill the responsibilities assumed hereunder for the control of certain public schools upon the happening of certain contingencies.

§ 12. The Commonwealth of Virginia assumes the contractual obligation of the school board of any political subdivision, in which a school is closed under this act, with the principal, teachers and employees of such closed school, and it is directed that the salary, wage or compensation of such principal, teachers or em-

ployees be paid upon authorization of the Governor as agreed and provided by the terms of their contract with such school board and for the time specified in the contract, or so long as such principal, teachers and employees are under the control of the Governor by virtue of the provisions of this act; provided, however, nothing herein contained shall obligate the Commonwealth of Virginia to employ or compensate such principal, teachers and other employees beyond the expiration date of their contract with such school board.

§ 13. Every action authorized and taken in conformity with the provisions of this act shall be and is hereby declared to be the act of General Assembly of Virginia and an act of the Governor of Virginia and an act taken on behalf of the sovereign Commonwealth of Virginia, and if any suit, action or other legal proceedings be instituted relative thereto, the same shall be regarded and is hereby declared to be a suit, action or proceeding against the Commonwealth of Virginia, and the Commonwealth hereby declines and refuses for the Commonwealth of Virginia or the Governor of Virginia to be subject to such a suit unless it shall be one brought by the Attorney General of Virginia to enforce the laws of the Commonwealth.

2. If any part, section, portion or provision of this act or the application thereof to any person or circumstance be held invalid by a court of final resort, such holding shall not affect any part, section, portion, provision or application of this act which can be given effect without the part, section, portion, provision or application so held invalid; and to this end, the parts, sections, portions, provisions and applications hereof are declared severable.

3. Any acts or parts of acts in conflict herewith are hereby repealed to the extent of such conflict.

4. An emergency exists and this act is in force from its passage.

EDUCATION

Public Schools—Virginia

Chapter 69 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, provides for the declaration of a state of emergency in any school district in which an "efficient system of elementary or secondary public schools" is not operated un-

der local authority (an efficient system being defined as one in which no racial integration exists). The act provides for the establishment by the General Assembly of an "efficient system of elementary and secondary public schools" in any such district when invoked by resolution of the local governing body. The administration of such state schools is vested in the "Governor for the General Assembly" but provision is made for non-conflicting administrative functions to be performed by local school boards and for the general supervision of the State Board of Education.

CHAPTER 69

An Act to declare an emergency to exist in any school division in which an efficient system of elementary or secondary public schools is not operated under local authority, and in such case to invoke the police powers of the Commonwealth and the Constitutional powers of the General Assembly; to establish in every such school district, subject to the adoption by the local governing body of a resolution declaring the need therefor, an efficient system of elementary or secondary public schools operated by the Commonwealth; to provide that such system be operated and maintained by the Governor for and on behalf of the General Assembly; to define "efficient system of elementary public schools" and "efficient system of secondary public schools"; to provide for the use of local school buildings and related facilities of certain counties, cities and towns; to provide for the purchase of textbooks, supplies and equipment, and to permit local school boards to provide for the transportation of pupils; to provide for the administration of the school system hereby established and the employment of persons therein; to provide for the application of this act to counties, cities and towns; to vest in the State Board of Education the general supervision of such schools and to authorize it, subject to certain limitations, to make rules and regulations applicable thereto; to provide how proceedings against local school boards in matters involving the State established schools may be instituted; to prescribe the effect of certain proceedings brought against local school boards and the members thereof; to provide the circumstances under which pupils may be admitted to the State schools; to provide for the employment and assignment of teachers and other personnel; to prescribe the provisions of Title 22 of the Code of Virginia which shall apply to the State established and

maintained schools; to provide the method for admission to the State established schools and the terms and conditions thereof.

Be it enacted by the General Assembly of Virginia:

§ 1. Whenever in any school division an efficient system of elementary or secondary public schools as herein defined is not operated under local authority, an emergency hereby is declared to exist. In such case the police powers of the Commonwealth and the Constitutional powers of the General Assembly hereby are invoked. In every school division in which such emergency shall exist there is hereby established by the General Assembly an efficient system of elementary or secondary public schools to be operated by the Commonwealth; provided, the local governing body adopts a resolution reciting the existence of such emergency and declaring the need for such State operated public school system, in which case all of the provisions of this act shall apply.

A copy of such resolution, properly certified, shall be sent to, and kept by, the Keeper of the Rolls of the State. Upon receipt of such resolution it shall be the duty of the Keeper of the Rolls to forward a true copy thereof to the Governor, who shall thereupon, for and on behalf of the General Assembly, operate and maintain an efficient system of elementary or secondary schools in such school division pursuant to the provisions of this act.

Whenever in such school division an efficient system of elementary or secondary public schools as herein defined again shall be established and operated under local authority and the State Board of Education shall have certified such fact to the Keeper of the Rolls of the State such emergency shall cease to exist and the provisions of this act shall cease to apply to such school district.

The Keeper of the Rolls forthwith shall forward a true copy of such certificate to the Governor.

§ 2. As used in this act an efficient system of elementary public schools, hereinafter referred to as elementary schools, means and shall be only that system within each county, city or town in which no elementary school consists of a student body in which white and colored children are taught.

An efficient system of secondary public schools, hereinafter referred to as secondary schools, means and shall be only that system within each county, city or town in which no secondary school consists of a student body in which white and colored children are taught.

