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DEPARTMENT OF THE INTERIOR—BUREAU OF EDUCATION.

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NO. 3, 1906.

STATE SCHOOL SYSTEMS:  
LEGISLATION AND JUDICIAL DECISIONS RELATING TO  
PUBLIC EDUCATION.

October 1, 1904, to October 1, 1906.

BY

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SECOND EDITION, REVISED.



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## LETTER OF TRANSMITTAL

DEPARTMENT OF THE INTERIOR,  
BUREAU OF EDUCATION,

*Washington, D. C., November 19, 1906.*

SIR: I have the honor to transmit herewith the manuscript of the third number of the Bulletin of the Bureau of Education for the year 1906, and to recommend its publication under the provisions of the act approved May 28, 1896 (29 Stat. L., 171), authorizing such publication.

This number of the Bulletin, entitled "State School Systems: Legislation and Judicial Decisions relating to Public Education, October 1, 1904, to October 1, 1906," was prepared at my request by Professor Edward C. Elliott, of the University of Wisconsin. It is intended to serve a special purpose. The legislatures of forty states will convene on or soon after the 1st day of January, 1907. In the most of these states bills will undoubtedly be introduced looking to improvements in the several state systems of education. It frequently happens that the framers and promoters of such bills, and members of the legislature who are called to vote upon them, are desirous of acquainting themselves with precedents set in the recent school legislation of other states, and may in fact derive many valuable suggestions from such legislation. It is hoped that the publication here offered will in large measure meet this need and will accordingly prove directly serviceable in the spread of improvements in our educational systems.

While serving this special and immediate purpose, it is hoped that it may prove useful in various other ways. A digest of the school laws of the several states was published by the Bureau of Education as Chapter IV of the Report of the Commissioner of Education for 1904. Professor Elliott's report brings that publication down to the present date, with a carefully compiled and classified list of all of the recent educational enactments.

Professor Elliott's work has been done at high pressure, within a few weeks' time, with a view to making this publication available for use at the time when it may be most needed. It is not unlikely, under these circumstances, that some minor errors may have crept in. The work as a whole will, however, I am sure, commend itself to

public confidence by the care and intelligence with which it has been prepared.

The following additional numbers of this Bulletin are in course of preparation:

One relating to changes in city school systems in the United States within the past two years, intended to supplement the publication here offered, in course of preparation by Professor Elliott in continuation of his work in this number:

One relating to the system of schools for backward and otherwise exceptional children in Germany, in course of preparation by Professor Fletcher B. Dresslar, of the University of California:

One relating to instruction in music in the United States, in course of preparation by Professor Arthur L. Manchester, of Converse College, Spartanburg, South Carolina.

I have the honor to be, sir, very respectfully,

ELMER ELLSWORTH BROWN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

## PREFATORY NOTE.

The following work, relating to current educational legislation in the United States as generally affecting state school systems, was undertaken at the instance of the Commissioner of Education of the United States, Dr. Elmer Ellsworth Brown. The plan as outlined by him contemplates two publications, of which this is the first. The second will be devoted exclusively to legislation, state and local, enacted during the past two years, bearing directly upon the organization and administration of the school systems of American cities.

The work of preparation of the present number has been carried forward principally in the Law Division of the National Library at Washington, and in the Wisconsin State Library and the Law Library of the University of Wisconsin, at Madison. To the members of the staff of each of these libraries I am indebted in the largest measure for their continued and courteous assistance in placing the necessary facilities at my disposal. Dr. Charles McCarthy, Librarian of the Wisconsin Legislative Reference Library, has by his advice and helpfulness furthered in many ways the progress of my task. Thru him also I have received valuable assistance from Dr. Robert H. Whitten, Sociology Librarian of the New York State Library. I am indebted to the carefully prepared and serviceable legislative bulletins of the New York State Department of Education for many valuable suggestions. Mr. J. F. Scott has rendered much timely and valuable aid in the correction of the manuscript and proofs.

With but one or two exceptions the various state superintendents of public instruction, or the corresponding state educational officers, have responded to a request for information regarding the character and importance of the legislation enacted in their several states during the period under consideration. The assistance of these officers has added much to the value and quality of the results I have attempted to set forth, and I take this opportunity of expressing my appreciation of such assistance.

Thruout, the spirit of hearty cooperation, characteristic of the attitude of all those upon whom I have had to depend, and especially so of the various members of the staff of the Bureau of Education, has contributed to make my work far less arduous and far more profitable than it otherwise would have been.

In spite of the care in preparation, a piece of work of this kind contains possibly some minor errors. For these, and perhaps larger ones, I alone am responsible.

EDWARD C. ELLIOTT.

WASHINGTON, D. C., November 8, 1906.

STATE SCHOOL SYSTEMS: LEGISLATION AND JUDICIAL DECISIONS RELATING TO PUBLIC EDUCATION, OCTOBER 1, 1904, TO OCTOBER 1, 1906.

GENERAL EXPLANATIONS.

*Scope and Plan.*—In the following pages an attempt has been made to classify and to analyze the changes wrought in the public school systems of the various states and territories by the legislative measures enacted during the past two years, October 1, 1904, to October 1, 1906.

Legislative sessions are biennial in all of the states and territories except in Georgia, Massachusetts, New Jersey, New York, Rhode Island, and South Carolina, where they are annual, and in Alabama, where they are quadrennial. Consequently, the period selected includes the enactments of one session of the legislature in most of the states and all of the territories, and of two sessions in the case of the states holding annual sessions. In addition, the acts of extra legislative sessions held in several of the states have been examined for measures relative to the public school system. Alabama is the only state or territory excluded from consideration by this mode of treatment.

The following table displays the time of meeting of those legislatures the enactments of which have been presented:

Table of legislative sessions, October 1, 1904, to October 1, 1906.

| States and Territories.    | Time of session.                | States and Territories.    | Time of session.                |
|----------------------------|---------------------------------|----------------------------|---------------------------------|
| Arizona .....              | Jan. 16, 1905, to Mar. 16, 1905 | Georgia <sup>b</sup> ..... | June 28, 1905, to Aug. 18, 1905 |
| Arkansas .....             | Jan. 2, 1905, to May 4, 1905    | Idaho .....                | June 27, 1905, to Aug. —, 1905  |
| California .....           | Jan. 2, 1905, to Mar. 10, 1905  | Illinois .....             | Jan. 2, 1905, to Mar. 4, 1905   |
| Colorado .....             | June 2, 1905, to June 12, 1905  | Indiana .....              | Jan. 4, 1905, to Mar. 6, 1905   |
| Connecticut .....          | Jan. 4, 1905, to Apr. 8, 1905   | Iowa .....                 | Apr. 10, 1905, to May 16, 1905  |
| Delaware .....             | Jan. 4, 1905, to July 19, 1905  | Kansas .....               | Jan. 8, 1905, to Mar. 9, 1905   |
| Florida <sup>a</sup> ..... | Dec. 29, 1904, to Dec. 30, 1904 | Kentucky .....             | Jan. 8, 1905, to Apr. 6, 1905   |
|                            | Jan. 8, 1905, to Mar. 23, 1905  |                            | Jan. 10, 1905, to Mar. 10, 1905 |
|                            | May 31, 1905, to June 14, 1905  |                            | Jan. 12, 1905, to Feb. 10, 1905 |
|                            | Apr. 4, 1905, to June 2, 1905   |                            | Jan. 2, 1905, to Mar. 12, 1905  |

<sup>a</sup>The last session of the legislature in Alabama was held in 1903. The next session will take place in 1907.

<sup>b</sup>The enactments of the 1905 session of the Georgia legislature have been excluded, owing to delay in printing.

Table of legislative sessions, October 1, 1904, to October 1, 1906—Continued.

| States and Territories | Time of session.                | States and Territories | Time of session.                |
|------------------------|---------------------------------|------------------------|---------------------------------|
| Louisiana              | May 14, 1906, to July 12, 1906  | Oregon                 | Jan. 9, 1905, to Feb. 17, 1905  |
| Maine                  | Jan. 4, 1905, to Mar. 24, 1905  | Pennsylvania           | Jan. 3, 1905, to Apr. 13, 1905  |
| Maryland               | Jan. 3, 1906, to Apr. 2, 1906   |                        | Jan. 15, 1906, to Feb. 15, 1906 |
| Massachusetts          | Jan. 4, 1906, to May 26, 1906   |                        | Nov. 15, 1904, to Nov. 18, 1904 |
| Michigan               | Jan. 3, 1906, to June 29, 1906  | Rhode Island           | Jan. 3, 1905, to May 11, 1905   |
| Minnesota              | Jan. 4, 1905, to June 17, 1905  |                        | Jan. 2, 1906, to Apr. 20, 1906  |
| Mississippi            | Jan. 3, 1905, to Apr. 18, 1905  | South Carolina         | Jan. 10, 1905, to Feb. 18, 1905 |
| Missouri               | Jan. 2, 1906, to Apr. 21, 1906  |                        | Jan. 9, 1906, to Feb. 17, 1906  |
| Montana                | Jan. 4, 1906, to Mar. 18, 1906  | South Dakota           | Jan. 3, 1905, to Mar. 8, 1905   |
| Nebraska               | Jan. 2, 1905, to Mar. 2, 1905   | Tennessee              | Jan. 2, 1905, to Apr. 17, 1905  |
| Nevada                 | Jan. 8, 1905, to Mar. 30, 1905  |                        | Jan. 10, 1905, to Apr. 15, 1905 |
| New Hampshire          | Jan. 16, 1905, to Mar. 14, 1905 | Texas                  | Apr. 15, 1905, to May 14, 1905  |
| New Jersey             | Jan. 4, 1906, to Mar. 10, 1905  |                        | Mar. 26, 1906, to Apr. 8, 1906  |
| New Mexico             | Jan. 10, 1905, to Mar. 30, 1905 | Utah                   | Jan. 9, 1906, to Mar. 9, 1906   |
|                        | Jan. 9, 1906, to Apr. 12, 1906  | Vermont                | Oct. 5, 1904, to Dec. 10, 1904  |
|                        | Jan. 15, 1905, to Mar. 10, 1906 | Virginia               | Jan. 10, 1906, to Mar. 15, 1906 |
|                        | Jan. 4, 1905, to May 5, 1906    | Washington             | Jan. 9, 1905, to Mar. 9, 1905   |
| New York               | June 21, 1906, to July 20, 1905 |                        | Jan. 11, 1905, to Feb. 25, 1905 |
|                        | Jan. 3, 1906, to May 8, 1906    | West Virginia          | Feb. 25, 1905, to Mar. 1, 1905  |
| North Carolina         | Jan. 4, 1905, to Mar. 6, 1905   |                        | Jan. 11, 1905, to June 21, 1905 |
| North Dakota           | Jan. 3, 1905, to Mar. 3, 1905   | Wisconsin              | Dec. 4, 1905, to Dec. 19, 1905  |
| Ohio                   | Jan. 1, 1906, to Apr. 2, 1906   | Wyoming                | Jan. 10, 1905, to Feb. 18, 1905 |
| Oklahoma               | Jan. 10, 1906, to Mar. 10, 1906 |                        |                                 |

To accomplish the purposes for which the bulletin is immediately intended in as direct and brief a manner as possible, laws and acts of the following specific character pertaining to state school systems are included:

- (1) All general, permanent laws, whether new enactments or amendments to general, permanent laws already in force.
- (2) Constitutional amendments, adopted or proposed, whether general or local in their effect.
- (3) Laws resulting in significant changes in the organization and administration of public education in the larger and more important cities of each state,\* even when general in form and special in application; provisions of new municipal charters and amendments to existing charters.
- (4) Laws authorizing special appropriation for the establishment of a new educational institution or class of institutions, and extraordinary appropriations of great general interest.
- (5) Laws relating to the general administration, control, and management of particular state educational institutions.
- (6) Laws the constitutionality of which has been past upon during the biennium.
- (7) Decisions and interpretations by the highest state courts relating to laws enacted during the biennium 1904-6.

\* Such laws are, however, merely classified and digested in the briefest possible manner. They have been reserved for complete analysis and treatment in a later bulletin dealing with city school systems, which is in preparation and soon to be issued.

The following classes of legislation have been excluded from consideration:

- (1) Laws providing for general appropriations.
- (2) Special acts relating to particular individuals or minor localities.
- (3) Special and temporary acts, unless of more than local or transitory concern.\*
- (4) Federal and local legislation relating to education in the District of Columbia, Alaska, Hawaii, Porto Rico, Philippine Islands, and other insular possessions.

In addition to the legislation above noted, there have been included as supplementary to the principal purpose of the publication a few of the recent decisions of the different state supreme courts upon matters of current interest to those engaged in the work of public education.

*Method of Presentation.*—The aim has been to present in a concise and serviceable manner the meaning and contents of each particular enactment, classified in accordance with the writer's best judgment. As a general thing but one entry has been made for each of those laws treating of but one particular topic or title. Frequently, where an enactment possesses a relation to two subjects according to the scheme of classification, a method of cross reference has been resorted to. Thus, for example, enactment No. 300 (Georgia—act No. 159) contains two important topics, the creation and organization of local school districts and the limitations upon taxation for school purposes. In order to classify properly, reference is made not only to local taxation but also to school districts. (See enactment No. 155.)

In a number of cases wherein a single law treats of a number of diverse subjects or titles, or wherein the amendments to the educational code are grouped together in a single act or chapter, an effort has been made to distribute the particular portions of such measures so that the alterations produced in different directions would be evident. Such distribution has been indicated in an appropriate manner, either by indicating a particular section of an individual chapter or act, or otherwise.

Each law or separate title has been treated in one of three ways:

- (1) Unimportant new laws and amendments have been indicated as briefly as possible by title or otherwise. Where the title of the bill presents its import in a clear and concise manner it has been used,

\* For instance, the appointment of the Commission on Industrial and Technical Education authorized by the Massachusetts legislature in 1905. (See No. 821, p. 109.)



sometimes by quotation and at others by such modifications of the wording as would convey its significance in the best possible manner.

(2) Frequently, and especially in the case of amendments to existing statutes, besides reference to the particular subject, somewhat fuller explanatory matter has been added to bring out the exact change produced.

(3) With important and far-reaching measures, in addition to the title and digest of the subject-matter of the enactment, either the whole or the most significant portion has been quoted.

Still further, by way of evaluation of the importance of laws in the respective states, use has been made of the information furnished by the various state superintendents and educational officers. Laws which they have regarded as of the first importance in the development and progress of the state's educational activities and system have been indicated by an asterisk (\*).

*Method of Classification and Arrangement.*—In order to facilitate presentation and to render this bulletin of ready access for reference, the whole mass of the special class of educational legislation has been carefully classified according to what seems to be a logical and consistent scheme. At the same time, thruout, the effort has been to avoid such complexity of classification as would tend to defeat its purpose. Under each of the headings indicated has been placed such legislation as properly belongs thereto, arranged alphabetically by states. In addition, the enactments and measures have been numbered consecutively, thereby contributing to ease and readiness in discovering legislation of a particular type. The index at the close of the volume further insures the discovery of legislation bearing upon any single topic. This is divided into a subject index and a State index.

*Typography.*—In the case of each entry, the title of the bill, whether given verbatim or in modified form, is printed in the smaller type (8 point), leaded. Comments following the title of the bill, or a brief summary of its provisions, are printed in the same type without leads. Citations from the original text of the bill, when given, are printed in the larger type (10 point), without leads.

## PLAN OF CLASSIFICATION.\*

### A. GENERAL ADMINISTRATIVE CONTROL AND SUPERVISION OF ELEMENTARY AND SECONDARY EDUCATION.

- a. General.
- b. State Boards and Officers.
- c. County Boards and Officers.
- d. District, Township, and Municipal Boards and Officers.
- e. School Meetings; Elections; Qualifications for Voters.
- f. Administrative Units: Districts, Townships, Municipalities, etc.; Formation; Division; Consolidation.

### B. STATE FINANCE AND SUPPORT.

- a. General.
- b. State School Lands.
- c. Permanent State School Funds: Composition and Investment.
- d. State Taxation for School Purposes.
- e. General Apportionment of State School Funds; Special State Aid for Elementary Education.
- f. Special State Aid for Secondary Education.

### C. LOCAL (COUNTY, DISTRICT, MUNICIPAL) FINANCE AND SUPPORT.

- a. General.
- b. Local (County, District, Municipal), Finance and Support; Bonds and Indebtedness.
- c. Local (County, District, Municipal) Taxation for School Purposes.

### D. BUILDINGS AND SITES.

- a. General.
- b. Buildings and Sites: State Aid; Approval of Plans.
- c. Buildings and Sites: Decoration; Care; Sanitation; Inspection.
- d. Buildings and Sites: Prohibition districts.
- e. U. S. Flag in Schools.

### E. TEACHERS IN ELEMENTARY AND SECONDARY SCHOOLS.

- a. Teachers: Qualifications; General.
- b. Teachers' Examinations and Certificates: General.
- c. Teachers' Examinations and Certificates: Special.
- d. Teachers' Certificates; Validity; Indorsement; Registration; Revocation.
- e. Teachers' Certificates; Recognition of Normal School, and College or University Diplomas.
- f. Teachers' Associations.

### F. TEACHERS: EMPLOYMENT; CONTRACT; APPOINTMENT; DISMISSAL.

- a. General.
- b. Teachers' Salaries.
- c. Teachers' Pensions.

\* It is apparent that I am indebted to the carefully prepared and serviceable legislative bulletins of the New York State Department of Education for many suggestions relating to classification of legislation.

- G. **TEACHERS: PROFESSIONAL TRAINING AND EDUCATION.**
  - a. University Departments and Schools of Education.
  - b. State Normal Schools.
  - c. County and Local Normal and Training Schools.
  - d. Teachers' Institutes and Summer Schools.
- H. **SCHOOL POPULATION AND ATTENDANCE.**
  - a. General.
  - b. School Census.
  - c. School Year; Month; Day.
  - d. School Holidays.
  - e. Place of Attendance; Transportation of Pupils; Consolidation of Schools.
  - f. Compulsory Attendance; Child Labor; Truancy.
- I. **SCHOOL DISCIPLINE.**
  - a. General.
  - b. Corporal Punishment.
  - c. Suspension and Expulsion.
  - d. Fire Drills.
- J. **HEALTH REGULATIONS.**
  - a. General.
  - b. Physical Examination and Medical Inspection.
- K. **TEXT-BOOKS AND SUPPLIES.**
  - a. General.
  - b. Free Text-books.
  - c. Uniformity of Text-books.
- L. **SUBJECT-MATTER OF INSTRUCTION.**
  - a. General.
  - b. History, Civics, and Patriotism.
  - c. Physical Education.
  - d. Physiology; Hygiene; Alcohol; Narcotics.
  - e. Moral and Ethical Education.
  - f. Humane Treatment of Animals.
  - g. Music.
  - h. Drawing.
  - i. Technical, Manual, and Industrial Education.
  - j. Days of Special Observances.
  - k. Other Special Subjects.
- M. **SPECIAL TYPES OF SCHOOL.**
  - a. General.
  - b. Kindergartens.
  - c. Evening Schools.
  - d. Vacation Schools.
  - e. University Extension; Public Lectures.
  - f. Farmers' Institutes, etc.
  - g. Private and Endowed Schools.
- N. **SECONDARY EDUCATION: HIGH SCHOOLS AND ACADEMIES.**
- O. **HIGHER EDUCATIONAL INSTITUTIONS.**
  - a. Finance; Lands; Support.
  - b. State Universities and Colleges.
- P. **PROFESSIONAL AND HIGHER TECHNICAL EDUCATION.**
  - a. Teachers' Colleges and Normal Schools.
  - b. Agricultural Colleges.
  - c. Mining Schools.
  - d. Military Schools.

## Q. PRIVATE AND ENDOWED HIGHER INSTITUTIONS: STATE CONTROL.

## R. LIBRARIES.

## a. Public School Libraries.

## S. EDUCATION OF DEFECTIVES.

## 1. a. Deaf and Dumb.

## b. Blind.

## c. Crippled and Deformed.

*Method of Citation.*—At the end of each entry will be found the proper citation to the section; chapter, number of act, or page (in the case of those states whose session laws are not numbered consecutively); year, day, and month of approval or passage. In a number of instances where enactments became operative at some date after passage or approval, the date of operation follows in parentheses the date of passage or approval.

An especial effort has been made to avoid arbitrary and technical abbreviations in making citations. Consequently, but few have been used and then only the most common and easily recognized ones. It is thought that the resulting absence of ambiguity and confusion for the lay and nontechnical reader more than compensates for the slight increase in the volume of matter presented.

*Reviews of Legislation.*—An effort has been made to characterize briefly and to indicate the significant features of the legislation included under each of the principal and important subjects as indicated by the plan of classification. These reviews will be found immediately preceding the classified list of enactments of each section.

The following titles relate to recent publications which have a bearing upon some of the subjects with which this number of the bulletin deals:

CYBERLEY, ELLWOOD P. School funds and their apportionment. Teachers College (Columbia University) Contributions to Education, No. 2. N. Y., October, 1905.

ELLIOTT, EDWARD C. Some fiscal aspects of public education in American cities. Teachers College Record, Vol. VI, No. 5 (November, 1905). New York, Columbia University Press.

Laws relating to the employment of children in the United States. Department of Commerce and Labor, Bulletin of the Bureau of Labor, No. 62 (January, 1906), pp. 197-285. Washington, 1906.

Report on public libraries, 1905. New York State Library, Home Education Department, Bulletin 45. Albany, New York State Education Department, 1906.

## LEGISLATION RELATING TO PUBLIC EDUCATION.

[Enactments which have been reported by the chief officers of the several State educational systems as of the first importance in the development of those systems are indicated by an asterisk (\*).]

### A. ADMINISTRATIVE CONTROL AND SUPERVISION OF ELEMENTARY AND SECONDARY EDUCATION.

#### (a) General.\*

Of the legislation relating to general administrative control and supervision of elementary and secondary education, the following are worthy of special note: The state of Texas (3) codified and simplified her school laws in order to provide for a more efficient system of public schools. The length of this revised code and the large number of changes produced prevent a complete analysis and presentation in this place. The content of the new code is indicated by the title of the act of revision as here quoted. The provision by the New York legislature of 1906 (1) for a new state building for the exclusive use of the Educational Department is a further recognition of the importance of that department and representative of the munificence of that state in the endeavor to enlarge its influence upon all phases of popular education.

1. **NEW YORK:** Providing for a state education building at Albany.

Appropriating \$400,000 for the acquisition of a site. Providing for the preparation of preliminary plans by a commission composed of the state architect, a member of the board of regents of the University of the state of New York, and the commissioner of education. Building to be for use of state education department, the state library, and state museum of natural history. Public competition for designs and plans. Maximum cost, \$3,500,000. Plans, specifications, and bids to be submitted to legislature of 1907.

Chap. 678, May 31, 1906.

2. **OREGON:** Authorizing Superintendent of Public Instruction to annotate and compile the school laws enacted by the twenty-third regular session of legislature; authorizing State Board of Education to publish the same, and providing for distribution.

Sen. Conc. Res. No. 28, Page 437, Feb. 10, 1905.\*

3. **TEXAS:** Repealing chaps. 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, tit. 86, Revised Civil Statutes, 1895, and amendments thereto relating to public education and providing for a complete system of public free schools.

Providing for a more efficient system of public free schools for the state of Texas; defining the school funds; providing for the investment of the permanent fund, and the apportionment of the available fund; defining the duties of certain state officers in reference to the public free schools; creating the offices

\* Minnesota compiled and adopted a revised code of General Laws in 1905. This new code contains numerous revisions of school laws which, however, have not been included in this analysis of legislation.

of state and county superintendent, providing for the election and salaries of such officers, and prescribing their qualifications and duties; prescribing the duties of other officers in reference to the public schools and public school funds; making county judges ex-officio county superintendents in all counties not having superintendents, and providing for their compensation; providing for the creation of school districts in all the counties of this state except in such counties as shall vote in favor of the continuance of the community system, and as to such counties continuing in force all laws of the State now in force regulating counties under the community system, "provided however, that the scholastic census in such county shall be taken by the school trustees appointed by the county superintendent of public instruction in the manner provided in section 89 of this act;" providing for the election of school trustees and prescribing their qualifications and duties; providing for the creation of county line districts; providing for levying and collecting special taxes for the further maintenance of the public free schools and the erection of schoolhouses; providing for the issuance of common school district bonds for building purposes and providing a sinking fund therefor; providing for the creation of independent school districts at eleemosynary institutions and appointment of trustees therefor; providing for independent school districts in cities and towns and in towns and villages and independent districts incorporated for school purposes only; providing for the issuance of bonds for school purposes by independent districts and creating sinking funds therefor; providing for the levy of special taxes by independent districts; providing for election of school trustees in independent districts and prescribing their qualifications and duties and naming and enumerating the officers of independent district school boards and the duties and powers thereof; providing for schoolhouses and school supplies; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; providing penalties for refusal to answer questions regarding the age of children and other penalties regarding violations of the provisions of this act; regulating the transfer of the school fund; providing separate schools for white and for colored children and prescribing the studies to be taught therein; fixing the scholastic year and length of school month; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder; providing for the extension of teachers' certificates; providing for the cancellation of teachers' certificates; providing for the teaching of manual training; regulating conveyances and bequests for the benefit of the public schools; prescribing who are entitled to the benefits of the public free schools, and repealing certain laws.

Chap. 124, April 15, 1905.

4. UTAH: Amending sec. 1781, Revised Statutes, 1898, relating to biennial convention of county and city superintendents to be called by State Superintendent.  
 • Conventions to be called *annually*.

Sec. 1, Chap. 78, Mar. 9, 1905.

5. VERMONT: An act to promote good morals in the management of schools.

SECTION 1. A person holding a license for the sale of intoxicating liquors, or any person connected with the traffic in intoxicating liquors shall be ineligible to the office of school director, school superintendent, or any other office pertaining to the management of the public schools.

Act No. 48, Dec. 1, 1904.

- 5a. VERMONT: Amending Act No. 48, Acts, 1904.  
 Registered pharmacist of fifth class exempted.

Act No. 49, Dec. 10, 1904.

(b) State Boards and Officers.

The legislation of the biennium concerning state boards and officers, displays an endeavor to increase their efficiency and expand their influence; espe-

cially in the case of the State Superintendent of Public Instruction. The provisions for additional clerical assistance (8, 9, 16, 21, 24, 26, 29), the increased appropriations for travelling expenses (14, 22, 27, 34), the appointment of assistant or deputy superintendents (17, 35) are rightly calculated in the states concerned to relieve the chief educational officer of the state from some of the increasing routine demands of his position and to enable him to come into direct contact with those educational conditions he is supposed to direct and influence.

Perhaps the most important enactment of the period is that of Wisconsin (37), creating the office of the Inspector of rural schools. The activities of this officer will undoubtedly serve finally to increase the extent of state supervision of the schools of rural communities and to elevate the rural school problem into its proper place in the educational economy of the state by developing a greater local interest and responsibility in the work and efficiency of the district school. Taken in connection with the act establishing the county school board convention (74), this legislation must be regarded as containing the greatest possibilities for the reform of the least progressive portion of state school systems.

6. ARIZONA: Amending sec. 1, chap. 1, title 19, Revised Statutes, 1901, relating to composition of Territorial Board of Education.

Adding to the present membership two principals or superintendents of graded or high schools, to be appointed by the Governor.

Chap. 22, Mar. 4, 1905.

7. ARIZONA: Providing for the state office of public examiner and prescribing his duties.

Requiring public examiner to examine books, accounts, and vouchers of county officers; among others, the county superintendent of public schools.

Chap. 40, Mar. 16, 1905.

8. CALIFORNIA: Amending sec. 515, Political Code, 1903, relating to clerk for Superintendent of Public Instruction.

Provides for appointment and salary of other clerical assistants, statistician, stenographer, and text-book clerk.

Chap. 198, Mar. 18, 1905.

9. CALIFORNIA: Adding sec. 1874a, Political Code, 1903, creating the office of Secretary of the State Text-book Commission, defining his duties and fixing his compensation.

Chap. 582, Mar. 22, 1905.

10. CONNECTICUT: Amending sec. 4811, General Statutes, 1902, relating to state officers.

Changes title of clerk of the State Board of Education to chief clerk.

Chap. 251, July 19, 1905.

11. IOWA: Amending sec. 2022, Code supplement, 1902, relating to the duties of the Superintendent of Public Instruction.

Number of leaflets, special circulars, and courses of study printed to be determined by the executive council.

Sec. 6, Chap. 3, Mar. 23, 1906.

12. IOWA: Amending sec. 2025, Code, 1897, relating to the time for the making of the biennial reports of the State Superintendent of Public Instruction. Publication in even-numbered years.

Chap. 121, Mar. 30, 1906.

13. IOWA: Repealing secs. 1057, 1064, 1065, 1066, 1070, and 1071, Code, 1897, relating to the election and terms of office of state officers and enacting substitutes therefor.

General state elections to be biennial.

The governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, and superintendent of public instruction shall be chosen at the general election in each even numbered year and their terms of office shall be for two years.

Chap. 36, Apr. 10, 1906.

14. KENTUCKY: Appropriating annually \$500 for paying the expenses of the State Superintendent of Public Instruction when visiting various portions of the state in the interest of the common schools.

Chap. 40, Mar. 16, 1906.

15. MARYLAND: Granting to the State Board of Education the use of the Fifth Regiment Armory in Baltimore during July, 1907, for the annual meeting of National Educational Association.

Chap. 772, Apr. 5, 1906.

16. \* MARYLAND: Repealing and reenacting with amendments sec. 10, Art. 77, Public General Laws, 1904 (chap. 584, Acts, 1904), relating to expenses of State Board of Education.

Increasing annual payment for general expenses and clerical assistance from two thousand to *three* thousand dollars.

Sec. 1, Chap. 356, Apr. 9, 1906.

17. \* MARYLAND: Adding sec. 17d to follow sec. 17c (20) Art. 77, Public General Laws, 1904 (chap. 584, Acts, 1904), relating to State Superintendent of Public Education.

Authorizing the appointment by the State Superintendent, and with confirmation by State Board of Education, of an Assistant Superintendent of Public Education. Salary, \$1,500 per annum.

Sec. 1, Chap. 356, Apr. 9, 1906.

18. MICHIGAN: Amending secs. 4639 and 4641, Compiled Laws, 1897 (secs. 1 and 3, no. 164, Public Acts, 1881), relating to the powers and duties of the Superintendent of Public Instruction.

Act No. 72, Apr. 25, 1905.

19. MICHIGAN: Amending secs. 4639 and 4641, Compiled Laws, 1897, relating to duties of the Superintendent of Public Instruction.

Superintendent to have supervision of normal training classes; to enforce laws governing schools. May print general course of study for schools of state.

Act No. 72, Apr. 25, 1905.

20. NEBRASKA: Repealing and reenacting with amendments sec. 19, chap. 10, Compiled Statutes, 1903, relating to official bonds of state officers.

Fixing official bond of Deputy State Superintendent of Public Instruction at \$10,000.

Chap. 12, Apr. 1, 1905.

21. NEVADA: Authorizing employment of a stenographer by State Superintendent of Public Instruction.

Chap. 110, Mar. 7, 1905.

22. NEW HAMPSHIRE: Adding sec. 11 to chap. 94, Public Statutes, 1901, relating to Superintendent of Public Instruction.

Allowing not to exceed annually \$150 for traveling expenses.

Chap. 58, Mar. 9, 1905.



23. NEW YORK: Amending sec. 7, chap. 378, Laws, 1892, relating to Regents of the University of the State of New York.

Six instead of ten regents to constitute a quorum for the transaction of business.

Chap. 161, Apr. 8, 1905.

24. NORTH CAROLINA: Amending sec. 41, chap. 4, Laws, 1901, as amended by sec. 2, chap. 435, Laws, 1903, relating to clerical assistance of Superintendent of Public Instruction.

Increasing salary of clerk and stenographer.

Sec. 2, Chap. 533, Mar. 6, 1905.

25. NORTH CAROLINA: Repealing sec. 70, chap. 4, Laws 1901, as amended by sec. 23, chap. 435, Laws 1903, relating to State Board of Examiners.

Sec. 14, Chap. 533, Mar. 6, 1905.

26. NORTH CAROLINA: Amending sec. 6, chap. 567, Laws 1903, relating to clerical assistance for Superintendent of Public Instruction.

Increasing appropriation from \$1,000 to \$1,250 for additional clerk.

Sec. 15, Chap. 533, Mar. 6, 1905.

27. NORTH CAROLINA: Amending sec. 9, chap. 4, Laws 1901, relating to traveling expenses of Superintendent of Public Instruction.

Increasing allowance from \$500 to \$1,000 per annum.

Sec. 16, Chap. 533, Mar. 6, 1905.

28. NORTH DAKOTA: Amending sec. 180, Revised Code 1890, relating to salary of Commissioner of University and School Lands.

Increasing salary from fifteen hundred to eighteen hundred dollars per annum.

Chap. 127, Mar. 9, 1905.

29. PENNSYLVANIA: Authorizing the employment of additional clerical assistance for State Superintendent of Public Instruction.

Act No. 11, Mar. 2, 1905.

30. UTAH: Amending sec. 1778, Revised Statutes, 1898, relating to the biennial report of the State Superintendent.

Report to contain comparative statement of the closing and preceding biennium.

Sec. 1, Chap. 78, Mar. 9, 1905.

31. VERMONT: Authorizing the Superintendent of Education in case of death, resignation, or disability of an examiner to perform temporarily duties of such examiner.

Act No. 31, Dec. 1, 1904.

32. VIRGINIA: Amending sec. 183, subdiv. 14, Code, 1904, relating to salary of Superintendent of Public Instruction.

Increasing annual salary from \$2,000 to \$2,800.

Chap. 3, Jan. 29, 1906.

33. VIRGINIA: Amending sec. 1429, Code, 1904, relating to selection, composition, qualifications, etc., of State Board of Education.

Removing ambiguity of section as to the right of the senate to elect members of the State Board of Education at the present session.

Chap. 33, Feb. 10, 1906.

Chap. 144, Mar. 10, 1906.

34. VIRGINIA: Amending sec. 1434, Code, 1904, relating to election, qualifications, etc., of the Superintendent of Public Instruction.

Increasing annual allowance for traveling expenses from five to eight hundred dollars.

Chap. 248, Page 436, Mar. 15, 1906.

35. WASHINGTON: Amending sec. 23, Code of Public Instruction (sec. 2294, Annotated Codes and Statutes, 1897), relating to appointment of Deputy Superintendent of Public Instruction.

Authorizing State Superintendent to appoint Deputy Superintendent, who must hold at least the equivalent of a first-grade certificate. Deputy Superintendent to act as Inspector of schools.

Sec. 1, Chap. 56, Mar. 3, 1905.

36. WISCONSIN: Amending sec. 6, chap. 37, Laws, 1903, relating to the duties of the State Superintendent of Public Instruction.

Adding the following: To prescribe rules and regulations for management of township school libraries; to prepare suitable outlines as aids for the conducting of annual and special meetings of school officers; to publish courses of study for day schools for the deaf; to furnish printed catalog cards for use of township school libraries.

Chap. 241, May 23, 1905.

