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# KINDERGARTEN LEGISLATION

By

NINA C. VANDEWALKER

ASSOCIATE SPECIALIST IN KINDERGARTEN EDUCATION  
BUREAU OF EDUCATION



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# KINDERGARTEN LEGISLATION

## INTRODUCTION

### NEED FOR ADDITIONAL SCHOOL LEGISLATION

The amount of legislation enacted for the improvement of school conditions during the past five years is one of the evidences that education is rising to higher levels. The people realize that better schools imply definite things—better buildings, trained teachers, a longer period of attendance, and newer methods of school procedure. They have learned, however, that these can not be had without added expenditure. The new legislation effected is a response in part to the need of larger revenues for school purposes, but a response also to the new sense of responsibility for giving children better educational opportunities than they have been given in the past. In addition to measures for securing larger funds, these programs have often included measures for the reorganization of the school courses and the extension of educational privilege to those either above or below the legal school age. In consequence, bills for the establishing of kindergartens, or for the better support of those already established, are frequently included.

The reasons for including these are not far to seek. The kindergarten has amply justified its place in the school system, and its underlying principle of utilizing children's activities as a means of education is now recognized as fundamental to the best work in all the grades. The new subjects added to the curriculum in recent years—art work, plays and games, dramatization, and music—are all of the active type. With work of this type in the grades, the kindergarten is readily recognized as constituting the right type of beginning. In view of these facts and of the importance now attached to the early years for educational purposes, the number of kindergartens is steadily increasing, and communities that do not yet have them are seeking to secure them, by legislation if necessary.

In the effort to secure the passage of kindergarten laws the efforts of the school authorities have been ably supported by the parent-teacher associations, the Federation of Women's Clubs, the child-welfare workers, and other organizations. In a number of States these

organizations have taken the initiative in this effort. In California the new type of kindergarten law known as the "Mandatory-optional" law was worked out and passed largely through the efforts of the parent-teacher associations and other women's organizations. The passage of this law has contributed to California's lead in the proportion of children of kindergarten age enrolled in kindergartens. The fact that New Jersey ranks high in the kindergarten column is also due largely to the interest and effort of the women's organizations. There are many other States in which the women's organizations have given valuable assistance in these and related lines.

#### DIFFICULTIES IN SECURING IMPROVED KINDERGARTEN LAWS

To secure the kind of legislation that a State should have is by no means an easy matter. All but four of the States now have kindergarten laws or provision of some kind by which kindergartens may be established. Some of these laws date back to the early years of the kindergarten movement in the United States and do not meet present ideas of what such laws should be. Connecticut and Vermont enacted kindergarten laws in 1886, and Indiana did so soon after. During the decade from 1890 to 1900 such laws were enacted in Michigan, Illinois, Ohio, Washington, New York, Pennsylvania, Wisconsin, California, Oregon, Colorado, Louisiana, Minnesota, Montana, New Jersey, and the District of Columbia. This increase was due in large part to the stimulus of the Columbian Exposition in 1893, since this had afforded opportunities for seeing kindergartens in operation and many exhibits of kindergarten work. Since 1900, all but four of the remaining States that needed legislation to enable them to organize kindergartens have secured it. There is a small group in which such legislation is unnecessary. The reasons for this are given further on. Some of the early laws have been materially improved in recent years. Some of the earliest ones, on the other hand, still meet the needs of their respective States. Quite a number, however, are in considerable need of improvement in one way or another. The kindergarten bills that one finds on present-day legislative programs are therefore nearly all bills for the improvement of existing laws.

As kindergarten laws vary materially in different States, the efforts for their improvement call for careful thought. It is evident that new laws should remedy the weakness of existing ones, but as these laws differ, an improvement upon an existing law in one State is not necessarily the improvement needed in another. The change to be made in each State should be a problem by itself into which the existing law and certain conditions in the State itself must enter as factors. In several States, for example, the law limits the establishment of kindergartens to a few of the larger cities. Since it is

hardly fair that the children in some communities should have privileges which those in other communities do not have, it is evident that the improvement sought for in such a case should be the broadening of the scope of the law. In others the law makes the establishing of kindergartens dependent upon the levying of a special tax for their support. Such a law makes the establishing of kindergartens difficult because of the general objection to special taxes. In this case the improvement needed is a better basis for the support of kindergartens. In still other States the work done in the kindergartens is poor because the law does not require adequate training on the part of kindergarten teachers. In this case the needed improvement is a higher requirement for the training of teachers. The laws of some States need strengthening in still other ways. The effort for strengthening these laws in a given State should be directed toward the remedying of those defects which cause unfavorable conditions in that State.

## Chapter I

### THE LEGAL SCHOOL AGE AS A FACTOR IN KINDERGARTEN LEGISLATION

One of the most important factors to be considered in the effort to improve kindergarten legislation is the legal school age in the different States. This varies materially. Three States have no fixed age for school entrance, and in the remaining ones it ranges from 4 years to 7. At the time when the kindergarten became known in the United States—in the late seventies and early eighties—the legal school age had been fixed in the States then in the Union. The main factor in determining this was the age at which children ordinarily learn the three R's, since instruction in these was the only type of education known at that time. The majority of children learn these at about the age of 6 years, and in consequence the majority of States set the school age at 6 years. These now number 29. One State has set it at 7 years. The remaining 18 evidently believed that children could profit by school instruction at an earlier age. Of these, 13 fixed the age at 5 years, and 1 at 4 years. The fact that three States have no fixed age for school entrance has already been stated.

### BEARING OF THE SCHOOL AGE UPON KINDERGARTEN ESTABLISHMENT

These facts have had an important bearing upon the acceptance of the type of education which the kindergarten represents and upon the character of the laws enacted by the States for their establishment. The kindergarten represents a new conception of education. According to this, education is far more than instructing children in the tools

of learning. It is the guidance of children's development in accordance with the interests and needs of the different stages through which they pass from infancy to maturity. According to this idea, the education of young children should begin with the organization of their activities, play and games, hand work of different types, dramatization and music, because these are the characteristic interests and activities of the years from 4 to 8. Work of this type should, in fact, precede and prepare for the customary instruction in the tools of learning. The work of the kindergarten is of just this character. It is intended for children of the preschool period and is a definite preparation for the customary instruction in the traditional school subjects.

The kindergarten type of education as constituting the right beginning of school work has been sanctioned by modern psychology and generally accepted throughout the country. Its application—i. e., making the kindergarten a part of the school—has been a slow process, because it involved legislation, increased expenditure, and more or less reorganization of the school work. Since the school age varies in the different States, the laws necessarily vary. In the States having a 6-year school age the passage of a kindergarten law meant that communities must provide school facilities for a new group of children—those from 4 to 6 years of age. In view of the ever-present desire to keep down school expenditures, it is deserving of comment that 25 of the 29 States in this group have passed laws to make the establishment of kindergartens possible.

#### PROBLEMS IN THE DIFFERENT STATES

In the States having a school age of less than 6 years the problem varied with the conditions. In these, public funds were available in whole or in part for children of kindergarten age. The question arose, however, whether these funds could be legally used for education of the kindergarten type. In some States there was nothing to prevent their being so used. In that case kindergartens could be established without legislation to that effect. In some the question whether the kindergarten type of education should be substituted for the customary first-grade type was left to the school authorities. In this case, also, legislation was unnecessary. In some States, however, the State constitution or laws already enacted prescribed the teaching of certain subjects which were not sufficiently covered by the work of the kindergarten. In these, legislation of some kind was needed to meet this difficulty. In the States having no fixed age of entrance or those in which it was 4 years, the funds available covered the entire kindergarten period—i. e., the period from 4 to 6 years. Since these children have a right to enter school, there was no need for legislation and no additional expense. In the States which have a 5-year age, the problem was still different. Here the question to be

decided was whether children should be given the year of kindergarten work only, since this could be provided from the funds available without additional expense, or whether they should be allowed the entire 4 to 6 year period by means of legislation which lowered the age to 4 years. This question has been answered differently by the different States in this group. In Iowa, Kansas, Nebraska, and New Hampshire no legislation has been enacted to allow children to enter school earlier than the legal age of 5 years. Of the other States in this group, Connecticut, Maine, Michigan, Minnesota, New Jersey, New Mexico, and New York have secured legislation allowing children to enter kindergartens at the age of 4 years. Mississippi, the remaining State in this group, has no kindergarten legislation.