§ 3. The provisions of this act shall be controlling over all other provisions of law in conflict therewith. In any case in which any other provision of law is not in conflict with a provision of this act such other statute shall apply as to the system of public free schools hereby established.

§ 4. The system of schools established by the State shall use and be housed in the unused school buildings and related facilities now or hereafter owned, constructed, and maintained by the school boards of the several counties, cities, and towns if such towns constitute separate school districts. The provisions of law applicable to the purchase of textbooks, supplies and equipment by local school boards shall remain in force and it shall be the duty of such local school boards to supply same in accordance with law to the pupils attending the schools established and maintained by the State. The local school boards may provide transportation to pupils attending such schools.

§ 5. The State established public free school system shall be administered by the Governor for the General Assembly. Local school boards shall have such administration of such schools as will not conflict with this act or rules and regulations of the State Board of Education.

§ 6. The general supervision of the State established school system is vested in the State Board of Education which is authorized to make regulations for the operation thereof in an efficient manner. Provided, however, that except as specifically stated, nothing in this act shall be construed as conferring upon the State Board the power to determine the educational policies of the State in conflict with this act.

§ 7. No suit, action, prosecution or proceeding shall be brought against a local school board in any matter involving the State established schools unless the same be instituted by the Attorney General. If any local school board or member thereof be proceeded against otherwise such shall automatically terminate the powers of the members and such local school board as to any such State schools and the State Board of Education shall appoint a trustee to operate same until the powers of such local school board be reestablished by the General Assembly as to such State schools.

§ 8. The enrollment or placement of pupils in and the determination of school attendance districts for the State established public schools shall be accomplished only by such authority and in such manner as now or hereafter may be prescribed by law, and the school boards of the several counties, cities and towns shall have no power to admit or assign pupils except in accordance therewith.

§ 9. The local school board, subject to the State Board of Education, shall employ teachers and assign them to the several schools. Such teachers shall be paid from the funds available to operate such schools.

§ 10. The provisions of Title 22 of the Code of Virginia and other provisions of law applicable to the operation of public free schools by the school boards of the several school divisions shall apply mutatis mutandis to the schools established and operated in accordance with the provisions of § 1 hereof, except when a different requirement is imposed by this act or the State Board of Education.

§ 11. Each county, city, or town, if the same be a separate school district, and school district in which State established schools are operated shall raise from local levies or cash appropriations an amount equivalent to that required under Chapter 716 of the Acts of Assembly of 1956, as amended, for local maintenance of schools and may so raise or appropriate such further sums as in their judgment the public welfare may require for assisting in the operation of the State established schools or, as the case may be, a system of elementary free public schools or a system of secondary free public schools. All such funds shall be paid into the State treasury, are hereby made available to

the State Board of Education, and shall be expended by the State Board of Education in the respective counties, and cities and towns which paid in such funds. Such expenditures shall be

for the support of State established public schools in the county, city or town involved and for no other purpose.

EDUCATION

Public Schools—Virginia

Chapter 70 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, enacts a "pupil placement act" to be administered by a Pupil Placement Board provided by the act. Provision is made for the procedure of the Board and review of its decisions. The act provides criteria to guide the Board in the placement of pupils and provides that no pupil may transfer to a new school in his area without approval of the Board.

CHAPTER 70

An Act to create a Pupil Placement Board and confer upon it powers as to enrollment or placement of pupils in the public schools and determination of school attendance districts, and to provide for administrative procedure and remedies for pupils seeking enrollment in a school or a change from one school to another school.

Be it enacted by the General Assembly of Virginia:

§ 1. All power of enrollment or placement of pupils in and determination of school attendance districts for the public schools in Virginia is hereby vested in a Pupil Placement Board as hereinafter provided for. The local school boards and division superintendents are hereby divested of all authority now or at any future time to determine the school to which any child shall be admitted. The Pupil Placement Board is hereby empowered to adopt rules and regulations for such enrollment of pupils as are not inconsistent with the provisions hereinafter set forth. Such rules and regulations shall not be subject to Chapter 1.1 of the Title 9 of the Code of Virginia, the short title which is "General Administrative Agencies Act". The Pupil Placement Board and any of its agents hereinafter provided for shall have authority to administer oaths to those who appear before said Board or any of its agents in connection with the administration of this act.

§ 1a. There is hereby created a board to be known as the Pupil Placement Board which shall consist of three residents of the State appointed

by the Governor to serve for terms to expire at the expiration of the term of the Governor making the appointment. Members of the Board shall receive as compensation for their services a per diem of twenty dollars for each day actually spent in the performance of their duties and shall be entitled to reimbursement for their necessary expenses incurred in connection therewith.

§ 2. The Pupil Placement Board may designate, appoint and employ such agents as it may deem desirable and necessary in the administration of this act. It may authorize such agents to hold the hearings hereinafter provided for and take testimony and submit recommendations in any and all cases referred to them by said Board.

§ 2a. For the conduct of such hearings and to facilitate the performance of the duties imposed upon it and its agents under this act, the Pupil Placement Board is authorized to promulgate all such rules and regulations and procedures and prescribe such uniform forms as it deems appropriate and needful and to require strict compliance with the same by all persons concerned.

§ 3. The Pupil Placement Board in enrolling each pupil in a school in each school district shall take into consideration:

(1) The effect of the enrollment on the welfare and best interests of such child and all other children in said school as well as the effect on the efficiency of the operation of said school.

(2) The health of the child as compared to other children in the school.