

debt service, within the total amount of its authorized budget, without the consent of the tax levying body, notwithstanding any other law to the contrary, and to expend same in further-

ance of the elementary and secondary education of the children of such county, city or town in nonsectarian private schools as may be permitted by law.

EDUCATION

Public Schools—Virginia

Chapter 63 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, authorizes the employment of counsel to defend school boards or members thereof in certain legal proceedings.

CHAPTER 63

An Act to provide for the employment of counsel to defend the actions of members of school boards and to provide for the payment of costs, expenses and liabilities levied against such members out of local public funds.

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding any other provision of law, the attorney for the Commonwealth or other counsel approved by the school board may be employed by the school board of any county, city or town, to defend it, or any member thereof, or

any school official, in any legal proceeding, to which the school board, or any member thereof, or any school official, may be a defendant, when such proceeding is instituted against it, or against any member thereof by virtue of his actions in connection with his duties as such member.

§ 2. All costs, expenses and liabilities of proceedings so defended shall be a charge against the county, city or town treasury and paid out of funds provided by the governing body of the county, city or town in which such school board discharges its functions.

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

EDUCATION

Public Schools—Virginia

Chapter 64 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, amends the Code of Virginia with respect to the teacher retirement system so as to authorize teachers participating in certain private educational corporations to be included under the retirement system.

CHAPTER 64

An Act to amend and reenact § 51-111.10, as amended, of the Code of Virginia, relating to the meaning of certain words as used in the Virginia Supplemental Retirement Act, and to amend the Code of Virginia by adding to Title 51, Chapter 3.2 thereof, an Article 4.1, containing §§ 51-111.38:1 through 51-111.38:3, providing for the retirement of certain private school teachers.

Be it enacted by the General Assembly of Virginia:

1. That § 51-111.10, as amended, of the Code of Virginia be amended and reenacted and that the Code of Virginia be amended by adding Article 4.1, containing §§ 51-111.38:1 through 51-111.38:3, to Chapter 3.2, Title 51, the amended section and new article being as follows:

§ 51-111.10. Definitions.—As used in this chapter unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Virginia Supplemental Retirement System provided for in § 51-111.11;

(2) "Board" means the board of trustees as provided by § 51-111.17;

(3) "Medical board" means the board of physicians as provided by § 51-111.26;

(4) "Teacher" means any person who is regularly employed on a salary basis as a professional or clerical employee of a county, city or other local public school board or of a corporation participating in the retirement system as provided by Article 4.1;

(5) "State employee" means any person who is regularly employed full time, on a salary basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, not oftener than semimonthly, in whole or in part, by the Commonwealth or any department, institution or agency thereof, except (a) an officer elected by popular vote or, with the exception of the Auditor of Public Accounts and the Director of the Division of Statutory Research and Drafting, by the General Assembly or either House thereof, (b) a trial justice, county or city treasurer, commissioner of the revenue, Commonwealth's attorney, clerk, sheriff, sergeant or constable, and a deputy or employee of any such officer, and (c) any employee of a political subdivision of the Commonwealth;

(6) "Employee" means any teacher, State employee, * officer or employee of a locality participating in the retirement system as provided in Article 4, or any employee of a corporation participating in the retirement system as provided in Article 4.1;

(7) "Employer" means Commonwealth, in the case of a State employee, * the local public school board in the case of a public school teacher, or the locality or corporation participating in the retirement system as provided in Articles 4 and 4.1;

(8) "Member" means any person included in the membership of the retirement system as provided in this chapter;

(9) "Service" means service as an employee;

(10) "Prior service" means service as an employee rendered prior to the date of establishment of the retirement system for which credit is allowable under §§ 51-111.39 to 51-111.41, 51-111.63 and 51-111.64 or service as an employee for such periods as provided in § 51-111.32;

(11) "Membership service" means service as and employee rendered while a contributing member of the retirement system except as provided in §§ 51-111.45, 51-111.57, 51-111.63 and 51-111.64;

(12) "Creditable service" means prior service plus membership service for which credit is allowable under this chapter;

(13) "Beneficiary" means any person entitled to receive benefits under this chapter;

(14) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts and also any other amounts he shall have contributed or transferred thereto including interest credited thereon as provided in § 51-111.49;

(15) "Creditable compensation" means the full compensation payable to an employee working the full working time for his position which is in excess of twelve hundred dollars per annum, except when computing a disability retirement allowance in which event no exclusion shall apply; in cases where compensation includes maintenance or other perquisites, the Board shall fix the value of that part of the compensation not paid in money;

(16) "Average final compensation" means the average annual creditable compensation of a member during his five highest consecutive years of creditable service if less than five years; provided, that the retirement allowance of any person who retired under this chapter between March one, nineteen hundred fifty-two and June thirty, nineteen hundred fifty-four shall be recomputed in accordance with this section and such recomputation shall be applicable only to allowances payable on and after July one, nineteen hundred fifty-six;

(17) "Retirement allowance" means the retirement payments to which a member is entitled as provided in this chapter;

(18) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are adopted by the Board;

(19) "Normal retirement date" means a member's sixty-fifth birthday; and

(20) "Abolished system" means the Virginia Retirement Act, §§ 51-30 to 51-111, repealed by Chapter 1 of the Acts of Assembly of 1952 as of February one, nineteen hundred fifty-two.

Article 4.1
Participation of Certain
Educational Corporations
in Retirement System

§ 51-111.38:1. Any corporation organized after the effective date of this act for the purpose of providing elementary or secondary education may by resolution duly adopted by its board of directors and approved by the Board of Trustees of the Virginia Supplemental Retirement System elect to have teachers employed by it become eligible to participate in the retirement system. Acceptance of the teachers employed by such an employer for membership in the retirement system shall be optional with the Board and if it shall approve their participation, then such teachers, as members of the retirement system, shall participate therein as provided in the provisions of this chapter.

§ 51-111.38:2. The chief fiscal officer of the employer shall submit to the Board such information and shall cause to be performed in respect to the employees of the employer such duties as shall be prescribed by the Board in order to carry out the provision of this chapter.

§ 51-111.38:3. The employer contribution rate shall unless otherwise fixed by the Board be the normal and accrued contribution rate determined as provided in § 51-111.47 for members of the retirement system qualifying under § 51-111.10 (4). The contributions so computed shall be certified by the Board to the chief fiscal officer of the employer. The amounts so certified shall be a charge against the employer. The chief fiscal officer of each such employer shall pay to the State Treasurer the amount certified by the Board as payable under this article, including such charges as the Board may deem necessary to cover costs of administration, and the State Treasurer shall credit such amounts to the appropriate accounts of the retirement system.

EDUCATION

Public Schools—Virginia

Chapter 65 of the acts of the 1956 Extra Session of the Virginia General Assembly, approved September 29, 1956, authorizes the state Attorney General to render legal advice and assistance to county, city or town school boards with reference to the "commingling of the races" in the public schools.

CHAPTER 65

An Act to amend the Code of Virginia by adding a new section numbered 2-86.1, providing that the Attorney General shall render certain services to local school boards, and to appropriate funds.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a new section numbered 2-86.1, the new section being as follows:

§ 2-86.1. The Attorney General shall give such advice and render such legal assistance as he deems necessary, when requested so to do by resolutions adopted by a county, city or town school board, upon matters relating to the commingling of the races in the public schools of the State.

2. There is hereby appropriated out of the general fund of the State treasury to the office of the Attorney General for each year of the biennium beginning July one, nineteen hundred fifty-six, the sum of one hundred thousand dollars.