**FACTS CONCERNING THE KINDERGARTEN LAWS OF THE DIFFERENT STATES**

The many inquiries received by the Bureau of Education concerning the kindergarten laws of the different States show the need of presenting the main features of these laws in a form readily interpreted. The following table has therefore been prepared as a response to the expressed need for such information.

*Kindergarten laws*

State	Legal school age	Age of kindergarten attendance	Where kindergartens are authorized	Sources of support	Permissive or mandatory
Alabama	6	5	Cities only	Local fund	Permissive
Arizona	6	4½ to 6	Any district	Special tax	Mandatory
Arkansas	6	No law secured	No law secured	None	
California	6	4½ to 6	Every district	Special tax	Do.
Colorado	6	3 to 6	Any school district	Local fund only	Permissive
Connecticut	5	4 to 7	Any town or district	Same fund as grades	Do.
Delaware	5	5	Special school district	Local fund	Do.
Florida	6	About 5	Any special tax district	Local fund; State funds may be used	Do.
Georgia	6	No law secured	No law secured	None	
Idaho	6	3 to 6	Any district	Local fund	Do.
Illinois	6	4 to 6	do	do	Mandatory
Indiana	6	4 to 6	Incorporated towns only	General fund (special tax optional)	Permissive
Iowa	5	5	Any independent school district	General fund	Do.
Kansas	5	4 to 6 5 to 7	Any school district Cities over 18,500	Local fund; some State funds	Permissive; mandatory in cities of first class
Kentucky	6	4 to 6	Cities only	General fund	Permissive
Louisiana	6	4 to 6	Not stated	Local fund	Do.
Maine	5	4 to 6	Any city or town	General fund	Mandatory
Maryland	6	No law secured	No law secured	None	
Massachusetts	Undetermined	School authorities decide	Not stated	General fund	No law needed because of low school age
Michigan	6	4 to 7	Every school district	do	Permissive
Minnesota	5	4 to 6	Independent districts	Local fund and State funds	Do.
Mississippi	5	No law secured	No law secured	None	
Missouri	6	5 to 6	Any school district	Local fund	Do.



## KINDERGARTEN LEGISLATION

## Kindergarten laws—Continued

State	Legal school age	Age of kindergarten attendance	Where kindergartens are authorized	Source of support	Permissive or mandatory
Montana	6	3 to 6	Any school district.	Local fund	Permissive.
Nebraska	5	5	do	Local and State funds.	No law needed because of low school age.
Nevada	Undetermined.	4 to 6	Every district	Local fund	Permissive.
New Hampshire	5	Undetermined.	Any school district.	do	No law needed because of low school age.
New Jersey	5	4 to 7	Any district	General fund	Permissive.
New Mexico	5	4 to 6	District having 200 pupils	Local fund	Do.
New York	5	4 to 6	Each school district and city.	General fund	Do.
North Carolina	6	Not more than 6.	Any district	Special tax	Do.
North Dakota	6	4 to 6	Any district; cities over 5,000.	Local fund	Permissive; mandatory in cities over 5,000.
Ohio	6	4 to 6	Any district	General fund	Permissive.
Oklahoma	6	4 to 6	Cities above 2,500.	Local fund	Do.
Oregon	6	Not stated.	School district having 20,000 children of school age.	do	Do.
Pennsylvania	6	4 to 6	Districts of first, second, third, and fourth classes.	Special tax	Do.
Rhode Island	Undetermined.	School authorities decide.	Not stated	General fund	No law needed because of low school age.
South Carolina	6	4 to 6	Any district	do	Permissive.
South Dakota	6	Not stated	Cities or towns	Local fund	Do.
Tennessee	6	School authorities decide.	Cities or towns	do	Do.
Texas	7	5	Any school district.	do	Mandatory.
Utah	6	4 to 6	Cities of first and second classes.	do	Permissive.
Vermont	6	Under 5	From districts	do	Do.
Virginia	6	Under 6	Any school district.	do	Do.
Washington	6	4 to 6	Districts of first and second classes.	General fund	Do.
West Virginia	6	4 to 6	District or independent district.	Local fund	Do.
Wisconsin	4	4 to 6	Any school district except Union Free High School.	General fund	Mandatory.
Wyoming	6	4 to 6	Any school district.	Local fund	Permissive.

## Chapter II

## AGE FOR ATTENDANCE—WHERE KINDERGARTENS MAY BE ESTABLISHED

In four States the age for entering kindergartens is undetermined; in three it is 3 years; in twenty-four, 4 years; in two, 4½ years; in six, 5 years, and in four the age is not stated. Is the fact that 24 States have set 4 years as the age at which children are allowed to enter kindergarten an argument for the few others to establish the same age?

This question is bound up with the larger one of the length of time it is best for children to remain in kindergarten. On this question there are differences of opinion. Should it be one year only, to correspond with the time that children ordinarily spend in the other grades, or should it be for a longer period? The one-year plan—i. e., postponing entrance until the age of 5 years—is likely to be favored by school authorities because of its greater economy. Some teachers advance another argument—that the children's interest in the work of the kindergarten is exhausted in a year's time, and that they wish to go on to a different kind of work at the end of the year, as the children in the other grades do. This is true only when the work is formal in character and practically alike for all, as it must be in the many overcrowded kindergartens of the larger cities. This argument ignores the fact that children who enter kindergarten at the beginning of a school year are by no means all on the same level of development, even though they may be of the same chronological age. In consequence, all would not be ready for promotion to the first grade any more than all of the first-grade children would be ready for promotion to the second. Because there are marked differences between children's mental ages and their chronological ages, children should be classified into rapid, medium, or slow moving groups upon entering either kindergarten or first grade, and the work adjusted to their ability. If children are not allowed to enter kindergarten until the age of 5, the slow-moving group will not be ready for promotion to the first grade at the age of 6 years and will therefore be over age at the beginning of the customary grade work. One of the recognized causes of failure in the first grade is lack of development on the part of children. To bring about the development of the children's intelligence is one of the main purposes of kindergarten education. True development can not be hurried but must be a matter of growth. Setting the age at which children may enter kindergarten at 4 instead of 5 years, so that they may attain the degree of development which will insure successful work in the grades, is therefore often the truest economy. This is particularly true in districts in which children do not speak the English language.

An entering age of 4 instead of 5 years, is desirable for even more fundamental reasons. Modern psychology shows the early years to be of great importance from the standpoint of formation of physical and mental attitudes and habits and the elements of character and personality. These years have been neglected both in the home and in the schools, but are now in the focus of public attention. It is because of the emphasis on these years that nursery schools are being organized, and that the kindergarten is receiving increased recognition. If the kindergarten is to function as it should in the modern school, its opportunities should be available to children at an early period.

## RESTRICTIONS ON KINDERGARTEN ESTABLISHMENT

In a number of States the establishment of kindergartens is restricted by conditions of population. In at least eight States this establishment is specifically limited to cities of varying sizes. In a few the school board "of any town or district has power to establish and maintain free kindergartens." In other States the establishment of kindergartens is possible only in "special districts" or "independent districts." The former are defined by one State authority as "large centers of population" having certain defined powers. The latter is defined by another State authority as "a district organized under a special act of the legislature, and therefore having power peculiar to itself." Both are therefore cities, in effect. In the majority of States the school board of "any district" or "every district" is empowered to establish and maintain kindergartens, but in many cases a town or village is implied. Still additional differences will be found by a more detailed study of the data. The fact stands out that kindergarten facilities are practically available to city children only. This is not surprising, since it is in cities mainly that a large enough number of children to warrant the organizing of a kindergarten will be found. But why should the children of a few cities be favored over those of others? In one State kindergartens may be established only in cities having 20,000 children of school age enrolled. This limits kindergartens in that State to one city only. In another they may be established only in those having a population of over 18,500. This limits the number to five or six. In another they may be established only in cities of 2,500 or more, and in another only in cities of the first, second, third, and fourth classes. It is not difficult to see why States should differ in such a matter as this, but it is difficult to see why a given State should favor some communities as compared with others. In this respect many of the laws need improvement.

This improvement is needed for a particular reason at this time, because the organization of consolidated rural schools is providing opportunities for children of kindergarten age. Kindergartens have been organized in a number of such schools, and should be organized in many more. In some cases, this provision is prevented by the kindergarten law. This is true in the States in which kindergartens may be established in cities only and in those whose law requires a given number of children to reside *within a mile from an elementary school*. This phase of a kindergarten law should be noted by those who are seeking to provide kindergarten facilities for a larger number of children.