37. WISCONSIN: Authorizing the appointment of an inspector of rural schools by the State Superintendent.

SEC. 1. The state superintendent is hereby authorized to appoint a competent and suitable person as an inspector of rural schools. It shall be the duty of said inspector to visit and inspect, as far as practicable, the rural schools of each county in the state and to procure information concerning the rural school districts. This inspector shall assist the state superintendent in preparing such special reports to the governor and legislature bearing upon the conditions and needs of rural schools as may be advisable. It shall also be the duty of this inspector to confer with each county or district superintendent concerning the condition of the schools in his county or district; to consult with school officers, patrons, and teachers in regard to school management, discipline, branches of study, school law, and school sanitation, and by public lectures, conferences, and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the usual routine work of the elementary rural school. The inspector provided for by this chapter shall work under the direction of the state superintendent, and shall report to him as often as may be deemed necessary concerning the conditions found in the schools and districts inspected and of the work done in the discharge of his duties. When the rural schools are not in session said inspector shall be assigned to other duties by the state superintendent.

SEC. 2. The inspector of rural schools shall receive as an annual salary two thousand dollars, and shall be reimbursed for all actual and necessary travelling expenses when duly certified by the state superintendent. Such salary and expenses shall be paid out of the appropriation to the common school fund income provided for in chap. 313 of the laws of 1903.

Chap. 499, June 20, 1905 (July 1, 1905).

(c) County Boards and Officers.

Two classes of enactments relative to county educational officers and boards seem worthy of comment. First are those raising the qualifications (42, 45, 50,

57, 65) and increasing the compensation (38, 39, 40, 46, 48, 51, 53, 60, 64, 76) of county superintendents; second, those establishing the county school board convention (49, 54, 63, 74).

The movement reflected by the first class of enactments has been in progress during the past several years, and may be taken as an expression of the demand for county superintendents who are professional teachers, equipped to carry forward the necessary work of supervision and direction of particularly the rural schools. The tendency to require that county superintendents shall hold high-grade teachers' certificates must gradually result in removing the office, in a large degree, at least, from the influence of partisan local politics and give to it a distinctly educational character. The measures enacted in Indiana (40), Nebraska (50), New Jersey (51), and North Dakota (57) are characteristic of the best of the movement.

South Dakota proposed and adopted an amendment to her constitution to permit the legislature to prescribe additional qualifications for county superintendents.

In the second class of enactments under this heading may be placed those authorizing an annual meeting of the members and officers of the various district and other local school boards of each county in the state. For want of a better term these meetings may be called "county school board conventions." State school officers and county superintendents of schools have always recognized the desirability and value of bringing together for conference and discussion the officers and members of district school boards as a means of developing a larger and more intelligent interest in the educational progress and welfare of rural communities. Here and there, by personal force and professional enthusiasm of individual state and county superintendents, such conferences of school officials for a number of years past have been voluntarily held more or less frequently and regularly. The statutes of at least one state (Minnesota) have for a decade or more specifically required that each county superintendent should hold annual meetings of the officers of the different district school boards in his county. The testimony of all of those who have had to do with meetings of this sort was unanimous as to their power for good. The chief obstacle seemed to be in securing the attendance of all of those who should have been benefited. The voluntary organizations and gatherings, whatever their origin and inspiration, were likely to attract only the most interested and efficient of school officials; or the time and expense necessary prevented many from attending such meetings. To overcome these difficulties the county school board convention has been created, attendance required of school officers, and compensation provided. The credit of having first established annual meetings of the officers and members of the boards of the various school districts in every county, with the significant provisions of obligatory attendance and nominal compensation therefor, appears to belong to the state of South Dakota by the act of 1901. Four other states, Minnesota (1905), North Dakota (1905), Pennsylvania (1903), and Wisconsin (1905) have recently placed a somewhat similar law upon their statute books. The measure adopted in Pennsylvania in 1903 was amended in 1905 so as to provide compensation. No movement in public school organization and administration seems to promise so much for the development of the usefulness of the district school as do the county school board convention acts.

38. DELAWARE: Amending sec. 5, chap. 67, Laws, 1898, relative to salary of county school commissioners.

Increased from thirty to seventy-five dollars per month.

Chap. 88, Apr. 13, 1905.

24. STATE SCHOOL SYSTEMS: LEGISLATION, 1904-6.

39. ILLINOIS: Amending sec. 27, p. 427, Laws, 1872, relating to salary of county superintendents.

Changing from fees and per diem to annual salary, according to classification of county.

Chap. 280, May 16, 1905.

40. \* INDIANA: Relating to the qualifications and compensation of county superintendents.

SECTION 1. \* \* \* That no person shall be eligible to, or shall hold the office of county superintendent unless he hold at the time of his election a thirty-six months' state license, a sixty months' license, a life or a professional license to teach in the common schools of this state; but nothing herein contained shall affect the title to his office of any county superintendent now in office.

SECTION 2. A county superintendent shall receive in full for all services rendered by him four dollars and fifty cents (\$4.50) per day for each day he shall be employed in the actual performance of his duties.

\* \* \* \* \*  
Chap. 163, Mar. 7, 1905.

41. IOWA: Amending sec. 2730 of the Code, 1897, relative to reports of county superintendents to State Superintendent of Public Instruction.

To be made "last Tuesday in August." Instead of "first Tuesday in October."

Sec. 1, Chap. 138, Mar. 10, 1906.

42. IOWA: Amending sec. 2754, Code supplement, 1902, relating to county superintendent.

Must hold first-grade certificate. Prescribing duties of office.

Sec. 2, Chap. 122, Apr. 5, 1906.

43. IOWA: Repealing sec. 1072, Code, 1897, and enacting a substitute therefor, relating to the time of election of county officers.

To be elected in even-numbered years.

Chap. 39, Apr. 10, 1906.

44. IOWA: Amending sec. 2720, Code, 1897, relative to the terms of office of trustees of county high schools.

Regular term fixt at four years.

Chap. 135, Apr. 10, 1906.

45. KANSAS: Repealing, and reenacting with amendments, sec. 1, chap. 424, Laws, 1903, relating to qualification of members of the county board of examiners.

• Holders of *professional* certificates included among eligibles for appointment.

Chap. 300, Mar. 3, 1905.

46. KANSAS: Repealing sec. 6, chap. 39, General Statutes, 1901, relating to the salary of the county superintendent of schools, and reenacting with amendments.

• Providing for classification of annual salaries according to population of county and sundry other conditions.

Chap. 229, Mar. 8, 1905 (May 2, 1905).

47. MARYLAND: Amending sec. 6, Art. 77, Public General Laws, 1904, relating to appointment of boards of county school commissioners by Governor.

Chap. 353, Apr. 8, 1906.

48. MINNESOTA: Authorizing additional payments to county superintendents where salary does not exceed \$1,400 per year.

Maximum additional for traveling expenses, etc., \$250; for teachers' institute, \$50.

Chap. 182, Apr. 15, 1905.

49. MINNESOTA: Authorizing school boards to pay the expenses of their members in attending an annual meeting of school officers called by the county superintendent.

(Not in session laws, 1905.)

Par. 9, Sec. 1320, Revised School Laws, 1905.

50. NEBRASKA: Repealing and reenacting with amendments, sec. 1, subdv. 7, chap. 79, Compiled Statutes, 1903, relating to election of county superintendent of schools.

Excepting in counties having less than one thousand population, the holding of first-grade county certificate a condition of eligibility for office of county superintendent.

Chap. 134, Apr. 4, 1905.

51. NEW JERSEY: Amending sec. 23, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to salary of county superintendent.

Making uniform annual salary of \$2,000, instead of graded scale on basis of eight dollars per teacher in county with a minimum of \$1,300 and a maximum of \$2,000.

Chap. 260, Aug. 7, 1905.

52. NEW JERSEY: Amending sec. 30, chap. 1, Acts, 1903 (sp. sess., Oct. 15), relating to county board of examiners for teachers' certificates.

Increasing compensation of members of board from ten to twenty-five dollars for each regular examination.

Chap. 300, June 12, 1906.

53. NEW MEXICO: Regulating the classification of counties and fixing salaries of certain county officers.

Annual salary of county superintendent of schools to be from \$400-\$1,500 according to classification of county.

Chap. 60, Mar. 14, 1905.

54. NORTH DAKOTA: Amending sec. 681, Revised Code, 1899, relating to meetings of district school boards.

\* \* \* provided, that in any common school district which contains a graded school of three or more departments the board shall hold regular meetings for the transaction of business on the second Tuesday of each month, at such time and place as may be fixed by the Board, and in such districts the members of the board shall receive a compensation of one dollar for each meeting attended; provided further, that in counties having the district system, the president and clerk, and in counties having the township system, the members and clerks or such officers as such president and board may appoint to represent them shall receive ten cents a mile for the distance necessarily traveled in attending general meetings of the presidents, members and clerks of school boards convened by the county superintendent and also a salary of two dollars, but the total sum of such salary and mileage shall not exceed five dollars for each representative in attending any one meeting.

Chap. 102, Mar. 1, 1905.

55. \* NORTH DAKOTA: Amending sec. 370, Revised Code, 1899, relating to deputies appointed by certain officers.

Authorizing county superintendent of schools to appoint deputy.

Sec. 1, Chap. 100, Mar. 13, 1905.

56. \* NORTH DAKOTA: Amending sec. 652, Revised Code, 1899, as amended by chap. 88, Laws, 1903, relating to salary of county superintendent of schools and deputy. Adding the following:

In counties having fifty or more schools the county superintendent may appoint a deputy for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to fifty per cent of the county superintendent's salary.

Sec. 2, Chap. 100, Mar. 13, 1905.

57. \* NORTH DAKOTA: Amending sec. 653, Revised Code, 1899, relating to the qualifications of county superintendent of schools.

1. No person shall be deemed qualified for the office of county superintendent, in any county where the salary is one thousand dollars or more per year, who is not a graduate of some reputable normal school or higher institution of learning or who does not hold a state normal or a state professional certificate and who has not had at least three years' successful experience in teaching in this state.

2. No person shall be deemed qualified for the office of county superintendent in counties where the salary is less than one thousand dollars per year, unless he holds a certificate of the highest county grade or its equivalent; provided, however, that no part of this section shall be construed to affect any person now holding the office of county superintendent.

Sec. 3, Chap. 100, Mar. 13, 1905.

58. NORTH DAKOTA: Amending sec. 657, Revised Code, 1899, relating to the exemption of county superintendents from the provisions of secs. 654 and 655, Revised Statutes, 1899, as to county superintendents engaging in teaching or being absent from county.

Exemption extended from counties paying twelve hundred dollars annual salary to those paying one thousand dollars.

Sec. 4, Chap. 100, Mar. 13, 1905.

59. NORTH CAROLINA: Amending sec. 12, chap. 4, Laws, 1901, relating to county board of education.

Teachers not eligible for membership.

Sec. 3, Chap. 533, Mar. 6, 1905.

60. NORTH CAROLINA: Amending sec. 27, chap. 4, Laws, 1901, relating to meetings and compensation of county board of education.

Fixing compensation at two dollars per diem and mileage.

Sec. 6, Chap. 533, Mar. 6, 1905.

61. NORTH CAROLINA: Amending sec. 39, chap. 4, Laws, 1901, relating to the duties of county superintendent to visit schools.

Sec. 10, Chap. 533, Mar. 6, 1905.

62. OREGON: Amending sec. 8360, Annotated Codes and Statutes, 1901, relating to the duties of the county school superintendent.

Defining the following duties in counties having twenty thousand or more children between the ages of four and twenty years: Receiving reports monthly from each principal as to registration and attendance; transmitting report to superintendent of public instruction; organizing and assisting in conducting

teachers' reading circles; keeping record of certificates issued to each teacher; to visit districts twice a year. Salary, \$2,000.

Chap. 3, 1905. Jan. 17, 1905.

63. \* PENNSYLVANIA: Amending secs. 1 and 2, chap. 106, Laws, 1903, relating to annual meetings of county associations of school directors.

Providing for compensation for attendance of two dollars per day for a maximum of two days.

SECTION 1. That it shall be the duty of each county superintendent of schools to call together, during the school year beginning June, 1905, and annually thereafter, at the county seat or some other suitable place in the county, all the school directors of the county, for the consideration and discussion of questions pertaining to school administration.

SEC. 2. It shall be the duty of each school director, in each of the districts of each county, to attend each annual meeting of school directors, called by the county superintendent for the purpose of considering and discussing questions pertaining to school administration; and each school director attending such annual convention shall receive, for his necessary expenses, compensation at the rate of two dollars per diem, and mileage at the rate of three cents per mile, to be paid out of the funds of the district which he serves. But the expenses shall not be paid for more than two days at any annual meetings.

Act No. 105, Apr. 10, 1905.

64. SOUTH CAROLINA: Fixing the compensation of the county officers in the various counties.

Fixing the salary of the county superintendent of education in each county. Salaries from four to twelve hundred dollars.

Act No. 462, Feb. 22, 1905.

65. SOUTH DAKOTA: Proposing an amendment to sec. 7, art. IX, Constitution, 1889.

Legislature may prescribe additional qualifications for superintendent of schools not inconsistent with sec. 9, art. VII.

Vote Nov. 6, 1906.

Chap. 68, 1905.

66. UTAH: Amending sec. 1785, Revised Statutes, 1898, relating to duties of county superintendents.

Providing for the filing of county superintendents' reports of inspection of schools with State Board of Education.

Chap. 64, Mar. 9, 1905.

67. UTAH: Amending secs. 1806 and 1809, Revised Statutes, 1898, relating to the calling of school elections and the canvass of votes.

Removing election of county superintendent from provisions of these sections.

Chap. 69, Mar. 9, 1905.

68. UTAH: Providing for the election, qualification, duties, compensation, and officers of boards of education of county school districts.

See No. 175.

69. VIRGINIA: Amending sec. 1438, Code, 1904, relating to salary of division superintendent of schools.

Increasing graduated salary scale.

Chap. 243, Page 496, Mar. 15, 1906.

70. VIRGINIA: Amending sec. 1447, Code, 1904, relating to powers and duties of county school board.

Increasing annual maximum amount to be allowed to district school trustees from five to ten dollars. Vesting title of property of county high school in county school board.

Chap. 248, Pages 436-437, Mar. 15, 1906.

71. VIRGINIA: Amending in minor manner sec. 1450, Code, 1904, relating to composition, duties, and compensation of school trustee electoral boards.

Chap. 248, Page 438, Mar. 15, 1906.

72. VIRGINIA: Amending sec. 1451, Code, 1904, relating to officers of school trustee electoral boards.

Division superintendent to be the *clerk*; chairman to be elected.

Chap. 248, Page 438, Mar. 15, 1906.

73. WISCONSIN: Adding sec. 461cc., Statutes, 1898, relating to the eligibility of candidates for county superintendent of schools.

Residence in cities of third or fourth class within territorial limits of county or district shall not disqualify candidate.

Chap. 46, Mar. 29, 1905.

74. \* WISCONSIN: Adding par. 9 to sec. 461, Statutes, 1898, and providing for the calling, by county and district superintendents of schools, of annual school board conventions.

The county or district superintendent of schools shall annually call and hold at least one school board convention for his superintendent district, at the county seat or some other convenient place, for the purpose of consultation, advice, and instruction upon matters pertaining to the management of the schools. Each district clerk shall and the director and treasurer may attend such convention. Each member present shall be allowed two dollars and mileage at the rate of three cents per mile each way, going and returning to and from said meeting, said sum to be paid from any moneys in the school district treasury not otherwise appropriated. The county superintendent shall issue to each member in attendance a certificate which shall be filed with the school district clerk and serve as a basis or evidence for drawing the necessary warrant upon the district treasury.

Chap. 105, Apr. 22, 1906.

75. WISCONSIN: Providing that the salary of district superintendents of schools (Chap. 307, Laws, 1903) shall be same as fixt by county board of supervisors for county superintendent of schools.

Chap. 252, May 25, 1905.

76. WISCONSIN: Amending sec. 704, Statutes, 1898, relating to salary, expenses, and bond of county superintendent of schools.

Providing for a graded minimum salary scale for county and district superintendents based upon gross populations of county or district, exclusive of cities under city superintendents; also for expenses and bond.

Chap. 518, June 17, 1905.

#### (d) District, Township, and Municipal Boards and Officers.

The enactments relating to local (district, township, and municipal) officers and boards contain but little of general interest beyond those providing for the reorganization of systems of school control of several of the larger and more important American cities—Philadelphia (114), Boston (95), Milwaukee (126).



These schemes of reorganization, while local and particular in their application, are of concern to all interested in the solution of the problems of the political control of educational affairs presented by our larger cities.\*

The provisions for the establishment of parish school boards by Louisiana (91), the first elections for which are to be held in 1908; the amendment to the Maine law (94) governing the union of towns for the purpose of supervision; the restriction placed by North Carolina (100) upon the powers of township school committees to make expenditures; the prohibition placed by Utah (117) relative to members of boards of education in cities; and the various amendments made by Virginia to her school code, adopted in 1904, (120-124) are to be especially noted.

77. CALIFORNIA: Amending sec. 1593, Political Code, 1903, relating to the time and place of the election of school trustees.

Time of election changed from "first Friday of June of each year" to "first Friday in April of each year."

Chap. 54, May 3, 1905.

78. CALIFORNIA: Amending sec. 1615, Political Code, 1903, relating to trustees in new and joint school districts.

Date of election of trustees for newly formed joint districts changed from June to April.

Chap. 58, Mar. 3, 1905.

79. CALIFORNIA: Providing for the appointment and salary of clerks of school boards in certain school districts.

Chap. 410, Mar. 20, 1905.

80. CALIFORNIA: Adding sec. 1690a to Political Code, 1903, relating to duties of teachers.

Providing for the substitution of school records and reports destroyed by conflagration or public calamity. Specifying that the method of ascertaining the average daily attendance of a school shall be by taking average daily attendance of the next preceding school year, increased or diminished by the average yearly percentage of increase or decrease calculated for next preceding ten years. Proviso.

Chap. 35, June 14, 1906 (sp. sess.).

81. CONNECTICUT: Amending secs. 2215 and 2216, General Statutes, 1902, concerning the number and election of members of school committees of towns consolidating their school districts.

Chap. 97, May 24, 1905.

82. IDAHO: Amending sec. 82, p. 105, Laws, 1890 (sec. 1074, Political Code, 1901), relating to contracts, oaths of office, officers and compensation of boards of school trustees in independent school districts.

Removing prohibition as to compensation for clerk of board.

H. B. No. 75, Page 71, Feb. 21, 1905.

83. ILLINOIS: Repealing act of 1903, p. 176, as amended June 11, 1907, and also repealing act of March 6, 1895, all relating to powers of boards of school inspectors elected under special acts; and reenacting a substitute.

Page 381, May 12, 1905.

84. INDIANA: Amending secs. 18 and 23 of an act approved March 4, 1899, and sec. 5 of the same act, as amended by sec. 1 of an act approved March 12, 1901, relating to common schools in cities having more than one hundred thousand population.

\* These acts relating to municipal school affairs are reserved for complete analysis and treatment in the bulletin dealing with cities, immediately to follow this one.

80 STATE SCHOOL SYSTEMS: LEGISLATION, 1904-6.

Relating to duties of assistant to auditor; bids for erection and repair of school buildings; increasing salary of and fixing term of office of secretary of board of school commissioners.

Chap. 89, Mar. 4, 1905.

85. INDIANA: Providing for the election of school trustees in cities and incorporated towns, prescribing their terms of office and their powers and duties in relation thereto.

Relates only to cities below 50,000 population.

Chap. 141, Mar. 6, 1905.

86. IOWA: Amending sec. 2754, Code supplement, 1902, relative to the election of members of school boards in independent school districts.

Term of office of treasurer in certain school districts to begin on first day of July instead of third Monday in March.

Sec. 2, Chap. 136, Mar. 10, 1906.

87. IOWA: Repealing sec. 2757, Code, 1897, relative to the meetings of the board of school directors and the election of officers, and enacting a substitute therefor.

Sec. 3, Chap. 136, Mar. 10, 1906.

88. IOWA: Amending sec. 2765, Code, 1897, relating to the reports of the secretary of the board to the county superintendent.

Report to be made in July instead of September.

Sec. 6, Chap. 136, Mar. 10, 1906.

89. IOWA: Amending sec. 2800, Code, 1897, relating to the organization of school township boards.

Organization to take place on first of July instead of third Monday in March.

Sec. 11, Chap. 136, Mar. 10, 1906.

90. IOWA: Amending sec. 2758, Code, 1897, relating to the time for the qualification of school directors. Extending term of office of certain rural school directors.

Chap. 137, Mar. 17, 1906.

91. LOUISIANA: Relating to the election of parish school board members.

Providing for the election of members of the parish school boards; the number from each parish; their qualifications and term of office. Fixing salary at three dollars per day for each day in attendance at board meetings and five cents per mile for each mile traveled to and from meeting.  
First election, 1908.

Act No. 60, July 2, 1906.

92. MAINE: Amending sec. 35, chap. 15, Revised Statutes, 1903, relating to powers and duties of school superintending committees.

Provisions concerning duties as to examination of teachers and examination of schools stricken out.

Sec. 5, Chap. 48, Mar. 11, 1905.

93. MAINE: Amending secs. 36 and 38, chap. 15, Revised Statutes, 1903, relating to duties of town superintendents of schools.

Superintendent to appoint times and places for examination of teachers. Provisions relating to character of annual reports.

Secs. 6 and 7, Chap. 48, Mar. 11, 1905.

94. MAINE: Amending sec. 40, chap. 15, Revised Statutes, 1903, relating to the union of two or more towns for the employment of a superintendent of schools.

Sec. 40. The school committees of two or more towns having under their care and custody an aggregate of not less than twenty [previ-

ously twenty-five] nor more than fifty schools, may unite in the employment of a superintendent of schools, provided they have been so authorized by a vote of their towns at the regular town meetings, or special town meetings called for that purpose.

Chap. 55, Mar. 15, 1905.

95. MASSACHUSETTS: Providing for the reorganization of the school committee of the city of Boston. Revising chap. 53, Acts, 1877.

Chap. 349, Apr. 28, 1905.

96. MASSACHUSETTS: Repealing secs. 7 and 8, chap. 241, Acts, 1875, and enacting a substitute, relative to superintendents and supervision of public schools of Boston.

Providing for a six-year term for superintendent of schools; for six assistant superintendents, to be elected for six years. Majority of whole number of members of school committee necessary to elect superintendent, assistant superintendents, head masters of Latin, normal, and high schools, masters of grammar schools and directors of special studies.

Chap. 231, Apr. 2, 1906.

97. MASSACHUSETTS: Repealing sec. 4, chap. 241, Acts, 1875, and enacting a substitute, relating to quorum and officers, of the school committee of city of Boston.

Providing for secretary, auditor, and business agent.

Chap. 318, Apr. 26, 1906.

98. MICHIGAN: Amending sec. 2, Act No. 233, Laws, 1869, relating to board of education in Detroit.

Reorganizing constitution of board of education.

Local Act No. 383, Page 118, Mar. 15, 1905.

99. MICHIGAN: Amending sec. 4694, Compiled Laws, 1897, relating to the annual report of the township board of inspectors to superintendent of public instruction.

Act No. 36, Page 56, Mar. 29, 1905.

100. MICHIGAN: Amending sec. 4689, Compiled Laws, 1897, relating to the content of the annual report of school director to board of township school inspectors.

Act No. 36, Page 56, Mar. 29, 1905.

101. MICHIGAN: Amending sec. 3338, Compiled Laws, 1897 (sec. 1, Chap. 32, No. 215, Public Acts, 1895), relating to schools and school districts in cities of the fourth class.

Act No. 106, Page 154, May 10, 1905.

102. MICHIGAN: Amending sec. 3339, Compiled Laws, 1897, (sec. 2, chap. 32, no. 215, Public Acts, 1895), relating to time of annual election of members of board of education in cities of the fourth class.

Election first Monday of July instead of first Tuesday of September.

Act No. 231, June 16, 1905.

103. MINNESOTA: Providing for election of superintendent of schools of special school districts.

SEC. 1. That the superintendent of schools of every special district in this state in which it is provided that said superintendent shall be elected by the board of education of said special district may be elected at any time, notwithstanding any provision in the charter or special act under which such special district was created which requires the election of such superintendent to be had at the first meeting after the annual election of members of said board of education.

SEC. 2. This act shall apply to all school districts created under a special law of the state of Minnesota.

Chap. 251, Apr. 18, 1905.

104. MINNESOTA: Empowering boards of education in cities having over fifty thousand inhabitants, and constituting special or independent school districts, to make rules and regulations for the public schools not inconsistent with charter limitations.

Chap. 268, Apr. 18, 1905.

105. NEBRASKA: Repealing, and reenacting with minor amendments, sec. 5793, Compiled Statutes, 1903, relating to organization and officers of board of education in metropolitan cities.

Chap. 142, Mar. 30, 1905.

106. NEW JERSEY: Amending sec. 40, chap. 1, Acts, 1903, (sp. sess. Oct. 15), relating to boards of education in cities.

Making special provision regarding boards of education in cities adopting art. 6, Acts, 1903 (sp. sess. Oct. 15), relating to city school districts, which cities have elected members of board of education at annual charter election.

Chap. 38, Mar. 17, 1905.

107. NEW YORK: Amending the charter of Buffalo, N. Y., sec. 330, chap. 105, Laws, 1891, relating to superintendent of city schools.

Giving superintendent power to employ all school janitors.

Chap. 109, Mar. 30, 1905.

108. NORTH CAROLINA: Amending sec. 64, chap. 4, Laws, 1901, relating to manner of making school reports by teachers and principals to county superintendents of schools.

Sec. 11, Chap. 533, Mar. 6, 1905.

109. NORTH CAROLINA: Amending sec. 21, chap. 4, Laws, 1901, relating to powers of the school committee.

Restricting powers of township school committee to make expenditures. Order of county board necessary.

Sec. 19, Chap. 533, Mar. 6, 1905.

110. OHIO: Revising and reenacting sec. 3970-10, Revised Statutes, 1905, relating to regulations governing election for members of board of education.

S. B. No. 60, Page 116, Mar. 22, 1906.

111. OKLAHOMA: Amending sec. 5843, Statutes, 1893 (sec. 6200, Revised and Annotated Statutes, 1903), relating to monthly report of treasurer of board of education in cities of the first class.

Board of education may summarily suspend treasurer for failure to make reports, and may appoint successor.

Chap. 33, Art. 17, Feb. 25, 1905.

112. OKLAHOMA: Regulating the government of cities having a population of twenty-five thousand and over.

Providing, among other city officers, for members and treasurer of school board; election of members by wards. Salary of treasurer, \$100 per year.

Chap. 9, Art. 3, Mar. 8, 1905.

113. OREGON: Amending sec. 3390, Annotated Codes and Statutes, 1901, relating to the filling of vacancies in district school boards.

Sec. 2, Chap. 210, Feb. 22, 1905.

114. PENNSYLVANIA: Providing for the control, administration, and support of the common schools in school districts of the first class.

Relates particularly to organization of school system of Philadelphia. Cities of the first class constituting school districts of first class. (No. 187, Acts, 1905.)

Act No. 186, Apr. 22, 1905.

115. PENNSYLVANIA: Providing for the annual election of secretaries by borough and township boards of school directors within twenty days of organization.

Act No. 197, Apr. 22, 1905.

116. PENNSYLVANIA: Amending sec. 5, chap. 610, Laws, 1854 (sec. 86, Common Schools, Brightley's Purdon's Digest), relating to the election of school directors.

Upon petition of city councils court of common pleas may increase number of school directors to three from each ward, Manner of election and terms of office.

Act No. 239, May 4, 1905.

117. UTAH: Amending sec. 1985, Revised Statutes, 1898, relating to compensation of members of the board of education in cities.

\* \* \* No member of the board of education shall take any contract, receive appointment, or perform labor for which he shall receive payment from the school funds or in any way receive compensation other than the salary herein provided. [Maximum, \$100 per annum.] Any violation of the provisions of this act shall be deemed a misdemeanor.

Chap. 40, Mar. 7, 1905.

118. UTAH: Amending sec. 1916, Revised Statutes, 1898, relating to constitution of boards of examiners in cities of first and second class.

Election of associate examiners to be made by board of education at April meeting; formerly June.

Sec. 1, Chap. 95, Mar. 9, 1905.

119. VERMONT: Amending sec. 615, Statutes, 1894, as amended by sec. 1, No. 19, Acts, 1896, and No. 17, Acts, 1900, relating to the appointment of a town superintendent of schools.

Requiring town superintendent of schools to file certificate of appointment in town clerk's office.

Act No. 34, Nov. 16, 1904.

120. VIRGINIA: Amending sec. 1465, Code, 1904, relating to compensation of clerk of district school board.

Two dollars for each teacher (previously, school).

Chap. 248, Page 439, Mar. 15, 1906.

121. VIRGINIA: Amending secs. 1454 and 1460, Code, 1904, relating to appointment, terms, and qualifications of district school trustees by school trustee electoral boards.

Chap. 248, Page 438, Mar. 15, 1906.

122. VIRGINIA: Amending, in minor manner, sec. 1466, Code, 1904, relating to powers and duties of district boards of school trustees.

District board liable for violations of provisions governing payment of salary to properly qualified and certificated teachers. Nepotism. Method of recovery.

Chap. 248, Page 439, Mar. 15, 1906.

123. VIRGINIA: Amending and reenacting sec. 1474, Code, 1904, relating to penalties on school officers and teachers for malfeasance or neglect of duty.

Chap. 248, Page 441, Mar. 15, 1906.

124. VIRGINIA: Amending in minor manner secs. 1531 and 1538, Code, 1904, relating to qualifications, powers, and duties of board of school trustees in cities and towns.

Reenacting prohibition against federal, state, or city official serving as school trustee, but repealing clause as to ineligibility for one year after expiration of his term of office. Exempting notary public, commissioner of chancery, commissioner of bankruptcy, and member of board of health from class of state and city officers prohibited from holding office of school trustee. Repealing clause relating to nepotism.

Chap. 203, Page 514, Mar. 17, 1906.

125. WASHINGTON: Powers and duties of members of boards of school directors in cities of 10,000 and over.

See No. 147.

126. WISCONSIN: Relating to the organization and control of public schools in cities of the first class. Amendatory to Chap. 186, Laws, 1897.

Defining eligibility, mode of nomination, election of members of board of school directors; organization, powers, and duties of board; selection, powers, and duties of superintendent of schools, and the secretary of the board; establishment, organization, support, and control of schools. Relates to Milwaukee.

Chap. 273, June 1, 1905.

127. WISCONSIN: Amending sec. 492, Statutes, 1898, as amended by chap. 345, Laws, 1903, relating to election of officers in certain free high school districts.

Concerning form of election in free high school districts composed of one town and an incorporated village only.

Chap. 329, June 12, 1905.

128. WISCONSIN: Amending chap. 390, Laws, 1903, relating to the appointment, qualification, and duties of city superintendents in cities of the third class, and to the proper supervision of city schools in cities of the third and fourth classes.

Extending provisions of act to all cities except those of the first class.

Chap. 388, June 17, 1905.

129. WISCONSIN: Amending sec. 1, chap. 317, Laws, 1899, as amended by sec. 1, chap. 205, Laws, 1901, relating to the increase of the members comprising school district boards in certain cases.

Providing that no two of the members of the said district board shall be residents of the same ward until each ward shall have at least one member on such board; that where the school district and city are identical in territory, each ward in the city shall have a member; that in case the city has fewer than seven wards, additional members shall be chosen from the district at large.

Chap. 421, June 10, 1905.

(e) School Meetings; Elections; Qualifications for Voters.

The enactments classified under this section relate principally to minor and local administrative changes concerning the time and manner of publication of notices of general and special school elections, the conduct of such elections, and the powers and authorities of district school meetings. The definition of the franchise qualification for school elections in cities of the first class by Oklahoma (145) has somewhat more than a passing interest.

130. CALIFORNIA: Amending sec. 1883, Political Code, 1903, as to the manner of marking ballots by voters at elections for the issuance of bonds in school districts.

Chap. 196, Mar. 18, 1905.

131. CALIFORNIA: Amending sec. 1598, Political Code, 1903, relating to qualification of voters at elections for school trustees.

• • • "who has resided in district for thirty days next preceding the election," amended to read "who is registered in the precinct where the election is held at least thirty days before the election."

Chap. 361, Mar. 20, 1905.

132. CALIFORNIA: Amending sec. 1600, Political Code, 1903, relating to the form of oath administered in swearing in challenged vote at elections for school trustees.

Chap. 362, Mar. 20, 1905.

133. DELAWARE: Repealing chap. 114, Laws, 1901, and reenacting sec. 14, chap. 67, Laws, 1898, relating to the date of annual school meetings in Kent and Sussex counties.

Chap. 91, Apr. 13, 1905.

134. ILLINOIS: Amending sec. 8, art. 6, p. 239, Laws, 1889, relating to election of school boards.

Boards of education may establish voting precincts.

Page 373, May 12, 1905.

135. IOWA: Repealing section 2763, Code, 1897, relating to notice of special meetings in school districts and enacting a substitute therefor.

Specifying method to be followed by secretary in giving notice of special meetings.

Chap. 138, Apr. 9, 1906.

137. IOWA: Amending sec. 2755, Code, 1897, relating to legal publications; notices of election in certain school corporations to be published.

"Once each week for two consecutive weeks" instead of "for two weeks."

Sec. 3, Chap. 9, Apr. 10, 1906.

138. IOWA: Amending sec. 3, chap. 114, Acts, 1904, relating to the manner of holding elections for the creation of indebtedness for schoolhouse purposes.

Publication notice of election to be made "by publication once each week for four weeks" instead of "four weeks' notice."

Sec. 29, Chap. 9, Apr. 10, 1906.

130. KANSAS: Repealing, and reenacting with amendments, sec. 1, chap. 426, Laws, 1903, relating to the time of holding the annual meetings in school districts.

Changing time from June to July.

Chap. 380, Feb. 3, 1905.

140. MICHIGAN: Amending sec. 4659, Compiled Laws, 1897, relating to district school meetings.

Changing annual school district meeting and also commencement of school year from first Monday of September to second Monday of July.

Act No. 36, Page 54, Mar. 29, 1905.

141. MICHIGAN: Amending secs. 4800 and 4801, Compiled Laws, 1897 (no. 185, Public Acts, 1897), relating to the publication of the proceedings of the annual school meeting.

Changing time of publication from "previous to the third Monday in September" to "previous to the first Monday in August."

Act No. 305, June 17, 1905.

142. NEBRASKA: Amending sec. 3, subdiv. 2, chap. 79, Compiled Statutes, 1903, relating to district school meetings.

Extending requirement of fifteen days prior notification of meeting so as to include special meetings. Meetings cannot act regarding change of school site or taxes for building, or purchase or lease of schoolhouse, unless facts are included in notice of meeting.

Chap. 130, Apr. 3, 1905.

143. NORTH DAKOTA: Amending secs. 670 and 679, Revised Code, 1899, relating to election of school officers and notices of annual election.

Changing dates of annual election from third Tuesday in June to the first Tuesday in July [June].

