

levy or makes appropriations for educational purposes the town school district shall receive its share of such funds in the same manner as provided in § 22-141 of the Code, as amended, for the distribution of school funds, to be expended as the town school board directs.

§ 6. The procedure to be followed by school officials and local tax-levying bodies for obtaining the educational funds provided for in this act shall, except insofar as altered herein, be mutatis mutandis the same as prescribed by law for the raising of funds for public school purposes.

§ 7. The educational funds raised or appropriated under §§ 1, 2, 3, and 4 hereof, or otherwise made available, shall be expended by the school board in payment of grants for the furtherance of the elementary or secondary education, as the case may be, of the children of such county, city or town in nonsectarian private schools. The local school board may by rules and regulations provide for the cancellation or revocation

of any such grant which the board finds was not obtained in good faith; provided, that the action of the board in cancelling or revoking any grant shall be subject to review by bill of complaint against the school board to the circuit or corporation court having equity jurisdiction.

§ 8. School boards may provide transportation for those pupils qualifying for such grants, and in such event, shall be entitled to reimbursement out of State funds to the same extent as counties and cities are reimbursed for costs expended for transportation of pupils to and from the public schools.

§ 9. It shall be unlawful for any person to obtain, seek to obtain, expend, or seek to expend, any tuition or transportation grant for any purpose other than the education or transportation of the child for which such grant is sought or obtained. Violation hereof shall, except for offenses punishable under § 18-237 of the Code, constitute a misdemeanor and be punished as provided by law.

## EDUCATION

### Public Schools—Virginia

**Chapter 58 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, makes provision for the budgeting and expenditure of grants to pupils for education in private nonsectarian schools.**

#### CHAPTER 58

*An Act to require the inclusion in school budgets of amounts sufficient for the payment of grants for educational purposes; to provide for local governing bodies raising money for educational purposes and making appropriations therefor; to provide for the expenditure of such funds for payment of such grants and transportation costs under certain circumstances; to empower the State Board of Education to make rules and regulations and pay such grants; to provide for the withholding of certain funds and the use thereof; and to provide penalties for the violation of this act.*

Be it enacted by the General Assembly of Virginia:

§ 1. The division superintendent of schools of every county, city, or town if the same be a sepa-

rate school district approved for operation, wherein public schools are operated shall include in his estimate of the school budget required by law, the amount of money needed for the payment of grants for the furtherance of the elementary or secondary education, as the case may be, of the children of such county, city or town, in nonsectarian private schools.

§ 2. The boards of supervisors of the several counties and the councils of the several cities and towns, if the same be separate school districts approved for operation, shall include in the school levy or cash appropriation provided by law the amount necessary to meet the estimates required by § 1 hereof, notwithstanding the provisions of §§ 22-126 and 22-127 of the Code of Virginia. Such boards of supervisors and councils are hereby authorized to make a cash appropriation for the payment of grants under this

act even though a school budget is not before them for consideration.

§ 3. The educational funds so raised and other available funds shall be expended by the local school board in payment of grants for the furtherance of the elementary or secondary education, as the case may be, of the children of such county, city or town in nonsectarian private schools; such payments shall be made to parents, guardians or other persons having custody of children who have been assigned to or are in attendance at public schools wherein both white and colored children are enrolled; provided, the parents, guardians or other persons having custody of such children shall make affidavit to the local school board that they object to the assignment of such children to or their attendance at any school wherein both white and colored children are enrolled. No mandamus to compel payment of a grant under this section shall lie as to any child who has been assigned or reassigned to a school wherein only members of his race are enrolled.

§ 4. The total amount of each such grant shall be the amount necessary to be expended by the parent, guardian or other person having custody of the child, in payment of the cost of his attendance at a nonsectarian private school for the current school year; provided, however, that such annual grant, together with any tuition grant received from the State, shall not exceed the total cost of operation per pupil in average daily attendance in the public schools for the locality making such grant as determined for the preceding year by the Superintendent of Public Instruction.

§ 5. Any school board providing transportation to pupils attending its public schools shall supply like transportation for those pupils qualifying for grants under this act; provided that any such school board may in lieu of providing such transportation provide such pupils with a transportation grant equal to the per pupil cost of transportation in such school district for the preceding year.