## Chapter III

### SOURCES OF SUPPORT

The laws of the several States differ materially in the sources from which the support of the kindergartens is derived. In this respect the States fall into three main groups. In those of the first group, some six or eight in number, the support is derived from a special tax. In those of the second, a much larger number, it is derived from the special school fund of the school district. In those in the third it is derived from the general school fund of the district—i. e., from the school fund raised by local taxation plus a portion of the fund derived from State and perhaps county taxes. As it is in the matter of support that the laws of many States need changing, if the kindergarten is to be an organic part of the school system this phase of the law in these different groups of States needs consideration.

#### SUPPORT BY SPECIAL TAXES

This phase of the law in the first group of States is shown by the following quotation from the law of Pennsylvania:

The board of school directors of each school district, in addition to all other taxes authorized to be levied by the act to which this is an amendment, may levy an annual tax for the establishment and maintenance of kindergartens, not to exceed 2 mills on the dollar of the assessed valuation of taxable property in the district. Such taxes, when levied, shall be kept in a separate fund and shall be used only for the purpose for which they were levied. If at the end of any school year all the kindergartens in any district shall be discontinued, the board of school directors may transfer any moneys in such fund to the general fund for the support of the public-schools in the district.

The laws of the other States in this group are of the same general character, the main difference being in the amount of the tax that may be levied upon \$100 of taxable property. In Pennsylvania this is 2 mills. In Arizona no definite amount is stated, but it must be sufficient to pay the expenses of teachers' salaries and of the material and equipment needed. In California the amount must not exceed 15 cents. In Indiana provision for a special tax is made apparently as a safety device only. After authorizing the establishing of kindergartens, "the expenses of which shall be paid in the same manner as the other grades," the law states that "the school authorities may, in fixing the annual levy of taxes for school purposes, include therein not to exceed 2 cents on \$100 of taxable property," for this purpose. In North Carolina it must not be more than 15 cents on \$100 worth of property and 55 cents on the poll. The law of Nevada makes provision a special tax, "not to exceed 25 cents on the \$100 of

assessed valuation" for the establishment, equipment, and maintenance of kindergartens, *if sufficient funds for the same are not available in the school funds of the district.* The variation in the tax is therefore seen to range from 2 mills on \$100 of taxable property in the first-named State to 25 cents in the last one.

#### LOCAL DISTRICT FUNDS

The provision for kindergarten support in the second group of States is on a different basis. This is shown by the following quotation from the Colorado law:

The school board of any school district in the State shall have power to establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between 3 and 6 years of age residing in the district: *Provided, That nothing in this act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of the State and county school funds among the several counties and districts in the State: Provided further, That the cost of establishing and maintaining kindergartens shall be paid from the special school fund of said district, and the said kindergartens shall be a part of the school system and governed as far as practicable in the same manner and by the same officers as is now, or hereafter may be, provided by law for the government of the other public schools of the State.*

An examination of the table on page 5 shows that this type of support is characteristic of a number of States. In several of these the wording of the law is almost identical with that above given. In some the source of support is not given in the law itself, but the inference that it is of this character is vouched for by the school authorities of the State. The point to note in these is that the support comes from the local fund of the district only. The significance of this will be recognized by the difference between these laws and those of the next group.

#### GENERAL SCHOOL FUND

The States in the third group are fewer in number than those in the second, and there is less uniformity in the laws that express the type of support given. The following quotation from the New Jersey law shows the distinctive features of these:

The expenses of kindergarten schools or departments shall be paid out of any moneys available for the current expenses of the schools and in the same manner and under the same restrictions as the expenses of the other schools or departments shall be paid.

The States belonging to this group are shown by the table on page 5. The fact that they belong here is not clearly indicated by the law itself in some States, but it is shown in some cases by a study of the law in its larger setting and in others by a statement of

the superintendent of public instruction. From the standpoint of the sources of support, Massachusetts, Nebraska, and Rhode Island should be placed in this class. These three States have no specific kindergarten law, because the age at which children in these States may enter public schools is as low as 5 years, and the kindergarten may therefore be maintained as a part of the school system.

#### COMPARISON OF TYPES OF SUPPORT

A comparison of the laws of these different groups of States in respect to the support of kindergartens shows that they vary materially in this as well as in the other points discussed. These variations raise many questions. From the standpoint of those who wish to see the opportunities which the kindergarten affords extended to the largest possible number of children, the laws of both the first and second groups need considerable change. The special tax plan suggests the attitude of the early years of the kindergarten movement instead of that of the present. At that time the kindergarten was still in the experimental stage so far as its value to the school as a whole was concerned. In consequence, those who framed the laws apparently felt obliged to exercise caution lest public funds for the support of kindergartens be secured too easily. The special tax for their support implies that the kindergarten is not an essential part of the school but is an educational luxury to be allowed such communities as are themselves willing to foot the bills. Not being considered an organic part of the school, the relation between the kindergarten and the school as a whole is a loose one. The fund for their support being separate from the general school fund, kindergartens can be attached to or detached from the school at any time without special disturbances, either to the curriculum or to the school finances. This looseness of relation between the kindergarten and the school as such is a source of weakness. The continuance of the kindergartens established is not assured, since the special tax that makes their continuance possible must be voted separately each year. This uncertainty, in addition to the looseness of the relation between the kindergarten and the remainder of the school, prevents the kindergarten from functioning as it should and does in the modern school. According to present-day educational thought, the active type of work which is characteristic of the kindergarten should not be dropped at the age of 6 years and formal instruction in the tools of learning taken up instead. The period from 4 to 8 years is psychologically one period, and the active type of work adapted to the earlier of these years should prepare for and lead into the more formal work of the later ones without a break

between them. To the extent that it prevents a unified sequence of work for this whole period, to that extent is the special tax plan out of harmony with present day educational ideals. In view of these objections it is perhaps fortunate that the number of States in this group is small. It is significant that in two of these the special tax is hardly more than an emergency provision.

The laws of the second group of States seem to be free from the objections that apply to those of the first one. In these the modern conception of the kindergarten is implied in the statement concerning its relation to the remainder of the school. They are open to criticism from the modern standpoint, however, in the matter of support, since they state definitely that this must come from "the school fund of the district only." This fund is usually smaller than the general fund, since the latter ordinarily includes appropriations from the State and county. Support from the local fund only, therefore implies less favorable conditions for the kindergarten than for the grades. To the extent that the laws under discussion imply that the kindergarten is not an organic part of the school, as indicated by a less adequate support, to that extent are they lower in rank than those of the third group. In these, the kindergarten is recognized as an integral part of the school, in fact as well as in name, since it is on the same footing as the other grades as to the financial support and the organization of its work. In these States, therefore, the conditions are such as to enable the kindergarten to function effectively as a preparation for the work of the grades.

#### STATE CONTRIBUTIONS

In order to make entirely clear the difference between the support of the kindergartens from the local funds only and that from the general school fund, it is necessary to consider certain fundamental facts in the financing of the schools in general. According to figures compiled by the Bureau of Education for 1920, the proportion of school revenues provided in the country as a whole by three important units—the State, the county, and the local district—were 16.8 per cent, 11.4 per cent, and 71.8 per cent, respectively.

These figures make it possible to indicate in principle how the laws under consideration affect the matter of kindergarten support in the groups of States here referred to. For the sake of the discussion it will be assumed that these proportionate amounts represent a State instead of the country at large. If the law states that the cost of kindergartens is to be paid from the special school fund of the district only, and the law is carried out according to the letter, the kindergarten children would share equally with the other children in

the 71.8 per cent of the local school fund of the district referred to in the preceding paragraph. In the balance of that fund—the 16.8 per cent contributed by the State and the 11.4 per cent contributed by the county—the kindergarten children would not share, because the law specifically states that the support is to come from the local fund only. If the law allowed the support to come from the general school fund, however, the kindergarten children would share in the amounts contributed by the State and county also, as would those in the grades. The latter type of law therefore represents the modern conception of the kindergarten as an integral part of the school, entitled to the same support as that of the grades.