Chap. 104, Mar. 7, 1905.

144. OKLAHOMA: Amending sec. 8149, Revised and Annotated Statutes, 1903, relating to the time and notice of annual and special school district meetings.

Annual meeting to be held last Tuesday in May (formerly second Tuesday in June). Notices of annual and special meetings to be posted in five instead of three public places in the district.

Prior to annual meeting county clerk to furnish district clerk certificate of valuation of property of district.

Chap. 33, Art. 3, Mar. 11, 1905.

145. OKLAHOMA: Prescribing the qualifications of electors at election of school officers in cities of the first class. (Sec. 6253, Revised and Annotated Statutes, 1903.)

All persons, male and female, over the age of twenty-one years, who possess the other qualifications prescribed by the organic act and the general election laws.

Separate ballots and ballot boxes to be provided.

Chap. 9, Art. 2, Mar. 13, 1905.

146. VERMONT: Permitting changes in time of holding annual meeting of town school district in a town containing incorporated school district upon vote of town meeting.

Act. No. 43, Dec. 9, 1904.

147. WASHINGTON: Amending secs. 77, 78, and 82, Code of Public Instruction (secs. 2347, 2348, and 2362, Annotated Codes and Statutes, 1897), relating to election, powers and duties of members of boards of school directors in cities of ten thousand population and over.

Providing for ballots, polling places, and registration of voters.

Secs. 1 and 2, Chap. 142, Mar. 9, 1905.

148. WISCONSIN: Amending sec. 413, Statutes, 1903, relating to the alteration, union, and formation of school districts.

The unintentional omission to notify not to exceed one-sixth of voters of a district meeting does not invalidate such notice.

Chap. 268, May 25, 1905.

149. WYOMING: Amending sec. 536, Revised Statutes, 1899, relating to the qualifications of voters at school elections.

Requiring possession of tax receipt as a qualification for voting at elections for special tax appropriations and bond issues.

Chap. 68, Feb. 20, 1905.



## (f) Administrative Units: Districts; Townships, Municipalities, etc.; Formation; Division; Consolidation.

(See section H, enactments 519-531.)

The legislative activity relating to the consolidation of school districts was at its height several years ago. Most of the enactments in this direction during the past biennium are amendatory to previous measures, and seek to improve the details of the methods already prescribed so as to remove obstacles and provide for adequate protection of the interests of the districts consolidated. The Minnesota provision (163) for a county rural school consolidation commission, the Oklahoma enactment (168) for consolidation and transportation, represent the current progressive aspect of the movement. The Texas (174) and Virginia (176) amendments relating to the formation of school districts, and the creation of local school districts for taxation in Georgia (155), are to be noted in the progress of education in the Southern states.

150. CALIFORNIA: Incorporating and confirming the organization of school districts acting as such for a period of five years.

Chap. 268, Mar. 18, 1905.

151. CALIFORNIA: Amending sec. 1577, Political Code, 1903, relating to the formation of new, and the changing of boundaries of old school districts.

Time for changed from December first and April fifth to October first and February tenth.

Chap. 344, Mar. 20, 1905 (July 1, 1905).

152. CONNECTICUT: Amending sec. 2221, General Statutes, 1902, relating to apportionment of property in cases of consolidation of school districts in a town whereby joint school districts are affected.

Chap. 17, Apr. 19, 1905.

153. CONNECTICUT: School committees of towns consolidating their school districts.

*See No. 81.*

154. FLORIDA: Regulating the abolition, extension, or contraction of the limits of special school tax districts by a majority vote of the electors.

Chap. 5389 (No. 18), May 29, 1905.

155. GEORGIA: Creating local school districts in each county, and prescribing organization and duties of board of trustees for local school districts.

*See No. 300.*

156. IOWA: Repealing sec. 2793, Code, 1897, relating to the change of boundary lines of contiguous school corporations and enacting a substitute therefor.

Sec. 10, Chap. 136, Mar. 10, 1906.

157. IOWA: Amending sec. 2801, Code, 1897, relating to the division of school township into subdistricts.

Division to take place at meeting in July instead of September.

Sec. 12, Chap. 136, Mar. 10, 1906.

158. IOWA: Repealing sec. 2802, Code, 1897, relating to the changes in the boundaries of school corporations and the division of assets and liabilities.

Sec. 13, Chap. 136, Mar. 10, 1906.

159. IOWA: Adding to title 13, chap. 14, Code, 1897. Providing for the organization of consolidated independent school districts.

Chap. 141, Apr. 5, 1906.

160. KENTUCKY: Providing for the extension of the boundaries of graded common school districts.

Chap. 88, Mar. 28, 1906.

161. MINNESOTA: Providing for the extension of the boundaries of school districts including less than twelve sections of land and two or more incorporated villages.  
Action by county commissioners upon petition of two-thirds of legal voters.  
Chap. 46, Mar. 16, 1905.
162. MINNESOTA: Amending sec. 1, chap. 371, Laws, 1901, relating to the formation, alteration, and consolidation of school districts involving territory lying in two or more counties.  
Limiting application of act to counties having 225,000 population or more and counties adjoining thereto. Providing for formation of separate district whenever portion of territory lying in any one county has assessed valuation of \$50,000 and 15 children of school age.  
Chap. 183, Apr. 15, 1905.
163. MINNESOTA: Providing for an optional plan for counties to consolidate the rural schools.  
Providing for the creation upon petition of a "county rural school consolidation commission" in each county and prescribing duties and powers thereof; providing for the organization and government of consolidated rural schools and for the transportation of pupils at public expense.  
Chap. 326, Apr. 19, 1905.
164. NEW YORK: Amending consolidated school law, sec. 30, art. 5, tit. 8, chap. 556, Laws, 1894, as amended by chap. 210, Laws, 1899, relating to the changing and consolidation of school districts.  
Providing for the consolidation of union free school districts in cities and incorporated villages.  
Chap. 258, Apr. 21, 1905.
165. NORTH CAROLINA: Amending sec. 29, chap. 4, Laws, 1901, relating to formation of school districts.  
Removing clause regarding geographical location and sparse population.  
Sec. 7, Chap. 533, Mar. 6, 1905.
166. NORTH DAKOTA: Amending sec. 780, Revised Code, 1899, relating to annexation of adjacent territory to cities, towns, or villages for school purposes.  
Establishing three-mile limit with proviso.  
Chap. 99, Mar. 9, 1905.
167. OHIO: Amending secs. 3888 and 3889, Revised Statutes, 1905, relating to classification and alteration of school districts.  
Defining village school district; must have \$100,000 valuation.  
Prescribing classification status of school district when the classification of village or city is changed.  
H. B. No. 86, Page 217, Apr. 2, 1906.
168. OKLAHOMA: Providing for the consolidation of school districts, the establishment of consolidated schools, the transportation of pupils, and the disposition of the property and indebtedness of disorganized districts.  
Districts to be consolidated by county superintendent upon vote of three-fourths of the voters residing in each of the districts. Transportation to and from school for all pupils living at a distance of one and one-half miles or more.  
Chap. 38, Art. 1, Mar. 10, 1905.

169. OREGON: Amending sec. 1, Laws, 1903, p. 86, relating to the consolidation of school districts.

The petition to consolidate from a district of the *third* class need contain the signatures of *five* instead of ten legal voters.

Sec. 3, Chap. 210, Feb. 22, 1905.

170. PENNSYLVANIA: Relating to the consolidation of cities into one municipality and providing for the organization, government, etc., of such consolidated municipality.

Consolidation not to affect application of common school laws nor the collection of taxes and assessments made for school purposes by the various school and sub-school districts.

Act No. 1, Feb. 7, 1906.

171. PENNSYLVANIA: Classifying school districts into four classes corresponding to classification of cities.

First class cities—1,000,000 population; second class—100,000-1,000,000; third class—less than 100,000; all districts outside of cities are to be fourth class.

Act No. 187, Apr. 22, 1905.

172. SOUTH DAKOTA: Providing for the reorganization of independent school districts, containing within their boundaries incorporated city, town, or village acting under general law for government of cities, so that said independent school districts shall be governed by the general law for the government of schools in cities and towns and adjacent territory, organized as independent school districts.

Chap. 101, Mar. 8, 1905.

173. SOUTH DAKOTA: Amending sec. 2323, Revised Political Code, 1903, relating to the organization of school districts.

County commissioners may organize one or more congressional townships into one school district.

Chap. 102, Mar. 8, 1905.

174. TEXAS: Amending art. 3938, chap. 10, tit. 86, Revised Civil Statutes, 1895, as amended by Laws, 1899, p. 321, relating to formation of school districts.

Extending the time limit for subdividing counties into convenient school districts from June 1, 1899, to June 1, 1905.

Providing method of procedure when patrons call for a change in the boundary line of school districts; specifying causes for which line may be changed, and clothing the commissioners' court with powers to correct defective district lines.

Chap. 88, Apr. 13, 1905.

175. UTAH: Creating county school districts of the first class on the same administrative basis as school districts in cities of the second class.

Providing that district must have population of more than 3,000 children between ages of six and eighteen; election, qualifications, constitution, duties, compensation and officers of board of education; organization and support of schools. Office of county superintendent to be vacant in certain cases.

Chap. 107, Mar. 9, 1905.

176. VIRGINIA: Amending and reenacting sec. 1470, Code, 1904, relating to the division of school districts and subdistricts.

Providing for the division in certain cases of districts into subdistricts for white and colored children; for the government and administration of such subdistricts; for school tax; for the appointment of school directors, their terms of office, powers, and duties.

Providing also for the adoption of the act by the counties of the state, and mode of relief from such adoption.

Chap. 240, Mar. 15, 1906.

## B. STATE FINANCE AND SUPPORT.

(For legislation relating to finance, support, lands, etc., of higher and special State institutions, see Section C, enactments 663-688.)

## (a) General.

The comparatively large number of enactments relating to finance and support exhibits clearly the great and increasing importance of the financial aspect of work of public education. More and more the states possessing school lands are guarding this endowment of public education by protective legislation, preventing, as far as possible, the dissipation of these lands thru the various forms of unwise disposal.

177. NEW YORK: Authorizing the acceptance by the state of gifts, bequests, and assignment of bonds, warrants, choses in action, or other obligations of any other state; and enforcing collection.

Such special funds to be appropriated only for support of common schools, or for the promotion of some educational interests in the state.

Chap. 388, May 16, 1905.

178. VIRGINIA: Amending and reenacting sec. 1423, Code, 1904, relating to gifts, grants, bequests, trusts, etc., for educational purposes.

Providing that trustees shall render annual account of the investment and disbursement of trust funds; and providing for enforcement of execution by suit on part of the state.

Chap. 23, Feb. 17, 1906.

179. VIRGINIA: Repealing sec. 1504, Code, 1904, relating to multiplication of schools beyond capacity to support.

(A duplicate section already included in sec. 1433, Code 1904.)

Chap. 248, Page 432, Mar. 15, 1906.

## (b) State School Lands.

180. ARKANSAS: Authorizing county judges to lease wild and uncleared sixteenth section school lands for a term of years for the purpose of putting the same in cultivation.

Applies to Mississippi county only.

Act No. 156, Apr. 13, 1905.

181. ARKANSAS: Relating to title of persons claiming to own sixteenth section school lands.

Act. No. 183, Apr. 19, 1905.

182. IOWA: Amending section 2841, Code, 1897, relating to the frequency of publication of notices of sale of school lands.

"Once each week for four weeks" instead of "for four weeks."

Sec. 5, Chap. 9, Apr. 10, 1906.

183. NEW MEXICO: Amending sec. 40, chap. 74, Acts, 1899, as amended by sec. 12, chap. 59, Acts, 1901, relating to leasing and managing of public lands.

Giving preference rights of lease or sale of school lands to ex-soldiers, their widows, and heirs.

Chap. 90, Mar. 16, 1905.

184. NORTH DAKOTA: Amending sec. 185, Revised Code, 1889, relating to the publication of notices of sale of school and state lands.  
Chap. 181, Mar. 6, 1905.

185. NORTH DAKOTA: Concurrent resolutions referring to legislature of 1907 amendment to sec. 158, Constitution, 1889, relating to sale of university and school lands.

Page 350 (S. B. 153). Mar. 6, 1905.

186. PENNSYLVANIA: Providing for a fixt annual charge of three cents per acre upon lands located within any school district and acquired by state for forest reservations, for benefit of schools of district. Two cents charge for roads.

Act No. 81, Apr. 5, 1905.

187. SOUTH DAKOTA: Amending sec. 385, art. 1, chap. 6, Revised Political Code, 1903, relating to patents for school and public lands.

Patent to be delivered by commissioner of school and public lands to county auditor.

Chap. 145, Feb. 4, 1905.

188. SOUTH DAKOTA: Amending sec. 369, art. 1, chap. 6, Revised Political Code, 1903, relating to forfeiture of lease of school and public lands for non-payment of rental.

Giving commissioner of school and public lands option to bring suit or declare lease forfeited. Homestead and absolute exemptions only exempt from levy on judgment.

Chap. 160, Feb. 4, 1905.

189. TEXAS: Limiting time in which to bring suit for school, university, or asylum land.

Chap. 29, Mar. 16, 1905.

190. TEXAS: Amending secs. 1, 3, and 4, chap. 97, Laws, 1903, relating to the sale of public free school, university, and asylum lands to railroad companies.

Providing that 640 acres of the public free school, university, or asylum lands be sold to railroads for the purpose of maintaining water stations where reservoirs are necessary; 320 acres to be sold for each town site. Town-site land to be put on the market and sold within ten years.

Chap. 46, Mar. 29, 1905.

191. TEXAS: Providing for the sale and lease of the free public school and asylum lands.

Chap. 103, Apr. 15, 1905.

192. WEST VIRGINIA: Amending secs. 6 and 19, chap. 105, Code, 1890, as amended by chap. 24, Acts, 1893, relating to sale of lands for school fund.

Providing for proceedings in sale of forfeited, waste, unappropriated, and escheated lands.

Chap. 42, Feb. 23, 1905.

(c) Permanent State School Funds: Composition and Investment.

The one noticeable characteristic of the legislation relating to the permanent state school funds is the number of enactments relating to the extension of the investment of the funds so as to include county, municipal, or school district bonds. Nevada (201) and North Dakota (206) each proposed amendments to their constitutions to accomplish these modes of investment. The utilization of

the war-claim payment by Vermont (200) as a foundation for a common-school fund is among the noteworthy pieces of legislation in New England.

183. CALIFORNIA: Authorizing the transfer as investment of \$500,000 of the state school land fund to general fund, for the purchases of site or sites and the erection, equipment, completion, and furnishing of building or buildings for state purposes in San Francisco. Interest four per cent.

Chap. 17, June 12, 1906 (July 1, 1906); (sp. sess.).

184. FLORIDA: Making annual appropriation of \$18,047.01 for payment of interest on state bonds held by educational funds of state as permanent investments.

Chap. 5477 (No. 106), June 5, 1905.

185. IDAHO: Submitting amendment to sec. 11, Art. 9, Constitution, 1880, relating to mode of investment of public school fund.

Extending investment so as to include county, municipal, or school district bonds, or state warrants.

Vote Nov., 1906.

Sen. Jt. Res. No. 2, Page 438, Feb. 8-23, 1905.

186. INDIANA: Providing that county commissioners may assume expense of searching title or recording mortgage of loans of school fund as a county charge to limit of one per cent.

Chap. 28, Feb. 21, 1905.

187. KANSAS: Repealing sec. 292, chap. 92, art. 15, General Statutes, 1901, relating to the payment of bonds before maturity, belonging to state permanent or other school funds, when held by local school corporations.

Chap. 382, Mar. 4, 1905.

188. KANSAS: Repealing chap. 74, Laws, 1903, relating to the exchange of bonds belonging to permanent school fund.

Exchange to be upon application of school district or board of education the bonds of which are held.

Chap. 473, Mar. 4, 1905.

189. KANSAS: Repealing sundry sections of the General Statutes, 1901, relating to the state permanent school fund, state agricultural fund, state normal fund, state university fund, and state school fund commissioners. The recording and investing of such funds.

Chap. 472, Mar. 8, 1905.

200. MINNESOTA: Amending sec. 7, chap. 83, Laws, 1897, relating to loan of permanent school or university funds to county, municipality or school district.

Increasing maximum limit of loan from seven to fifteen per cent of assessed valuation.

Chap. 8, Feb. 10, 1905.

201. NEVADA: Proposing amendment to sec. 3, Art. XI, Constitution, 1904, relating to land funds for support of education and the investment thereof.

State school funds may be invested in bonds of any city or county of any state.

Sen. Conc. Res. No. 18, Page 277, Mar. 13, 1905.

202. NEW JERSEY: Authorizing the refunding of money paid into state school fund from sales of unclaimed freight when owner or his legal representative establishes proof that he is entitled thereto.

Chap. 217, May 8, 1906.

203. NEW YORK: Amending state finance law, sec. 80, art. 4, chap. 413, Laws, 1897, as amended by chap. 225, Laws, 1904, relating to the education fund.

Providing for the inviolate preservation of the education fund by making additions to the capital thereof to cover any deficit; providing for distribution of income from fund.

Chap. 587, May 19, 1905.

204. NEW YORK: Amending state finance law, sec. 87, chap. 413, Laws, 1897, as amended by chap. 300, Laws, 1898, relating to investment of U. S. deposit fund by county loan commissioners.

Increasing limit of loans in city and county of New York from five to ten thousand dollars. Maximum not to exceed sixty per cent of property mortgaged.

Chap. 575, May 23, 1906.

205. NORTH DAKOTA: Concurrent resolution referring to legislature of 1907, amendment to sec. 162, Constitution, 1889, relating to the investment of school funds.

Extending investment to county, township, municipal, and drainage bonds, and bonds of such other states as have never repudiated indebtedness.

Page 351, Feb. 25, 1905.

Chap. 101, Feb. 25, 1905.

206. NORTH DAKOTA: Concurrent resolution submitting to vote amendment to sec. 162, Constitution, 1889, proposed by eighth legislative assembly (page 204, Laws, 1903) relating to the investment of school funds.

Extending investment to county, township, and municipal bonds.  
Vote Nov. 1906.

Page 349, Mar. 2, 1905.

207. SOUTH CAROLINA: Relating to disposal of money in state treasury known as "Direct Tax Fund."

Providing that all money in "Direct Tax Fund" Nov. 1, 1905, be placed to the credit of the state school fund.

Act No. 544, Jan. 8, 1905.

208. SOUTH DAKOTA: Amending sec. 402, art. 1, chap. 6, Revised Political Code, 1903, as amended by chap. 211, Laws, 1903, relating to investment of permanent school funds.

Extending investment to township bonds, and increasing total amount loaned on farm lands to any one person from one to five thousand dollars and decreasing maximum from one-half to one-third of value of land.

Chap. 161, Feb. 24, 1905.

209. \* VERMONT: Creating permanent common school fund.

Providing for utilization of fund of \$240,000, received from national government in payment of war claims, as foundation for common school fund, in accordance with plan to be formulated by special commission reporting to legislature October, 1906.

Act No. 42, Dec. 9, 1904.

210. VIRGINIA: Amending sec. 1432, Code, 1904, relating to recovery of money due literary fund.

Recovery to be by State Board of Education.

Chap. 248, Page 432, Mar. 15, 1906.

## (d) State Taxation for School Purposes.

In general the educational interests of the states were affected but little by legislation relating to state taxation for common school purposes. Exceptions to this are Ohio (215), Kentucky (211), and Louisiana (213). The inheritance tax law in the latter state promises to yield no inconsiderable revenue for the benefit of the schools of that state.

## 211. KENTUCKY: Relating to revenue and taxation.

Of the annual tax of fifty cents upon each one hundred dollars of value of all property directed to be assessed for taxation, twenty-six cents shall be for the common schools; one-half of one cent for the agricultural and mechanical college. Taxes levied in any common school district against any railroad or bridge company to be paid to county superintendents of schools. Provides for distribution of taxes collected between white and colored school districts.

Sec. 1 of Art. I, and secs. 5 and 6 of Art. V, Chap. 22, Mar. 15, 1906.

## 212. LOUISIANA: Amending sec. 1, Act No. 170, Laws, 1898, and sec. 1, Act No. 63, Laws, 1904 (amending sundry previous acts and sec. 90, Act No. 170, Laws, 1898) relating to revenue and taxation.

Lowering state tax from six to five mills, and apportioning out of the taxes collected one and thirteen-twentieths mills for public education.

Act No. 28, June 28, 1906.

## 213. \*LOUISIANA: Providing for inheritance tax for the support of public schools. (Art. 235 and 236, Constitution.)

SECTION 1. \* \* \* That there is now and shall hereafter be levied, solely for the support of the public schools, on all inheritances, legacies, and other donations, mortis causa, to or in favor of the direct descendants or ascendants of the decedent, a tax of two per centum, and on all inheritances or dispositions to or in favor of the collateral relatives of the deceased, or strangers, a tax of five per centum on the amount or the actual cash value thereof at the time of the death of the decedent.

SEC. 2. Be it further enacted, etc., that said tax shall not be imposed in the following cases:

a. On any inheritance, legacy, or other donation, mortis causa, to or in favor of any ascendant or descendant of the decedent below \$10,000 in amount or value.

b. On any legacy or other donation, mortis causa, to or in favor of any educational, religious, or charitable institution.

c. When the property inherited, bequeathed, or donated shall have borne its just proportion of taxes prior to the time of such donation, bequest, or inheritance. \* \* \*

Act No. 109, July 7, 1906.

## 214. MARYLAND: Amending sec. 1, chap. 343, Acts, 1904, as amending sec. 22, art. 81, Public General Laws, 1904, relating to state tax.

Fixing a tax of sixteen cents on each one hundred dollars in 1907 and annually thereafter, for the support of public schools.

Chap. 404, Apr. 3, 1906.

## 215. OHIO: Repealing sec. 3951, Revised Statutes, 1906, relating to the state common school fund and the Ohio State University fund and reenacting same with amendments.

Fixing annual state tax for common school fund at one mill, and one-tenth mill for sinking fund. Abolishing state tax for Ohio State University fund.

S. B. No. 243, Page 256, Apr. 2, 1906.

## 216. OREGON: Amending sec. 1, page 49, Laws, 1903, relating to inheritance tax. Exempting from tax bequests in trust for educational institutions.

Chap. 173, Feb. 21, 1905.



(e) General Apportionment of State School Funds—Special State Aid for Elementary Education.

Of the means for the extension and development of public education none possesses more wide-spread influence than that of the general financial support by the state as a unit. To this end systems of general state taxation have been inaugurated and permanent state school funds have been established. By the income derived from these two sources the states have aimed to reduce the burden of the support of public schools by local taxation alone, to stimulate the growth of local endeavor for the provision of adequate educational opportunities, and to equalize the frequently varying advantages for education among the different communities in the same state.

The most important problem in this connection is that of an equitable and just form of distribution or apportionment of the state educational revenues in order that the ends above mentioned may be accomplished in the best manner possible. In order that the support provided through the state may become a real and positive force in the provision of adequate school facilities for all the children in the state. Distributions to the various school communities of the state on the basis of taxes paid, property valuation, number of children of school age, total school enrollment for a certain definite period, average daily membership, average daily attendance, or aggregate days of attendance, may be indicated among the methods that have been devised and utilized, singly or in combination, at various times by different states. In general, it may be said that distribution on the basis of the school population or census has been, and is, the prevailing method at the present time.

The very evident aim of this latter method of distribution is to diminish the burdens of local support and to equalize the educational opportunities within the state, upon the presumption that the school population is the best index of the local educational needs. However, in certain states, during recent years, the weakness of this conclusion has been recognized, and attempts have been made to formulate some single or combination method of distribution which would not merely preserve an equality in the amount of assistance given by the state to the different school communities, but which would in reality give help where help was most needed. The methods of distribution on the basis of school enrollment or attendance belong to this class of efforts. More recently, it has come to be recognized that the number of teachers employed gives a far better basis for distribution than either the school census or school attendance, and that a combination basis of the number of teachers and the amount of school attendance represents perhaps the most equitable method for the utilization of the state school fund.

The recent California enactments (218-219) may be regarded in this direction as decided advances in American school administration, and as of sufficient importance to justify their complete reproduction in this place. The revision of the method of apportionment of state school funds in New Jersey (230) may be likewise included among the significant pieces of legislation of the period.

More and more each year the legislation of the different states indicates specific endeavors to extend financial assistance to the least wealthy school communities, and also contains direct appropriations for the extension and improvement of various grades of elementary schools. Florida (220), New York (231), Tennessee (234), Utah (235), Vermont (236), and Wisconsin (239) may be selected as typical of what is being accomplished to raise educational standards by wisely directed financial assistance. Especially noteworthy is the enactment in Indiana (221) to establish a reserve fund to be distributed to those communities which have made the maximum local effort permitted by

law to support public schools, and yet are unable to meet the minimum educational demands and standards established by the state.

217. ARIZONA; Providing for the apportionment of school funds in certain cases.

Permitting county superintendent to make one regular apportionment to school district the schoolhouse of which has been destroyed or rendered useless by fire, flood, etc.

Chap. 60, Mar. 16, 1905.

218. \* CALIFORNIA: Amending section 1858, Political Code, 1903, relating to the apportionment of school funds.

County superintendent must apportion money.

1858. The school superintendent of every county and city and county must apportion all State and county school moneys for the primary and grammar grades of his county or city and county as follows:

Method of determining the number of teachers.

1st. He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having seventy or a less number of census children and one additional teacher for each additional seventy census children, or fraction of seventy not less than twenty census children, as shown by the next preceding school census; and in cities or districts wherein separate classes are established for the instruction of the deaf, as provided in section sixteen hundred and eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number not less than five, actually attending such classes; provided, that all children in any asylum, and not attending the public schools of whom the authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled.

Must report the number of teachers to the superintendent of public instruction.

2nd. He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers so allowed to the several districts. And he must at the time of making his annual report of the school census of his county or city and county, as provided in section 1551 of the Political Code, report to the superintendent of public instruction, under oath, the number of teachers ascertained and so allowed to his county or city and county by the rule or provisions of subdivision first hereof applied to said school census.

Method of apportionment.

3rd. Five hundred fifty dollars shall be apportioned to every school district for every teacher so allowed to it; provided, that to districts having over seventy or a multiple of seventy school-census children and a fraction of less than twenty census children, there shall be apportioned twenty-five dollars for each census child in said fraction.

4th. All school moneys remaining on hand after apportioning to the school districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding school year; provided, that for any newly organized school district

where school was not maintained during the year in which the school census was taken, the average daily attendance shall be such percentage of the average daily attendance of the old district or districts from which its territory was taken as the census of the new district is of the old and new districts combined. The county superintendent shall deduct from the average daily attendance of the old district or districts the average daily attendance of the new district as above determined. Census children, wherever mentioned in this chapter shall be construed to mean those between the ages of five and seventeen years.

Certain funds may be borrowed for the benefit of school districts.

5th. Whenever in any school year, prior to the receipt by the counties, cities, or cities and counties of this state, of their state, county, or city, or high school fund, the school districts or cities or cities and counties shall not have sufficient money to their credit to pay the lawful demands against them, the county, city, or city and county superintendent shall give the treasurer of said county, city, or city and county, an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, city, or city and county, to transfer from any fund not immediately needed to pay the claims against it, to the proper school fund, an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be re-transferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

SEC. 2. This act shall take effect and be in force immediately after its passage.

Chap. 64, Mar. 6, 1905.

218a. CALIFORNIA: Kindergarten attendance not to be computed in ascertaining the proportion of the school fund to which a county is entitled.

Los Angeles County v. Kirk, 83 Pac. 250 (Dec. 27, 1905).

219. CALIFORNIA: Amending sec. 1532, Political Code, 1903, relating to the duties of the Superintendent of Public Instruction.

Concerning the apportionment of the state school fund: . . .

\* \* \* In apportioning said fund he shall apportion to every county and to every city and county two hundred fifty dollars (\$250) for every teacher determined and assigned to it on school census by the county or city and county school superintendent for the next preceding school year, as required by the county or city and county school superintendent, by the provisions of section 1858 of this code, and after thus apportioning two hundred fifty dollars on teacher or census basis, he shall apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance, as shown by the reports of the county or city and county school superintendents for the next preceding school year.

(Subdiv. 4.)

Chap. 185, Mar. 18, 1905 (Sept. 1, 1905).

220. FLORIDA: Providing for state aid to all public schools in state with average daily attendance of eighty per cent, so as to extend term of session two months.

Schools already receiving state aid under provisions of chap. 5206 exempted. Annual appropriation of \$50,000 for biennium 1906-1907.

Chap. 5381. (No. 10), May 1, 1905.

221. INDIANA: Providing for the levy of an annual tax for a state common school tuition fund and its apportionment and distribution.

SEC. 1. *Be it enacted by the general assembly of the State of Indiana,* That there shall be in the year 1905, and annually thereafter, assessed and collected, as state and county revenues are collected, eleven cents and six mills (11 cents and 6 mills) on each one hundred (\$100.00) dollars worth of taxable property, real and personal, in the state; which money, when collected, shall be paid into the state treasury for a common school tuition fund, and shall be apportioned to the several counties in the manner herein provided.

SEC. 2. The state superintendent of public instruction shall, on the days fixed by law for his apportionment of the school revenue, in each year, add to the sum total of said revenue, in readiness in each county for apportionment, any amount in the state treasury ready for apportionment, together with 94.8 per cent of the sum collected by virtue of the levy provided for in section one of this act; and, after said addition, the superintendent shall apportion the whole of said sum to the several counties of the state, according to the last enumeration of children therein, with due reference to the diminution provided for by law.

SEC. 3. A sum equal to 5.2 per cent of the amount collected under the levy provided for in section one of this act, shall be a fund to be distributed as hereinafter provided.

SEC. 4. Whenever any trustee of a township or board of trustees of any school town shall ascertain that there is not a sufficient amount of tuition revenue in his or their hands to enable him or them to maintain the public schools therein for the minimum term now or hereafter provided by law in such current school year, he or they, as the case may be, shall certify in writing under oath, such fact to the county superintendent of his or their county, stating therein the rate of the levy for local tuition purposes on each one hundred dollars, and the taxes on each taxable poll made for the supplementary tuition tax by such township or school town in the year immediately previous to the school year in which such deficiency occurs or will occur; also, stating the full amount received for tuition from each source, the names and number of teachers employed, the rate per diem paid them, the number of days each has taught and when he began teaching, and an estimate of the amount that will be necessary over and above the tuition revenue then on hand to complete such legal minimum term of all the public schools in such school corporation. Said certificate shall be executed in duplicate. Said county superintendent shall immediately examine such certificate, and if he shall find the facts stated therein to be true, and shall further find that such school corporation has levied the highest amount authorized by law for such school municipality as supplementary tuition tax for the year in which such deficiency will occur, he shall forward one

of such certificates to the state superintendent of public instruction, together with the result of his examination, and with the name and post-office address of such township trustee or the treasurer of such school corporation.

Sec. 5. Upon receipt of such statement from the county superintendent, the said superintendent of public instruction shall issue an order on the auditor of state in favor of such school corporation, if there be funds in the state treasury available for that purpose, for the amount necessary to bring the school term of said township or school corporation up to the minimum legal term, specifying the name of the trustee of such township, or the treasurer of said town, and his post-office address. And the auditor of state shall at once draw a warrant on the treasurer of state, payable out of the fund provided for in section 3 of this act in favor of said township or town, payable to the trustee of such township or treasurer of such town, and mail the same to him; provided no such township trustee or treasurer of a school town shall be entitled to draw or receive the funds provided in this act unless said township trustee or school board of trustees has levied a local tuition tax of at least forty cents on \$100.00 of taxable property in such township or school town.

Sec. 6. Said township trustee or school board of trustees shall use the amount so received from the state for the payment of the salaries of teachers employed in his township or their town to enable him or them to maintain schools therein for the full term as required by law during the year for which it was received, and shall use it for no other purpose.

Sec. 7. The township trustee or treasurer of any town school board and the sureties on their bonds receiving such funds from the state, shall be liable for the same as for any other township or school funds they may receive in an official capacity.

Sec. 8. The sum of seventy-five thousand (\$75,000.00) dollars is hereby set apart and appropriated from any moneys in the state treasury, not otherwise appropriated, for the fund provided for in section 3 of this act, for use in the school year beginning in September, 1905.

Sec. 9. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 10. An emergency existing for this act, it shall be in force from and after its passage.

Chap. 32, Feb. 24, 1905.

222. KENTUCKY: Apportionment of state tax between white and colored school districts.

Sec. No. 211.

223. MAINE: Amending sec. 97, chap. 15, Revised Statutes, 1903, relating to the education of children in unorganized townships.

Annual state aid increased from five to seven thousand dollars.

Chap. 45, Mar. 8, 1905.

224. MAINE: Amending sec. 16, chap. 15, Revised Statutes, 1903, relating to the withholding of school moneys in certain cases.

Extending provisions so that money may be withheld from towns neglecting "in any way to comply with the laws prescribing the duties of towns in relation to public schools."

Sec. 3, Chap. 48, Mar. 14, 1905.

225. MAINE: Amending sec. 45, chap. 15, Revised Statutes, 1903, relating to use of money appropriated by state for superintendence and extending application thereof.

Sec. 8, Chap. 48, Mar. 11, 1905.

226. MINNESOTA: Prescribing manner of making payments of state aid to high schools, graded schools, semi-graded schools, and rural schools.

Chap. 142, Apr. 11, 1905.

227. MINNESOTA: Amending sec. 23, chap. 352, Laws, 1899; sec. 25, chap. 352, Laws, 1899, as amended by chap. 189, Laws, 1901, and chap. 366, Laws, 1903; and sec. 28, chap. 352, Laws, 1899, as amended by chap. 189, Laws, 1901, and chap. 184, Laws, 1903, relating to state aid to rural schools.

Permitting teacher in state-aided rural school to hold second-grade state certificate. Schools taught by teachers holding second-grade certificates to receive \$50 annual state aid.

Chap. 296, Apr. 10, 1905.

228. MISSISSIPPI: Amending and supplementing sec. 4051, Annotated Code, 1892, relating to the distribution of the common school fund.

Providing for the division of the common school fund between the separate school districts of a county and that part of a county not included in separate school districts.

Chap. 118, Jan. 2, 1906.

229. \* NEW JERSEY: Supplementing Chap. 1, Acts, 1903 (sp. sess., Oct. 15), establishing a system of free public schools.

Providing for the apportionment among the several counties of the state, for school purposes, of the proceeds of the state tax on railroad and canal property. Apportionment on basis of assessed valuation of county.

Chap. 146, Apr. 20, 1906.

230. \* NEW JERSEY: Amending sec. 182, chap. 1, Acts, 1903 (sp. sess., Oct. 15), relating to the apportionment of state school fund by county superintendents.

Providing that district boards of education shall report to county superintendent data concerning pupils attending schools of other districts for whom tuition fees have been paid, and also grades in which teachers had been employed. Providing also, for special annual apportionment, \$400 for each assistant superintendent, and each permanent teacher in approved four-year high school; \$300 for each permanent teacher in approved three-year high school; \$200 for each permanent teacher in ungraded kindergarten, primary, or grammar school, or approved high school of less than three-year course; \$25 for each pupil attending high school of another district, for whom tuition fee is paid by district; \$5 for each pupil attending an ungraded kindergarten, primary, or grammar school of another district, for whom tuition fee is paid by district.

