

school or schools located in the same school division, irrespective of whether or not such other school, or schools, so located are being policed by any Federal authority. The operation and supervision of the public schools is a right inherent in and subject only to the laws of this Commonwealth and her sovereignty and dignity in this respect shall not be abrogated.

§ 2. 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 §§ 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 § 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 § 22-188.14 of the Code shall be applicable to teachers and other personnel affected thereby.

§ 3. 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 § 22-161 of the Code.

§ 4. 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 § 1 of this act, the Governor shall, by executive order, restore the powers divested under § 3 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.

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

## EDUCATION

### Public Schools—Virginia

Chapter 500 of the acts of the 1958 Virginia Assembly, approved by the Governor on March 29, 1958, amends that state's 1956 Pupil Placement Act (1 Race Rel. L. Rep. 1109). Changes include the elimination of a fixed term of office for members of the Pupil Placement Board, the substitution of criteria for assignment of pupils, and a grant of subpoena powers. (For judicial action under the 1956 act, see *Adkins v. School Board of Newport News*, 2 Race Rel. L. Rep. 808; *Calloway v. Farley*, 2 Race Rel. L. Rep. 1121; *DeFebio v. School Board of Fairfax County*, 3 Race Rel. L. Rep. 21).

*Be it enacted by the General Assembly of Virginia:*

1. That §§ 22-232.1, 22-232.2, 22-232.3, 22-232.5, 22-232.7 and 22-232.10 of the Code of Virginia be amended and reenacted and a new section numbered 22-232.17 added, as follows:

§ 22-232.1. 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 provi-

sions hereinafter set forth. Such rules and regulations shall not be subject to Chapter 1.1 (Sec. 9-6.1, et seq.) of Title 9 of the Code of Virginia, the short title of which is "General Administrative Agencies Act."\*

§ 22-232.2. There is hereby created a board to be known as the Pupil Placement Board which shall consist of three residents of the State, \* *who shall be appointed by the Governor and serve during the pleasure of the Governor.* 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.

§ 22-232.3. The Pupil Placement Board may designate, appoint and employ such agents as it may deem desirable and necessary in the administration of this article. 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. *The Pupil Placement Board and any of its agents 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 article. The Pupil Placement Board and any of its agents shall also have authority to issue subpoenas in the name of the Commonwealth to compel the attendance of witnesses and the production of documents. All such subpoenas shall be served by the sheriff, sergeant, constable, or any deputy thereof, of the county, city, town or school division to which the same is directed. Should any person fail or refuse to obey any subpoena issued by the Board or any of its agents, any court of record of the Commonwealth shall have jurisdiction, upon application by the Board or its representative, to compel such person to appear before the Board or any of its agents and give testimony or produce documents as ordered. Should any person fail or refuse to obey an order of the court issued in accordance with this section, he may be punished by the court issuing the same as for contempt thereof.*

§ 22-232.5. The Pupil Placement Board \* shall enroll each pupil in a school in each

*school district so as to provide for the orderly administration of such public schools, the competent instruction of the pupils enrolled and the health, safety and general welfare of such pupils.*

§ 22-232.7. Any child who desires to enter a public school for the first time following December 29, 1956, and any child who is graduated from one school to another within a school division or who transfers to or within a school division, or any child who desires to enter a public school after the opening of the session, shall apply to the Pupil Placement Board for enrollment in such form as it may prescribe, and shall be enrolled in such school as the Board deems proper under the provisions of this article. Such application shall be made on behalf of the child provided, however, that any parent, guardian or other person having custody of a child, who conscientiously objects to the signing of an application, may execute the required application "under protest" in order to secure the prompt placement of the child in the public school system, without waiving any right to which such parent, guardian, other person or child are or may be properly entitled.

In the event that any parent, guardian, or other person, in violation of this section, refuses or fails to execute an application for placement either voluntarily or "under protest", the Board may issue subpoena to compel such parent, guardian or other person to appear before it and furnish such information as may be necessary to assign the child to a proper school; and pending the receipt of such information, the Board may take such action as to the placement of such child as, in its discretion, it may deem proper.

§ 22-232.10. Any party aggrieved by a decision of the \* *Pupil Placement Board* under this article or any party defined as an interested party in § 22-232.8 may obtain a review of such decision by filing in the clerk's office of the circuit court of the county or corporation court of the city in the jurisdiction of which such party resides, within fifteen days after such decision, a petition in writing, specifying the decision sought to be reviewed, and the actions taken by the \* *Pupil Placement Board*, together

with a statement of the grounds on which the petitioner is aggrieved or by reason of which he is an interested party. The petitioner shall file with his petition a copy of the decision of the \* Pupil Placement Board and a transcript of the proceedings before the \* Pupil Placement Board, which shall be furnished to the petitioner by the \* Pupil Placement Board within ten days after the request therefor upon payment of the costs of such transcript by the petitioner.

§ 22-232.17. *The provisions of this article are hereby declared to be severable. If any of its sections, provisions, clauses, phrases, or parts be held unconstitutional or invalid, the remainder of this article, shall, nevertheless, remain in full force and effect.*

2. That § 22-232.9 of the Code of Virginia is repealed.

## ELECTIONS

### Registration—Georgia

Act No. 321 of the 1958 Georgia General Assembly (H.B. No. 718), approved by the governor March 25, 1958, revises that state's laws dealing with the qualifications and registration of voters. [See, also, *Harris v. Echols*, 2 Race Rel. L. Rep. 163; *Thornton v. Martin*, 1 Race Rel. L. Rep. 214].

*AN ACT To effect a complete revision of the laws of this State relating to the qualification and registration of voters; to provide for registration of voters; to provide that certain persons shall not be required to reregister; to provide for county registrars; to provide for a Chief Registrar in each county; to provide for registrars in counties having a certain population; to provide for an oath of office; to provide for deputies and other personnel; to provide for registration cards and the form thereof; to provide the time for taking applications for registration; to provide for the procedure that must be followed by an applicant for registration; to provide for appeals; to provide for purging the list of registered voters; to provide for lists of disqualified persons; to provide for a list of qualified voters; to provide for a supplemental list; to provide for lists for special elections; to provide for periodic examinations of the list of qualified voters; to provide for subpoenas, summonses and notices; to provide for hearings; to provide for challenges and exceptions thereto; to provide for furnishing the lists of voters to the election managers; to provide where persons shall vote; provide for transfers or registration; to provide for the oath to be taken by a*

*challenged person; to provide for a checked list of registered voters; to provide that the list of voters and the registration cards shall be open to reasonable inspection; to provide for public hearings; to provide for furnishing lists of voters to municipal officials and education officials and the method of determining the price thereof; to provide for the State Registration and Election Information Board; to provide for penalties; to repeal an Act relating to the registration of voters and known as the Voters' Registration Act, approved February 25, 1949 (Ga. Laws 1949, p. 1204), as amended, and to repeal all Act amendatory thereof; to repeal conflicting laws; and for other purposes.*

Be It Enacted By The General Assembly of Georgia:

#### Section 1

Any person who, after the effective date of this law, desires to register as an elector to vote in any general or special election in this State, to fill any Federal, State or County office, or in any primary to nominate candidates for any such office, or in any Federal, State or County election for any purpose whatsoever, must do so under the provisions of this law. Unless the