These conclusions concerning the support of the kindergarten from the local school funds only are based on the supposition that the laws are carried out according to the letter. Fortunately for the kindergarten, however, the limitations which these laws impose are to some extent counteracted by the powers vested in local school boards in the matter of using the State appropriations. Although these may not be used for the support of kindergartens, the school authorities may, if they wish, use such a proportion of the local funds as they deem necessary to support them adequately. If a State should devote its appropriations to the raising of the teachers' salaries, the restrictions in the kindergarten law might exclude the kindergarten teachers from a share in this, but the local authorities might make this up also from the local fund. In some States the appropriations are made on the basis of the average daily attendance. In this the kindergarten children would not be included, because of these same restrictions, unless their inclusion was especially specified. Here also the local fund could be drawn upon to make up the deficit. Should the authorities be unwilling to make these apportionments, the work of the kindergarten would be seriously handicapped. It is therefore evident that the restrictions of the kindergarten law make it difficult to give kindergarten children privileges that correspond to those of the grades, even though school boards are willing to do all they can. If they are given equal opportunities, it is not because of the law, but in spite of it. These laws are therefore negative and restrictive, instead of positive and constructive. From the modern viewpoint, therefore, they are in need of considerable revision.

These facts concerning this group of laws should receive attention at the present time because of certain tendencies in school legislation. In recent discussions concerning the financing of the schools, the proportionate amounts contributed by the local districts and the State and county have played an important part. The great variation in the amounts contributed by the several States is shown by the following tables:

*Proportionate amounts of school revenue contributed by the States in 1920*

	Per cent		Per cent
Alabama .....	51.3	Nebraska .....	6.6
Arizona .....	18.7	Nevada .....	26.6
Arkansas .....	23.7	New Hampshire .....	8.7
California .....	20.4	New Jersey .....	35.6
Colorado .....	9.0	New Mexico .....	17.6
Connecticut .....	12.3	New York .....	12.1
Delaware .....	55.3	North Carolina .....	30.1
Florida .....	7.2	North Dakota .....	12.1
Georgia .....	43.5	Ohio .....	7.3
Idaho .....	9.7	Oklahoma .....	7.5
Illinois .....	8.7	Oregon .....	4.8
Indiana .....	10.6	Pennsylvania .....	15.9
Iowa .....	1.5	Rhode Island .....	5.2
Kansas .....	2.3	South Carolina .....	15.8
Kentucky .....	37.1	South Dakota .....	16.6
Louisiana .....	24.5	Tennessee .....	17.8
Maine .....	35.6	Texas .....	54.0
Maryland .....	41.6	Utah .....	31.5
Massachusetts .....	12.3	Vermont .....	33.1
Michigan .....	17.1	Virginia .....	36.7
Minnesota .....	19.5	Washington .....	18.1
Mississippi .....	52.1	West Virginia .....	6.4
Missouri .....	11.9	Wisconsin .....	15.6
Montana .....	9.9	Wyoming .....	24.3

**SHIFTING THE BURDEN OF SUPPORT**

In view of the different degrees in which this table shows that the States contribute to support of education, it is not surprising that students of school administration should urge a shift of the burden of school support from the local district, where it now rests, to the larger units, State and county. This is urged because public education is conceived as fundamentally a State function, and it is held that adequate educational opportunity can be secured only through a much larger participation in school support by the larger units, particularly the State. In consequence there is now a tendency toward larger State contributions, and a number of States have appreciably increased their school tax rates or appropriations in recent years. Arizona, California, Utah, Washington, Georgia, Louisiana, Virginia, and Texas made marked increases in their appropriations for school purposes in 1920.

This movement will mean much to the progress of public education. The kindergarten will share in this progress only as it is placed on the same basis as the grades in the matter of support. To bring about the changes in the laws of the States that do not yet place it upon that basis is one of the tasks for the friends of the kindergarten to undertake.<sup>1</sup>

<sup>1</sup> The author wishes to acknowledge the valuable assistance given by Mr. William R. Hood, assistant specialist in school legislation, in securing the data for this chapter.

## Chapter IV

## THE MANDATORY-ON-PETITION TYPE OF LAW

A study of the table on page 5 shows that kindergarten laws differ in another respect also. This is indicated by the terms "permissive" and "mandatory," used in the last column of the table. Just what do these mean, and how do the laws thus designated differ in their application? A permissive law is one that permits or authorizes school boards to establish and maintain kindergartens in their respective communities under certain conditions. It was the only type of kindergarten law known until 1913, when the people of California devised a new type of law—the one to which the term "mandatory-on-petition" has been applied.

The essential feature of this type of law is that it is not the school authorities but the parents of children of kindergarten age who decide whether or not kindergartens shall be established and maintained. The law, in fact, makes the petitions of such parents a mandate with which school boards must comply.

## TYPICAL MANDATORY-ON-PETITION LAWS

## THE CALIFORNIA LAW

The board of education of every city, city and county, or the board of school trustees of every school district in this State, must, upon petition of the parents or guardians of 25 or more children between the ages of 4½ and 6 years, residing within 1 mile of any elementary-school building situated in such city, city and county, or school district, establish and maintain a kindergarten or kindergartens: *Provided*, That the order of the board establishing such kindergarten or kindergartens shall be made only between the 1st day of June and the 1st day of August in any year: *And provided further*, That after the first year in which any kindergarten or kindergartens shall have been established and maintained, the number of kindergartens which shall be maintained in any city, or city and county, or school district, during any particular school year, shall be determined by the governing body of the schools of such city, city and county, or school district.

*Must estimate kindergarten tax.*—The board of education of every city, city and county, or the board of school trustees of every school district in which a kindergarten is established under the provisions of this act must, at least 15 days before the 1st day of the month in which the board of supervisors is required by law to levy the taxes required for county purposes, submit to the county superintendent of schools an estimate of the amount of money which will be required for the maintenance of any kindergarten or kindergartens in their several school districts for the ensuing school years.

*Tax not to exceed 15 cents on each \$100 of taxable property.*—The county superintendent of schools shall thereupon examine said estimate and submit copies of the same, with his approval or disapproval indorsed thereon, to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the current year. If the county superintendent of schools approved such estimate, the board of supervisors shall, at the time and in the manner of levying other taxes, levy and cause to be collected, in the

several school districts for which estimates have been submitted and approved as herein provided, the amount so estimated and approved. The fund so levied shall be known as the kindergarten fund of ----- school district, as the case may be, and shall be available for the maintenance of the kindergarten or kindergartens established under the provisions of this section, and the moneys drawn from such fund shall be paid out in the same manner as the moneys from State and county school funds for the maintenance of the elementary schools are drawn and paid out. If the average daily attendance in any kindergarten in any city, city and county, or school district shall be 10 or less for the school year, the governing body of such city, city and county, or school district shall at the close of such school year discontinue such kindergarten. In case a city, city and county, or school district maintains but one kindergarten, should such kindergarten be discontinued as provided by this section, the funds of such kindergarten shall immediately revert to the elementary schools of the city, city and county, or school district in which said kindergarten has been located; and in the case any city, city and county or school district maintains two or more kindergartens, the property and funds of a kindergarten which has been discontinued shall revert to the kindergarten or kindergartens which are still in operation in said city, city and county, or school district. The rate of taxation which may be levied for the support of kindergartens in any one year shall not exceed 15 cents on the \$100 of the taxable property of such city, city and county, or school district; and such tax for the support of the kindergarten or kindergartens shall be in addition to any other tax which may be levied for the support of the public schools.<sup>1</sup>

*Effect of this law on kindergarten progress.*—The enactment of this law was a great stimulus to kindergarten progress in California and was one of the contributing factors in the marked growth of the kindergarten movement in the State in recent years. This growth is shown by the following figures. In 1912 the Bureau of Education reported the kindergarten situation in California as follows: Number of cities having kindergartens, 20; number of kindergartens, 149; number of children enrolled, 10,910. When the law had been in operation for one year it was found that the number of cities had increased to 25; the number of kindergartens to 197; and the number of children enrolled in these to 14,623. By 1915, one year later, the number of cities had risen to 45; the number of kindergartens to 316; and the number of children to 17,697. These figures show California to have risen from the ninth to the first rank in the proportion of children of kindergarten age enrolled in kindergarten from 1912 to 1918. This rank it has continued to hold.