Chap. 241, May 17, 1906.

231. NEW YORK: Amending subdiv. 1, sec. 6, tit. 2, chap. 556, Consolidated School Law, 1894, as amended by chap. 316, Laws, 1902, relating to apportionment of free school fund.

Increasing amount of state aid to districts in accordance with a new graduation scale. Assessed valuation to be determined by Commissioner of Education.

Chap. 698, June 2, 1906.

231a. OHIO: Special state aid for teachers' salaries.

See No. 442.

232. OREGON: Requiring clerks of school districts to report to the county superintendent when the annual census of the district shall show an increase of 100 per cent or more over the number of children registered by the last census, between the ages of four and twenty years, and requiring

subsequent apportionments of school funds to be based on the number of such children shown by such annual census.

Chap. 121, Feb. 18, 1905.

233. \* SOUTH CAROLINA: Relating to census of public night schools.

Providing that all children attending public night schools, taught by qualified teachers, and having approved course of instruction for twenty nights in any scholastic year, shall be deemed enrolled and their names used by the county board of education in making apportionments.

Act No. 483, Mar. 9, 1905.

233a. SOUTH DAKOTA: Apportionment of school funds.

See No. 510.

234. TENNESSEE: Amending chap. 105, Acts, 1903, relating to the disposition of the surplus remaining in the state treasury at the end of each year by appropriating said surplus to use for scholastic purposes.

Providing that the maximum amount of surplus set aside each year shall not exceed \$300,000; \$50,000 to be expended annually to make term of all public schools six months; apportionment among counties conditioned on tax levy of two and one-half mills.

Chap. 213, Apr. 8, 1905.

235. \* UTAH: Providing for special state aid for common school districts.

When the revenue from the state school moneys, and maximum county and district school tax is insufficient to employ a teacher for at least twenty-eight weeks (less than \$300). Appropriating for total aid \$6,000.

Chap. 121, Mar. 17, 1905.

236. VERMONT: Amending sec. 1, No. 30, Acts, 1902, relating to distribution of state school tax fund.

Increasing amount reserved for distribution to certain towns, in order to equalize taxation, from fifteen to forty-five thousand dollars.

Act. No. 41, Dec. 1, 1904.

237. WASHINGTON: Amending sec. 175, Code of Public Instruction (sec. 2461, Annotated Codes and Statutes, 1897), relating to apportionment of school funds.

Requiring, after June 30, 1906, the levying of a three-mill local tax as a condition for school districts receiving apportionment of school moneys.

Providing for the levy of a special tax for payment of old indebtedness of school districts failing in past to receive state apportionment.

Sec. 5, Chap. 56, Mar. 3, 1905.

238. WISCONSIN: Amending sec. 9, chap. 439, Laws, 1901, as amended by chap. 287, Laws, 1903, relating to state aid to graded schools.

Excepting town free high schools.

Chap. 289, June 1, 1905.

239. WISCONSIN: Amending sec. 10, chap. 439, Laws, 1901, relating to state aid for graded schools.

Increasing annual appropriation from sixty thousand to eighty thousand dollars.

Chap. 332, June 10, 1905.

(f) Special State Aid for Secondary Education.

Adequate provision for elementary schools is rightly accounted of first importance in the educational economy of the state and city or school district. At the same time secondary or high schools are to-day deemed as essential parts of the American common school system. The encouragement and assistance

for the growth of these schools afforded by the states have been among the interesting educational phenomena of the last decade or two. In practically all of the states in which notable progress in public education has been made, some form of special state aid for high schools has been established. The enactments here presented for consideration in this connection are indicative of no new tendency. On the contrary, they bear evidence of the continued special interest held by the states for the care of this particular part of their educational systems. The establishment of a system of public high schools in Virginia (251) and the provision for state aid for these schools is another index of the great educational advancement going on in that state. The state aid to high schools provided for in Florida (242), and the increased assistance to high schools in Massachusetts (245), Minnesota (246), New Hampshire (248), and North Dakota (249) will undoubtedly serve to increase the efficiency of public education in those states.

(For a full account of the history of state appropriations for this purpose down to the year 1903, see the monograph by DAVID RHYNS JONES, *State aid to secondary schools*. University of California Publications in Education, vol. 3, No. 2, pp. 46-150.)

240. CALIFORNIA: Repealing and reenacting with amendments "An act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

Conditions for securing aid revised; nonresident pupils to pay tuition fees after July 1, 1905.

\* \* \* A nonresident pupil shall, in the discretion of the high school board of the high school district where he attends, be required to pay a tuition fee to such school equal to the difference between the cost per pupil for maintenance of such high school and the amount per pupil received during that school year by such high school from the state (sec. 9).

Chap. 65, Mar. 6, 1905 (July 1, 1905).

241. CALIFORNIA: Amending sec. 5, chap. 65, Laws, 1905, relating to apportionment of state high school fund.

Exempting from the requirements as to average daily attendance and length of school session schools closed or affected by conflagration or other public calamity.

Chap. 43, June 14, 1905 (sp. sess.).

242. FLORIDA: Providing for a uniform system of public schools, defining the twelve grades, and classifying the instruction therein.

State aid for high schools: \$50,000 annually for the biennium 1905-07.

Chap. 5382 (No. 11), May 20, 1905 (July 1, 1905).

243. IDAHO: Creating and establishing a fund for the Academy of Idaho.

Designating that four-fifteenths of rental income on certain lands granted by act of Congress, July 3, 1890, for "other state charitable, educational, penal, and reformatory institutions;" and four-fifteenths of interest on deferred payments on said lands, be credited to this fund.

S. B. No. 120, Page 409, Mar. 6, 1905.

244. IDAHO: Authorizing the issuance of \$45,000 four per cent ten-twenty year bonds for the Academy of Idaho, and providing for sinking fund for the interest and redemption of the same by a four-mill state tax.

H. B. No. 153, Page 166, Mar. 10, 1905.



245. MASSACHUSETTS: Amending sec. 3, chap. 42, Revised Laws, 1902, as amended by chap. 433, Acts, 1902, relating to state aid to high schools.

Providing for an increase of annual aid from three hundred to five hundred dollars to towns of less than five hundred families maintaining approved high school with at least two teachers.

Chap. 200, Mar. 26, 1903. (Jan. 1, 1907.)

246. MINNESOTA: Amending sec. 10, chap. 352, Laws, 1899, as amended by chap. 19, Laws, 1901, relating to state aid.

Increasing number of state-aided high schools in any county from seven to nine.

Chap. 320, Apr. 19, 1905.

247. MINNESOTA: Prescribing manner of making payments of state aid to high schools, graded schools, semigraded schools, and rural schools.

See No. 226.

248. NEW HAMPSHIRE: Amending sec. 3, chap. 93, Laws, 1901, as amended by chap. 118, Laws, 1903, relating to state appropriation for high school tuition.

Increasing annual appropriations from five to eight thousand dollars.

Chap. 89, Mar. 10, 1905.

249. \*NORTH DAKOTA: Amending secs. 870 and 871, Revised Code, 1899, as amended by chap. 8, Laws, 1903, relating to state aid to high schools.

Withdrawing aid to two-year high schools and doubling amount to three-year high schools (from three to six hundred dollars) and to four-year high schools (from four to eight hundred dollars).

Increasing maximum annual appropriation from ten to twenty-five thousand dollars, which sum must include amount of aid and expenses of high school board.

Chap. 24, Mar. 15, 1905.

250. VERMONT: Relating to special state aid to high schools and academies.

See No. 658.

251. \*VIRGINIA: Providing for the establishment and maintenance of a system of public high schools; state aid.

Local support of \$250 as a minimum and \$400 as a maximum to any one school to be duplicated by state, provided that district maintains primary and grammar schools at least five months. Inspection of schools by State Board of Education. Appropriating \$50,000.

Chap. 211, Mar. 14, 1903.

### C. LOCAL (COUNTY, DISTRICT, MUNICIPAL) FINANCE AND SUPPORT.

#### (a) General.

The enactments relating generally to local school finance are mostly concerned with the minor details in the management of educational funds. There is a tendency to require more careful auditing of accounts and greater publicity of local financial affairs of the public schools. Idaho (253), Iowa (254-255), Nebraska (259), New Jersey (260), North Carolina (261), Virginia (265), and Wisconsin (266) past characteristic measures in this direction.

The law passed in Tennessee (264) ought to insure greater care in expenditures.

in protecting the district school funds from the waste occasioned by the purchase of unnecessary and expensive school apparatus, and in restricting the activity of overzealous or unscrupulous dealers and agents.

252. CALIFORNIA: Amending sec. 1543, Political Code, 1903, relating to the general duties of the county superintendent.

Providing for manner of drawing requisitions by county superintendent upon county auditor for necessary expenses against school fund of any district; also form and approval of the same.

Chap. 402, Mar. 20, 1905.

253. IDAHO: Amending sec. 85, Laws, 1899 (sec. 1065, Political Code, 1901), relating to duties of boards of trustees of district schools.

Providing that boards of school trustees shall make and publish an annual financial statement.

S. B. No. 26, Page 319, Mar. 10, 1905.

254. IOWA: Amending sec. 2702, Code, 1897, relating to the furnishing of the board of directors by the secretary of a copy of the register of warrants.

At "each regular annual meeting" instead of "the March and September meetings."

Sec. 4, Chap. 136, Mar. 10, 1906.

255. IOWA: Amending sec. 2700, Code, 1897, relating to the financial statements of treasurers of boards of school directors.

Statements to be made in July instead of September.

Sec. 7, Chap. 136, Mar. 10, 1906.

256. MAINE: Amending sec. 13, chap. 15, Revised Statutes, 1903, relating to the raising and expenditure of funds for schools by towns.

Provisions of section not to interfere with provisions for establishment and maintenance of union schools by adjoining towns.

Sec. 1, Chap. 48, Mar. 11, 1905.

257. MAINE: Amending sec. 15, chap. 15, Revised Statutes, 1903, relating to the expenditure of school moneys by towns.

Unexpended balances of any year to be brought forward for the year following. Cities exempted.

Sec. 2, Chap. 48, Mar. 11, 1905.

258. MAINE: Amending sec. 19, chap. 15, Revised Statutes, 1903, relating to the use of school funds by towns.

Sec. 4, Chap. 48, Mar. 11, 1905.

259. NEBRASKA: Repealing, and reenacting with amendments, sec. 5437, Compiled Statutes, 1903, relating to annual tax levy in school districts.

Providing for the preparation of estimate of expenditures by board of trustees prior to time of meeting. Limiting maximum tax levy to two and one-half cents.

Chap. 131, Mar. 20, 1905.

260. NEW JERSEY: Amending sec. 189, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to penalty imposed upon custodian of school moneys for failing to make report.

Providing that custodian shall report to board of education of district in addition to county superintendent.

Chap. 182, May 2, 1906.

261. NORTH CAROLINA: Amending sec. 23, chap. 435, Laws, 1903, relating to publishing of treasurer's report.

Providing that county boards of education publish annually the report of the treasurer of the school fund on first Monday of July (previously Dec. 31st).

Sec. 21, Chap. 533, Mar. 0, 1905.

262. NORTH DAKOTA: Amending sec. 757, Revised Code, 1899, relating to county institute funds.

Sec. 6, Chap. 100, Mar. 13, 1905.

263. NORTH DAKOTA: Providing for the selection of depositories for city and school district funds.

Chap. 105, Mar. 16, 1905.

264. TENNESSEE: Relating to the paying out of school funds upon warrants issued by district school directors.

Making it unlawful for the county trustee to pay out school funds, upon warrants issued by district school directors, for maps, charts, libraries, and other school furniture or apparatus, unless such warrants are approved by the county judge or chairman of the county court and the county court clerk of the county.

Chap. 64, Mar. 17, 1905.

265. VIRGINIA: Providing that county and district school board shall make and publish annual financial statement.

Prescribing form of statement and penalties for failure to make.

Chap. 137, Mar. 10, 1906.

266. WISCONSIN: Amending sec. 1, chap. 163, Laws, 1899, relating to examination of accounts of school boards.

Providing that the examiners shall be voters in the district (instead of taxpayers), and shall "examine all accounts, books, vouchers, moneys, and property of whatsoever kind belonging to said district between the thirtieth day of June next following their appointment and the time of the next annual school meeting of said school district;" the report to be made to the electors at the next annual meeting.

Chap. 78, April 13, 1905.

267. WISCONSIN: Amending sec. 471, Statutes, 1898, relating to assessments in joint school districts.

More clearly defining the duties of assessors in joint school districts as to time, place, and manner of meeting, etc.

Chap. 307, June 5, 1905.

#### (b) Local (County, District, Municipal) Bonds and Indebtedness.

The volume of legislation relating to the creation and payment of bonded and other forms of indebtedness, incurred for educational purposes by local units, is indicative of the fundamental importance of this element of support and of the increasing pressure developed by reason of the constantly growing demands upon the public schools. Some of the measures have undoubtedly been made necessary on account of administrative expediency; others, especially in Idaho (272, 273), Michigan (281), Minnesota (282), Nebraska (285), Oklahoma (291), Virginia (294), and West Virginia (296), placing certain limitations upon the power to issue bonds and to create indebtedness, represent the endeavors to provide both necessary extensions and desirable restrictions to this power.

268. CALIFORNIA: Providing for the registration of bonds issued by common school, high school, or union high school districts.

Interest and principal of registered bonds to be paid only to registered owner or authorized agent.

Chap. 120, Mar. 18, 1905.

269. CALIFORNIA: Proposing amendment to sec. 18, art. 11, Constitution, relating to the power of counties, cities, cities and counties, towns, townships, boards of education, and school districts to incur indebtedness.

Special provision relating to city and county of San Francisco, the city of San Jose, and the town of Santa Clara.

Res. No. 8, Page 91, June 12, 1903 (sp. sess.).

270. CONNECTICUT: Concerning payment of debts by joint school districts. Consolidated school districts returning to the district system from the system of town management shall be the same as formerly and liable for debts.

Chap. 137, June 15, 1905.

271. FLORIDA: Authorizing county boards of public instruction to borrow money for payment of school warrants when there are no funds; maximum interest rate, eight per cent, per annum.

Chap. 5390 (No. 19), June 1, 1905.

272. IDAHO: Submitting amendment to sec. 3, art. 8, Constitution, 1889, relating to limitation of public indebtedness.

No county, city, town, village, or other subdivision of the state shall incur any indebtedness or liability in any manner, or for any purpose exceeding in that year the revenue and income provided for it for such year, without the assent of a majority [formerly two-thirds] of the qualified electors \* \* \*

Vote Nov., 1906.

H. J. R. No. 5, Page 435, Feb. 21, 1905, Mar. 10, 1905.

273. IDAHO: Providing for the issuance of orders for warrants by school district trustees, in payment of teachers' salaries and other necessary expenses.

Total amount of orders not to exceed income and revenue for the year, nor ninety-five per cent of income and revenue until same has been paid into county treasury.

Unpaid warrants to draw seven per cent interest.

H. B. No. 106, Page 93, Feb. 24, 1905.

274. ILLINOIS: Amending secs. 1 and 4, p. 294, Laws, 1901, relating to the issuance of school bonds by certain school districts.

Page 371, Mar. 30, 1905.

275. ILLINOIS: Amending sec. 3, art. 4, Acts, 1889, relating to loans of school moneys by township treasurers.

Regulating conditions of loans, fixing new rates of interest and periods for which loans may be made.

Page 378, May 12, 1905.

276. IOWA: Amending sec. 2768, Code, 1897, adding clause relating to school building bond fund account of treasurer.

Chap. 139, Mar. 23, 1906.

277. IOWA: Repealing sec. 2812-b, Code supplement, 1902, relating to school district bonds, and enacting a substitute therefor.

Defining conditions of issuance of bonds for various school purposes and manner of sale and redemption.

Chap. 140, Apr. 9, 1906.

278. KANSAS: Repealing, and reenacting with amendments, sec. 6142, General Statutes, 1901, relating to the payment of bonds of disorganized school districts.

Permitting the issuance of refunding bonds by new district when the bonded debt of disorganized district can be compromised.

Chap. 383, Feb. 22, 1905.

279. KANSAS: Authorizing counties, cities, townships, and school districts to retire school bonds before maturity.

Upon written petition of majority of resident taxpayers.

Chap. 72, Mar. 7, 1905.

280. LOUISIANA: Proposing an amendment to Constitution, 1898, authorizing and requiring the city of New Orleans to issue two hundred thousand dollars of bonds for the purpose of paying salaries of school teachers and portresses for years 1885, 1886, and 1887.

Vote November, 1906.

Act No. 2, June 11, 1906.

281. \*MICHIGAN: Amending sec. 4717, Compiled Laws, 1897 (sec. 1, chap. 6, no. 164, Public Acts, 1881), relating to the issuance of bonds by school districts.

Removing graded limitations of bonded indebtedness and establishing a uniform maximum limit of five per cent of assessed valuation; excepting districts having school census population of more than one hundred. bond limit is seventy-five dollars per capita of such census.

Fifteen-year limit instead of ten.

Act No. 270, June 16, 1905.

282. MINNESOTA: Amending sec. 3688, General Statutes, 1894, relating to the issuance of bonds by school districts.

Majority instead of two-thirds vote of electors required.

Chap. 272, Apr. 18, 1905.

283. MONTANA: Amending sec. 1, H. B. no. 12, p. 3, Laws, 1901, authorizing trustees of school districts to levy and collect a tax, or to issue bonds to repay moneys borrowed and used by such trustees for the maintenance of schools.

Chap. 2, Jan. 27, 1905.

284. MONTANA: Amending sec. 1961, Political Code, 1895, relating to the issuance of bonds by school districts.

Raising maximum total issue from \$251,000 to \$500,000.

Chap. 28, Feb. 21, 1905.

285. NEBRASKA: Repealing, and reenacting with amendments, sec. 10823, Annotated Statutes, 1903, relating to limitation of bond issues by school districts.

Reclassification of bond limitations; \$5,000 bond limit fixt for districts having 100-150 children of school age (formerly 100-200.) Limit for districts having more than 150 children (formerly 200) of school age fixt at ten per cent of assessed valuation.

Chap. 138, Feb. 23, 1905.

286. NEBRASKA: Repealing, and reenacting with amendments, sec. 1, p. 170, Laws, 1879 (sec. 10838, Annotated Statutes, 1903), relating to refunding of school district bonds.

Reducing interest rate of refunding bonds from seven to six per cent. Privilege of redemption at end of five years.

Chap. 139, Mar. 30, 1905.

287. NEW JERSEY: Supplementing chap. 1, Acts (sp. sess. Oct. 15), establishing a thoro and efficient system of public schools.

Bonds issued for the erection of school building prior to passage of above act by a consolidated school district comprising the territory of two adjoining municipalities to continue as a lien upon the real estate of said district.

Chap. 277, May 18, 1906.

288. NEW MEXICO: Amending sec. 1541, Compiled Laws, 1897, relating to issuance of bonds by school districts.

Giving power and authority to issue bonds to school directors instead of school districts.

Chap. 81, Mar. 15, 1906.

289. OHIO: Amending sec. 2, art. 12, Constitution, 1851, relating to exemptions from taxation.

State, local, and school bonds exempt. Adopted November, 1905.

Page 652, Apr. 25, 1904.

290. OHIO: Amending secs. 3970-2 and 3970-4, Revised Statutes, 1905, relating to sinking fund created by school districts for payment of bonded indebtedness.

Board of commissioners of sinking fund to make annual report to board of education.

Regulating investment of sinking fund.

Bonds issued by board of education to be offered first to sinking fund commissioners.

H. B. No. 237, Page 45, Mar. 14, 1906.

291. OKLAHOMA: Enabling counties, municipal corporations, boards of education in any city, and school districts to refund indebtedness.

Providing for the determination of amount of indebtedness; placing a limit of four per cent of assessed valuation upon total amount of bonded indebtedness; providing for the manner of issuance, registration, and payment.

Chap. 7, Art. 3, Mar. 11, 1905.

292. OKLAHOMA: Providing for the disposition of the property and indebtedness of disorganized school districts.

See No. 168.

293. SOUTH DAKOTA: Amending sec. 2424, Revised Political Code, 1903, relating to the issuance of school bonds.

Extending purposes for which boards of education, when directed by majority of qualified electors, may issue bonds so as to include outstanding indebtedness.

Chap. 103, Mar. 2, 1905.

294. VIRGINIA: Fixing maximum amount of bonded indebtedness for erecting and furnishing schoolhouses at 17 per cent of assessed valuation.

See No. 348.

295. WASHINGTON: Amending sec. 120, Code of Public Instruction (sec. 2390, Annotated Codes and Statutes, 1897), relating to the sale of school bonds.

Authorizing the readvertising of sale of bonds within eighteen months (formerly six) when bids are rejected. Bidders, except state of Washington, to deposit one per cent of bid as a guarantee.

Sec. 7, Chap. 142, Mar. 9, 1905.

296. WEST VIRGINIA: Limiting amount of indebtedness of counties, cities, school districts, and municipal corporations.

Maximum of indebtedness fixed at two and one-half per cent of assessed valuation; maximum time of payment, thirty-four years; three-fifths vote necessary to contract debt.

Chap. 51, Feb. 15, 1905 (Jan. 1, 1906).

297. WYOMING: Authorizing the exemption from taxation bonds issued by state of Wyoming or county school district or municipality within the state.

Chap. 17, Feb. 10, 1905.

#### (c) Local (County, District, Municipal) Taxation for School Purposes.

There is in the enactments assembled under this head a noticeable tendency to give to local school jurisdictions a wider authority in the provision of adequate support for public education. This tendency is, in fact, but a part of the larger and more inclusive one which is slowly yet surely becoming characteristic of the attitude of the American people toward their schools; that is, to

utilize, in as large manner as is consistent with wise public economy, all of the available means which may properly be directed toward the increase of the material resources available for meeting the educational necessities. The adoption of the proposed amendment to the Arkansas constitution (208), the tax legislation of Georgia (300), New Jersey (310), and Virginia (321), may be selected from the list for mention. The Nebraska enactment (308) clearly expresses a determination that local neglect or parsimony shall not relieve any community of its responsibility toward the public schools.

298. ARKANSAS: Proposing amendment to sec. 3, art. 14, Constitution, 1874. Adopted, Sept., 1906.

Increasing state school tax from *two* to *three* mills and raising maximum school district tax which legislature may authorize from *five* to *seven* mills.

Sen. Jt. Res. No. 1, Page 833, Mar. 2, 1905.

299. CALIFORNIA: Amending secs. 1817, 1818, and 1820, Political Code, 1903, relating to county and city and county school tax.

Increases annual amount required to be raised for each teacher, inclusive of state apportionment, from five hundred to five hundred fifty dollars; increases minimum annual amount to be raised for each census child from six to seven dollars.

Chap. 408, Mar. 21, 1905.

300. GEORGIA: Providing for the operation of local tax district schools, for the levying and collection of local tax by counties for educational purposes, for the laying off of counties in school districts, and for other purposes.

Creating local school districts in each county and granting local tax option to counties and school districts for the support of public schools. Tax not to exceed one-half of one per cent for county, or three-quarters of one per cent for district. Two-thirds majority necessary at election.

Creating and prescribing organization and duties of boards of trustees for local school districts.

Act No. 159, Page 425, Aug. 23, 1905.

301. INDIANA: Amending sec. 12, chap. 1, Laws, 1865, as amended by Laws, 1873, relative to levying of special township school tax.

Chapter 162, Mar. 7, 1905.

302. IOWA: Amending sec. 2806, Code supplement, 1902, relating to the estimate of taxes by the boards of school corporations.

Estimate to be made in July instead of March.

Sec. 14, Chap. 136, Mar. 10, 1906.

303. KANSAS: Repealing sec. 6127, General Statutes, 1901, relating to the powers of electors at district school meetings and reenacting a substitute.

School districts having population of more than five hundred may vote tax not to exceed two and one-half per cent (others two per cent).

Chap. 381, Mar. 3, 1905.

304. KANSAS: Repealing chap. 149, Laws, 1886, and amending sec. 18, art. 11, chap. 122, Laws, 1876, relating to tax levy for support of schools in cities of the second class.

Increasing maximum limit of tax to twenty mills on the dollar.

Chap. 399, Mar. 8, 1905.

305. MICHIGAN: Amending sec. 4705, Compiled Laws, 1897 (sec. 14, chap. 4, no. 164, Public Acts, 1881), relating to the assessment and apportionment of the mill tax for school purposes upon the property of township.

No tax to be levied in districts having a balance on hand equal to or in excess of the amount paid for teachers' wages in district during preceding year.

Act No. 16, Mar. 15, 1905.

306. MICHIGAN: Amending sec. 4675, Compiled Laws, 1897, and changing time for district school boards or boards of education to make reports to township clerk of taxes voted.

Act No. 36, Page 54, Mar. 29, 1905.

307. MINNESOTA: Empowering school districts of 20,000-50,000 inhabitants to levy maximum tax of nine mills for school purposes.

Chap. 25, Mar. 2, 1905.

307a. NEBRASKA: Limiting maximum tax levy to two and one-half cents.

See No. 259.

308. NEBRASKA: Providing for the levying of district school tax by county superintendent, whenever annual school meeting fails to make levy or votes to have no school.

Chap. 143, Mar. 30, 1905.

309. NEW HAMPSHIRE: Amending sec. 1, chap. 88, Public Statutes, 1901, as amended by chap. 92, Laws, 1901, relating to town tax for school purposes.

Increasing assessment from six hundred to seven hundred fifty dollars for every dollar of the public taxes apportioned to the town.

Chap. 48, Mar. 8, 1905.

310. NEW JERSEY: Amending secs. 24, 25, and 26, chap. 208, Acts, 1903, relating to assessment and collection of taxes.

Fixing limit for county taxation of fifty cents per hundred dollars of assessed valuation; a maximum limit of one dollar and seventy cents for combined county, school district, and local taxes in cities having population above fifty thousand; and one dollar and fifty cents for other cities, boroughs, villages, towns, and townships. Provide. Exceptions of state tax, state school tax, and tax to satisfy judgments.

Chap. 83, Mar. 31, 1905 (Jan. 1, 1906.)

311. NEW MEXICO: Amending sec. 1534, Compiled Laws, 1897, relating to powers and duties of school directors.

Directors may increase levy from five to ten mills when so authorized by majority vote of taxpayers of district.

Chap. 100, Mar. 16, 1905.

312. NORTH CAROLINA: Amending sec. 72, chap. 4, Laws, 1903, relating to taxation for school purposes.

Providing that expenses of holding special election upon question of special annual tax for school fund be paid out of the general school fund of the county.

Sec. 14, Chap. 533, Mar. 6, 1905.

313. NORTH CAROLINA: Amending sec. 54, chap. 4, Laws, 1901, relating to county school fund.

Sec. 20, Chap. 533, Mar. 6, 1905.

314. OHIO: Amending sec. 3958, Revised Statutes, 1905, relating to tax levy for school purposes after state funds have been exhausted.

Repealing provision that in city school districts tax levy shall be submitted to city board of review for approval.

S. B. No. 22, Page 9, Feb. 22, 1906.



315. OHIO: Amending sec. 3959, Revised Statutes, 1905, relating to maximum tax levy for school purposes.

Minimum annual tax for school purposes in city school districts fixt at six mills, exclusive of special levies provided for by vote of people. Additional levy of not more than five mills may be authorized by a majority vote of electors for a period of not more than five years.

H. B. No. 295, Page 127, Mar. 28, 1906.

316. OHIO: Amending sec. 3900 and adding sec. 3958a, Revised Statutes, 1905, relating to certification of tax levies to county auditor, and tax levies in special school districts.

H. B. No. 287, Page 248, Apr. 2, 1906.

317. OKLAHOMA: Amending sec. 6262, Revised and Annotated Statutes, 1903, relating to annual tax levies for school purposes in cities of the first class (25,000 population).

Increasing maximum limit from fifteen to twenty mills.

Chap. 33, Art. 8, Mar. 15, 1905.

318. PENNSYLVANIA: Amending sec. 35, chap. 410, Laws, 1854, relating to assessment of school taxes.

Providing for additional compensation of assessor for levying tax in certain cases.

Act No. 90, April 8, 1905.

319. SOUTH CAROLINA: Amending sec. 1208, Civil Code, 1902, relating to levy of special school district tax.

Providing that tax levied after October 1 of any year shall not take effect until succeeding fiscal year.

Act No. 71, Feb. 24, 1906.

320. UTAH: Amending sec. 1815, Revised Statutes, 1898, as amended by chap. 37, Laws, 1901, relating to powers and duties of boards of trustees.

Increasing maximum tax levy from one-half to three-fourths of one per cent and extending purposes of expenditures so as to include text-books.

Chap. 83, Mar. 9, 1905.

321. VIRGINIA: Amending sec. 1529, Code, 1904, relating to levy of taxes for schools in cities and towns.

Increasing maximum levy from three to five mills.

Chap. 80, Mar. 7, 1906.

322. WASHINGTON: Providing for the levying of a three-mill local tax as a condition for school districts receiving a portion of school money.

Sec No. 237.

323. WEST VIRGINIA: Amending and reenacting secs. 38 and 40, chap. 45, Code, 1899, as amended by chap. 10, Acts, 1904 (special), relating to levy for building and teachers' fund.

Chap. 67, Feb. 15, 1905.

324. WISCONSIN: Amending subdv. 1, sec. 776, Statutes, 1898, as amended by sec. 2, chap. 430, Laws, 1903, relating to rate of taxation in counties, towns, and school districts.

Increasing additional levy for school purposes in townships from one to two per cent.

Chap. 13, Mar. 17, 1905.

325. WYOMING: Amending and reenacting par. 5, sec. 531, Revised Statutes, 1899, as amended by chap. 63, Laws, 1903, relating to powers of district school meetings to vote money.

Removing five-mill limitation imposed on certain districts.

Chap. 91, Feb. 21, 1906.

## D. BUILDINGS AND SITES.

## (a) General.

In reality a considerable portion of the legislation included in this class may be regarded as belonging to that related to the issuance of bonds and the creation of indebtedness. In a large majority of cases bonds are issued, or extraordinary indebtedness is created, on account of the purchase of sites and the erection of buildings. It has been thought advantageous, however, to bring together here all of those enactments relating, directly and indirectly, to this important aspect of the educational problem.

Louisiana (334) and Virginia (348), each through their special school building legislation, exhibit a forward step in their educational progress. South Dakota (345) has aimed to stimulate the movement for the consolidation of school districts. The authorization by Wisconsin (353) for insurance may be noted among the significant pieces of legislation relating to school buildings.

326. ARKANSAS: Authorizing the special school district of Little Rock to borrow money to erect, complete, and equip a high school building; and to give a mortgage on school property.

Act No. 55, Feb. 24, 1905.

327. ARKANSAS: Permitting special school districts to borrow money for building purposes, and to mortgage the real property of the district for the payment of the same.

Exemption of Jefferson County.

Act No. 248, May 6, 1905.

328. CALIFORNIA: Amending sec. 1617, Political Code, 1903, relating to general powers of boards of school trustees and boards of education.

Giving to boards power to prosecute and compromise without vote of district any litigation, claims, demands, and causes of action arising from the destruction, partial or total, of any school building in the course of construction during the month of April, 1906.

Chap. 32, June 14, 1906. (sp. sess.)

329. CALIFORNIA: Amending sec. 1670, Political Code, 1903, relating to high schools.

Permitting high school boards to call election to decide question of issuance of bonds to repair, restore, or rebuild buildings injured or destroyed by conflagration or other public calamity.

Chap. 48, June 14, 1906. (sp. sess.)

330. INDIANA: Empowering boards of school commissioners of cities over 100,000 population to sell and transfer real estate and property, and validating previous sales and transfers.

Chap. 59, Mar. 1, 1905.

331. INDIANA: Bids for erection and repair of school buildings.

See No. 84.

332. KANSAS: Repealing sec. 6319, General Statutes, 1901, relating to the issuance of bonds by cities of second class to purchase sites and buildings for schools and reenacting a substitute with amendments.

Chap. 308, Mar. 8, 1905.

333. KENTUCKY: Amending and reenacting sec. 3219, Statutes, 1903, relating to the powers of boards of education in cities of the second class.

Maximum issue of bonds for the purchase of school sites, and the erection and equipment of schoolhouses increased from \$100,000 to \$150,000.

Chap. 79, Mar. 21, 1906.

334. \*LOUISIANA: Relating to the issuing of bonds for public purposes.

Authorizing parishes, municipal corporations, and parish boards of school directors, Orleans excepted, to issue, secured by special taxes voted therefor, bonds for the purpose of erecting public schoolhouses and other public buildings and improvements, and providing for the manner of issuance.

Act. No. 84, 1906. Not approved. Law by limitations.

335. MARYLAND: Authorizing City of Baltimore upon approval of electors, to issue bonds not to exceed one million dollars in amount for public school sites and buildings.

Chap. 552, Apr. 5, 1906. (Jan. 1, 1907).

336. MASSACHUSETTS: Creating a special board with power to sell certain school lands and buildings in the city of Boston. Proceeds of sale to go for purchase of sites and erection of new buildings for school purposes.

Chap. 259, Apr. 7, 1906.

337. MICHIGAN: Amending sec. 4728, Compiled Laws, 1897 (sec. 1, chap. 8, no. 164, Public Acts, 1881), relating to selection and changing of sites for schoolhouses by the qualified voters of any school district.

Act No. 75, May 1, 1905.

338. NEW YORK: Authorizing villages and cities to insure the real and personal property of state normal schools located therein when state refuses to insure or inadequately insures said property.

Chap. 252, Apr. 21, 1905.

339. NEW YORK: Amending subdv. 12, sec. 14, tit. 7; subdv. 7, sec. 47, tit. 7, and subdv. 6, sec. 15, tit. 8, Consolidated School Law, 1894, relating to powers of district school-meetings and to school buildings and sites.

Permitting the insurance of school buildings and furniture in extra-State insurance company.

Chap. 150, Apr. 5, 1906.

340. NORTH CAROLINA: Amending sec. 31, chap. 4, Laws, 1901, relating to condemnation of land for school sites.

Limiting size of site obtained by condemnation proceedings to two acres.

Sec. 8, Chap. 533, Mar. 6, 1905.

341. NORTH DAKOTA: Amending secs. 2516-2522, Revised Codes, 1895, relating to disposal of unclaimed lots in town sites in U. S. public land.

Surplus proceeds of sales may be used for construction, repair, and furnishing of school buildings.

Chap. 183, Mar. 6, 1905.

342. OKLAHOMA: Providing for the relocation of district schoolhouse in districts containing town or village.

District board shall locate schoolhouse in or adjoining the town or village, upon vote of two-thirds of voters of district, at a meeting called upon petition of one-third of voters.

Chap. 33, Art. 13, Mar. 13, 1905.

343. OREGON: Authorizing the district boundary boards of the several counties of the state to condemn lands for public school purposes, and requiring the school district for which the land is taken to pay the condemnation expenses in the same manner as other expenses.