§ 6. Payments for grants under the provisions of this act shall be considered in the distribution of State funds allocated and apportioned for such purposes as though such expenditures were made by the locality for operation and maintenance of the public schools.

§ 7. Local school boards are hereby authorized to promulgate such rules and regulations not inconsistent with those of the State Board of Education as may be deemed necessary to carry out the purpose of this act. Such rules and regulations may provide for the cancellation or revocation of any grant which the board finds was not obtained in good faith; provided, that the action of the board in cancelling or revoking any such grant shall be subject to review by bill of complaint against the school board to the circuit or corporation court having equity jurisdiction.

§ 8. It shall be unlawful for any person to obtain, seek to obtain, expend, or seek to expend, any grant for any purpose other than the education or transportation of the child for which such grant is sought or obtained. Violation hereof shall, except for offenses punishable under §18-237 of the Code, constitute a misdemeanor and be punished as provided by law.

§ 9. When the school budget has been prepared in accordance with § 1 hereof and the levy laid or appropriation made as set forth in § 2 hereof neither the school board nor the governing body shall have power to cancel, or transfer and use for any other purpose, the funds available for grants; provided, however, that if by the end of the eleventh month of the school year any such funds are unobligated they may be expended for any other object set forth in the school budget.

§ 10. For so long as such failure or refusal under § 3 hereof shall continue, the State Board of Education shall authorize and direct the Superintendent of Public Instruction, under rules and regulations of the State Board of Education, to provide for the payment of grants on behalf of such county, city or town out of funds to which such county, city or town would otherwise be entitled for the maintenance of its public school system in such county, city or town. In such event the Superintendent of Public Instruction shall at the end of each month file with the State Comptroller and with the school board and the governing body of such county, city or town a statement showing all disbursements and expenditures so made for and on behalf of such county, city or town, and the Comptroller shall from time to time as such funds become available deduct from other State funds appropriated by the State, in excess of the requirements of the Constitution of Virginia, for distribution to such county, city or town,

such amount or amounts as shall be required to reimburse the State for expenditures incurred under the provisions of this act. All such funds so deducted and transferred are hereby appropriated for the purposes set forth in this act and shall be expended and disbursed as pro-

vided in this act; provided, that in no event shall any funds to which such county, city or town may be entitled under the provisions of Title 63 of the Code be withheld from such county, city or town under the provisions of this act.

## EDUCATION

### Public Schools—Virginia

Chapter 59 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, provides that no child shall be required to enroll in or attend a racially integrated school.

#### CHAPTER 59

*An Act to provide that no child shall be required to attend integrated schools.*

Be it enacted by the General Assembly of Vir-

ginia:

1. Notwithstanding any other provision of law, no child shall be required to enroll in or attend any school wherein both white and colored children are enrolled.

## EDUCATION

### Public Schools—Virginia

Chapter 60 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, amends the Code of Virginia so as to authorize but not require county school boards to provide for transportation of pupils.

#### CHAPTER 60

*An Act to amend and reenact § 22-72, as amended, of the Code of Virginia, relating to the powers and duties of the county school boards, and to amend the Code of Virginia by adding a new section numbered 22-72.1, authorizing county school boards to provide for transportation of pupils.*

Be it enacted by the General Assembly of Virginia:

That § 22-72, as amended, of the Code of Virginia, be amended and reenacted, and that the Code of Virginia be amended by adding a new section numbered 22-72.1, the amended and new sections being as follows:

§ 22-72. Powers and duties.—The school board shall have the following powers and duties:

(1) Enforcement of school laws.—To see that

the school laws are properly explained, enforced and observed.

(2) Rules for conduct and discipline.—To make local regulations for the conduct of the schools and for the proper discipline of the students, which shall include their conduct going to and returning from school, but such local rules and regulations shall be in harmony with the general rules of the State Board and the statutes of this State.

(3) Information as to conduct.—To secure, by visitation or otherwise, as full information as possible about the conduct of the schools.

(4) Conducting according to law.—To take care that they are conducted according to law and with the utmost efficiency.

(5) Payment of teachers and officers.—To