#### THE KANSAS LAW

The passage of this law in California served as a stimulus to other States to attempt similar legislation, and mandatory-on-petition

<sup>1</sup> Kindergarten schools are district schools. They receive no money from the State or county.

kindergarten bills were introduced into the legislatures of many States in the years immediately following. Such bills were enacted into laws in seven additional States. In order to give a clear idea of the essential features of the mandatory-on-petition type of law the text of two others is also given. The first of the two, Kansas, had enacted a permissive law several years before which permitted the establishment of kindergartens for children between the ages of 4 and 6 years in any school district. The support of these was from the local fund. The mandatory-on-petition law was enacted in 1921 to supplement the permissive law. It will be noted that this law differs from the earlier one in the age at which the children are allowed to enter and in its scope. The law is as follows:

SECTION 1. That whenever the parents or guardians of 40 or more children between the ages of 5 and 7 years, living within a city of the first class having a population of more than 18,500, and within the territory served by an elementary school therein, under the control and management of the board of education, shall petition such board for the organization and maintenance of a kindergarten in such school, the said board of education shall establish and maintain free kindergartens in connection with the public schools of said city for the instruction of children between the ages of 5 and 7 years residing within the territory covered by the petition in said city, and shall establish such course of training, study, and discipline, and such rules and regulations governing such kindergarten schools as said board may deem best: *Provided*, That the cost of establishing and maintaining such kindergartens shall be paid from the school fund of said cities, and the said kindergartens shall be a part of the public-school system and governed as far as practicable in the same manner and by the same officials as provided by law for the government of the other public schools of the State: *Provided further*, That no person shall be employed as a teacher in such kindergarten schools who has not completed a two years' course of kindergarten training for teachers: *Provided further*, That any person who shall complete the course of training for kindergarten teachers at the State normal school or its auxiliaries shall be entitled to teach in the kindergarten schools of this State: *Provided further*, That the provisions of this act shall not apply in any city where the territory to be served by any such free kindergarten shall have less than 40 children between the ages of 5 and 7 years residing within such territory.

#### THE WISCONSIN LAW

The third law selected, that of Wisconsin, differs from the other two in one important respect—the source of support for the kindergarten. It is like the first one in taking the place of a former law, instead of supplementing an existing law as the second one does. It is as follows:

The school board or board of education of any school district however organized, union free high school districts excepted, shall upon petition of the parents or guardians of 25 or more children more than 4 and not more than 6 years of

age establish and maintain a kindergarten in charge of a legally qualified kindergarten teacher for the instruction of said children. In case such district maintains two or more school buildings, the parents or guardians heretofore mentioned shall reside not more than 1 mile from the building in which it is proposed to establish the kindergarten. When a kindergarten shall have been established as hereinbefore provided, it shall constitute a part of the common public schools of the district, and the taxes for maintenance of such kindergarten shall be levied and collected in the same manner as other taxes are levied and collected for the support of the common schools. When a kindergarten shall have been established, it shall not be discontinued unless the enrollment for the preceding year shall have been less than 15.

#### COMPARISON OF THESE THREE LAWS

A comparison of these three laws shows that, although all are classed as mandatory-on-petition laws, they differ in other important respects and are by no means equal in value. One of the differences is the age at which children are allowed to enter. In one this is 4 years, in another  $4\frac{1}{2}$  years, and in another 5 years. The laws differ also in scope, two allowing the establishment of kindergartens in any district and the other limiting this to a few cities of the first class only. The laws differ also in the provision for the support of the kindergartens, only one of the three placing this upon the same basis as the grades. It is therefore apparent that the mandatory-on-petition feature which these three laws have in common does not, in and of itself, make a law all that it should be. This feature is of value since it stimulates the parents' interest in their children's education and makes it function for the betterment of the school, but a law requires the other features—the right type of support and adequate scope—to make it measure up to modern standards. This fact was evidently overlooked by many of those who sponsored the mandatory-on-petition laws now on the statute books, since only two of the eight laws thus far enacted have the type of support that gives equal opportunities to the children in the kindergarten and the grades.

The increase in the number of kindergartens that followed the enactment of the mandatory-on-petition law in California created the impression that the enactment of such a law in other States would result in a like strengthening of the movement in those States. This expectation has been realized to a limited extent only, in part because the conditions in some of these States were not such as to make a large increase possible and in part because the law as such does not contain all the elements needed for real growth. To that larger growth of the movement a better knowledge of the kindergarten laws in their relation to the whole educational situation will be a contributing factor.

## Chapter V

URBAN AND RURAL CONDITIONS AND THEIR BEARING UPON  
KINDERGARTEN PROGRESS AND LEGISLATION

The marked differences among the States in the degree to which the kindergarten has been adopted as a part of the school system are shown by comparing the status of the kindergarten in two groups of States, the first group consisting of the five States that have the highest kindergarten ratings, and the second of those that have the lowest ratings. The first group includes California, New Jersey, New York, Michigan, and Rhode Island. In these the percentages of the children from 4 to 6 years of age enrolled in kindergarten are 32.9, 29.1, 29.0, 25.9, and 25.4, respectively. The second group includes Mississippi, North Carolina, West Virginia, Arkansas, and Idaho. In these the kindergarten percentages are 0.65, 0.63, 0.3, 0.2, and 0.1, respectively.

Such differences raise many questions on the part of those who are interested in providing kindergarten facilities for a larger number of children in their own States. One of the reasons for the differences is that the kindergarten laws of certain States are better than those of others. A larger factor is that some States have a much larger urban population than others. According to the Twentieth Census the proportion of the urban population varies from 97.5 per cent in Rhode Island to 13.4 per cent in Mississippi. The five States named as having the highest proportion of children from 4 to 6 years of age enrolled in kindergarten are all States that have a large urban population. The majority of the cities in these States have established kindergartens as a part of the school system. The kindergarten enrollment is therefore large and the rating of the State high. The five States having the lowest percentage of children in kindergarten are those whose rural population is large. In these the cities are relatively few and small. Even though they may have kindergartens, the number of children enrolled in them is necessarily small in proportion to the number of children of kindergarten age for whom no kindergarten privileges can be provided. In consequence the kindergarten rating of the State is low also.

The fact that the character of a State as either predominately urban or rural has a bearing upon the progress of the kindergarten in that State is being recognized in some degree, and many requests for information upon the subject are received by the bureau. In order to give the information that the requests cover, two tables containing two sets of facts are presented for study and comparison.

## KINDERGARTEN LEGISLATION

## Proportion of urban and rural population in the different States

State	Urban	Rural	State	Urban	Rural
Rhode Island	97.5	2.5	Arizona	35.2	64.8
Massachusetts	94.8	5.2	Kansas	34.9	65.1
New York	82.7	17.3	Louisiana	34.9	65.1
New Jersey	78.7	21.3	Texas	32.4	67.6
California	68.0	32.0	Nebraska	31.3	68.7
Illinois	67.9	32.1	Montana	31.3	68.7
Connecticut	67.8	32.2	Vermont	31.2	68.8
Pennsylvania	64.3	35.7	Wyoming	29.6	70.4
Ohio	63.8	36.2	Virginia	29.2	70.8
New Hampshire	63.1	36.9	Idaho	27.6	72.4
Michigan	61.1	38.9	Oklahoma	26.6	73.4
Maryland	60.0	40.0	Kentucky	26.2	73.8
Washington	55.2	44.8	Tennessee	26.1	73.9
Delaware	54.2	45.8	West Virginia	25.2	74.8
Indiana	50.6	49.4	Georgia	25.1	74.9
Oregon	49.9	50.1	Alabama	21.7	78.3
Colorado	48.2	51.8	Nevada	19.7	80.3
Utah	48.0	52.0	North Carolina	19.2	80.8
Wisconsin	47.3	52.7	New Mexico	18.0	82.0
Missouri	46.8	53.2	South Carolina	17.5	82.5
Minnesota	44.1	55.9	Arkansas	16.6	83.4
Maine	39.0	61.0	South Dakota	16.0	84.0
Florida	36.7	63.3	North Dakota	13.6	86.4
Iowa	30.4	69.6	Mississippi	13.1	86.9