Chap. 61, Feb. 10, 1905.

## 344. RHODE ISLAND: Enabling towns to condemn land for school purposes.

Empowering towns to condemn land not exceeding one acre at any one time for school purposes; providing procedure for condemnation; for appeal from award of damages and for a remedy for person failing to receive personal notice of the taking of his land.

Chap. 1306, Mar. 9, 1906.

## 345. SOUTH DAKOTA: Amending sec. 2386, Revised Political Code, 1903, relating to issuance of school bonds.

Permitting districts consolidating to issue bonds in amount not to exceed \$3,000, or not more than four per cent assessed valuation for building, furnishing, and equipping central school.

Chap. 162, Feb. 28, 1905.

## 346. VERMONT: Amending secs. 816 and 817, Statutes, 1894, relating to the taking of land for school purposes.

Providing minor change in form of procedure for appraisalment.

Act No. 46, Oct. 28, 1904.

## 347. VIRGINIA: Authorizing towns, after submission of questions to electors, in accordance with chap. 184, Acts, 1903, as amended by chap. 324, Acts, 1903, to issue bonds for municipal purposes.

The erecting and improving of school buildings included among said purposes.

Chap. 148, Mar. 10, 1906.

## 348. VIRGINIA: Providing for the issuance of bonds by district school boards for erecting and furnishing schoolhouses, upon approval by county board of supervisors and when authorized by majority vote of electors; also for payment of interest and principal.

Maximum amount of bonded indebtedness seventeen per cent of assessed valuation.

Chap. 255, Mar. 15, 1906.

## 349. WASHINGTON: Amending sec. 95, Code of Public Instruction (sec. 2365, Annotated Codes and Statutes, 1897), relating to the sale of school property by boards of directors in cities having a population of ten thousand and over.

Providing for sale of property, not exceeding two thousand dollars (previously five hundred), by board of directors without formal consent of district.

Sec. 4, Chap. 142, Mar. 9, 1905.

## 350. WASHINGTON: Amending sec. 97, Code of Public Instruction (sec. 2367, Annotated Codes and Statutes, 1897), relating to tax levy by boards of directors in cities having a population of ten thousand and over.

Authorizing, without vote of electors of district, maximum expenditures of \$50,000 for school sites and buildings in cities having population of ten to fifty thousand; \$100,000 in cities having population of fifty to one hundred thousand; \$150,000 in cities having population exceeding one hundred thousand. Authorizing directors to condemn land for school sites.

Sec. 5, Chap. 142, Mar. 9, 1905.

## 351. WISCONSIN: Amending sec. 475, chap. 27, Statutes, 1898, relating to loans for erection of school buildings.

Chap. 172, May 8, 1905.

## 352. WISCONSIN: Defining powers of electors of town free high school districts as to providing and equipping school buildings and providing sites therefor.

Election to be held upon petition of ten per cent of qualified electors.

Chap. 351, June 12, 1905.

353. WISCONSIN: Authorizing school districts and boards of education to organize mutual fire and tornado insurance companies for the insurance of public school buildings and their contents.

Chap. 373, June 14, 1905.

(b) Buildings and Sites: State Aid; Approval of Plans.

More and more the States are concerning themselves with the matter of properly erected and planned school buildings. As the extent of this State supervision increases there will, without question, be a decrease in the waste of funds through the erection of ill-adapted buildings, and an increase in the number of those in which have been incorporated the features demanded by a proper regard for the health of children and the requirements for efficient teaching. Each of the five enactments in this section are deserving of the thoughtful attention of those who see in properly constructed, adequately equipped, and hygienically arranged school buildings one of the most fruitful sources for the increase in general usefulness of the system of public education. The presence of these measures in the legislation of the period is of a decidedly encouraging nature.

354. PENNSYLVANIA: Providing for the regulation of the construction of public school buildings.

SECTION 1. That in order that due care may be exercised in the heating, lighting, and ventilating of public school buildings hereafter erected, no schoolhouse shall be erected by any board of education or school district in this State, the cost of which shall exceed four thousand dollars (\$4,000), until the plans and specifications for the same shall show in detail the proper heating, lighting, and ventilation of such building.

SEC. 2. Light shall be admitted from the left or from the left and rear of class rooms, and the total light area must, unless strengthened by the use of reflecting lenses, equal at least twenty-five per centum of floor space.

SEC. 3. Schoolhouses shall have in each class room at least fifteen square feet of floor space, and not less than two hundred cubic feet of air space per pupil, and shall provide for an approved system of indirect heating and ventilation, by means of which each class room shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil, and warmed to maintain an average temperature of seventy degrees Fahrenheit during the coldest weather.

Act No. 193, Apr. 22, 1905.

355. \* SOUTH CAROLINA: Encouraging the erection of adequate public school buildings.

SECTION 1. That the county boards of education of the various counties of this State be, and the same are hereby, authorized to annually set aside, from the surplus remaining from the net income derived by the State from the dispensary profits, an amount equal to five per cent. of the entire public school funds of their respective counties, which said amounts shall be used by the said county boards

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of education for the purpose of encouraging and aiding in the construction of adequate public school buildings in their respective counties.

SEC. 2. That when the friends, patrons, or trustees of any public school in any school district in any county in this State shall raise by private subscription, special tax, regular tax, sale of old building, issuing bonds, or otherwise, funds for building a schoolhouse in such district, the county board of education of such county shall turn over to the trustees of such school, from funds set aside for such purpose under this act, fifty dollars (\$50) for each one hundred dollars (\$100) so raised by such friends, patrons, or trustees for constructing such school building: *Provided*, No one school shall receive more than three hundred dollars under the provisions of this act: *Provided, further*, That no more than one school in any one district, in any one year, shall receive such aid.

SEC. 3. That county boards of education shall give the preference to school districts which have combined and consolidated two or more school buildings.

SEC. 4. That any school district availing itself of the provisions of this act shall comply with plans and specifications approved by the State board of education.

SEC. 5. That no school shall receive aid under the provisions of this act without the approval of the county board of education.

\* \* \* \* \*

Act No. 452, Feb. 22, 1905.

356. \* VIRGINIA: Amending sec. 1489, Code, 1904, relating to construction and condemnation of schoolhouses.

No schoolhouse shall be contracted for or erected until the site, location, plans, and specifications therefor shall have been submitted to and approved in writing by the division superintendent of schools, whose action in each case shall be reported by him to the State Board of Education.

Chap. 248, Page 442, Mar. 15, 1906.

357. \* VIRGINIA: Authorizing State Board of Education to lend, and district school boards to borrow, money from literary fund for the erection of school houses.

Plans, specifications, and location of building to be approved by state superintendent.

Maximum loan \$3,000, or not more than 50 per cent of cost of building. No aid for building costing less than \$250.

Chap. 252, Mar. 15, 1906.

358. WISCONSIN: Providing for additional room and additional teaching force in certain schools.

SECTION 1. Whenever any school district having a schoolhouse of one room only shall enroll in any one school term sixty-five pupils or more in such school it shall be the duties of the electors of said district at the next annual meeting to authorize the district board to make provision for an additional room and an additional teacher for the accommodation and instruction of said children.

SEC. 2. Failure to comply with the act shall cause the district to forfeit the right to share in the apportionment in that part of the public money which said district would otherwise receive from the seven-tenths mill tax, as provided by law.

Chap. 256, May 15, 1905.

## (c) Buildings and Sites: Decoration; Care; Sanitation; Inspection.

The following enactments are supplementary in their evident purpose to those noted in the previous section. Each of them bears characteristic evidence of progress in a needed direction. Those of Utah (363) and Vermont (364) are deemed of sufficient importance to justify the quotation of their principal features.

359. NEW YORK: Giving superintendent of Buffalo power to employ all school janitors.

*Sec. No. 107.*

360. NORTH CAROLINA: Amending sec. 6, chap. 435, Laws, 1903, relating to duties of township school committeemen.

Making appointment of janitor compulsory in district schools.

*Sec. 18, Chap. 533, Mar. 6, 1905.*

361. SOUTH DAKOTA: Prescribing as a duty of school district officers the planting, cultivation, and protection of trees and shrubs upon school grounds.

*Chap. 104, Jan. 31, 1905.*

362. TENNESSEE: Amending charter of city of Chattanooga.

Giving to the board of education the care, control, and maintenance of public school buildings and grounds.

*Chap. 388, April 14, 1905.*

363. UTAH: Requiring outhouses on school grounds to be maintained in a sanitary condition.

SECTION 1. \* \* \* It shall be the duty of the board of trustees of each school district in the state to provide all outhouses upon the school grounds, and which are not connected with a sewer system or cesspool, with the dry-earth system of privy vaults and to provide at all times a supply of dry earth in such outhouses sufficient to comply with the requirements of such system and must cause such vaults to be emptied at least once every month and oftener during the school year if in the opinion of the district health officer it is necessary and shall maintain all such outhouses in a sanitary condition.

*Chap. 60, Mar. 9, 1905.*

364. VERMONT: Providing for the condemnation of unsanitary school buildings or outhouses.

SECTION 1. The State board of health shall have power to examine or to cause to be examined any school building or outhouse, and to condemn the same as unfit for occupation or use; and any building or outhouse so condemned by written notice served upon the chairman of the board of school directors or other person having such school in charge shall not be occupied or used thereafter for school purposes until they are repaired and their sanitary conditions approved by said board.

SEC. 2. Any person who violates the provisions of this act shall be fined not more than fifty dollars nor less than five dollars.

*Act No. 44, Nov. 17, 1904.*

365. WEST VIRGINIA: Amending sec. 33, chap. 45, Code, 1890, relating to inspection of schoolhouses.

Providing that the president of the board of education of every district shall, at least once each year, examine all schoolhouses constructed and in process of construction and report the condition to the board. If buildings are unsatisfactory they may, with the approval of the county superintendent, be sold and proceeds be added to building fund. Payment to president for services.

*Chap. 70, Feb. 18, 1905.*

## (d) Buildings and Sites: Prohibition Districts.

The enactments presented under this heading do not, strictly speaking, belong to the class of educational legislation. They are, however, further evidences of a movement already a part of the policy of many States for the protection of the educational interests.

366. ARKANSAS: Establishing prohibition districts within vicinity of certain schools.

Act No. 259, May 6, 1905.

367. MASSACHUSETTS: Amending sec. 35, chap. 100, Revised Laws, 1902, relative to the granting of license for the sale of intoxicating liquors by certain hotels in the vicinity of public schools.

Chap. 104, Feb. 21, 1906.

368. MICHIGAN: Act No. 663, page 1157, Local Acts, 1905, making it a penal offense to keep a saloon within a certain distance of any public school in a certain county. Is not unconstitutional as a violation of the fourteenth amendment to the United States Constitution.

White v. Bracelin, 107 N. W. 1055 (May 24, 1906).

369. NEW JERSEY: Amending sec. 11, chap. 53, Acts, 1889, relating to sale of intoxicating and brewed liquors.

Providing that no license issue for the sale of spirituous, malt, or brewed liquors in any new place within two hundred feet of any schoolhouse, church, or armory.

Chap. 21, Mar. 8, 1905.

370. TENNESSEE: Regulating the sale of intoxicating liquor in vicinity of schools.

Prohibiting any person from buying for another any intoxicating liquor within four miles of any schoolhouse, public or private, whether school be in session or not. Not applying to legal sale of liquor in incorporated towns.

Chap. 422, April 15, 1905.

371. WISCONSIN: Amending sec. 1548, Statutes, 1898, relative to the sale of liquor near public and parochial schools.

No new liquor license to be granted after June 30, 1905, within 300 feet of public or parochial school; no license to be granted after Jan. 1, 1908, within restricted locality if majority of parents or guardians remonstrate.

Chap. 385, June 17, 1905.

## (e) U. S. Flag in Schools.

372. NEW MEXICO: Providing for the display of the United States flag upon public school buildings and the observance of February 12th, as "Flag Day."

State superintendent to prepare program of flag-day exercises and a uniform flag salute.

Chap. 48, Mar. 10, 1905.

373. OKLAHOMA: Requiring that United States flag be displayed within every schoolhouse, and providing penalty for violations.

Chap. 33, Art. 6, Mar. 10, 1905 (July 1, 1905).



## E. TEACHERS IN ELEMENTARY AND SECONDARY SCHOOLS.

## (a) Qualifications; General.

374. MONTANA: Amending sec. 1912, Political Code, 1895, as amended by sec. 2, S. B. no. 81, page 148, March 4, 1897, relating to the issuance of teachers' certificates.

Teacher in the public schools must be a citizen of the United States, or must have declared intention to become a citizen.

Chap. 77, Mar. 3, 1905.

## (b) Teachers' Examinations and Certificates: General.

By reason of their volume, and of their many evidences of educational progress, the enactments concerning the standards of qualification for teachers in the public schools represent one of the most interesting phases of the legislative activity of the biennium, especially when considered together with those dealing with normal schools and other institutions set up for the purpose of the professional education and training of teachers (see Section G, enactments 455, 408).

Two tendencies of the following enactments may be easily discerned: The first, the raising of the academic and professional requirements for teachers' certificates of different grades. The regulation of the California State Board of Education (375); as to the issuance of certificates to high school teachers, represents a decidedly new step in this direction. Its results will be watched closely by all those having a concern in the intensive development of the efficiency of secondary education. The amendments to the Nebraska statutes (391) may also be placed in the same class of progressive legislation.

The second of the characteristic tendencies is that of the centralization of right of examination and powers of certification of teachers in State boards and officers. Each year the legislative evidence becomes plainer that the control and regulation of the examination and certification of teachers entirely by the State is to become a settled principle of American school administration and supervision. To accomplish this end there is a continual withdrawal of the authority of county officers and boards to determine professional fitness and qualification. Iowa (382), Louisiana (387), Nebraska (391), New Mexico (393), Ohio (399), South Dakota (401), Utah (402), and Virginia (404) each passed measures calculated to give more uniform and certain values to the different grades of teachers' certificates.

375. CALIFORNIA: "The powers and duties of the State Board of Education are as follows:

2. (a) To prescribe by general rule the credentials upon which persons may be granted certificates to teach in the high schools of this State. No credentials shall be prescribed or allowed unless the same, in the judgment of said board, are the equivalent of a diploma.

\* This regulation of the issuance of high school teachers' certificates is not a legislative enactment, but a requirement of the State Board of Education. It is included here because in effect it is equivalent to legislative action, and because it represents a new movement for better qualified high school teachers.

of graduation from the University of California and are satisfactory evidence that the holder thereof has taken an amount of pedagogy equivalent to the minimum amount of pedagogy prescribed by the State Board of Education of this State and include a recommendation for a high school certificate from the faculty of the institution in which the pedagogical work shall have been taken.

(b) The said board shall also consider the cases of individual applicants who have taught successfully for a period of not less than twenty school months, and who are not possessed of the credentials prescribed by the board under the provisions of this section. The said board in its discretion may issue to such applicants special credentials upon which they may be granted certificates to teach in the high schools of the State. In such special cases the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of this section.

Section 1521. Political Code, 1903.

The minimum amount of pedagogy which Section 1521, subdivision 2 (a) of the Political Code, directs the State Board of Education to prescribe, is hereby declared to be as follows:

Satisfactory completion of courses, suitable and essential to acquiring efficient skill in teaching and an intelligent comprehension of the scope and the attainable goals in high school instruction; said courses to be equivalent to not less than twelve hours per week for one-half year; *provided*, that at least one-third of this work shall consist of practical teaching under the direction of supervising instructors of academic competency and breadth of pedagogic comprehension who for a period of not less than two years have taught the subjects in which they supervise.

The State Board of Education is not authorized by Section 1521 to specify institutions in which this prescribed pedagogy may be taken, but as standards of equivalents the certificate from any institution belonging to the Association of American Universities, or from any California State Normal School, or their recognized equivalents, may be accepted, provided that the recommendation of applicants by faculties of institutions in which the pedagogical courses are pursued attests that the requirements above stated have been fulfilled.

State Department of Education—Bulletin No. 99, July 10, 1906.

In pursuance of the above-mentioned principles, the State Board of Education has formulated the following rules for the granting of high school certificates:

1. High School Certificates may be issued under the provisions of Section 1521, subdivision 2 (a), and Section 1775, subdivision 1 (a) of the Political Code of California, as follows:

(a) To candidates who have received the Bachelor's Degree from a college requiring not less than eight years of high school and college training, and who submit evidence that in addition to the courses required for the Bachelor's Degree they have successfully completed at least one year of graduate study in a university belonging to the Association of American Universities; which year of graduate study shall include one half year of advanced academic

study (part of the time at least being devoted to one or more of the subjects taught in the high school) and such other time in a well-equipped training school of secondary grade directed by the Department of Education of any one of the Universities of the Association, as may be necessary to fulfill the pedagogical requirements prescribed by this Board.

(b) To candidates who have received the Bachelor's Degree from a college requiring not less than eight years of high school and college training, and who submit evidence that in addition to the courses required for the Bachelor's Degree they have successfully completed at least one half year of graduate study in a university belonging to the Association of American Universities; which half year of graduate study shall consist of advanced academic study (part of the time at least being devoted to one or more of the subjects taught in the high school); and six months as student teachers in a well-equipped school of secondary grade directed by a California State Normal School, or its recognized equivalent, under conditions conforming to the requirements prescribed by this Board as the minimum amount of pedagogy.

2. In lieu of the pedagogical training above prescribed, candidates may submit evidence showing that they are graduates of a California State Normal School or other Normal School officially recognized by this Board as of equivalent rank, or have taught with decided success as regular teachers or as principals at least twenty months in any reputable school, elementary or secondary; and *provided* that until July, 1908, the practical teaching prescribed may have been pursued in schools of grammar or secondary grade in connection with a California State Normal School or under the direction of the Department of Education of the University of California or of Leland Stanford Junior University, as evidenced by a certificate of proficiency.

3. The institution granting the Bachelor's Degree, the institution in which the post-graduate academic study is pursued, and the institution in which the pedagogical work is done shall each certify to the high character of the work accomplished under its direction and to the personal fitness of the candidate.

4. The above and foregoing rules shall take effect and be in force from and after August 1, 1906.

State Department of Education—Bulletin No. 90, July 10, 1906.

376. CALIFORNIA: Adding sec. 1802 to Political Code, 1903, relating to teachers' certificates.

Providing for the reissuance, without fee, of teachers' certificates lost or destroyed by conflagration or public calamity.

Chap. 47, June 14, 1906 (sp. sess.).

377. FLORIDA: Amending sec. 1, chap. 5204, Acts, 1903, relating to the certification of teachers.

Permitting county superintendent to hold special examinations and issue temporary certificates.

Chap. 5391 (No. 20), May 24, 1905.

378. IDAHO: Amending sec. 4, page 80, Laws, 1899 (sec. 1009, Political Code, 1899), relating to state certificates and diplomas.

Making possession of first-grade county certificate a prerequisite to the receiving of a certificate, and of a state certificate to receiving a state diploma.

Prescribing fees: state certificate, five dollars; state diploma, ten dollars. Fees to be used to aid county teachers' institutes.

H. B. No. 100, Page 83, Mar. 9, 1905.

379. ILLINOIS: Repealing sec. 29, art. 6, page 239, Laws, 1889, permitting cities of thirty to one hundred thousand population to examine and license public school teachers.

Page 383, May 12, 1905.

380. ILLINOIS: Amending sec. 3, art. 7, page 239, Laws, 1889, relating to county teachers' certificates.

Making civics and Illinois history additional subjects for examination.

Page 383, May 12, 1905.

381. ILLINOIS: Amending sec. 2, art. 7, Laws, 1889, relating to state teachers' certificates, and sec. 7, art. 7, Laws, 1889, relating to the holding of quarterly teachers' examinations by county superintendents.

Granting state certificates only upon examination and providing for their registration by the county superintendent.

Page 384, May 12, 1905.

382. \* IOWA: Repealing secs. 2632, 2734, 2735, 2736, 2737 of Code, 1897, and secs. 2734, 2736, 2737 of Code supplement, 1902, relating to county superintendent and examination and certification of teachers.

Defines duties of county superintendents; provided for the examination and certification of teachers for the public schools, the classification of teachers' certificates, the registration and conditions of revocation of the same.

Chap. 122, Apr. 5, 1906 (Oct. 1, 1906).

383. KANSAS: Authorizing the revocation of any teacher's certificate by the board granting it for cause that would have justified withholding at the time of issue.

Chap. 392, Mar. 7, 1905.

384. KANSAS: Repealing sec. 2, chap. 424, Laws, 1903, relating to the granting of county teachers' certificates.

Examinations to be given in other counties or at state educational institutions. Conditions and fees for examinations.

Chap. 391, Mar. 9, 1905.

385. KENTUCKY: Amending sec. 4425, Statutes, 1903, relative to examinations for teachers' county and state certificates and state diplomas.

All applicants for certificates and diplomas to subscribe to an oath exonerating themselves from the possession of any previous knowledge of the questions to be used at the examinations. Copy of oath to be preserved as a public record.

Chap. 29, Mar. 16, 1906.

386. KENTUCKY: Amending and reenacting sec. 4426, Statutes, 1903, relative to illegal granting of teachers' certificates and the illegal disposition of questions for teachers' examinations.

\* \* \* Any county superintendent or county examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each offense.

Any county superintendent, county examiner, printer, officer of state or county, or any other person who shall sell, barter, give, or furnish or procure to be sold, bartered, given, or furnished, to any applicant for a certificate to teach in the public schools, or to any other person,

any question or questions prepared or sent out by the state board of examiners for the examination of persons applying for such certificates, or in any way dispose of such question or questions, except in the manner provided by law, shall be guilty of a felony, and shall, upon conviction, be punished by confinement in the state penitentiary not less than one year nor more than two years. \* \* \*

Chap. 39, Mar. 16, 1906.

387. \* LOUISIANA: Relating to state teachers' certificates and state board of examiners.

Defining a state teacher's certificate and providing for conditions of examination and issuance, and creating a State Board of Examiners.

Act No. 55, July 2, 1906.

388. MAINE: Duties of school superintending committee as to examination of teachers.

See No. 92.

389. MICHIGAN: Amending sec. 4811, Compiled Laws, 1897 (sec. 4, no. 137, Public Acts, 1891), relating to the time of holding regular county teachers' examinations and regulating the time and number of special examinations.

Act No. 99, May 10, 1905.

390. MICHIGAN: Amending secs. 4812, 4813, 4815, and 4817, Compiled Laws, 1897 (secs. 5, 6, 8, 10, no. 147, Public Acts, 1891), relating to the conditions for the granting of teachers' certificates by county board of school examiners; the duties of the county commissioner of schools; compensation of county commissioner of schools and county school examiners.

Act No. 148, June 1, 1905.

391. \* NEBRASKA: Repealing secs. 1111, 1112, 1113, 1114, 1115, 11139, 11140, Annotated Statutes, 1903, and enacting substitutes; repealing and reenacting with amendments sec. 11130, Annotated Statutes, 1903, relating to the examination and certification of teachers.

Classifying certificates into state (professional, first grade, and elementary grade), county (first, second, and third grades), and city; prescribing requirements for each grade. Special requirements of normal school or professional training as prerequisite for county first and second grade certificates after Sept. 1, 1907. State superintendent of public instruction to prepare questions for all county and state examinations. Special examination fee.

Providing for certificates to graduates of state normal schools.

Special requirements for high school teachers and teachers in elementary schools of cities after Sept. 1, 1907.

SEC. 18. On and after September 1, 1907, no person shall be granted a certificate to teach in the high school department of any high school district, or in the high school department of any city school district in this state who is not a graduate from a regular four-year course of a college or university, or a graduate from the advanced course of a college, university or normal school in this state authorized by law to grant teachers' certificates, or who does not hold a professional state certificate obtained from the state superintendent on examination before him or a committee appointed by him as provided by law.

SEC. 19. On and after September 1, 1907, no person shall be eligible to teach in the grades below the high school department in any high school district or in the grades below the high school department in any city school district in this state who does not hold at least a second grade county certificate issued in Nebraska.

Chap. 135, Mar. 30, 1906. (Oct. 1, 1906.)

392. NEVADA: Amending sec. 1352, Compiled Laws, 1900 (sec. 1, chap. 92, Statutes, 1893), relating to teachers' examinations.

Extending period of duration of examination for county teachers' certificates from three to four days.

Chap. 43, Mar. 7, 1905.

393. \*NEW MEXICO: Providing for the issuance of territorial teachers' certificates by Territorial Board of Education, and prescribing the conditions thereof.

Sec. 1, Chap. 73, Mar. 14, 1905.

394. NEW MEXICO: Amending, in minor manner, sec. 2, chap. 27, Acts, 1901, relating to teachers' examination and certificates.

Sec. 3, Chap. 73, Mar. 14, 1905.

395. \*NEW MEXICO: Authorizing Superintendent of Public Instruction and county superintendents to issue temporary teachers' certificates.

Sec. 4, Chap. 73, Mar. 14, 1905.

396. NEW MEXICO: Amending sec. 3, chap. 119, Acts, 1903, relating to time of examination for third-grade teachers' certificates.

Sec. 6, Chap. 73, Mar. 14, 1905.

397. NORTH CAROLINA: Amending, in minor manner, sec. 37, chap. 4, Laws, 1901, relating to examination and certification of teachers.

Sec. 9, Chap. 533, Mar. 6, 1905.

398. NORTH DAKOTA: Amending secs. 737, 738, 739, 741, 742, and 744, Revised Code, 1899, relating to the certification of teachers.

Chap. 107, Mar. 13, 1905.

399. OHIO: Amending sec. 4071a, Revised Statutes, 1906, relating to questions for examinations for county teachers' certificates.

Questions to be printed by State Commissioner of Common Schools (previously prepared by State Commissioner and printed by county board of examiners). Constituting possession of questions prior to distribution a misdemeanor.

H. B. No. 306, Page 228, Apr. 2, 1906.

400. OKLAHOMA: Amending sec. 6203, Revised and Annotated Statutes, 1903, relating to the examinations for teachers' certificates.

County board of examiners to hold examinations on *last Thursday and Friday* (formerly last Friday and Saturday) of January, October, April, and at the close of the county normal institute.

Chap. 33, Art. 5, Mar. 10, 1905.

401. SOUTH DAKOTA: Amending secs. 2284 and 2285, Revised Political Code, 1903, and secs. 2286, 2287, 2288, 2289, and 2290, Revised Political Code, 1903, as amended by chap. 132, Laws, 1903, relating to the examinations, credentials, fees, etc., for state certificates and life diplomas.

Chap. 99, Mar. 11, 1905.

402. \*UTAH: Repealing secs. 1794-1798, Revised Statutes, 1898, and amendatory acts relating to examinations of county school teachers, and enacting a substitute.

Abolishing county board of examiners; examinations to be held by county superintendent under authorization of State Board of Education; State Board to prepare questions and grade all answer papers. County certificates to be valid in any county in state. Providing for assistants to State Board of Education for preparation of questions and grading of answer papers. Misdemeanor to disclose questions.

Chap. 71, Mar. 9, 1905.

403. VERMONT: Amending and adding to sec. 662, Statutes, 1894, relating to temporary permits to teach.

Authorizing town superintendent to hold examinations for issuing permits to teach in schools of the town for not more than fourteen weeks. Limitations.  
Act No. 35, Dec. 8, 1904 (Apr. 1, 1905).

404. VIRGINIA: Amending sec. 1476, Code, 1904, relating to teachers' certificate of qualification.

Discontinuing issuance of certificates to teachers after July 1, 1906, by division superintendents, and providing for their issuance after that date by the State Board of Examiners and Inspectors.

Chap. 248, Page 441, Mar. 15, 1906.

405. WASHINGTON: Amending sec. 145, Code of Public Instruction (sec. 2415, Annotated Codes and Statutes, 1897), relating to applicants for teachers' certificates receiving required percentage in part of designated subjects.

Repealing provisions exempting applicants for third-grade certificates.

Sec. 4, Chap. 56, Mar. 3, 1905.

406. WISCONSIN: Amending chap. 27, Statutes, 1898, relating to fees paid by teachers.

Striking out secs. 461e, 461f, 461h, 461j, thereby abolishing the one-dollar fee to be paid by applicants for teachers' certificates; and striking out portion of sec. 461g, requiring the county superintendent to pay over to his successor all moneys thus remaining in his hands at the expiration of his term of office.

Chap. 52, Mar. 29, 1905.

(c) Teachers' Examinations and Certificates: Special.

407. CALIFORNIA: Amending sec. 1775, Political Code, 1903, relating to the granting of certificates by county boards of education.

Provides for kindergarten-primary certificates under certain conditions, without examination.

Chap. 383, Mar. 20, 1905.

408. MICHIGAN: Amending no. 106, Public Acts, 1901, defining legal qualifications of kindergarten, music, and drawing teachers.

Provision added for music teachers' certificate for person having had two years' private tuition and who passes satisfactory examination by the musical director of any Michigan state normal school.

Act No. 24, Mar. 20, 1905.

409. OREGON: Authorizing State Board of Education to issue certificates to teachers of special subjects without examination.

Sec. 4, Chap. 210, Feb. 22, 1905.

410. VERMONT: Providing for special teachers' certificates.

Special certificates of different grades to be granted by examiners, subject to approval of Superintendent of Education, without examination, to teachers of primary schools, teachers of singing, drawing, and special subjects in secondary schools, and to teachers of special subjects and arts in public schools, on account of successful experience.

Act No. 33, Nov. 30, 1904.

411. WASHINGTON: Amending sec. 137, Code of Public Instruction (sec. 2407, Annotated Codes and Statutes, 1897), relating to teachers' diplomas and certificates.

Authorizing the issuance of temporary certificates by superintendent of schools of cities having more than ten thousand population, and the issuance of special kindergarten certificates by county superintendent of schools.

Sec. 2, Chap. 58, Mar. 3, 1905.

412. WISCONSIN: Adding to chap. 27, Statutes, 1898, four new sections:

458 (i). Authorizing the state superintendent to countersign diplomas and issue state certificates to persons supervising work in the public schools or teaching in colleges or normal schools, otherwise legally qualified under existing statutes, or who are recommended by the state board of examiners.

458 (j). Authorizing the state superintendent to issue a special temporary license, good only until the next meeting of the examiners, for the sole purpose of allowing a salary to said teacher for services rendered.

458 (k). Authorizing the state superintendent to grant a special certificate on recommendation of the examiners, qualifying the holder to teach special branches.

458 (l). Authorizing, on recommendation of the examiners, the issuance of a limited special certificate, qualifying the holder to teach one special branch in one particular school or district named.

Chap. 231, May 22, 1905.

413. WISCONSIN: Amending chap. 222, Laws, 1903, relating to the renewal of certificates of primary teachers in certain cases without examination.

Chap. 248, May 25, 1905.

(d) Teachers' Certificates: Validity; Endorsement; Registration; Revocation.

414. KANSAS: Repealing, and reenacting with amendments, sec. 1, chap. 425, Laws, 1903, relating to the endorsement of county teachers' certificates in the several counties of the state.

Removing conditions as to contiguity of counties in the case of endorsement of second and third grade certificates; thus making certain teachers' certificates, when endorsed by county superintendent, valid in any county of state.

Chap. 393, Feb. 25, 1905.

415. \*KANSAS: Requiring registration of state teachers' certificates, state diplomas, state normal diplomas, and certificates by county superintendents or clerks of municipal boards of education, and providing for the reporting of such registrations to the State Board of Education.

Chap. 394, Feb. 25, 1905.

416. MINNESOTA: Providing for the registration of teachers' certificates and diplomas with county superintendent as a qualification to teach.

Chap. 137, Apr. 11, 1905 (Jan. 1, 1906).

417. SOUTH DAKOTA: Amending sec. 2254, Revised Political Code, 1903, relating to the qualifications of teachers and the validity of county certificates.

Chap. 100, Mar. 10, 1905.

418. UTAH: Amending sec. 1844, Revised Statutes, 1898, relating to obligatory attendance of teachers upon teachers' institutes and the revocation of certificate in case of neglect or refusal to attend.

Revocation to be made by State Board of Education instead of county board of examiners (abolished by chap. 71, Laws, 1905).

Chap. 72, Mar. 9, 1905.



## (e) Teachers' Certificates; Recognition of Normal School and College or University Diplomas.

The enactments giving certification values to normal school and college, or university, diplomas are in a direction now well recognized in our recent educational practice. The measures below are chiefly in those states that are beginning to attach added importance to educational and professional foundations of the teachers' equipment.

419. ARKANSAS: Recognizing diploma from the teachers' training department of the University of Arkansas as a license to teach in any public school in the state.

After six years diploma may be converted into life certificate upon approval by the state superintendent of public instruction.

Act No. 343, May 11, 1905.

420. IDAHO: Providing for the issuance, by the State Superintendent of Public Instruction, of a state teachers' certificate to certain graduates of the University of Idaho.

[Certificates to be granted to] every graduate from the University of Idaho, receiving either the degree of bachelor of arts or bachelor of science, who has finished a two years' course in the department of pedagogy or who has taught successfully in the public schools of the state for five years, and who is recommended by the professor or instructor of pedagogy of said institution.

H. B. No. 156, Page 160, Mar. 8, 1905.

421. KENTUCKY: Providing for the proper recognition of the proficiency acquired by students attending the normal department of the agricultural and mechanical college.

Degree of bachelor of pedagogy, equivalent to a life certificate to teach in the public schools of state. Completion of other courses of study in the normal department entitles to state diploma or state certificate. Attendance upon summer session of normal department relieves teachers from requirement to attend institute.

Chap. 92, Mar. 21, 1906.

422. LOUISIANA: Amending sec. 53, Act No. 214, Laws, 1902, relating to the requirements for first-grade teacher's certificate.

Providing that graduates of all institutions of learning authorized by state law to confer diplomas be exempt from examinations in such courses as the president of institution shall certify have been completed, excepting theory and art of teaching.

Act No. 133, Page 222, July 10, 1906.

423. LOUISIANA: Amending sec. 59, Act No. 214, Laws, 1902, relating to recognition of diplomas of certain institutions as first-grade teachers' certificates.

Recognizing, in addition to diplomas from Peabody Normal School, Nashville, Tenn., and diplomas from State Normal School, the diplomas from department of Philosophy and Education of State University and diploma from New Orleans City Normal School.

Act No. 133, Page 222, July 10, 1906.

424. MARYLAND: Repealing and reenacting with amendments sundry sections of chap. 63, Acts, 1896, relating to the issuance of teachers' certificates to graduates of the department of pedagogy of Washington College.

Chap. 204, Mar. 30, 1906.

425. OKLAHOMA: Amending sec. 3404, Statutes, 1893 (6444, Revised and Annotated Statutes, 1903), relating to normal school certificates.

Examinations for first, second, and third grade certificates to be held each year at closing session of the normal schools. Examination fee of two dollars. Certificates awarded valid in county wherein school is located.

Normal school diploma a life certificate valid in any public school of territory.  
Chap. 25, Art. 1, Mar. 15, 1905.

426. \* SOUTH CAROLINA: Amending sec. 1200, Civil Code, 1902, relating to teachers' certificates.

Providing for approval by State Board of Education of curriculum and equipment of institutions whose diplomas are recognized in lieu of examinations for teachers' certificates.

