

section requires resolution, by both the school board and the county board of supervisors, instead of the alternative action provided by the 1956 act, in certifying that the statute cannot be complied with, and confers discretionary powers on the governor in his response to such certification.

*AN ACT to amend and reenact § 10 of Chapter 68 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, the chapter relating to operation of certain public schools under certain conditions and the powers of the Governor in connection therewith; the section, which was codified as § 22-188.12, relating to manner in which certain schools taken out of the public school system may be returned thereto and the effect thereof.*

Be it enacted by the General Assembly of Virginia:

1. That § 10 of Chapter 68 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, which section was codified as § 22-188.12, be amended and reenacted as follows:

§ 10. Notwithstanding any other provision contained in this act, if after investigation the Governor concludes, or, at any time the school board \* and 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 \* their opinion such school cannot be reopened, or reorganized and reopened, in conformity and provisions of this act, the Governor \* may 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.

## EDUCATION

### Public Schools—Virginia

Chapter 41 of the acts of the 1958 session of the Virginia General Assembly, approved by the governor February 17, 1958, establishes that state's policy as being opposed to the use of Federal military units in schools, and provides for the closing of schools where such troops are stationed.

*AN ACT to establish the policy of the Commonwealth of Virginia with respect to public schools whenever under any Federal authority the operation thereof is policed by military troops or enforcement officers; to provide for the closing of such schools; to vest and confer certain powers in the Governor; to provide the conditions for return of such schools to the local authorities.*

Be it enacted by the General Assembly of Virginia:

1. The General Assembly declares and establishes it to be the policy of the Commonwealth that no public school shall be operated

whenever any military forces or personnel are employed or used upon the order or direction of any Federal authority for the purpose of policing its operation, or to prevent acts of violence or alleged acts of violence. The operation and supervision of the public schools is a right inherent in and subject only to the laws of the Commonwealth, and her sovereignty and dignity in this respect shall not be abrogated.

2. Whenever, except upon application of the General Assembly of Virginia or the Governor, made under the provisions of Article IV, Section 4, of the Constitution of the United States, any military forces or other personnel pursuant to the order or direction of any Federal authority

enter upon the premises of any public school, or in the vicinity thereof, for the purpose of policing its operation, or to prevent acts of violence or alleged acts of violence, the school shall thereupon automatically be closed and its operation suspended.

3. Upon the closing of any public school pursuant to this Act, the Governor shall assume all control and exercise all authority with respect to such school, its operating personnel and pupils, including the powers vested in the Governor under the provisions of Sections 22-188.8, 22-188.9 and 22-188.10 of the Code. The duly constituted authorities of the locality formerly having control of such closed school are vested with those powers granted such authorities by Section 22-188.9, and other applicable sections of the Code, in so far as payment of tuition grants are concerned. During the period of time a school is closed under this Act, the provisions of Section 22-188.14 of the Code shall be applicable to teachers and other personnel affected thereby.

4. During the period of time any public school is closed pursuant to this Act, the powers and duties of the local school board, the division

superintendent, the Superintendent of Public Instruction, the State Board of Education and the Pupil Placement Board, as the same are prescribed by statute, with respect to the control and operation of such school shall be suspended and divested, and all such powers, during such period of time, shall be vested in and exercised by the Governor. Nothing herein contained shall be construed as impairing the power of the local school board with respect to the sale or exchange of property as provided by Section 22-161 of the Code.

5. Whenever it is made to appear to the Governor that any public school which has been closed under the provisions of this Act can be reopened and operated without the existence of any of the conditions contained in Section 2 of this Act, the Governor shall, by executive order, restore the powers divested under Section 4 of this Act and return the operation, control and maintenance of such school to the local school board of the political subdivision in which it is located.

6. An emergency exists, and this Act shall be in force from its passage.

## EDUCATION

### Public Schools—Virginia

Chapter 319 of the acts of the 1958 Virginia General Assembly, approved by the governor March 13, 1958, extends the provisions of Chapter 41, above, to other schools in the same district.

*An Act to establish the policy of the Commonwealth of Virginia with respect to the operation of the public free schools when the peace and tranquility of the school division is disturbed or the orderly administration of the educational process is disturbed by reason of the existence of certain conditions; to provide for the closing of such schools; to vest and confer certain powers in the Governor; and to provide the conditions for return of such schools to the local authorities.*

Be it enacted by the General Assembly of Virginia:

1. § 1. (a) If the entry upon the premises of any public free school, or the vicinity thereof, by military forces or other personnel under federal authority, or (b) the closing of any such public school as a result thereof, should in the opinion of the Governor, cause the peace and tranquility of the school division in which any such school is located to be disturbed, or should cause the orderly administration of the educational process to be disrupted or disturbed in any other school or schools located in the same school division, the Governor is hereby authorized and empowered, in his discretion, to close any other such