## Children of kindergarten age enrolled in kindergartens

State	Number of children 4-5	Children enrolled in kindergarten	Per cent enrolled	Rank of State
California	119,758	39,384	32.9	1
New Jersey	140,849	40,925	29.1	2
New York	414,363	116,094	28.0	3
Michigan	164,763	42,645	25.9	4
Rhode Island	21,592	6,160	28.4	5
Connecticut	62,186	18,248	29.3	6
Wisconsin	118,481	28,903	24.4	7
Illinois	273,763	62,017	22.7	8
Minnesota	109,701	20,502	18.7	9
Missouri	134,546	22,841	17.0	10
Massachusetts	135,548	24,793	18.3	11
Colorado	37,996	5,296	13.9	12
Nebraska	57,381	7,958	13.9	13
Indiana	118,211	14,368	12.2	14
Iowa	100,354	11,921	11.9	15
Ohio	229,693	27,905	12.2	16
Nevada	2,829	330	11.6	17
New Hampshire	16,735	1,936	11.6	18
Arizona	17,063	1,625	9.5	19
Utah	24,337	2,018	8.3	20
Maine	29,803	1,980	6.6	21
Pennsylvania	411,027	28,751	6.9	22
Montana	27,892	1,665	6.0	23
Kansas	73,686	4,375	5.9	24
Maryland	59,291	3,703	6.2	25
Louisiana	88,302	4,255	4.7	26
Washington	53,241	2,332	4.4	27
Wyoming	9,223	394	4.3	28
Oklahoma	104,049	3,792	3.6	29
South Dakota	31,003	1,123	3.6	30
Kentucky	117,770	3,881	3.3	31
Texas	228,419	6,245	2.7	32
Florida	46,066	1,021	2.2	33
Vermont	13,743	299	2.1	34
Oregon	30,338	635	2.1	35
North Dakota	38,801	593	1.5	36
Virginia	112,983	1,725	1.5	37
Alabama	127,393	1,630	1.3	38
Delaware	8,497	124	1.5	39
Georgia	152,269	2,093	1.4	40
Tennessee	114,450	1,011	.9	41
South Carolina	96,778	770	.8	42
New Mexico	19,145	131	.7	43
Mississippi	92,474	601	.6	44
North Carolina	148,591	936	.6	45
West Virginia	79,842	266	.3	46
Arkansas	90,676	230	.3	47
Idaho	22,269	18	.1	48

### HIGH KINDERGARTEN RATINGS IN STATES LARGELY URBAN

The tables show the proportion of children of kindergarten age enrolled in kindergartens in the different States. The States having a high kindergarten rating are in the main those having a large urban population, and those having a low kindergarten rating are the ones that have a large rural population. There are exceptions, however. Delaware and Oregon are illustrations. Both are well toward the top of the list in the proportion of their urban population, but near the bottom in the proportion of children of kindergarten age enrolled in kindergartens. There are several other States whose kindergarten rank is lower than their urban population, but not significantly lower.

There are several States also whose kindergarten rank is quite above their urban population rank. This is particularly true of Nevada, which is forty-first in the proportion of its urban population but seventeenth in the proportion of children of kindergarten age enrolled in kindergartens. Among the others of which this is true are California, which is first in the proportion of children of kindergarten age enrolled in kindergartens and sixth in the proportion of its urban population; and Michigan, which ranks fourth from the kindergarten standpoint and eleventh from the urban population standpoint. In their kindergarten rating Wisconsin and Minnesota are also considerably ahead of their population rating. A study of the table will show, however, that in spite of these exceptions there is a definite relation between the proportion of the urban population and the degree to which the kindergarten has been established.

### KINDERGARTEN FACILITIES PROVIDED THROUGH CONSOLIDATED RURAL SCHOOLS

In the urban States kindergarten facilities can be provided for children without difficulty through their city systems. In the rural States the great majority of children are in rural schools, in which, until recently, kindergartens were impossible. Life in the rural districts is undergoing great changes at the present time. The rural mail, the automobile, and the radio have taken the farm home out of its isolation and given its members a share in the world's life. In these larger opportunities the children share. The one-room rural school, with its untrained and underpaid teacher, has been replaced by the consolidated rural school, which in equipment, the training of the teacher, and the salary paid her afford the farm children opportunities that equal those of city children. In such schools the needs of the young children can be met by the organization of kindergartens.

The establishment of kindergartens in rural communities is by no means new. One of the marked features in the progress of the kindergarten movement during the past few years has been the increas-

ing adoption of kindergartens in small communities that are classed as rural—those having a population less than 2,500. These kindergartens have been organized in response to a recognized need in the lives of the children—the need for organized play, the development of skill in the use of the hands, and for songs, pictures, and stories suited to their stage of development. If the kindergarten is of value for children of such communities because it meets these needs, it is of far greater value for the young children in the consolidated schools of the open country. Farm children in particular need the companionship of children of their own age, which the kindergarten provides, in order to learn the important lesson of adjustment to and cooperation with others. In order to see that life is more than a round of daily toil, they need to have their hearts and minds awakened to the wonders of the plant and animal world about them. They need the interpretation of that life and their own, which the stories, pictures, and songs of the kindergarten provide. They need the satisfaction that comes from learning how to make their own toys. The consolidated school has been evolved to give the children in rural districts something better than “the little red schoolhouse” can give, and it is doing this for the older children with marked success. By the organization of kindergartens or kindergarten-primary departments with kindergarten-primary trained teachers in charge, it will give the youngest children their share in the better things that modern education affords. The matter of transporting children of kindergarten age to a school some distance away presents difficulties, but none so serious that they can not be overcome. No inquiry has been made concerning the number of consolidated schools that have kindergartens, and they are probably few as yet, since the movement for consolidation is still quite new. There are known to be such in Connecticut, Florida, Michigan, and Iowa. The last-named State seems to have taken the lead in the matter, since its directory shows kindergartens to have been established in 18 such schools located in 15 different counties.

There are doubtless many other States in which kindergartens could be organized in consolidated schools with little effort in the next few years. Before kindergartens could become general in such schools, however, some States would have to enact new laws and others would have to change existing ones. A study of the table on page 5 shows that Arkansas, Georgia, Maryland, and Mississippi have no kindergarten laws. In consequence no kindergartens could be organized in consolidated schools. The table shows also that there are 15 States which have kindergarten laws, but that these laws limit the establishing of kindergartens to cities, incorporated towns, and special or independent districts. In consequence there could be no kindergartens in the consolidated rural schools. In the first group

of States mentioned the first step toward the securing of kindergartens in these schools would necessarily be the enactment of a kindergarten law in each. In the second group it would be to secure the broadening of the scope of the several laws to allow of the establishing of the kindergartens in consolidated schools.

#### EXPERIMENTS WITH KINDERGARTENS<sup>o</sup> IN CONSOLIDATED RURAL SCHOOLS

These facts need not delay the whole movement of providing children in rural districts with the advantages which the kindergarten affords, however, since there are at least 20 States in which the kindergarten law is such as to permit the establishing of kindergartens in "any district" or "every district." Which States these are can be learned from the table already referred to. These States would therefore afford an opportunity for experimenting with the kindergarten in the consolidated schools and to study the problems which the new conditions would create. The greatest problem would doubtless be that of transporting children of kindergarten age to and from the school building, perhaps several miles away. The distance would probably make it necessary for the young children to remain at the school building all day. These and others problems that would doubtless develop can not be solved in advance.

Because of the problems involved in the establishment of such kindergartens, the experiments in question would naturally be made first in the States and communities in which the conditions are favorable—those in which kindergartens in rural communities are permitted by law and in which consolidated schools are in successful operation. Because the movement for school consolidation holds such possibilities for kindergarten extension, those interested in bringing the advantages of the kindergarten to rural children should inform themselves concerning the movement as a whole and its progress in the different States. Such information can be found in condensed form in Bulletin, 1923, No. 41, entitled "Consolidation of Schools and Transportation of Pupils." The consolidated school movement as a whole is an effort to provide for the children in the rural States and districts educational opportunities equal to those that city schools furnish. This implies not only better buildings and teachers with better preparation than the rural schools have thus far afforded, but a curriculum that makes provision for the development of the body, skill in the use of the hands, and an initial acquaintance with art and music, as well as instruction in the three R's. Such a curriculum implies the modern conception of education as the guidance of children's developing activities from stage to stage. This is in effect the idea that underlies the kindergarten, and a school with such a curriculum needs the kindergarten to furnish the right beginnings for these lines of work. If

the opportunities which the consolidated schools afford are to be truly equal to those afforded by the city schools, they must include kindergartens, since these now constitute an organic part of the majority of city schools. The leaders of the consolidated movement are absorbed in the immediate problems which consolidation presents and need to be reminded of this fact. The consolidated school is the only agency by which the advantages of the kindergarten can be brought to a portion at least of the thousands of young children in the rural districts. With the adoption of the kindergarten as a part of the program of the consolidated school, the marked differences between the status of the kindergarten in the urban and rural States will eventually disappear.