Act No. 25, Feb. 17, 1906.

427. WASHINGTON: Amending sec. 141, Code of Public Instruction (sec. 2411, Annotated Codes and Statutes, 1897), relating to the requirements for teachers' certificates.

Providing for first-grade primary certificates; providing for common school certificates to graduates of higher state educational institutions and those of similar grade.

Sec. 3, Chap. 56, Mar. 3, 1905.

(f) Teachers' Associations.

428. IOWA: Repealing sec. 137, Code, 1897, relating to the publication and distribution of the proceedings of the Iowa state teachers' association, and enacting a substitute therefor.

SECTION 1. \* \* \* That there shall be published annually by the state, under the supervision of the superintendent of public instruction, a sufficient number of copies, such number to be fixed by the executive council, of not to exceed three hundred (300) pages each, of the proceedings of the state teachers' association, to be distributed as follows: One copy each to the governor, lieutenant-governor, auditor of state, secretary of state, treasurer of state, each member of the general assembly, each enrolled member of the state teachers' association, each public library in the state; one hundred copies for the executive council for reserve and one hundred (100) copies for distribution by the state superintendent of public instruction.

Chap. 6, Mar. 30, 1906.

429. MASSACHUSETTS: Amending sec. 4, chap. 40, Revised Laws, 1902, as amended by chap. 383, Acts, 1904, relating to county associations of teachers.

Certificate of meeting, necessary for state aid, to be filed with Board of Education instead of the governor. Provision relating to meetings of Dukes County educational association.

Chap. 260, Apr. 5, 1905.

430. MISSOURI: Amending sec. 9900, page 270, Laws, 1903, relating to the renewal of teachers' certificates.

County commissioner may, instead of shall, organize county teachers' associations.

Page 301, Mar. 31, 1905.

## F. TEACHERS: EMPLOYMENT, ETC.

## (a) Employment; Contract; Appointment; Dismissal.

The enactments grouped under this heading vary widely in their aim apparently, yet all possess a common characteristic which justifies their classification in this manner. That of Massachusetts (432) offers a wide scope of new activity for the State Board of Education, providing it meets with a response from teachers and school officers. The amendment to the statute of New Hampshire (434) seems to be a move in the right direction for the protection of teachers from hasty or ill-considered action on the part of employing boards of education. On the other hand, the enactments of Oklahoma (436) and Oregon (437) ought to serve to protect the schools and boards of education from those teachers upon whom the obligations of a contract rest lightly. If, in the light of the present-day experience, one may be permitted to pass an opinion, it would be that both boards of education and teachers are in need of legislative protection and prohibitions in this matter of contract obligations.

431. CONNECTICUT: Exempting from payment of license fee under provisions of chap. 259, General Statutes, 1902, employment agencies supplying positions only in educational institutions.

Chap. 148, June 22, 1905.

432. MASSACHUSETTS: Relating to the employment of public school teachers thru the State Board of Education.

SECTION 1. Any person desiring to teach in the public schools of this Commonwealth may, on payment of a fee of two dollars, file with the State Board of Education an application in writing stating the kind and grade of the school desired and the experience and training of the applicant, and may file with such application any evidence of the applicant's character and qualifications.

SECTION 2. It shall be the duty of the Board to receive such applications, to make lists of the same arranged for convenient reference, and on request of superintendents of schools and school committees of cities and towns to furnish all reasonable information about such applicants. The board may make reasonable rules and regulations relating to the filing of applications and the giving of information as above provided.

Chap. 309, May 21, 1905.

433. MINNESOTA: Qualifications of teachers in state-aided rural schools.

See No. 227.

434. \* NEW HAMPSHIRE: Amending secs. 3 and 4, chap. 92, Public Statutes, 1901, relating to the dismissal of teachers.

Substituting *immoral or incompetent* for *unsuitable or incompetent* as causes for dismissal; providing that before dismissal teachers shall have had previous notification and have had full and fair hearing.

School district liable for violation of provision of act, and teacher may recover full salary for wrongful dismissal.

Chap. 56, Mar. 9, 1905.

435. NEW HAMPSHIRE: Amending sec. 4, chap. 77, Laws 1890, relating to supervision of schools in cities and towns.

Districts formed of less than three towns or special school districts for purposes of supervision shall employ not fewer than twenty nor more than sixty teachers.

Chap. 115, Mar. 10, 1905.

436. OKLAHOMA: Amending sec. 6187, Revised and Annotated Statutes, 1903, relating to the employment of teachers.

Teachers' contract with district board binding until legal release by board. Until such release teacher may not make valid contract with any other district board or board of education.

Chap. 33, Art. 2, Mar. 13, 1905.

437. OREGON: Requiring teachers in the public schools to give thirty days' notice, upon resigning their positions.

That all teachers in the public schools of this state who shall willingly violate the terms of his or her contract for teaching by resigning his or her position as teacher without a written notice given to the school board at least thirty days before the time when the resignation shall take effect, shall have his or her certificate revoked by the authorities issuing same upon due notice from the school board, and shall be disqualified from teaching in the public schools of this state for the remainder of the school year: *Provided*, That sickness or other unavoidable circumstances which prevent the teacher from teaching one month shall be sufficient reason for the termination of the contract without the notice herein required on the part of the teacher: *And provided further*, That a school board may release a teacher from a contract by mutual agreement.

Chap. 42, Feb. 9, 1905.

438. VIRGINIA: Amending sec. 1531, Code, 1904, relating to apportionment of state funds to public free schools in cities and towns.

Striking out clause relating to nepotism as regards employment and payment of teacher (see amended sec. 1466, page 439, Chap. 248, Laws, 1903).

Chap. 293, Page 513, Mar. 17, 1906.

#### (b) Teachers' Salaries.

The movement for better salaries for public school teachers thru the establishment of minimum salary schedules is slowly gaining headway. No less than four states (Indiana, Maryland, Pennsylvania, West Virginia) had, previously to the period here under consideration, enacted laws fixing a minimum salary standard. The two principal enactments of the following group—North Dakota (441) and Ohio (442), and the amendment to the law already in force in West Virginia (444), are encouraging features for the movement, which promises much for the elevation of the standards of teaching, particularly in the schools of rural communities.

439. DELAWARE: Amending par. 3, sec. 27, chap. 67, Laws 1898, relating to salaries of teachers.

Increases limit of salary of teachers in unincorporated school districts from thirty-five to forty dollars per month.

Chap. 89, Mar. 16, 1905.

440. LOUISIANA: Relating to the issuance of bonds in payment of salaries of school teachers.

See No. 436.

441. \* NORTH DAKOTA: Amending sec. 695, Revised Code, 1899, relating to the employment and salaries of teachers in district schools.

\* \* \* No teacher holding a second-grade certificate shall receive less than forty-five dollars per month on and after the passage and taking effect of this act. \* \* \*

Sec. 5, Chap. 100, Mar. 18, 1905.

442. \* OHIO: Providing for minimum salary of public school teachers.

SECTION 1: That no person shall be employed to teach in any public school in Ohio for less than forty dollars (\$40) a month; and that when any school district in Ohio has not sufficient money to pay its teachers forty dollars per month for eight months of the year, after the Board of Education of said district has made the maximum school levy authorized by law, three-fourths of which shall be for the tuition fund, then said school district is hereby authorized to receive from the state treasury sufficient money to make up this deficiency. Any Board of Education having such a deficit shall make affidavits to the county auditor, who shall send a certified statement of the facts to the state auditor. The state auditor shall issue a voucher on the state treasurer in favor of the treasurer of said school district for the full amount of the deficit in the tuition fund.

SECTION 2: No district shall be entitled to State aid as provided in section 1 of this act, unless the number of persons of school age shall be at least twenty times the number of teachers employed in said district.

S. B. No. 103, Page 200, Apr. 2, 1906.

443. VIRGINIA: Provisions governing payment of salary to properly qualified and certificated teachers.

See No. 122.

444. WEST VIRGINIA: Amending sec. 6, chap. 45, Code, 1909, as amended by chap. 70, Acts, 1901, relating to salaries of teachers.

Increasing the minimum salaries to be paid to teachers of different grades.  
Chap. 69, Feb. 21, 1905.

#### (c) Teachers' Pensions.

No new measures establishing pensions can be recorded during the past two years, save those creating teachers' retirement funds in the cities of Rochester (451), and Troy (453), New York.

The amendments to existing laws relating to retirement plans and funds are significant. Maryland (445) modifies her law in a way which seems to attach to it a distinct charity principle. New Jersey (447), and Ohio (454), both revise their pension laws in important particulars.

445. MARYLAND: Repealing and reenacting with amendments sec. 58, art. 77, Public General Laws, 1904, relating to teachers' pensions.

In addition to other conditions of length and quality of service, teacher must be "without the means of comfortable support"; also must be recommended by board of county commissioners.

Chap. 475j, Apr. 3, 1906.

446. NEW JERSEY: Supplementing chap. 1, art. 25, Acts, 1906 (sp. sess. Oct. 15), relating to teachers' retirement fund.

Appropriating \$1,500 for the purpose of administration of fund.

Chap. 25, Apr. 5, 1906.

447. **NEW JERSEY:** Amending sec. 1, chap. 16, Acts, 1903, relating to pensions for public school teachers.

1. Any teacher, principal, or superintendent who shall have been employed in the public schools of this state not less than *thirty-five* years (forty in act of 1903) shall, upon application to the Board of Education, or by resolution of the Board of Education, having charge of the schools of the district in which such teacher, principal, or superintendent shall be employed, be retired from duty on half the average annual salary during the last five years of service: *Provided*, Such teacher, principal, or superintendent shall have been employed at least twenty years in the district in which he or she shall be retired.

2. The body having charge of the finances of said district shall make provision for and the Board of Education shall make such payments at the same time and in the same manner as to teachers regularly employed.

Chap. 103, Apr. 12, 1906.

448. **NEW JERSEY:** Amending secs. 213-224, inclusive, art. 21, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to teachers' retirement fund.

Providing for a revision of the membership of board of trustees of fund; organization, officers, and duties; constitution of fund; method of making payments to annuitants.

Chap. 314, June 13, 1906.

449. **NEW YORK:** Amending the charter of Greater New York, chap. 406, Laws, 1901, by adding section relating to teachers' retirement fund.

Exempting from levy and sale by virtue of execution all pensions or annuities payable out of public school teachers' retirement fund.

Chap. 107, Mar. 30, 1905.

450. **NEW YORK:** Amending sec. A, tit. 12, chap. 105, Laws, 1891, as added to by chap. 928, Laws, 1896, relating to public school teachers' retirement fund of city of Buffalo.

Concerning composition of board of trustees.

Chap. 192, Apr. 11, 1905.

451. **NEW YORK:** Establishing pension fund for retired school-teachers in city of Rochester and providing for the management of the fund.

Chap. 608, May 25, 1905 (Sept. 1, 1905).

452. **NEW YORK:** Amending sec. 1092, charter of greater New York, as amended by chap. 530, Laws, 1902, and chap. 177, Laws, 1903, relating to public school-teachers' retirement fund.

Chap. 661, May 31, 1905.

453. **NEW YORK:** Establishing a pension fund for public school-teachers of Troy, N. Y., and regulating the collection, management, and conditions of payment.

Chap. 805, Apr. 24, 1906.

454. **OHIO:** Amending sec. 3897d, 3897e, 3897k, and 3897l, Revised Statutes, 1905, relating to pensions for school-teacher.

Limiting annual pension to \$300 (previously \$500). Prohibiting payment of principal of donations, gifts, bequests, etc., for pensions.

Deductions from salaries of teachers on account of absence or tardiness to be paid into pension fund.

Board of education shall pay semiannually into pension fund not less than one nor more than two per cent of gross taxation receipts.

H. B. No. 212, Page 157, Mar. 31, 1906.

## G. TEACHERS: PROFESSIONAL TRAINING AND EDUCATION.

## (a) University Departments and Schools of Education.

Besides the minor administrative changes recorded, the legislation of the period indicates clearly enough that there is throughout the entire country a large and continually growing interest in those institutions and activities established for the professional training and education of teachers. No better evidence of the interest can be produced than those legislative enactments creating institutions and departments of collegiate and university rank for the purpose of affording training and education of a specialized and advanced type for those preparing to teach in secondary schools, or to enter upon the larger work of administration and supervision of education.

The three measures classified under this heading mark the beginning of a movement in the states concerned that is rapidly becoming characteristic of the attitude of the more progressive states toward the problem of providing adequately trained teachers for the higher work of the public school system.

455. MINNESOTA: Providing for the establishment of a teachers' college or department of pedagogy in the University of Minnesota.

SECTION 1. That it shall be the duty of the board of regents to organize and establish in the University of Minnesota as soon as practicable a teachers' college or department of pedagogy, for the purpose of affording proper professional training for those persons who intend to become public and high school instructors, principals, and superintendents of schools.

Chap. 120, Apr. 7, 1905.

455a. OHIO: Permitting Ohio State University to establish a teachers' college.

See No. 682.

456. TENNESSEE: Providing for the establishment of a college for the higher education of teachers.

Providing for the appropriation of \$25,000 annually for ten years, to be expended and used in conjunction with one million dollars, applied by the trustees of the Peabody Education Fund, for the purpose of establishing at Nashville a college for the higher education of white teachers for the southern states. The George Peabody College for Teachers to be the successor of the present Peabody Normal college.

Chap. 211, Apr. 8, 1905.

## (b) State Normal Schools.

The past two years have witnessed the establishment of a normal school system in Kentucky (463), the creation of a state normal school from a former county normal school in Maine (465), the establishment of two additional normal schools in Missouri (468-469), a large appropriation for the rebuilding of the burned Albany State Normal College in New York (471), and the preliminary steps for the establishment of a new normal school in Wisconsin (474). Two states, Delaware (458) and Illinois (460), have sought to encourage attendance upon their normal schools by extending the system of scholarships for students. Kansas (462) has recognized the importance of an adequate professional education for teachers by granting authority for a three-year course at

the normal school. Vermont (472) has increased the annual appropriations for normal schools. The measure enacted in Montana (470) for the benefit of the state normal college was declared to be unconstitutional. Minnesota (468) settled the disputed question of jurisdiction over the affairs of the normal schools by giving definite authority to the normal school board.

The legislation regarding normal schools was, in the main, unimportant, aside from that establishing new schools. This, however, is significant in itself of the continued response of the states to the demand for more and better prepared teachers.

457. CALIFORNIA: Amending sec. 1490, Political Code, 1903, relating to powers and duties of boards of trustees of state normal schools.

Makes discretionary the establishment of kindergarten model and training schools; annual reports of boards of trustees to be submitted to Superintendent of Public Instruction instead of the Governor.

Chap. 31, Feb. 28, 1905.

458. DELAWARE: Amending sec. 2, chap. 341, Laws, 1903, relating to the encouragement of the professional education of teachers at state normal schools.

Extends provisions so as to permit each of the county school commissioners to select persons for normal school scholarships who are residents of the state (previously county), subject to approval of superintendent of schools in county of residence.

Chap. 80, Mar. 20, 1905.

459. IDAHO: Amending sec. 2, page 228, Laws, 1899 (sec. 963, Political Code, 1901), relating to appointment and term of board of trustees of Albion State Normal School.

Increasing board from five to six members, to be appointed by governor. No more than four (previously three) members of same political party. New board in existence March 1, 1905. (Note: State Superintendent a member of board. Page 222, Laws, 1903).

H. B. No. 120, Page 120, Feb. 27, 1905.

460. ILLINOIS: Repealing sundry sections of acts relating to scholarships at state normal schools.

Aiming to equalize the advantages of the state normal schools; scholarships awarded to each school township.

Page 379, May 12, 1905.

461. IOWA: Amending sec. 2680, Code, 1897, relating to reports of state normal schools.

Provision relating to biennial report for 1906.

Chap. 125, Mar. 30, 1906.

462. KANSAS: Granting to the Board of Regents of the state normal school authority to prescribe a three-year course for the training of teachers and to issue certificates and diplomas upon completion of the same.

Chap. 383, Mar. 4, 1905.

463. KENTUCKY: "An act to establish a system of state normal schools in Kentucky; to create a board of regents for the management thereof; to create a normal executive council, which shall determine the requirements for admission and graduation and the courses of study for said schools; to create a commission which shall determine the location of said schools, and to appropriate funds for their maintenance."

Two normal schools established and a board of five (including state superintendent) for each appointed by the governor for a term of four years. No more than three members of any of these boards to belong to same political party. Normal Executive Council composed of superintendent of public instruction and the president of each normal school. Diploma from "advanced course" a qualification to teach in any county in state; certificate from elementary



course a qualification to teach specified branches for two years. President, professors, or teachers not to be removed without specific cause and due notice; right of defense before board.

Ten pupils from each legislative district, selected by examination by county superintendents, under direction of Normal Executive Council, entitled annually to gratuitous instruction, provided candidates sign declaration to teach in public schools of the state not fewer than three years.

Donated sites to be selected by commission; \$10,000 appropriated for buildings and grounds; \$40,000 annually for salaries and other expenses.

Chap. 102, Mar. 21, 1906.

464. MAINE: Amending sec. 113, chap. 15, Revised Statutes, 1903, relating to the number of trustees of state normal schools.

Increasing number from seven to eight; and six instead of five to be appointed by the governor.

Chap. 11, Feb. 16, 1905.

465. MAINE: Amending chap. 223, Private and Special Laws, 1903, establishing a county normal school at Presque Isle in the county of Aroostook.

Name changed from Aroostook County to Aroostook State normal school.

Chap. 313 (private laws), Mar. 21, 1905.

466. MINNESOTA: Divesting the state board of control, with the exception of authority over financial matters relating to erection and construction of new buildings, purchase of fuel and placing of insurance, of jurisdiction and authority over the state university and state normal schools, and providing for the financial management of the state university by the board of regents and the state normal schools by the state normal school board as prior to April 1, 1901 (Chap. 122, Laws, 1901).

Chap. 119, Apr. 7, 1905.

467. MISSISSIPPI: Donating and transferring the property of the State Normal School for colored pupils at Holly Springs to the branch Agricultural Experiment Station at the same place.

Chap. 148, Mar. 1, 1906.

468. MISSOURI: Establishing Fourth District Normal School, providing for a commission upon location and a governing board of regents.

Page 297, Mar. 17, 1905.

469. MISSOURI: Establishing the Fifth District Normal School, providing for a commission upon location, and a governing board of regents.

Page 299, Mar. 25, 1905.

470. MONTANA: Enabling the Normal School Land Grant to be further utilized in providing additional buildings and equipment for Montana State Normal College.

SEC. 5. It shall be the duty of the state treasurer to keep all moneys derived from the sale, leases, or sale of timber from the state normal school lands, as hereinbefore mentioned, in a separate fund, to be known and designated as "The State Normal School Fund," and out of the moneys of such fund he shall pay, after the approval of the State Board of Examiners

Chap. 3, Page 5, Feb. 2, 1905.

MONTANA, 1906: Const., art. 11, sec. 12, provides that the funds of all state institutions of learning shall forever remain inviolate, and shall be respectively invested under such regulations as may be prescribed by law, and that the interest from such invested funds, etc., shall be devoted to the maintenance and perpetuation of such respective institutions, and

Laws, 1905, sec. 5, chap. 3, p. 5, provides that the state treasurer shall keep all moneys derived from the sale of timber from lands granted in aid of the state normal school in a separate fund from which he shall pay the interest on certain normal school bonds as it accrues and the principal at maturity. *Held*, that as soon as the treasurer receives any money from the sale of normal school bonds or timber, payable into the normal school fund, he is required to invest the same, and is authorized only to use the interest and the rents from leased lands for the maintenance of the school.

State v. Rice, 83 Pac. 874.

MONTANA, 1900: Such act (Laws, 1905, Chap. 3, p. 5) was in violation of Const., art. 11, sec. 12, requiring normal school funds so obtained to be invested and the income only used for the maintenance of the school.

State v. Rice, 83 Pac. 874.

471. NEW YORK: Appropriating \$350,000 for the rebuilding of State Normal College at Albany and providing for an exchange of sites with Albany Orphan Asylum; \$75,000 bonus to latter institution.

Chap. 435, May 14, 1906.

472. VERMONT: Amending sec. 6, No. 22, Acts, 1898, as amended by No. 18, Acts, 1900, relating to control and support of state normal schools.

Increasing annual appropriations to each of the state normal schools from \$5,500 to \$7,500.

Act No. 32, Dec. 1, 1904.

473. WASHINGTON: Amending secs. 215, 220, 221, 222, and 223, Code of Public Instruction (secs. 2546, 2551, 2552, 2553, 2554, Annotated Codes and Statutes, 1897), relating to normal schools.

Board of trustees to *adopt* the necessary text-books (previously adopt and provide). Repealing provision that diplomas and certificates must be signed by heads of departments. Tuition to be free to *all* students, excepting those not obligating themselves to follow vocation of teaching.

Prescribing courses of study of different duration and the certificates and diplomas awarded upon the completion thereof. Text-books and supplies may be provided. Provisions regarding library fee.

Chap. 85, Mar. 6, 1905.

474. WISCONSIN: Locating new state normal school at La Crosse,

Appropriating \$10,000 for purchase and improvement of site and preparation of plans, specifications, and estimates for organization and establishment of school. To be reported to legislature of 1907.

Chap. 121, Apr. 26, 1905.

475. WISCONSIN: Amending secs. 393 (as amended by chaps. 74 and 260, Laws, 1899, and chap. 166, Laws, 1901), 395, 398, and 401, Statutes, 1898, relating to organization, compensation, and conduct of business of the board of normal school regents.

Removing limitation as to the residence of more than one male regent in same congressional district; all moneys received by board to be paid to state treasurer; providing for methods of submitting accounts.

Chap. 168, May 8, 1905.

#### (c) County and Local Normal and Training Schools.

Nowhere in the educational system is the pressing need of trained teachers felt more than in the rural school districts. The demand for qualified teachers in the villages and cities has exceeded the supply of graduates from the state

normal schools in most of the states. Even without this excess demand, under the conditions of low salaries and social isolation, the difficulty of making the district school position seem acceptable to those completing the regular state normal school courses has long been recognized.

Certain states have attempted to meet the need for better rural school teachers through the establishment of "county normal schools," or "county normal school training classes," where the students, who otherwise would go directly into the work of teaching, are given one year, more or less, of special training, calculated to fit them in large measure for the definite work of the rural schools. The classified legislation shows that two states, Michigan (476) and Wisconsin (478), have found this plan a useful one. Each of these states grants through recent legislation greatly increased assistance for the development of these schools.

476. MICHIGAN: Amending secs. 3, 4, 5, and 6 of no. 241, Public Acts, 1903, relating to the establishment, maintenance, and control of county normal training classes.

Discontinuing two year course; increasing state aid from \$250 per teacher employed to \$500; maximum of \$1,000 in any county.

Act No. 20, Mar. 16, 1905.

477. MICHIGAN: State superintendent to have control of normal training classes.  
*See No. 19.*

478. WISCONSIN: Amending secs. 5 and 6, chap. 338, Laws, 1903, relating to county training schools for teachers (established, chap. 268, April 20, 1899).

Increasing from eight to twelve the number of county training schools which may, upon approval by state superintendent, receive state aid. Increasing proportion of state aid from one-half of amount of local expenditures to two-thirds; maximum aid to each school from \$2,500 to \$3,500. Limiting certificates granted to graduates without experience in teaching.

Chap. 509, June 20, 1905.

#### (d) Teachers' Institutes and Summer Schools.

The teachers' institute has always held an important place in the plans of the states for the elevation of the standards of teaching. The number and character of the enactments on this subject clearly indicate that these institutes and summer schools are to be developed in a larger way by no small number of the states. The establishment of annual county teachers' institutes in Arkansas (470), the provision for joint county institute in California (481) and Maryland (486), the increased appropriations for the summer training schools for teachers in Florida (482) and Virginia (497), and the enactments in North Carolina (490), Oregon (492), and Tennessee (495) seem to offer abundant evidence of the trend of American education in this one particular.

There are several enactments that are indicative of the positive attitude recently assumed by several of the states regarding the conditions of attendance upon these institutes by teachers. Not only is the more or less usual provision as to compulsory attendance included in the measures in Kentucky (484), Montana (487), and Tennessee (494), but school boards must suspend the session of the schools during the time of the institute so as to permit attendance by teachers, who are not to suffer any reduction of salary on account of this suspension.

479. ARKANSAS: Providing for the improvement of the character of teaching in the state of Arkansas.

Establishes annual county institutes in the various counties for both white and colored teachers; state superintendent to outline work; all teachers must attend. Provides for endorsement and extension of teachers' certificates.

Act No. 311, May 1, 1905.

480. CALIFORNIA: Amending sec. 1560, Political Code, 1903, relating to teachers' institutes.

Provides for joint county teachers' institutes and limits sessions of the required special teachers' institutes in cities to "not less than three nor more than five days."

Chap. 57, Mar. 3, 1905.

481. CALIFORNIA: Amending sec. 1564, Political Code, 1903, relating to expenses of teachers' institutes.

Limits expenses of joint institutes to \$200 and increases maximum expense for regular county institutes from \$200 to \$300.

Chap. 148, Mar. 18, 1905.

482. FLORIDA: Providing for teachers' summer training schools and making appropriations therefor.

Whereas, the value of the public school system is measured by the character of the teachers employed; and whereas, teachers' summer training schools are recognized as among the most potent means of improving teachers, and as being the form of normal instruction which reaches the largest number of teachers and hence whose benefits are most widespread; and whereas the donation of aid from the Peabody fund which in the past has been so liberally granted each year by the lamented Dr. J. L. M. Curry, will doubtless be continued with equal liberality by the present management of said fund, provided the legislature will show its appreciation thereof by the appropriation of a larger sum. \* \* \*

\$5,000 appropriated for teachers' summer training schools during biennium 1905-1906.

Chap. 5385 (No. 14), May 24, 1905.

483. ILLINOIS: Amending sec. 9, art. 7, page 239, Laws, 1880, relating to teachers' institute fund.

Providing for the disposal of any surplus in the fund, thru defraying the expenses of general meetings of teachers of the county.

Page 385, May 12, 1905.

484. KENTUCKY: Amending sec. 9, chap. 63, Acts, 1902 (sec. 4510, Statutes, 1903), relative to attendance of teachers upon county institutes.

Schools shall be suspended during session of the institute, but no reduction of the teachers' salary shall be made on account of such suspension.

Chap. 85, Mar. 16, 1906.

485. LOUISIANA: Amending sec. 49, Act No. 214, Laws, 1902, relating to examination fees for teachers' certificates.

Providing that such fees shall be transmitted to the state superintendent and be placed to the credit of the state institute fund.

Act No. 133, Page 222, July 10, 1906.

486. \* MARYLAND: Repealing and reenacting with amendments sec. 80, chap. 584, Acts, 1904 (sec. 87, Public General Laws, 1904), relating to county teachers' institutes.

Authorizing joint institutes of two or more counties.

Chap. 350, Apr. 9, 1900.

487. \* MONTANA: Amending sec. 1903, Political Code, 1896, as amended by sec. 10, S. B. no. 44, 1897, relating to the attendance of teachers upon county teachers' institutes.

Making requirements more rigid and compelling boards of school trustees to close schools during session of institute.

Chap. 60, Mar. 2, 1905.

488. NEW MEXICO: Amending sec. 1, chap. 120, Acts, 1903, relating to teachers' institutes.

Limiting expenditure to fifty dollars in counties of third and fourth class.

Sec. 2, Chap. 73, Mar. 14, 1905.

489. NEW MEXICO: Providing that any person of good moral character, and who has a certificate of the first class, may be appointed as conductor of normal institutes.

Sec. 5, Chap. 73, Mar. 14, 1905.

490. \* NORTH CAROLINA: Amending sec. 26, chap. 4, Laws, 1901, as amended by sec. 10, chap. 435, Laws, 1903, relating to county teachers' institutes.

Increasing powers of state superintendent over county institutes, which are to be held *biennially*. Providing for support of institutes and compulsory attendance of teachers.

Sec. 5, Chap. 533, Mar. 6, 1905.

491. OKLAHOMA: Amending sec. 6292, Revised and Annotated Statutes, 1903, relating to fund for county normal institute.

County commissioners shall, upon recommendation of county superintendent, allow not to exceed one hundred dollars for support of normal institute. To supplement fund already derived from examination and registration fees.

Chap. 33, Art. 10, Mar. 4, 1905.

492. OREGON: Authorizing county school superintendents to hold local institutes and educational gatherings and to use a part of the institute funds for defraying expenses of the same.

Sec. 1, Chap. 210, Feb. 22, 1905.

493. PENNSYLVANIA: Regulating the time of holding city teachers' institutes.

Institutes may be held on any five days or any ten half days which city superintendents may select.

Act No. 164, Apr. 20, 1905.

494. TENNESSEE: Amending chap. 25, Acts, 1873, establishing uniform system of schools and relating to duties of state superintendent.

Providing that the schools of any county may be suspended for one day each year to permit teachers to attend teachers' conference. No deduction from teachers' salary.

Chap. 10, Jan. 30, 1905.

495. TENNESSEE: Relating to the training of teachers in summer institutes and summer schools.

Authorizing county courts, in counties of not less than 70,000 nor more than 90,000 population, to make appropriations from the public school fund for the professional education and training of teachers in summer institutes and summer schools.

Chap. 114, Mar. 31, 1905.

496. UTAH: Relating to the obligatory attendance of teachers upon teachers' institutes.

*See No. 418.*

497. VIRGINIA: Amending sec. 1481, Code, 1904, relating to teachers' meetings and summer schools.

Increasing annual appropriation for state summer schools from \$2,500 to \$5,000, provided that not fewer than eight be held annually.

Chap. 248, Page 441, Mar. 15, 1906.

498. WISCONSIN: Providing for the deficiency in the teachers' institute fund caused by the abolishment of the examination fee for teachers' certificate (chap. 52, Laws, 1905).

Appropriating \$9,000 and providing for the apportionment of the same to the various counties on basis of number of teachers employed. Defining competent institute conductor.

Chap. 476, June 20, 1905 (July 1, 1905).

#### H. SCHOOL POPULATION AND ATTENDANCE.

##### (a) General.

499. NORTH CAROLINA: Amending sec. 23, chap. 4, Laws, 1901, relating to closing of schools by reason of insufficient attendance.

To be closed only with approval of county superintendent of schools.

Sec. 4, Chap. 533, Mar. 6, 1905.

##### (b) School Census.

The two factors—apportionment of school funds on the census basis, and the enforcement of compulsory educational laws—have apparently contributed to make the school census a more important element in the affairs of public education than formerly. While most of the legislation is of importance only in a minor way, by certain of the enactments, Michigan (503-504), Nevada (505), New Mexico (507), and South Dakota (511), steps have been taken to insure more accurate and reliable census returns.

500. CALIFORNIA: Amending sec. 1630, Political Code, 1903, relating to report of census marshals.

Permitting use of substitute census list when emergency or public calamity prevents the taking of the school census at the time specified by statute between fifteenth and thirtieth of April.

Chap. 34, June 14, 1906 (sp. sess.).

501. IOWA: Amending sec. 2764, Code, 1897, relating to the keeping of the register of persons of school age by the secretary of the board.

Register to be made in June instead of September.

Sec. 5, Chap. 136, Mar. 10, 1906.

502. IOWA: Amending sec. 2785, Code, 1897, relating to duties of directors in school townships.

Census to be taken between first and fifteenth days of June and report of same to be made on twentieth of June.

Sec. 9, Chap. 136, Mar. 10, 1906.

503. MICHIGAN: Amending sec. 4687, Compiled Laws, 1897, relative to manner of taking school census.

Act No. 36, Page 54, Mar. 29, 1905.

504. MICHIGAN: Amending sec. 4688, Compiled Laws, 1897, (sec. 22a, chap. 3, no. 164, Public Acts, 1881), relating to penalty for giving false information for school census.

Increasing penalty: fine and imprisonment.

Act No. 208, June 13, 1905.

505. NEVADA: Amending sec. 1303, Compiled Laws, 1900 (subdy. 3, sec. 32, chap. 145, Statutes, 1865), relating to school census.

Report of school census marshal to be sent to and approved by clerk of district board of trustees before being transmitted to county superintendent of schools.

Chap. 45, Mar. 2, 1905.

506. NEW HAMPSHIRE: Amending chap. 46, Laws, 1895, as amended by chap. 86, Laws, 1903, relating to annual enumeration of children between five and sixteen years of age by truant officers.

Changing time for making enumeration from October to September.

Chap. 91, Mar. 10, 1905.

507. NEW MEXICO: Providing for the taking of school census, and compensation therefor. Penalty for false enumeration.

Chap. 23, Mar. 2, 1905.

508. NORTH CAROLINA: Amending sec. 17, Chap. 4, Laws, 1901, relating to the duties of the township school committeemen.

Providing that township committee must take the census in their township by districts and may be paid two cents per name or one dollar per day for four days.

Sec. 17, Chap. 533, Mar. 6, 1905.

509. NORTH DAKOTA: Amending sec. 707, Revised Code, 1899, relating to annual school census.

Census to include ages and address of deaf and dumb, blind, and feeble-minded persons between ages of five and twenty-five. County superintendent to provide copies of enumeration of different classes of defectives to the superintendents of the respective state institutions.

Chap. 103, Mar. 13, 1905.

510. SOUTH DAKOTA: Amending sec. 396, Revised Political Code, 1903, relating to the apportionment of school funds.

Excluding from census enumeration pupils in model schools or in schools attached to any state normal school, or any other state school.

Chap. 158, Mar. 7, 1905.

511. \* SOUTH DAKOTA: Providing for school census upon which to apportion school moneys.

Annual school census of children between ages of six and twenty-one to be taken by clerk of school district and filed with county superintendent before first Monday in June. County superintendent to report enumeration to commissioner of school and public lands before July 1st. Penalties for false, inaccurate, or incomplete returns.

Chap. 64, Mar. 13, 1905.

512. VIRGINIA: Amending sec. 1462, Code, 1904, relating to school census.

Census to be taken in every school district by clerk of district board during month of April or May, 1910, and every five years thereafter.

Chap. 248, Page 489, Mar. 15, 1906.

## (c) School Year; Month; Day.

513. FLORIDA: Amending sec. 3, chap. 4193, Acts, 1893, relative to defining a school year and providing for the opening and closing of school terms.

County schools failing to hold full session to make up such lost time within next school year or forfeit financial apportionment.

Chap. 5386 (No. 15), May 31, 1905.

514. IOWA: Amending sec. 2773, Code, 1897, relating to the length of school year.

Year to commence on "first of July" instead of "third Monday in March."

Sec. 8, Chap. 136, Mar. 10, 1903.

515. LOUISIANA: Amending sec. 23, Act No. 214, Laws, 1902, relating to course of study and sessions of public schools.

Fixing the school week at five days and the school month at twenty days; monthly salaries of teachers to be paid accordingly.

Act No. 133, July 10, 1903.

## (d) School Holidays.

516. ARIZONA: Amending sec. 2709, Revised Statutes, 1901, relating to holidays.

When certain days set aside by statute as holidays fall on Sunday, the Monday following shall be a holiday.