## Chapter VI

### KINDERGARTEN TEACHERS' CERTIFICATES<sup>1</sup>

If the work of the kindergarten is to be effective, it must be carried on by teachers who have been adequately trained for their task. In consequence, definite standards for that training must be established. One of the means to that end is the enactment of laws for the certification of kindergarten teachers embodying these standards. The following 34 States have enacted such laws: Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

In several States kindergarten certificates can be granted, although the law does not definitely state the fact. Nearly all the States have made provision for granting certificates to the teachers of "special subjects," such as art, music, and manual training. It is in this group that the kindergarten is usually included, and the majority of the kindergarten certificates are special-subject certificates. In some cases the kindergarten is not enumerated in the subjects included in the group, but the certificate can nevertheless be granted if the enumeration of the special subjects is followed by the phrase "and other subjects at the discretion of the State board of education." This is the case in Rhode Island and Washington. In Massachusetts the authority to grant certificates is vested in the local school boards. In a number of States in which kindergartens are well established, no definite provision for kindergarten certificates could be found, but

<sup>1</sup> Much of the information given in this chapter was gained from the bulletin entitled "State Laws and Regulations Governing Teachers' Certificates," by Katherine M. Cook. Bulletin, 1921, No. 22. Those who wish further information on the general subject are referred to it.

the right to teach in kindergartens may be covered by certificates of a more general character, such as the elementary or normal school certificates. This seems to be the case in Nebraska and New Hampshire, and perhaps also in Missouri. The States of Alabama, Kentucky, Louisiana, Oklahoma, Tennessee, and Virginia all have laws authorizing the establishment and maintenance of kindergartens, but no laws for the certification of kindergarten teachers could be discovered. Arkansas, Maryland, and Mississippi have no need of such laws, since they have not yet made the establishment of kindergartens possible.

#### TYPES OF CERTIFICATES

The kindergarten certificates, like those for other lines of work, differ in several respects in the several States. Nearly all are issued by the State authorities—the State superintendent of public instruction or the State commissioner of education, or the State board of education or State board of examiners, as the case may be. In a few instances they are issued by the county authorities. They vary also in duration, some being issued for one year only and others for two, three, four, five, six, or eight year periods. Practically all are renewable upon evidence of successful experience. In some cases the renewal is at the discretion of the authorities and in others upon compliance with certain conditions, such as attending summer school or taking certain prescribed reading courses. Practically all eventually become permanent life certificates. In some cases they become such without renewal.

The certificates in question are secured either by presenting credentials showing that the applicant has had the kind and amount of training required or by an examination in the subjects covered. In general the credentials are expected to show graduation from a four-year high school and from a kindergarten training school whose course is at least two years in length, and which is approved by the State superintendent or other State authority. In many cases it is stated that the kindergarten course must be equal to that given in the teacher-training institutions of the State in which the certificate is sought. Among the States named as granting certificates on this basis in 1921 were California, Florida, Georgia, Kansas, Maine, Minnesota, North Carolina, Ohio, and Washington.

In another group an examination is allowed to those who can not furnish the credentials called for. Such examinations are given by the State superintendent, the State board of education, or the board of examiners; or, in some cases by those in charge of the kindergarten department of the State normal school. In such an examination the candidate is expected to give satisfactory evidence that she has taken the required courses and has the ability to teach

the subjects covered. In 1921 the States permitting such examinations included Arizona, Colorado, Idaho, Illinois, Indiana, Michigan, New Mexico, Wyoming, and perhaps some others. There are a few States in which an examination is required, in addition to the credentials referred to. These are Connecticut, Iowa, New Jersey, New York, and West Virginia.

#### NEW TYPE OF CERTIFICATE SUGGESTED

In view of the present interest in unifying the work of the kindergarten and the primary grades, it is encouraging to find that the certificates in some States are valid for both. Thus far, however, the only certificates to which the term kindergarten-primary could be truly applied in 1921 were those issued by California, Illinois, Michigan, Ohio, and Wisconsin. There are four other States—Delaware, Florida, South Dakota, and Vermont—that issue a primary or primary-kindergarten certificate valid for the kindergarten and the first two or three grades, but the term "kindergarten-primary" is not used in its present interpretation, since it does not imply training in both kindergarten and primary methods on the part of the teacher. A kindergarten-primary certificate issued on the basis of training in both kindergarten and primary work on the part of the teacher would serve a valuable purpose. In view of the current interest in unifying the work of the kindergarten and that of the primary grades, it is disappointing to find that the kindergarten certificates issued in over 20 States are valid for the kindergarten only. This is due to the fact that for purposes of certification the kindergarten is classed as one of the "special subjects," such as music, drawing, and the manual arts, that now constitute a part of the elementary-school curriculum. This has certain advantages in the fact that it stresses the need for special training on the part of kindergarten teachers. This classification, however, takes the kindergarten out of its right relation to the school as a whole, since it maintains the isolation of the kindergarten that educators are seeking to overcome. Many teacher-training institutions have in recent years substituted combined kindergarten-primary courses of study for the separate courses formerly given to kindergarten teachers and primary teachers, in order that the unification of the kindergarten and primary grades might be effected. Teachers who have taken such courses are therefore professionally qualified to teach in both kindergarten and primary grades. The logic of the situation is therefore that eventually they should also be legally qualified to do so. Many changes in the certification laws are already in process in several States because of the lengthening of teacher-training courses and the higher standards thereby made necessary.

Although the facts here presented concerning the kindergarten certification laws show that some of them need improving, the survey as a whole is encouraging because it implies an increasing recognition of the needs of the children with whom the kindergarten teachers deal. If these needs are to be more adequately met in the future, several of the States will need to make additions to or changes in their certificate provisions. In several States, for example, no provision for kindergarten teachers has yet been made. In these the making of such provision is the natural first step. In others the need of strengthening existing provisions has been pointed out. The most serious defect is the one already discussed—limiting the validity of the certification to the work of the kindergarten alone. It is to these points that the attention of those who wish to strengthen the kindergarten movement is called.

## Chapter VII

### SUMMARY OF KINDERGARTEN LAWS AND SUGGESTIONS FOR THEIR IMPROVEMENT

In the years that have passed since many of these kindergarten laws were enacted great changes have been made in the aims, curricula, and methods of the elementary school. This aim is now recognized as the development and organization of children's activities from stage to stage. This implies an enriched curriculum and methods that afford opportunities for the exercise of children's initiative. This is the conception which the kindergarten illustrates for the children of the preschool years, and the kindergarten and the school, therefore, have a common basis. Because this is now recognized, the kindergarten is able to function as a part of the school as it could not in the earlier years. In consequence a new estimate is being placed upon it and a new attitude taken toward it. In making an estimate of the kindergarten laws now on the statute books, it is therefore necessary to ask whether these represent the present attitude toward the kindergarten or that of a generation ago. It is from the present standpoint that they will be judged and that suggestions concerning their improvement will be made.

### SUGGESTED CHANGES IN KINDERGARTEN LEGISLATION

The laws as a whole may be grouped under three headings—those that deal (1) with the establishing of kindergartens, (2) with their financial support, and (3) with the securing of adequately qualified teachers. In this summary the attention will be centered upon those of the first and second groups, since these are most in need of improvement. As the establishing of kindergartens is of the greatest

importance, the laws bearing upon this point will be considered first. In regard to these it is appropriate to ask, "To what extent are the existing laws on this point adequate?" This question can be answered by consulting the table on page 5. This shows that the laws of 24 States permit the establishment of kindergartens in "any" or "every" district that wishes to have them. From this standpoint, therefore, these laws are all that could be desired.