Chap. 15, Feb. 21, 1905.

517. MAINE: Amending sec. 88, chap. 15, Revised Statutes, 1903, relating to school holidays and privileges thereof.

Adding the following to said section: "When any one of the above-named holidays falls upon a Sunday, the Monday following shall be observed as a school holiday with all the privileges applying to any of the days above named."

Sec. 14, Chap. 48, Mar. 11, 1905.

518. NEW YORK: Adding section to tit. 4, chap. 18, of charter of Greater New York, as reenacted by chap. 466, Laws, 1901, relating to school holidays.

Makes first Thursday in June, or in some cases second Thursday in June, a holiday for public schools in borough of Brooklyn, in commemoration of the organization of Sunday schools.

Chap. 528, May 18, 1905.

## (e) Place of Attendance; Transportation of Pupils; Consolidation of Schools.

(See A. Enactments 150-176.)

Supplementary to the legislation for the furthering of the consolidation of school districts (150-176) is that providing for the transportation of pupils to and from school. Minnesota (524) and Wisconsin (531), by important acts, extended their activities in this direction; Ohio (526) gave greater authority to school boards; and Vermont (530) provided for boards of referees to adjudicate disputed questions. Kansas (521), Oklahoma (527), and Oregon (528) gave increased authority to school boards regarding the payments for the attendance of pupils at schools in other school districts.

The Massachusetts act of 1902 (523), requiring street railway companies to carry public school pupils to and from school at half fare, was declared to be constitutional; and the provisions of the act were extended by the legislature so as to include the pupils of private schools.



519. IDAHO: Amending sec. 5, page 220, Laws, 1901, as amending sec. 35, page 93, Laws, 1899 (sec. 1055, Political Code, 1901), relating to the formation of school districts.

Permitting pupil to attend school in the district in which school building is nearer his place of residence than is the school of his own district.

H. B. No. 190, Page 218, Mar. 9, 1905.

520. KANSAS: Amending sec. 32, chap. 79, General Statutes, 1901, relating to the education of children inmates of county poor asylums.

County commissioners may provide for education of, at some district school.

Chap. 385, Feb. 18, 1905.

521. KANSAS: Repealing and reenacting with amendments secs. 6132 and 6133, General Statutes, 1901, relating to attendance of children upon schools other than that in school district of residence.

Increasing maximum expense for such attendance from \$25 to \$45 per month. Children of property owner owning land in adjoining school district may attend school without expense.

Chap. 386, Mar. 8, 1905.

522. MASSACHUSETTS: Amending sec. 4, chap. 44, Revised Laws, 1902, relating to the right of children of nonresident parents to attend school.

Regulating attendance of children at schools in places other than residence of parents or guardians.

Chap. 375, May 5, 1905.

523. MASSACHUSETTS: Amending sec. 72, chap. 112, Revised Laws, 1902, relating to special rates on street and elevated railways for pupils in public schools.

Extending provisions of act so as to include private schools.

Chap. 479, June 14, 1906.

524. MINNESOTA: Authorizing school boards in any public school district to provide for the transportation, at public expense, of pupils living more than one-half mile from the school.

Par. 4, Sec. 1320, Revised School Laws, 1905.

525. MISSOURI: Authorizing boards of managers of public charitable institutions in cities of 100,000 inhabitants or over to arrange with public school authorities for the education of the children therein.

Page 301, Mar. 13, 1905.

526. OHIO: Amending sec. 3934, Revised Statutes, 1905, relating to transportation of pupils in special school districts.

Repealing compulsory obligations of board of education to provide transportation for all pupils residing at a greater distance than one and one-half miles from schoolhouse. "Transportation of pupils in any event" being optional with the board of education.

H. B. 347, Page 267, Apr. 2, 1906.

527. OKLAHOMA: Providing for the temporary transfer of pupils from the school of one district to the school of another for a period not exceeding one year.

Prescribing conditions of consent of district boards concerned, reapportionment of school funds, and penalties for violations.

Chap. 33, Art. 14, Feb. 13, 1905.

\* Massachusetts, 1905: Free transportation of pupils to school. Rev. Laws, 1902, c. 112, sec. 72, requiring street-railway companies to carry public school pupils to and from school at rates not exceeding one-half the regular fare, is not class legislation, the promotion of education being a sufficient reason for the discrimination in favor of pupils. (Com. v. Interstate, etc., Ry., 78 N. E., 530.)

Nor is it taking of property without due process of law. (Ibid.)

528. OREGON: Authorizing the district school board of one district to contract with the district school board of any other district for the admission of pupils in any school in such other district on such terms as may be agreed upon, and providing for the payment of the necessary expense.

Sec. 5, Chap. 210, Feb. 22, 1905.

529. TEXAS: Amending art. 3993b, Revised Civil Statutes, 1895, fixing residence of children of members of state legislature.

Providing that the children of members of either branch of the Texas legislature who reside with their families in the capital city for the purpose of being in attendance upon any session of the legislature shall be considered to reside in such city for school purposes.

Chap. 40, Mar. 24, 1905.

530. VERMONT: Amending sec. 685, Statutes, 1894, as amended by No. 23, Acts, 1898, and No. 21, Acts, 1900, relating to location of schools and transportation of pupils.

Providing for procedure in cases of dissatisfaction in matters of conveyance, designation of a particular school for a pupil to attend, or school accommodations. Settlement thru board of referees.

Act No. 36, Dec. 8, 1904.

531. WISCONSIN: Adding subdiv. 20 to sec. 430, Statutes, 1898, relating to powers of district school meetings.

Providing that electors may authorize school board to make contracts, for a maximum period of three years, for transportation of pupils to and from school, and for tuition of pupils.

Chap. 54, Mar. 29, 1905.

(f) Compulsory Attendance; Child Labor; Truancy.

No portion of the entire mass of legislation affecting public education points more definitely to progress than the body of enactments relating to compulsory education and child labor. The mere number of these enactments is full of meaning, and clearly indicative of the determination of the states to protect themselves through safeguarding the educational rights of children. A review and comparison of the principal features of the enactments bring to light unmistakable tendencies to widen the age limitations, to increase the length of the annual period of school attendance, to require certain degrees of educational advancement as a condition of release from attendance, to give the school officials greater authority in the determination of what constitutes satisfactory compliance with the law, and to bring defective children (deaf, dumb, and blind) within the scope of compulsory attendance.

Of the new laws relating to the subject, those of Delaware (536), Louisiana (538-539), Missouri (556), Tennessee (571), and Washington (577) are notable. The revisions of existing laws in California (532-533), Maryland (544), Michigan (554), Minnesota (555), New Jersey (560), New York (561), North Dakota (564), Oregon (567), Pennsylvania (568-569), Rhode Island (570), Utah (572), Vermont (574-576), and West Virginia (579) each contain significant provisions, which, if enforced or capable of enforcement, should produce a beneficial effect upon the thoroughness of the work accomplished by the public school systems of the states concerned.

The act of Connecticut (534), giving to the State Board of Education certain definite authority for the enforcement of the compulsory educational law in specified cases, and the various measures passed in Massachusetts (546 to 552,

\* Only such of the enactments relating to child labor have been included here as contain some direct reference to school attendance and educational qualifications.

inclusive) are among the most important of the entire group. Especially effective should be the fixing of definite educational standards, as has been done in the latter state.

532. CALIFORNIA: Regulating the employment and hours of labor of children.

Prohibiting employment of minors under 14 years of age. Minors under 16 must be able to read and write English. Providing for issuance of age and schooling certificates by public school authorities.

Chap. 18, Feb. 20, 1905.

533. CALIFORNIA: Amending sec. 1, chap. 270, Statutes, 1903, relating to compulsory education.

Increases period of attendance from five months and eighteen consecutive weeks to "during the time in which a public school shall be in session in the city or city and county or school district in which said child resides;" provides for exemption and permits to work under provisions of Chapter 18, Acts of 1905, regulating the employment of children; clause relating to exemption on account of parental indigence stricken out.

Chap. 333, Mar. 20, 1905.

534. \*CONNECTICUT: Amending chap. 29, Public Acts, 1903, relating to the compulsory attendance of children in public schools.

Giving to State Board of Education certain authority over the enforcement of compulsory attendance of children between fourteen and sixteen years of age.

Chap. 367, May 2, 1905.

535. CONNECTICUT: Amending sec. 4705, General Statutes, 1902, relating to certificates of age of employed children.

Granting to State Board of Education authority to investigate and issue age certificates to foreign-born children.

Chap. 115, June 6, 1905.

536. DELAWARE: Providing for the regulation of the employment of children.

Prohibiting after July 1, 1905, employment of minors under 14 years of age in any manufacturing establishment. Minors between 14 and 16 to be employed only after having attended school for twelve consecutive weeks during preceding twelve months. Provisions for age certificates.

Chap. 123, Apr. 18, 1905.

537. KANSAS: Prohibiting child labor in certain employments, and regulating employment of minors under sixteen years of age in other occupations.

Providing for the issuance of age certificates by school authorities.

Chap. 278, Feb. 22, 1905.

538. LOUISIANA: Proposing amendment to Art. 210, Constitution, 1808, relating to eligibility for public office, to permit appointment of factory inspectors provided for by Act No. 34, June 29, 1906.

Vote Nov. 4, 1906.

Act. No. 13 (Joint Resolution), June 22, 1906.

539. LOUISIANA: Relating to the employment of children, young persons, and women.

Regulating the employment of children, young persons, and women in certain cases in cities and towns of 10,000 or more population. Providing for factory inspectors. Penalties for violation of act to be paid into parish school fund.

Act No. 34, June 29, 1906 (Jan. 1, 1907).

540. MAINE: Amending sec. 40, chap. 15, Revised Statutes, 1903, relating to the compulsory attendance of children.

Absence of one-half day or more constitutes violation of act.

Sec. 9, Chap. 48, Mar. 11, 1905.

541. MAINE: Amending sec. 51, chap. 15, Revised Statutes, 1903, relating to duties of truant officers.  
Sec. 10; Chap. 48, Mar. 11, 1905.
542. MAINE: Amending sec. 53, chap. 15, Revised Statutes, 1903, relating to penalty for abetting habitual truancy.  
Sec. 11, Chap. 48, Mar. 11, 1905.
543. MAINE: Amending sec. 54, chap. 15, Revised Statutes, 1903, relating to duties of town truant officers.  
Giving truant officers power to execute warrants issued by courts.  
Sec. 12, Chap. 48, Mar. 11, 1905.
544. MARYLAND: Amending sec. 4, art. 100, Code of Public General Laws, 1904, relating to employment of minors under 14 years of age and adding secs. 5 to 13 to said article.  
Providing for employment permits for children between the ages of 12 and 16; requiring that children employed must be able to read at sight and write legibly simple sentences in English language; providing for duties of factory inspectors and school attendance officers; appropriating annually \$3,000.  
Chap. 192, Mar. 30, 1906. (Sept. 1, 1906.)
545. MARYLAND: Amending secs. 134, 140, and 141, chap. 200, Acts, 1904 (secs. 166, 167, and 168, Public General Laws, 1904), relating to compulsory school attendance of deaf children. Adding secs. 139a and 142.  
Providing for compulsory attendance, for eight months of each year, blind and deaf children between ages of six and sixteen (previously eight and sixteen for deaf children only). Transportation to be provided from state funds for indigent children. Providing also for county census of blind, deaf, and feeble-minded children.  
Chap. 236, Mar. 31, 1906.
546. MASSACHUSETTS: Amending sec. 31, chap. 106, Revised Laws, 1902, as amended by sec. 1, chap. 432, Acts, 1904, relating to the approval of age and schooling certificates by superintendent or person authorized by school committee.  
Chap. 213, Mar. 24, 1905.
547. MASSACHUSETTS: Amending sec. 28, chap. 106, Revised Laws, 1902, relating to the employment and school attendance of minors.  
Prohibiting employment of minors between fourteen and sixteen years of age without certificate of ability to read at sight and to write legibly simple sentences in the English language.  
Chap. 267, Apr. 6, 1905.
548. MASSACHUSETTS: Amending sec. 28, chap. 106, Revised Laws, 1902, as amended by chap. 267, Acts, 1905, relating to the employment and school attendance of minors.  
Defining "ability to read at sight and to write legibly simple sentences in the English language" as required by chap. 267, acts, 1905, to mean for 1906, ability to read and write as is required for admission to second grade; for 1907, such as is required for admission to third grade; for 1908 and after such as is required for admission to fourth grade.  
Chap. 284, Apr. 14, 1906.
549. MASSACHUSETTS: Amending sec. 33, chap. 106, Revised Laws, 1902, relating to the employment of minors.  
Prescribing authority of truant officers and penalties where employers fail to produce age and schooling certificates of minors.  
Chap. 489, June 20, 1906.
550. MASSACHUSETTS: Providing for the commitment of habitual truants, habitual absentees, and habitual school-offenders to county truant schools and not to any other institution or place.  
Chap. 389, May 12, 1906.

551. MASSACHUSETTS: Amending sec. 1, chap. 44, Revised Laws, 1902, as amended by sec. 1, chap. 320, Acts, 1905, relating to compulsory education.

Adding the following proviso relating to defense for non-attendance: "Provided, however, That no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defense under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition, or the suitable instruction of the child" (p. 359).

Chap. 383, May 11, 1906.

552. MASSACHUSETTS: Amending sec. 1, chap. 44, Revised Laws, 1902, relating to school attendance.

Attendance made compulsory for "every child under sixteen years of age who cannot read at sight and write legibly simple sentences in the English language."

Chap. 320, Apr. 21, 1905. (Jan. 1, 1906.)

553. MICHIGAN: Amending sec. 2, chap. 113, Public Acts, 1901, relating to employment of children.

Age certificate to contain statement that child can read and write the English language.

Chap. 171, June 8, 1905.

554. \*MICHIGAN: Repealing secs. 4847, 4848, 4849, 4850, 4851, 4852, Compiled Laws, 1897 (no. 95, Public Acts, 1895), relating to compulsory education and enacting a substitute.

Act No. 200, June 13, 1905.

555. MINNESOTA: Amending sec. 1, chap. 226, Laws, 1899, relating to the compulsory education of children.

Extending period of attendance from eight to sixteen to eight to eighteen.

Chap. 265, Apr. 18, 1905.

556. \*MISSOURI: "Enforcing the constitutional right of every child in the state to an education, to provide for truant and parental schools and attendance officers in cities of ten thousand population or more, and to prohibit the employment of children during school hours."

Children between eight and fourteen years of age, and children between fourteen and sixteen, if not actually and regularly employed, must attend not less than one-half entire time school is in session.

Page 146, Apr. 11, 1905.

557. NEBRASKA: Repealing, and reenacting with amendment, sec. 11203, Annotated Statutes, 1903, relating to compulsory education.

Removing requirement that attendance during compulsory period shall be continuous. Minor revision of exemptions under act.

Chap. 140, Apr. 3, 1905.

558. NEBRASKA: Repealing, and reenacting with amendments, sec. 5383, Compiled Statutes 1903, relating to truant officers.

Providing for appointment of truant officers in cities and metropolitan cities and prescribing duties.

Violations of compulsory education law in school districts, other than cities and metropolitan cities, to be reported by superintendents, principals, teachers, and members of board of education to county superintendent, who acts as truant officer. Providing penalties.

Chap. 141, Apr. 4, 1905.

559. **NEW JERSEY** : Supplementing chap. 1, art. 15, Acts, 1903 (sp. sess., Oct. 15), relating to compulsory attendance.  
Permitting payment by district boards of education of a fee of fifty cents for warrants issued against persons violating provisions of act.  
Chap. 188, Apr. 20, 1905.
560. **NEW JERSEY** : Amending secs. 153 and 158, chap. 1, Acts, 1903 (sp. sess., Oct. 15), relating to compulsory attendance and duties of truant officers.  
Defining more exactly conditions of attendance, quality of instruction received, and providing penalty for violation.  
Chap. 180, Apr. 20, 1905.
561. **NEW YORK** : Amending, in a minor manner, secs. 5, 7, 9, 10, tit. 16, chap. 556, Laws, 1894, as amended by sundry subsequent laws relating to compulsory education.  
Revising conditions for lawful employment of children; conferring on school commissioners legal authority to determine class of persons to be appointed attendance officers by town boards; concerning establishment of truant schools; providing for return to city or state of moneys withheld by the commissioner of education because of non-enforcement of statute, if law is complied with within one year.  
Chap. 280, Apr. 22, 1905.
562. **NEW YORK** : Amending sec. 6, title 16, chap. 556, Consolidated School Law, 1894, relating to arrest of truants.  
Empowering truant officers to enter factories, mercantile and other establishments for purpose of examining certificates and registry of children employed. Penalty for interference.  
Chap. 311, Apr. 22, 1905.
563. **NORTH CAROLINA** : Compelling the attendance at school of Indians residing in the Cherokee Reservation.  
Making the Cherokee Indian Reservation a special school district; providing that all children of at least one-eighth Indian blood, between the ages of 7 and 17, shall attend school at least nine months in each calendar year; not applying to children attending some other school for a like time. Provided the United States government furnish school with proper facilities, board, clothing, books, medical attendance, and other necessary expenses; exempting certain children; providing a penalty for parents or guardian withholding child from school, and authorizing proper officials to take charge of children failing to attend school as herein prescribed.  
Chap. 213, Feb. 17, 1905.
564. **NORTH DAKOTA** : Amending sec. 759, Revised Code, 1899, relating to compulsory education.  
Extending provisions from twelve weeks' attendance to entire session of school. Feeble-minded children to be sent to institution at Grafton.  
Exemptions when child is actually necessary to the support of family; when residence is more than four miles from school in case of consolidated schools having transportation; and for four months to permit preparation of children for certain religious duties.  
Sec. 7, Chap. 100, Mar. 13, 1905.
565. **NORTH DAKOTA** : Amending sec. 761, Revised Code, 1899, as amended in 1903, relating to prosecutions for violations of compulsory education law.  
Sec. 8, Chap. 100, Mar. 13, 1905.
566. **OREGON** : Providing for the compulsory attendance of children eligible for entrance at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States.  
Chap. 202, Feb. 22, 1905.

567. OREGON: Amending sec. 3, page 79, Laws, 1903 (Feb. 16), as to compulsory attendance of children at school, to read:

Sec. 4. Attendance at school shall be compulsory upon all children between the ages of eight and fourteen years in all cities, towns, and villages of the state of Oregon during the whole of the school term in the city, town, or village in which the child resides, and upon all children in such city, towns, and villages between the ages of fourteen and sixteen years who are not employed in some lawful work.

Chap. 208, Feb. 22, 1905.

568. PENNSYLVANIA: Amending chap. 335, Laws, 1901, relating to employment of children.

Providing that certificate of ability to read and write English may be issued to child worker from 13 to 16 years of age by any one authorized to administer oaths or by superintendent of schools.

Chap. 98, Apr. 10, 1905.

569. PENNSYLVANIA: Prohibiting employment of minor children, under 14 years of age, in or about anthracite coal mines or collieries; regulating the employment of minors between 14 and 16.

Providing for issuance of employment and schooling certificates by common school superintendent and teachers.

Act No. 222, May 2, 1905 (Oct. 15, 1905).

570. \*RHODE ISLAND: Amending secs. 1, 3, 4, and 12, chap. 68, General Laws, 1896, relating to employment of children.

Regulating the employment of children under 13 years before Dec. 31, 1906, and 14 years of age after Dec. 31, 1906; providing for the issuance of age and schooling certificate by school committee or persons duly authorized by such committee.

Chap. 1215, Mar. 9, 1905.

571. TENNESSEE: Providing for the compulsory attendance of children.

Applies to only Union and Claiborne Counties (counties having a population of not less than 12,890 and not more than 12,900, and counties of not less than 20,500 and not more than 21,000). Requiring consecutive attendance of fourteen weeks for children between eight and fourteen years of age. Providing for school census and penalties for violation of act.

Chap. 483, Apr. 7, 1905.

572. \*UTAH: Amending secs. 1062 and 1063, Revised Statutes, 1898, relating to compulsory attendance of children at school.

Increasing period of attendance from 8-14 to 8-16 and from twenty to thirty weeks in cities of the first and second classes.

Sec. 1, Chap. 95, Mar. 9, 1905.

573. VERMONT: Amending sec. 710, Statutes, 1894, relating to appointment of truant officers.

Authorizing school board of town, instead of selectmen or mayor, to appoint truant officers.

Act No. 38, Dec. 6, 1904.

574. VERMONT: Amending secs. 711 and 716, Statutes, 1894, relating to compulsory education.

Increasing minimum period of attendance from twenty-six to twenty-eight weeks and providing for attendance thru entire period during which schools may be in session. Proceedings and penalties in cases of violation.

Act No. 39, Dec. 1, 1904.

100 STATE SCHOOL SYSTEMS: LEGISLATION, 1904-6.

575. VERMONT: Amending sec. 717, Statutes, 1894, relating to compulsory attendance.

Providing, in cases of destitution, that town shall furnish clothing for children so that they may attend school. Removing clause relating to the sending of children to Vermont Industrial School.

Act No. 40, Dec. 6, 1904.

576. VERMONT: Amending sec. 712 and repealing secs. 713 and 5146, Statutes, 1894, relating to employment of children.

Prohibiting employment of children under 12 years of age in factories, mills, or workshops or as message carriers; those under 15 years of age during school hours; those under 16 years of age unless such child has attended school 28 weeks during current year, such attendance to be certified by school authorities.

Act No. 155, Dec. 6, 1904.

577. WASHINGTON: Concerning the compulsory attendance of children between the ages of eight and fifteen years in the public schools: exceptions thereto.

Prohibiting employment of children under fifteen years of age during school term. Providing for attendance officers, their duties and powers. Proceedings against truants. Annual reports to State Board of Education. Penalty for failure of school and other officers to perform duties.

Chap. 162, Mar. 11, 1905.

578. WEST VIRGINIA: Adding sec. 32 to chap. 130, Acts, 1901, relating to powers and duties of board of education in city of Wheeling.

Providing for compulsory attendance of children between ages seven and fourteen thruout school year: attendance officer and powers and duties; penalties for violations.

Chap. 32, Feb. 11, 1905. (Sept. 1, 1905.)

579. WEST VIRGINIA: Amending sec. 1, chap. 11, Laws, 1887, relating to the employment of children.

Extending the provisions to all mercantile establishments; prohibiting the employment of minors under the age of 12 years during school hours; prosecuting attorney to enforce act.

Chap. 75, Feb. 25, 1905.

580. WISCONSIN: Relating to powers of truancy officers.

Authorizing truancy officers to visit places where minors are employed and to report illegal employment to school authorities and labor commissioner or factory inspector.

Chap. 246, May 25, 1905.

581. WISCONSIN: Providing for compulsory attendance of pupils between ages of 6 and 18 and eligible for entrance to special schools maintained upon reservations by the United States or the state of Wisconsin; and providing penalty for violation.

Chap. 330, June 10, 1905.

## I. SCHOOL DISCIPLINE.

### (a) General.

582. OHIO: Amending and adding to sec. 6819, Revised Statutes, 1905 (sec. 1, page 353, Laws, 1898), relating to hazing in educational institutions.

Any teacher, superintendent, etc., knowingly permitting hazing guilty of misdemeanor.

H. B. No. 114, Page 124, Mar. 28, 1906.



## (b) Corporal Punishment.

## (c) Suspension and Expulsion.

## (d) Fire Drills.

As a protective measure of continually growing importance, particularly for the schools in cities, the Vermont law relating to fire drills in public and private schools is deemed to be of a type worthy of a more extended place in our legislation governing the control and conduct of schools.

583. VERMONT: Providing for fire drills in public and private schools.

SECTION 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than fifty pupils, to instruct and train the pupils by means of drills, so that they may in sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month when said schools are in session.

SECTION 2. Willful neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provision of this act, shall be a misdemeanor, punishable, each offense, by a fine of not more than twenty nor less than five dollars.

SECTION 3. It shall be the duty of the school directors, trustees, or other body of persons having control of the schools of any town or city, to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual is in use or may hereafter come in use.

SECTION 4. The provisions of this act shall not apply to colleges and universities.

SECTION 5. This act shall take effect January 1st, A. D. 1905.

Act No. 47, Nov. 14, 1904 (Jan. 1, 1905).

## J. HEALTH REGULATIONS.

Among the comparatively few enactments in this section are to be found two which seem to the reviewer to be of eminently progressive rank: that of Massachusetts (588) providing for the appointment of school physicians, and that of Vermont (589) providing for the medical inspection of school children. Each of these measures aims to introduce an element in the control and management of public schools, the necessity of which has been already fully demonstrated. Their influence upon the schools of these states will be watched with intense interest by school officials and others having to do with general social welfare and progress.

The three enactments relating to compulsory vaccination, while not, perhaps, of wide general interest, form a part of a general protective policy, the legality of which has become firmly fixed in our American social policy.

## (a) General.

584. MASSACHUSETTS: Amending sec. 6, chap. 44, Revised Laws, 1902, relating to the exclusion from the public schools of pupils who have been exposed to infectious or contagious disease.

Chap. 371, May 8, 1906.

585. NEW JERSEY: Amending sec. 121, chap. 1, Acts, 1903 (sp. sess. Oct. 15), relating to exclusion of teachers and pupils from school on account of disease.

Providing that teachers and pupils shall have been "successfully vaccinated or revaccinated" (previously "duly vaccinated").

Medical inspector of district to furnish certificate excusing from vaccination. Board of education may extend list of contagious or infectious diseases indicated.

Chap. 104, Apr. 12, 1906.

586. SOUTH CAROLINA: Authorizing city or town to pass vaccination ordinance. On neglect or refusal state board of health may act. Compulsory vaccination of school children.

Chap. 434, Feb. 22, 1905.

587. VIRGINIA: Amending sec. 1406, Code, 1904, relating to exclusion from the public free schools of persons with contagious diseases or who have not been vaccinated.

Certificate of vaccination to be furnished by teachers and pupils within ten (previously thirty) days after entrance to a public school.

Chap. 248, Page 42, Mar. 15, 1906.

## (b) Physical Examination and Medical Inspection.

588. MASSACHUSETTS: Providing for the appointment of school physicians.

SECTION 1. The school committee of every city and town in the Commonwealth shall appoint one or more school physicians, shall assign one to each public school within its city or town, and shall provide them with all proper facilities for the performance of their duties as prescribed by this act: *Provided, however,* That in cities wherein the board of health is already maintaining or shall hereafter maintain substantially such medical inspection as this act requires, the board of health shall appoint and assign the school physician.

SECTION 2. Every school physician shall make a prompt examination and diagnosis of all children referred to him as hereinafter provided, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require.

SECTION 3. The school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to school without a certificate from the board of health after absence on account of illness or from unknown cause; and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in the case of schools in remote and isolated situations the school committee may make such other arrangements as may best carry out the purposes of this act.

SECTION 4. The school committee shall cause notice of the disease or defects, if any, from which any child is found to be suffering to be

sent to his parent or guardian. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chicken pox, tuberculosis, diphtheria, or influenza, tonsillitis, whooping cough, mumps, scabies or trachoma, he shall be sent home immediately, or as soon as safe and proper conveyance can be found, and the board of health shall at once be notified.

SECTION 5. The school committee of every city and town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight or hearing or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. The tests of sight and hearing shall be made by teachers. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the State Board of Education shall prescribe.

SECTION 6. The State Board of Health shall prescribe the directions for tests of sight and hearing and the State Board of Education shall, after consultation with the State Board of Health, prescribe and furnish to school committees suitable rules of instruction, test cards, blanks, record books and other useful appliances for carrying out the purposes of this act, and shall provide for pupils in the normal schools instruction and practice in the best methods of testing the sight and hearing of children. The State Board of Education may expend during the year nineteen hundred and six a sum not greater than fifteen hundred dollars, and annually thereafter a sum not greater than five hundred dollars for the purpose of supplying the material required by this act.

SECTION 7. The expense which a city or town may incur by virtue of the authority herein vested in the school committee or board of health, as the case may be, shall not exceed the amount appropriated for that purpose in cities by the city council, and in towns by a town meeting. The appropriation shall precede any expenditure or any indebtedness which may be incurred under this act, and the sum appropriated shall be deemed a sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section of the act it shall apply, and may be voted as a total appropriation to be applied in carrying out the purposes of the act.

SECTION 8. This act shall take effect on the first day of September in the year nineteen hundred and six.

Chap. 502, June 20, 1906.

580. \* VERMONT: Providing for medical inspection of school children.

SECTION 1. The state board of health and the superintendent of education shall prepare or cause to be prepared suitable test cards, blanks, record books and other needful appliances to be used in testing the sight and hearing of pupils in public schools and necessary instructions for their use; and the superintendent of education shall furnish the same, free of expense, to every school in the state. The superintendent, principal or teacher, in every school, during the month of September each year, shall test the sight and hearing of all pupils under his charge and keep a record of such examination according to the instructions furnished, and shall notify in writing the parent

or guardian of every pupil who shall be found to have any defect of vision or hearing, or disease of eyes or ears, with a brief statement of such defect or disease; and shall make written report of all such examinations to the superintendent of education as he may require.

SECTION 2. The state auditor is hereby directed to draw his order on the state treasurer, for such sums, and at such times as the superintendent of education, with the approval of the state board of health, may require to carry out the provisions of this act. The total expense under this act shall not exceed six hundred dollars in any biennial term ending June thirtieth.

SECTION 3. This act shall take effect July 1, 1905.

Act No. 45, Nov. 17, 1904 (July 1, 1905).

#### K. TEXT BOOKS AND SUPPLIES.

Of the legislation concerning text-books and supplies, the enactments in the following states are worthy of note: Indiana (590), relating to the frequency of revisions of text-books used in the public schools and the authority of the State Board of School Book Commissioners to cancel contracts; Missouri (593), abolishing the School Book Commission created in 1897; Connecticut (601), requiring a vote to be taken upon the question of free text-books; and Virginia (602), providing for the state adoption of text-books. The enactment in New York (594), relating to misrepresentations in the sale of school text-books and supplies, and that in Oklahoma (596), relating to schoolbook and supply monopolies, are likewise measures of more than local importance.

##### (a) General.

590. INDIANA: Amending sec. 13, chap. 93, Laws, 1893, as amended by Laws, 1901, relating to the revision of and contracts for text-books used in the common schools.

Limiting required revisions to not oftener than ten years excepting copy books, histories, and geographies, revision period of which may be five years.

Granting State Board of School Book Commissioners power to cancel any contract at expiration of five years, by two-thirds vote.

Chap. 95, Mar. 4, 1905.

591. IOWA: Amending sec. 2828, Code, 1897, relating to the frequency of the publication of bids for text-books.

"Once each week for three consecutive weeks" instead of "for three consecutive weeks."

Sec. 4, Chap. 9, Apr. 10, 1906.

592. MARYLAND: Repealing, and reenacting with amendments, sec. 99, art. 4, entitled "City of Baltimore," Code, Public Local Laws, 1904, relating to the Board of School Commissioners.

Board to conform to charter provisions regarding the award of contracts for text-books, stationery, and furniture.

Chap. 107, Mar. 16, 1906.

593. MISSOURI: Repealing secs. 9909 to 9962, inclusive, art. 7, chap. 154, Revised Statutes, 1899 (Laws, 1897, p. 22), abolishing the School Book Commission created thereby.

Page 302, Apr. 10, 1905.

594. NEW YORK: Adding sec. 16, tit. 1, Consolidated School Law, 1894, making it a misdemeanor to misrepresent in the sale of school supplies to any board of trustees, board of education, public school teacher, or to the representatives of any state educational office.

Chap. 58, Mar. 15, 1906.

595. NORTH CAROLINA: Promoting the production and publication of schoolbooks relating to history, literature, or government of North Carolina.

Appropriating \$5,000 per annum for the years 1905 and 1906, to be used by the State Board of Education in encouraging the production of schoolbooks relating to the history, literature, or government of North Carolina; authorizing selection of committee to examine manuscripts; payment of expenses and compensation of committee. Board of Education to fix prices at which books shall be sold to school children. Proceeds of sales to go to school fund.

Chap. 707, Mar. 4, 1905.

596. OKLAHOMA: Providing for the regulation of the sale of schoolbooks and school supplies.

Prohibiting trusts and combinations dealing in schoolbooks and school supplies. Providing penalties for violations.

Chap. 33, Art. 11, Mar. 4, 1905.

597. SOUTH CAROLINA: Relating to convenient depositories for common school books.

Providing that the county superintendent of education locate a reliable depository in each township in each county for common school books. Books to be deposited with said depository and sold at not exceeding ten per cent above their cost.

Act No. 441, Feb. 22, 1905.

598. UTAH: Providing for a special tax levy for text-books.

See No. 320.

599. VIRGINIA: Repealing sec. 1501, Code, 1904, relating to frequency of change of text-books.

(The content of this section is reenacted in the amendment to sec. 1433, relating to duties of State Board of Education.)

Chap. 248, Page 432, Mar. 15, 1906.

600. WISCONSIN: Amending sec. 440, Statutes, 1898, relating to choice and change of text-books in common schools.

Removing provision regarding authorization of majority of legal voters of district before district board may change text-books; and provision regarding excepting districts, furnishing free text-books.

Chap. 443, June 19, 1905.

#### (b) Free Text-Books.

601. CONNECTICUT: Towns at annual meeting of 1905 to decide by vote the question of providing free text-books and other school supplies.

Makes permissive action granted by sec. 2135, General Statutes, 1902, obligatory for 1905.

Chap. 174, June 29, 1905.

#### (c) Uniformity of Text-Books.

602. VIRGINIA: Amending sec. 1433, Code, 1904, as amended by chap. 101, Acts, 1904, relating to duties of State Board of Education.

Providing for state adoption of text-books for a period not longer than four years. Extending power of investment of literary fund so as to include district school bonds.

Chap. 248, pp. 433-436, Mar. 15, 1906.

## L. SUBJECT MATTER OF INSTRUCTION.

Within the class of legislation aiming to direct in a definite way the content of the instruction given in public schools there are a number of important measures. Of those of a general nature, the following might be mentioned for special attention: Kansas (602), giving to the State Board of Education authority to prescribe a state course of study; Oregon (604), establishing uniform eighth grade examinations and creating county boards for the conduct of these examinations. Of those relating to patriotism and the study of local state history: Arkansas (605) and South Carolina (606), as well as, the one of North Carolina (595). Of those relating to physical education: Pennsylvania (607), including athletics among the subjects of instruction for certain special schools, and Massachusetts (608), giving to school committees authority over the athletic organizations of public school pupils. Of those relating to the teaching of physiology and hygiene, and the nature and effects of alcohol and narcotics: North Dakota (609) and South Dakota (610). Of those relating to humane education: North Dakota (612), Oklahoma (613), and Pennsylvania (614).

By far the most important of the enactments in this connection are those relating to elementary manual and industrial training, especially those of Massachusetts (620, 621, 622). The report of the Commission on Industrial and Technical Education of that state is one of the educational events of the period, and is of far-reaching significance and possible influence. Arizona (616), Iowa (617), and New Jersey (624-625) each seek through appropriate legislation to make their public school systems contribute to the solution of the problem of technical and industrial efficiency.