In this respect the laws of the other 16 States differ, since they limit kindergartens to communities of a certain type or size. Those of Delaware, Iowa, and Minnesota permit them in "independent" or "special" districts only. Such districts are differently defined in different States, but they are cities in effect if not in name. The law of Pennsylvania authorizes the organization of kindergartens in cities of the first, second, third, and fourth classes, and those of Utah and Washington in those of the first and second classes. In New Mexico kindergartens may be established in communities having 200 or more pupils. In Alabama, Indiana, Kentucky, and Tennessee they are permitted in cities only. In Oklahoma they are confined to cities having a population of more than 2,500. The law of Oregon permits kindergartens in cities having 20,000 children of school age. This makes Portland the only city in the State in which children are allowed the privileges that the kindergarten offers. Because of the limitations that the laws of these States place upon the establishment of kindergartens, they are less adequate than those of the first group from the modern point of view. The conditions in some of these States may not be such as to authorize a more general establishment of kindergartens at present, but this can not be true in several, such as Delaware, Indiana, and Oregon, which have large urban populations and cities of a size in which kindergartens ordinarily constitute a part of the school system. The communities in the States of the first group may not all have taken advantage of the liberty to establish kindergartens which the laws of these States allow, but the laws do not prevent them doing so as do those in the second group.

This raises the question of the wisdom of laws that restrict communities in their action, especially if the restriction is based on population. Why, for example, should a law allow a community of one size to provide kindergartens for its children and prevent another of a different size from doing so? The modern school requires playgrounds, workshops, and laboratories to carry out present-day educational ideals. It requires art, music, and manual training as a part of its curriculum for the same reason. It requires the kindergarten, since this furnishes the natural beginning of all these types of work. In making recommendations for the modernizing of a school system, survey committees include the kindergarten as well as playgrounds, music, drawing, and similar subjects. No State has passed laws to

prevent communities from organizing playgrounds or adding new subjects to the school curriculum. Why, then, should States prevent the establishing of kindergartens? The efforts made in many States in recent years to secure the enactment of mandatory-on-petition laws show that parents want kindergartens for their children and wish to have a voice in their establishment. There are objections to the mandatory features, however, and since good results can ordinarily be secured by a permissive law of wide scope, it is often wiser to work for the broadening of the existing law than to risk the opposition which the attempt to enact a new law containing the mandatory feature may create. In the broadening of the existing law, the provision for the adequate support of the kindergartens could be easily included.

The support of kindergartens comes either from a special tax, the local fund of the district, or the general school fund. It is only as the support comes from the general fund that the kindergarten shares equally with the grades. The States in which this is the case are Connecticut, Indiana, Iowa, Kentucky, Maine, Michigan, New Jersey, New York, North Carolina, Ohio, Tennessee, Washington, and Wisconsin. To these, Massachusetts, Nebraska, and Rhode Island should be added, although they have no law on the subject, as the establishing and support of kindergartens is left to the local authorities. In three other States, Florida, Kansas, and Minnesota, some State funds may be used. In 21 other States, however, the support comes from the local fund of the district only, and since this is necessarily smaller than the general school fund the support of the kindergartens is not ordinarily equal to that of the grades. These differences between the support of the kindergartens and that of the grades have doubtless grown up gradually and have therefore attracted little attention. In view of the increasing proportion of State funds it is important that the condition be recognized and that efforts be made to have the laws that are responsible for these conditions changed.

It would require but slight changes in the wording of the laws that restrict the establishing of kindergartens to remove these restrictions. The mere substitution of the term "school district" for the words "town" or "city" would do so in some cases, and slight changes would accomplish it in others. Unless the restrictions in these States are removed, the privileges which the kindergarten offers can not be extended either to the children in the cities which the law fails to include or to those in the rural districts to which these might be made available through the agency of the consolidated rural school.

The changes needed in the laws that confine the support of the kindergarten to the local fund of the district only are more fundamental. These States guarantee a school system that covers the customary

work of the elementary school, but they interpret the kindergarten as something apart from, instead of an organic part of, the elementary school. Such an interpretation was common in the early years of the kindergarten movement, but a very different interpretation has been placed upon it in recent years. Modern psychology emphasizes the importance of the early years, both from the physical and mental sides, and indorses the type of education which the kindergarten represents as the right one for the early years. The kindergarten has shown its value from the practical side also, since it has been a means of preventing retardation and promoting children's progress in the grades. It has, in fact, proved itself an asset to the school to such an extent that it is recognized as an essential factor in a program of educational progress. To restrict its support is to limit its efficiency and the service it can give. A change in these laws by which the kindergarten is interpreted as an integral part of the elementary school is therefore one that brings them into harmony with present-day educational thought and practice.

#### SUGGESTIONS FOR LEGISLATIVE WORKERS

These suggestions must necessarily be very general, since the efforts will depend upon the special task, and this will differ in the different States. All who attempt to secure improved legislation will need to be equipped for the task, however, whatever its particular nature may be. The most fundamental elements in that equipment are a genuine interest in the cause, a large acquaintance with the facts involved, and the ability to cooperate with others for the accomplishing of a task. If the kindergarten teachers themselves are making this effort, they will have an advantage in their knowledge of the kindergarten situation. Since efforts of this character are often undertaken by the State Federation of Women's Clubs and State branches of the National Congress of Parents and Teachers, the lines in which information is needed are suggested in order that all may be equipped from the knowledge side. As legislation can be effective only as it is based upon a knowledge of the conditions and needs of the State in which the improvements are attempted, an acquaintance with the main facts of the educational system of the State studied is essential. A knowledge of the kindergarten situation in the States is also essential. This should include a knowledge of the number, names, and size of the communities that have kindergartens; of the teacher-training institutions that furnish kindergarten training, if any; the names of the training teachers and other kindergarten leaders in the State; and the attitude of the public toward the kindergarten. This information can doubtless be secured from the State superintendents of public instruction.

The table in Chapter IV gives the kindergarten rating of each of the States, and that in Chapter I gives the essential facts concerning the laws of each one. Chapter VI shows which States have and which have not adequate laws for the certification of kindergarten teachers, and Chapter VII shows in what respects the laws of the different States need improving. It would be advisable for anyone undertaking this to have also a copy of the text of the kindergarten law of his own State. This also the State superintendent will doubtless be able to furnish. If the kindergarten teachers are making this effort, they should acquaint themselves with the work of the organizations that have been mentioned and the names of their officers. The National Congress of Parents and Teachers has for several years had a national kindergarten chairman and State chairmen in many, if not all, of the States. The General Federation of Women's Clubs has a chairman of applied education and a district kindergarten chairman. It will be important to have the names of these also, as they are able to give effective assistance.

Quite as important as adequate information is the effective cooperation of the individuals and organizations interested in such an effort as the one here under discussion. Since the superintendent of public instruction is the highest educational officer in the State, it is essential that his approval be secured before any definite plans are made. The approval of the presidents of the teacher-training institutions that give kindergarten instruction will also be of value. It is taken for granted that the training teachers in such institutions and other kindergarten leaders in the States are among those by whom the effort is being made.

The approval of the persons referred to having been secured, the person or persons taking the leadership in the movement will doubtless consult informally with representatives of the organizations referred to. If these efforts are successful in awakening their interest, the effort may be carried further. Just how this would be done would depend on local conditions. When the matter has progressed sufficiently for definite action, the responsibility may be distributed among the individuals and organizations, or it may be delegated to one of those mentioned, since each one has a legislative committee familiar with the details of framing bills, introducing them into legislatures, and following them through after they have been introduced. In other cases special committees have been appointed to take charge of the matter. In the Illinois campaign to secure a new kindergarten law a joint committee on kindergarten legislation was organized for that purpose. This was composed of representatives of all the organizations interested in promoting the welfare of young children. Among the responsibilities of such a committee would be the framing of the bill, deciding upon the legislator to introduce it, aiding in

arrangements for the hearings, and other matters. It is hardly necessary to say that legal advice should be sought in framing bills, especially those whose purpose is to remedy existing weaknesses. All these matters depend on local conditions, and in consequence no definite suggestions can be given.

While these efforts are in progress, it will doubtless be advisable to carry on a campaign of publicity concerning the kindergartens. This will call for the cooperation of the newspapers, and consequently for a publicity committee. In this the kindergarten teachers of the State can be of service in writing articles for newspaper use. The Bureau of Education can also be of service in furnishing leaflets suitable for extension purposes. The bureau has also a set of kindergarten charts, and several sets of lantern slides, which illustrate different phases of the activities characteristic of the kindergarten. The charts, which consist of eight illustrated panels, can be sent and returned by mail without cost. The lantern slides and films are sent out by express, the expressage both ways to be paid by the person borrowing them. The bureau has also 20 or more circulars and bulletins on different phases of kindergarten work, which can be secured at a small price. A list of these will be sent on application. The kindergarten specialists will also be glad to answer questions in regard to kindergarten legislation. The bulletins and circulars given below contain additional information on the subject which the bulletin covers.

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