## (a) General.

602a. \* KANSAS: Repealing, and reenacting with amendments, sec. 6214, General Statutes, 1901, relating to powers and duties of State Board of Education.

State Board of Education to prescribe course of study for normal institutes and the public schools of the state. Proviso for elementary schools.

Chap. 387, Mar. 7, 1905.

603. NORTH CAROLINA: Amending sec. 65, chap. 64, Laws, 1901, relating to free tuition in public schools.

Provides for payment under certain conditions for instruction in those subjects not specifically mentioned in school law.

Sec. 12, Chap. 533, Mar. 6, 1905.

604. OREGON: Providing for a system of uniform eighth-grade examinations for pupils who have completed the eighth grade in accordance with the provisions of the state course of study, and for the issuance of certificates of entrance to ninth grade. Creating county boards of eighth-grade examiners.

Chap. 76, Feb. 13, 1905.

\* The common principle of this act, and the decision of the Iowa Supreme Court given on pages 132-136, is at once apparent.

## (b) History, Civics, and Patriotism.

006. ARKANSAS: Relating to the study of Arkansas history and the promotion of the spirit of patriotism in the public schools.

Sec. 1. That the 19th of January, the birthday of Robert Edward Lee, shall be observed in all the public schools of this state as a day for patriotic exercises and the study of the history and achievements of Arkansas men.

Sec. 2. The state superintendent of public instruction is hereby authorized to prepare and publish annually for use in all the schools of the state, a programme of exercises, dealing with events in the life of General Lee and other distinguished Southern men, giving attention also to the achievements and work of eminent men who have served this State in civil and military life.

Sec. 3. It shall be the duty of county examiners, city superintendents, and principals of schools to aid in carrying on this work, and they shall arrange the exercises of their various schools in accordance with the provisions of this act.

Act No. 35, Feb. 14, 1906.

007. SOUTH CAROLINA: Providing for the celebration of March 18th as South Carolina day in the public schools.

Act No. 18, Feb. 17, 1906.

## (c) Physical Education.

007. PENNSYLVANIA: Amending sec. 1, chap. 145, Laws, 1885, as amended by Act of May 21, 1895, and Act of Feb. 21, 1901 (sec. 144, p. 147, Brightley's Digest, 1893-1903), relating to the establishment of mechanic art schools in cities of the second and third class and boroughs and townships of the first class.

Permitting establishment of schools for instruction in *athletics*, in addition to other subjects.

SECTION 1. That in every city of the second class the central board of education, and in every city of the third class the board of school controllers, and in every borough and township of the first class the board of school directors, shall have power to establish and maintain one or more schools for the instruction of pupils in the useful branches of the mechanic arts, athletics, and kindred subjects, to provide the necessary buildings, machinery, apparatus, and materials and to employ teachers and instructors therefor.

Act No. 36, Mar. 24, 1905.

008. MASSACHUSETTS: Relating to the authority of school committee over public school athletic organizations.

SECTION 1. The school committee may supervise and control all athletic organizations composed of pupils of the public schools and bearing the name of the school.

SECTION 2. It may directly or through an authorized representative determine under what conditions such organization may enter into competition with similar organizations in other schools.

Chap. 251, Apr. 5, 1906.

## (d) Physiology; Hygiene; Alcohol; Narcotics.

609. NORTH DAKOTA: Amending secs. 648 and 750, Revised Code, 1899, relating to the teaching of physiology and hygiene and the nature and effect of alcoholic drinks and other narcotics in public schools.

Specifying amount of time to be devoted to instruction from text-books: Four lessons per week for ten weeks for all pupils below high school and above third grade. Other lower grades three oral lessons per week for ten weeks.

Chap. 106, Mar. 13, 1905.

610. SOUTH DAKOTA: Providing for systematic instruction as to nature of alcoholic drinks and narcotics and their effect upon the human system to all pupils in all public schools.

Adequate text-books to be provided. After July 1, 1906, examination in physiology and hygiene, with special reference to effect of alcoholic drinks, stimulants, and narcotics upon the human system to be taken for all teachers' certificates granted.

Chap. 105, Mar. 6, 1905.

## (e) Moral and Ethical Education.

611. VIRGINIA: Amending sec. 1497, Code, 1904, relating to subjects to be taught in public free schools.

Providing for moral education.

Chap. 248, Page 443, Mar. 15, 1906.

## (f) Humane Treatment of Animals.

612. NORTH DAKOTA: Providing for the teaching of the humane treatment of animals in the public schools.

1. \* \* \* That there shall be taught in the public schools of North Dakota, in addition to the other branches of study now prescribed, a system of study of the humane treatment of animals; such instruction shall be oral and to consist of not less than two lessons of ten minutes each per week. The principal or teacher of every school shall certify in each of his or her reports that such instruction has been given in the school under his or her control.

Chap. 108, Mar. 6, 1905.

613. OKLAHOMA: Providing for a scheme of ethical and humane education for the public schools.

One half hour of each week, thruout school term, to be devoted to teaching kindness, humane treatment, and protection of animals.

Prohibiting vivisection.

Chap. 83, Art. 12, Mar. 4, 1905.

614. PENNSYLVANIA: Providing for a system of humane education, to include and treatment of birds and animals, in the public schools.

Instruction to be given for one half hour per week thru first four grades, and prohibiting experiments upon living creatures as demonstrations in physiology in any public school.

Act. No. 41, Mar. 27, 1905.



## (g) Music.

615. ARIZONA: Amending sec. 1, Act No. 46, Laws, 1903, relating to employment of teachers of music and drawing.

Extending provisions of act so as to include any school district (previously districts having population of one thousand or more).

Chap. 12, Feb. 21, 1905.

## (h) Drawing.

## (i) Elementary Technical, Manual, and Industrial Training.

616. ARIZONA: Providing for instruction in manual training and domestic science in the public schools.

Empowering boards of school trustees of districts having two hundred or more children of school age to employ special teachers; course of study to be approved by Territorial Board of Education; special tax levy for support; free tuition to resident pupils.

Chap. 20, Mar. 3, 1905.

617. IOWA: Adding section to chap. 4, title 13 of the Code, 1897, relating to state college of agriculture and mechanic arts.

Providing for the establishment of a department of ceramics, at the state college of agriculture and mechanic arts. \* \* \* \* for the technical and practical education of clay workers, cement manufacturers and users, and other allied pursuits in all branches of those arts which exist in this state or which can be profitably introduced and maintained in this state from the mineral resources thereof \* \* \* \* (sec. 1).

Providing also for the investigation and testing of clays and other mineral resources.

Chap. 124, Apr. 10, 1906.

618. KENTUCKY: Appropriating \$20,000 for industrial training for colored persons and for completing girls' dormitory and providing water for ordinary use and fire protection at Kentucky Normal Industrial Institute.

\* \* \* The providing for industrial training to the end that the colored youth of the commonwealth may be trained into industrious habits and useful trades. \* \* \*

Chap. 56, Mar. 20, 1906.

619. LOUISIANA: Proposing amendment to Art. 256, Constitution, 1808, relating to appropriations for the Louisiana Industrial Institute.

Removing limitation on appropriations therefor.

Act No. 3 (Joint Resolution), June 11, 1906.

620. MASSACHUSETTS: Providing for an extension of time (until April 1, 1906) within which report shall be made by the commission appointed to consider the needs for technical education in the different grades of industrial skill and responsibility.

Resolves, Chap. 1, Page 795, Jan. 10, 1906.

621. MASSACHUSETTS: Resolution providing for a commission to consider the needs for technical education in the different grades of industrial skill and responsibility.

\* Report of the Commission on Industrial and Technical Education: Senate Document No. 349, April 1906.

Resolved, That the governor, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a suitable commission of nine persons, citizens of the commonwealth, representing the manufacturing, agricultural, educational, and labor interests, to serve for such compensation as the governor and council shall approve, to be known as the Commission on Industrial and Technical Education. Said commission may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including traveling expenses, as may be authorized by the governor and council. Before incurring any expense the commission shall from time to time estimate its probable amount and submit the estimate to the governor and council for their approval, and no expense shall be incurred by the commission beyond the amount so estimated and approved. The commission shall report to the general court on or before the second Wednesday of January, in the year nineteen hundred and six, with such recommendations for legislation as it may deem expedient. The powers of the commission shall terminate on the said second Wednesday in January. The commission shall investigate the needs for education in the different grades of skill and responsibility in the various industries of the Commonwealth. They shall investigate how far the needs are met by existing institutions, and shall consider what new forms of educational effort may be advisable, and shall make such investigations as may be practicable through printed reports and the testimony of experts as to similar educational work done by other states, by the United States government, and by foreign governments. There may be expended from the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars to carry out the purposes of this resolve: *Provided, however,* That not more than five hundred dollars shall be paid in full for services rendered as compensation to any member of the commission.

Resolve, Chap. 94, May 24, 1905.

622. • MASSACHUSETTS: Repealing sec. 10, chap. 42, Revised Laws, 1902, relating to industrial schools, and providing for the establishment of the Commission on Industrial Education.

Providing for the appointment and organization of the Commission, and its duties, powers, and authority relating to the establishment and supervision of independent industrial schools throught the state. Graduated scale of state aid on basis of amount raised by local taxation for support of schools.

Authorizing Agricultural College to establish normal department for instruction of teachers in the elements of agriculture.

Chap. 505, June 21, 1906.

623. MINNESOTA: Providing for the establishment, organization, and maintenance of county schools of agriculture and domestic science.

Such schools may be established by county commissioners upon vote by electors of county. Two or more counties may unite for such purpose. Maximum annual expenditure, \$20,000. Creating county school board for control. Providing for state aid for not to exceed two schools.

Chap. 314, Apr. 19, 1905.

624. NEW JERSEY: Providing for short courses in practical and scientific agriculture in state agricultural college. Making general appropriation of \$24,000 for initial establishment and annual appropriation of \$6,500 for maintenance.

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1. The trustees of the state agricultural college of New Jersey be, and they are hereby, required to establish in said state agricultural college a department which shall provide short courses in agriculture, equipped and designed for the practical education of students in both general and specific lines of farming.

2. Said department shall offer special instructions to students on soils, crops, fertilizers, manures, drainage, farm machinery, farm building, breeds of live stock, stock judging, animal diseases and remedies: production and handling of milk and cream, the manufacture of butter and cheese; the growth of fruits, berries, management of orchards, market garden and vegetable crops, and insects injurious to the various plants, diseases of plants; animal nutrition, including the use of forage crops, cereal grains, fine feeds, and all other matters pertaining to general and specific lines of farm practice.

3. Said department shall be provided with suitable buildings for stock judging, butter making, milk testing, and lecture rooms; said building shall be equipped with the necessary apparatus and machinery for carrying out the specific instruction provided for in section two.

\* \* \* \* \*

Chap. 55, Mar. 25, 1905.

625. NEW JERSEY: Amending sec. 1, chap. 164, Acts, 1881, relating to the establishment of industrial schools.

Increasing maximum annual state aid from \$5,000 to \$7,000.

Chap. 20, Mar. 20, 1906.

625a. WISCONSIN: Amending sec. 447, Statutes, 1898, relating to the curriculum of the public schools.

Providing for the teaching of the elements of agriculture in district schools.

Chap. 158, May 3, 1905.

(j) Days for Special Observances.

626. ARKANSAS: Establishing Arbor Day. First Saturday in March.

Act No. 200, Apr. 25, 1905.

627. CONNECTICUT: Amending sec. 2140, General Statutes, 1902, relating to flag-day exercises.

Governor to designate, by annual proclamation, June 14th as Flag Day.

Chap. 146, June 16, 1905.

(k) Other Special Subjects.

M. SPECIAL TYPES OF SCHOOL.

The legislation relating to special types of school reveals a continued tendency to extend the activities of public education so as to reach all classes. This is evident particularly from the enactments concerning public lectures and agricultural institutes. Florida (628a) takes a forward step in the establishment of kindergartens in certain communities. The status of the kindergarten as a part of the public school system of the state has been called into question in California (628) and the Supreme Court of that state has rendered an adverse decision.

(a) General.

(b) Kindergartens.

628. CALIFORNIA: Status of kindergartens as a part of the public school system of the state.

Los Angeles County v. Kirk, 83 Pac. 250 (Dec. 27, 1905).

See No. 218a.

628a. FLORIDA: Providing for the establishment of kindergartens in communities guaranteeing attendance of 25 pupils and also providing for the qualification of the teachers thereof.

Chap. 5387 (No. 16), May 31, 1905.

(c) Evening Schools.

(d) Vacation Schools.

(e) University Extension; Public Lectures.

629. INDIANA: Granting to municipal park commissioners power and authority to permit the use of any reasonable portion of any public park for Chautauqua assembly purposes.

Funds derived to be used for park improvements or charitable purposes.

Chap. 77, Mar. 3, 1905.

630. MASSACHUSETTS: Authorizing city of Boston to maintain a Franklin Union similar to Cooper Union of New York.

Bonds for \$100,000 to be issued for site; managers to erect and equip building.

Chap. 448, May 24, 1905.

631. WISCONSIN: Amending sec. 1, chap. 336, Laws, 1901, authorizing boards of education in cities to provide free public lectures on natural science and kindred subjects.

Extending provisions so as to include board of school directors; historical, literary, and other educational subjects; and public library buildings. Removing other limitations.

Chap. 125, Apr. 29, 1905.

(f) Farmers' Institutes, etc.

632. CALIFORNIA: Appropriating \$12,000 to the University of California for the purpose of holding farmers' institutes.

Chap. 251, Mar. 18, 1905.

633. NEBRASKA: Authorizing county commissioners to expend \$100 per year for local expenses in connection with farmers' institutes.

Chap. 8, Mar. 25, 1905.

634. NORTH DAKOTA: Amending secs. 2 and 4, chap. 172, Laws, 1901, relating to farmers' institutes.

Increasing number of institutes from 40 to 50; decreasing expenditure from \$3,000 to \$6,000 annually.

Chap. 28, Mar. 15, 1905.

635. OHIO: Amending sec. 3, page 332, Laws, 1890, relating to payment of expenses of farmers' institutes.  
Page 307, Apr. 2, 1905.
636. OREGON: Authorizing annual appropriation of \$25,000 for agricultural institutes at state agricultural college.  
Chap. 34, Feb. 26, 1905.
637. SOUTH DAKOTA: Authorizing expenditures by county of \$200 for expenses of annual meeting of farmers' institute.  
Chap. 100, Mar. 3, 1905.
638. SOUTH DAKOTA: Authorizing annual expenditure of \$5,000 for farmers' institutes.  
Chap. 110, Mar. 3, 1905.

## (g) Private and Endowed Schools.

639. OHIO: Amending sec. 4105, Revised Statutes, 1905 (sec. 3, page 33, Laws, 1856), relating to certain specially endowed schools or academies.  
Providing such school or academy is not connected with any religious sect, district board of education may contract with board of trustees for the instruction of children of district and may contribute toward maintenance of such school or academy. Provide as to continued nonsectarian character of school or academy.  
H. B. No. 418, Page 206, Apr. 2, 1906.
640. PENNSYLVANIA: Supplementing sec. 16, no. 466, Laws, 1862, relating to the conveyances of school property to board of school directors by academies and seminaries.  
Permitting sale of property required by terms of act of 1862 and providing for the employment of purchase money by school directors.  
Act No. 38, Mar. 24, 1905.

## N. SECONDARY EDUCATION: HIGH SCHOOLS AND ACADEMIES.

(See Review of State Aid to Secondary Schools, p. 51.)

What has been said in the previous discussion upon state aid to secondary education as to the development of high schools and academies, finds further confirmation from the legislation classified in this section. Aside from the question of support, the attitude of the various states in this matter has been expressed by a number of enactments which aim to extend better opportunities for a high school education. From the following list, those of Kansas (647-648), Maine (649), New Hampshire (652, 653, 654), North Carolina (655), Pennsylvania (656-657), and Vermont (658) might be selected as indicating continued interest and progress.

The decision of the Kansas Supreme Court (see pages 141-145) renounces a cardinal principle of the educational policy of the American people.

(See Section B, Enactments 240-251, for special state aid to high schools.)

641. ARKANSAS: Memorializing Congress to grant block one hundred and fourteen of the government reservation of Hot Springs, Arkansas, to the special school district of Hot Springs, Arkansas, for a high school site.  
Sen. Con. Res. No. 2, Mar. 14, 1905.

642. CALIFORNIA: Amending sec. 1671, Political Code, 1903, relating to establishment of county high schools.

Validating prior establishment of high schools and defining time of legal establishment.

Chap. 555, Mar. 21, 1905.

643. ILLINOIS: Amending amended sec. 38, art. 3, page 238, Laws, 1889, relating to township high schools.

Providing for elections for township high schools in townships containing "political towns" divided by navigable streams.

Page 386, Apr. 29, 1905.

644. ILLINOIS: Providing for the organization of high school districts of school districts having population 8,000-100,000.

Page 374, May 12, 1905.

645. INDIANA: Amending sec. 1, chap. 222, Laws, 1889, relating to donations for county high schools.

Permitting acceptance of gifts of value of \$20,000 in counties having less than 25,000 population; others \$30,000.

Chap. 16, Feb. 17, 1905.

646. IOWA: Relating to the terms of office of trustees of county high schools.

See No. 44.

647. KANSAS: Repealing and reenacting with amendments, sec. 6441, General Statutes, 1901, relating to the courses of instruction for county high schools.

Increasing length of course from three to four years.

Chap. 389, Mar. 7, 1905.

648. KANSAS: Providing for the maintenance and regulation of high schools in cities of less than sixteen thousand inhabitants.

Providing for submission of question of establishment of high school to vote of electors of county; taxation for support not less than one-fourth mill nor more than three mills.

SECTION 8. At least two courses of instruction shall be provided, each requiring four years' work, namely: A college preparatory course, which shall fully prepare those who complete it to enter the freshman class of the college of liberal arts and sciences of the University of Kansas, and a general course, designed for those who do not intend to continue school work beyond the high school.

Chap. 307, Feb. 25, 1905.

649. MAINE: Amending sec 62, chap. 15, Revised Statutes, 1903, relating to provisions for secondary education for pupils in towns having no free high schools.

Authorizing town school committee to contract with adjoining town.

Sec. 13, Chap. 48, Mar. 11, 1905.

650. MASSACHUSETTS: Amending chap. 34, Act of January 23, 1780, relating to the membership on the board of trustees of Roxbury Latin school.

Chap. 113, Feb. 26, 1906.

651. NEW HAMPSHIRE: Amending sec. 4, chap. 96, Laws, 1901, as amended by sec. 1, chap. 31, Laws, 1903, relating to high schools.

Defining high school or academy \* \* \* "a school having at least one course of not less than four years, properly equipped and teaching such sub-

jects as are required for admission to college, technical school, and normal school, including reasonable instruction in the constitution of the United States and in the constitution of New Hampshire."

Chap. 19, Feb. 15, 1905.

652. \*NEW HAMPSHIRE: Providing for the discontinuance or relocation of a high school only by the Superior Court, upon petition of school board of town district.

Chap. 20, Feb. 15, 1905.

653. NEW HAMPSHIRE: Requiring towns in which there is a high school to raise and appropriate each year sufficient money properly to maintain such school.

Chap. 72, Mar. 9, 1905.

654. NEW HAMPSHIRE: Amending sec. 6, chap. 96, Laws, 1901, as amended by chap. 118, Laws, 1903, relating to high school tuition for pupils residing in towns where high school is not maintained.

School district may contract with and appropriate money to any high schools or other literary institutions in the state, in addition to academies in the district.

Chap. 90, Mar. 10, 1905.

655. \*NORTH CAROLINA: Relating to the establishment of township high schools, substituting for sec. 70, chap. 4, Laws, 1901, as amended by sec. 23, chap. 135, Laws, 1901, and repealed by sec. 13, chap. 533, Laws, 1905.

Providing for special elections upon petition of one-fourth of freeholders and approval of county board of education for special tax of one to three mills. Creating township high school committee.

Prescribing powers, duties, and qualifications of committeemen; and regulations governing course of study.

Sec. 13, Chap. 533, Mar. 6, 1905.

656. \*PENNSYLVANIA: Extending opportunities for high school education to children residing in school districts having no public high schools by permitting attendance upon high school of neighboring district, and providing for payment of tuition and schoolbooks from public funds.

Act No. 23, Mar. 16, 1905.

657. \*PENNSYLVANIA: Appropriating \$200,000 for the encouragement and support of township high schools during the biennium 1905-1907.

Sec. 8, Act. No. 506, May 11, 1905.

658. VERMONT: Repealing secs. 701 and 702, Statutes, 1904, and no. 27, Acts, 1902, relating to high schools and academies, and enacting a substitute.

Providing for the establishment of high schools by all towns in state (formerly towns of 2,500 population), or otherwise providing for high school instruction at an annual cost for tuition not to exceed \$24. Special state aid for paying tuition of pupils and to towns of less than two thousand population.

Act No. 37, Nov. 20, 1904.

VERMONT, 1905: Under Acts, 1904, No. 37, p. 61, requiring towns to establish and maintain a high school or furnish higher instruction for advanced pupils, and authorizing the board of school directors to provide for the instruction of advanced pupils in a high school or schools of the town, in the high school of an incorporated school district or academy within the town, or in the high schools or academies of other towns, the board of school directors has a discretion in determining which of the modes of furnishing high school instruction they will adopt, and so long

as they select one mode they can not be compelled by mandamus to select another mode in its place.

*Samson v. Town of Grand Isle, 63 A. 180.*

650. VIRGINIA: Vesting title of property of county high school in county school board.

*See No. 70.*

660. WISCONSIN: Adding sec. 491c, Statutes, 1898, relating to the establishment of joint free high school district.

Town, village, city, or school district board to submit question of establishment when petitioned by ten per cent of electors.

Chap. 174, May 8, 1905.

661. WISCONSIN: Amending sec. 490, Statutes, 1898, relating to free joint high schools.

Defining manner of giving notification of election, and validating action already taken by any town, village, city school district or subdistrict in forming high schools or joint high schools.

Chap. 258, May 25, 1905.

662. WYOMING: Providing for the organization of free high school districts and the establishment and maintenance of free high schools.

Providing for submission of question to electors by county commissioners upon petition of one hundred freeholders; for the election of a board of trustees, and the officers, powers, and duties of said board; for the courses of instruction and terms of admission to said school.

Chap. 67, Feb. 20, 1905.

## O. HIGHER EDUCATIONAL INSTITUTIONS.

### (a) Finance; Lands; Support.

The leading characteristic of the legislation relating to the general financial policy of the states toward their higher educational institutions is clearly one of increased liberality. Idaho (666 to 669, inclusive) created special funds for each of the higher institutions; Iowa (672, 673, 674), Ohio (682, 683), Wisconsin (686-687), and Wyoming (688) each revised their tax levies in such a way as to provide for additional supporting funds.

While not in reality a part of the financial policy of those states towards higher education, the enactments of Indiana (671) and Kansas (676) are here included by reason of the special interests involved.

663. CALIFORNIA: Authorizing appropriation of \$83,800 to the University of California to restore and replace income and buildings lost thru disaster and fire.

Chap. 30, June 14, 1906 (sp. sess.).

664. COLORADO: Granting financial aid to the agricultural college.

Appropriating the sum of \$30,000 for the purpose of supplementing and extending the course of instruction at the state agricultural college, and the work of the experiment station conducted in connection with said college, during the years 1905 and 1906.

Chap. 30, Apr. 6, 1905.

665. CONNECTICUT: Amending sec. 170, Public Acts, 1903, relating to the income of the fund of the agricultural college.

Fixes interest payment at five per cent, to be paid quarterly by the treasurer of the state to the agricultural college.

Chap. 74, May 18, 1905.



666. IDAHO: Creating and establishing the Normal School fund.

Designating that interest and rental income from certain lands granted by Act of Congress July 3, 1890, shall be credited to this fund. One-half of fund to go to each of the two state normal schools.

S. B. No. 111, Page 393, Mar. 6, 1905.

667. IDAHO: Creating and establishing the University fund.

Designating that interest and rental income from certain lands granted by Act of Congress July 3, 1890, shall be credited to this fund.

S. B. No. 126, Page 417, Mar. 6, 1905.

668. IDAHO: Creating and establishing the University School of Science fund.

Designating that the interest and rental income from certain lands granted by Act of Congress July 3, 1890, shall be credited to such fund.

S. B. No. 127, Page 418, Mar. 6, 1905.

669. IDAHO: Creating and establishing the Agricultural College fund.

Designating that interest and rental income from the ninety thousand acres of land granted by Act of Congress July 3, 1890, shall be credited to this fund.

Moneys credited during year 1905 and 1906 to be used for support and maintenance of College of Arts of University of Idaho.

S. B. No. 128, Page 419, Mar. 6, 1905.

670. IDAHO: Providing for the issuance of \$12,000 four per cent ten-twenty year state bonds for the erection and equipment of a domestic-science building at the University of Idaho, and for a sinking fund for the redemption of such bonds.

S. B. No. 138, Page 221, Mar. 8, 1905.

IDAHO, 1905: Act of March 8, 1905, providing for the issuance of \$12,000 in state bonds for the erection of a domestic-science building in connection with the state university, and providing for a sinking fund for the redemption of such bonds, is *unconstitutional* as failing to provide any means for the payment of the interest or debt that would be created by the issuance of such bonds.

Roach v. Gooding (81 P., 642).

671. INDIANA: Exempting from taxation personal property and one acre of real property of Greek letter fraternities connected with institutions of learning.

Chap. 33, Feb. 24, 1905.

672. IOWA: Authorizing the executive council of the state of Iowa to grant a right of way for an interurban or other railway over and across the lands and campus of the Iowa State College of Agriculture and Mechanic Arts and to fix the terms and conditions therefor.

Chap. 215, Apr. 9, 1906.

673. IOWA: Providing for a levy of a special tax of one-fifth of a mill on the dollar upon the assessed valuation of the taxable property of the state for the erection, repair and improvement of buildings for the State University. To be levied annually for five years beginning 1907.

Chap. 183, Apr. 10, 1906.

674. IOWA: Providing for a levy of a special tax of one-fifth of a mill on the dollar upon the assessed valuation of the taxable property of the state for the erection, repair and improvement, and equipment of buildings for the State College of Agriculture and Mechanic Arts. To be levied annually for five years beginning 1907.

Chap. 184, Apr. 10, 1906.

675. IOWA: Providing for a levy of a special tax of one-tenth of a mill on the dollar upon the assessed valuation of the taxable property of the state for the erection, repair, improvement, and equipment of buildings for the State Normal School.  
Chap. 186, Apr. 10, 1906.
676. KANSAS: Providing for the exemption from taxation of all buildings owned by any college society or used as a dormitory or literary hall.  
Chap. 501, Mar. 7, 1905.
677. KANSAS: Appropriating funds for support and maintenance of state agricultural college and fixing fees to be paid by students.  
Chap. 17, Mar. 9, 1905.
678. KANSAS: Relating to the recording and investing of state agricultural fund, state normal fund, state university fund.  
*See No. 199.*
679. KENTUCKY: Providing for tax of one-half of one cent on each hundred dollars for agricultural and mechanical college.  
*See No. 211.*
680. MINNESOTA: Granting to the University of Minnesota the right to accept gifts, grants, bequests, or devises for educational purposes; and providing for endowed professorships from gifts of not less than \$50,000 for this purpose.  
Chap. 187, Apr. 15, 1905.
681. NEBRASKA: Granting to Regents of University of Nebraska power to acquire by condemnation proceedings lands for university purposes and prescribing manner of appraisement and appeal.  
Chap. 358, Mar. 27, 1905.
682. OHIO: Declaration of the policy of the state with reference to higher educational institutions.— Repealing secs. 3951a and 3951b, Revised Statutes, 1906, and page 45, Laws, 1902.  
Ohio University at Athens and Miami University at Oxford to be supported as colleges of liberal arts without technical or graduate instruction. Ohio State University, at Columbus to provide in addition to liberal courses professional, technical, and graduate instruction.  
Fixing permanent tax levies for support of each institution: two and one-half one-hundredths of one mill for Miami University; one one-hundredth of one mill for normal school at Miami University; two and one-half one-hundredths of one mill for Ohio University; one and one-half one-hundredths of one mill for normal school at Ohio University; sixteen one-hundredths of one mill for Ohio State University.  
Provision for inspection of accounts of institutions by state bureau of public accounting.  
H. B. No. 45, Page 300, Apr. 2, 1906.
683. OHIO: Relating to state tax for Ohio State University fund.  
*See No. 215.*
684. OREGON: Providing for the auditing and monthly payment of the salaries or compensation of the officers and employees of the state university, the state normal schools, the Oregon school for deaf-mutes, and of employees of other state institutions.  
Chap. 90, Feb. 18, 1905.
685. RHODE ISLAND: Amending chap. 063, General Laws, 1896, as amended by chap. 068, Acts, 1899, relating to the college of agriculture and mechanic arts.  
Increasing the annual appropriation for the college of agriculture and mechanic arts from \$15,000 to \$25,000.  
Chap. 1353, Apr. 20, 1906 (Jan. 1, 1907).

686. WISCONSIN: Amending sec. 380, Statutes, 1898, as amended by sec. 1, chap. 170, Laws, 1899, sec. 1, chap. 322, Laws, 1901, and sec. 1, chap. 344, Laws, 1903, relating to funds for support of University of Wisconsin.

Consolidating miscellaneous tax levies and funds into annual tax levy of two-sevenths of mill. Making annual appropriation of \$200,000 for three years for buildings and equipment.

Prohibiting establishment of new schools or colleges in university.

Chap. 320, June 8, 1905.

687. WISCONSIN: Amending chap. 468, Laws, 1905, relating to temporary transfers from the general fund to the university fund income.

Authorizing the secretary of state, with the approval of the governor, to make transfers for fiscal years commencing July 1, 1905, and July 1, 1906.

Chap. 14, Dec. 19, 1905 (sp. sess.).

688. WYOMING: Amending sec. 1833, Revised Statutes, 1899, relating to taxation for support of University of Wyoming.

Increasing state tax from one-fourth mill to three-eighths mill.

Chap. 57, Feb. 20, 1905.

(b) State Universities and Colleges.

The measures reorganizing the higher educational interests in Florida (693) and Ohio (690a), and that fixing the jurisdiction and authority of the board of regents over the University of Minnesota (698), the proposal to consolidate the University and the Agricultural College in Utah (703), and the legislative investigation of the affairs of the University of Wisconsin (707) represent the most important of the enactments passed relating to state universities and colleges.

689. ARIZONA: Prohibiting the establishment and maintenance of saloons, gambling houses, and other places inimical to good morals, within four thousand feet of the grounds of the University of Arizona.

Chap. 21, Mar. 4, 1905.

690. ARKANSAS: Requiring secretary of state to send a copy of all printed state documents and publications, and a copy of all publications of the federal government, duplicate copies of which are in the state library, to the library of the University of Arkansas.

Act No. 80, Mar. 10, 1905.

691. ARKANSAS: Providing for the support, maintenance, and improvement of the University of Arkansas. Appropriations for buildings and different departments.

Section 3, concerning the employment of relatives of members of the board of trustees, the privilege of female pupils to study music, and fees for certain students; and section 5, relating to conditions of entrance of students, vetoed by the governor.

Act No. 236, May 6, 1905.

692. ARKANSAS: Prohibiting sale or giving away of intoxicating liquors within five miles of the University of Arkansas.

Act. No. 274, May 6, 1905.

693. FLORIDA: Amending and repealing sundry sections Revised Statutes, 1892, and sundry other laws.

Abolishing various higher state educational institutions—University of Florida at Lake City, Florida State College at Tallahassee, White Normal School at De Funiak Springs, East Florida Seminary at Gainesville, South Florida College at Bartow, and Florida Agricultural Institute in Ocala County. Abolishing title of St. Petersburg Normal and Industrial School at St. Petersburg and transferring the property to the County of Hillsborough.

Establishing University of the State of Florida and the Florida Female College and indicating departments and conditions of admission thereof. Reorganizing the Colored Normal School and the Institute for the Blind, Deaf, and Dumb.

Abolishing all boards of trustees, managers, and officers of the several institutions and transferring management and control to a Board of Control, which is under the supervision of the State Board of Education. Provisions for support, control of property, and reports.

Chap. 5384 (No. 13), June 5, 1905.

FLORIDA: The legislature has general control of the educational system of the state, and chapter 5384 of the Laws of 1905, creating a board of control and vesting it with the management of the several state institutions of learning, is constitutional and valid. \* \* \* In providing for a colored normal school and for a normal department to the state university of Florida, and in conferring on the state boards of education and control to establish a normal department in the female college, sufficiently complies with Const., arts. 12, 14, relative to normal schools.

State v. Bryan (30 So. 929).

694. ILLINOIS: Repealing, and reenacting with amendments, Laws, 1895 (June 24th), page 325, relating to the apportionment of and examinations for free scholarships for the University of Illinois.

Giving to each member of general assembly authority to nominate and appoint one candidate. Provisions.

Page 380, May 12, 1905.

695. IOWA: Amending sec. 2641, Code, 1897, relating to reports of state university.

To be made in even instead of odd numbered years.

Chap. 123, Mar. 30, 1906.

696. KANSAS: Appropriating certain funds for the support and maintenance of the University of Kansas. Regulation of fees to be collected from students.

Chap. 31, Mar. 4, 1905.

697. MASSACHUSETTS: Repealing sundry acts and enacting a new measure relating to payments for scholarships at Worcester Polytechnic Institute. Increasing annual state scholarship grant from six thousand to ten thousand dollars.

Chap. 109, Feb. 24, 1905.

698. MINNESOTA: Divesting the state board of control (with the exception of authority over financial matters, relating to the erection and construction of new buildings, purchase of fuel, and placing of insurance) of jurisdiction and authority over the state university and state normal schools, and providing for the financial management of the state university by the board of regents and the state normal schools by the state normal school board as prior to April 1, 1901 (chap. 122, Laws 1901).

Chap. 119, Apr. 7, 1905.

699. NEVADA: Amending sec. 1391, Compiled Laws, 1900 (sec. 2, chap. 37, Statutes 1887), relating to board of regents of state university.

Increasing number of regents from three to five.

Chap. 88, Mar. 16, 1905.

700. OHIO: Reorganization of state university and colleges.

See No. 682.

700. SOUTH CAROLINA: Amending sec. 1257, Civil Code, 1902, relating to the State University and its branches.

Changing name of branch at Columbia from South Carolina College to University of South Carolina.

Act No. 14, Feb. 17, 1906.

701. SOUTH CAROLINA: Providing for ten days Christmas recess at all State colleges.

Act No. 30, Feb. 17, 1906.

702. SOUTH CAROLINA: Providing that subsidized educational institutions shall report annually to legislature the names of all beneficiary and scholarship students.

Act No. 69, Feb. 24, 1906.

703. UTAH: Creating a commission to consider advisability of submitting to the electors of the state a constitutional amendment providing for the consolidation of the Agricultural College and the University of Utah. Report before July 1, 1906. Appropriating \$6,000.

Chap. 104, Mar. 9, 1905.

704. UTAH: Amending sec. 2292, Revised Statutes, 1898, relating to courses of instruction in the University of Utah.

Excepting provisions prescribed for normal course, university may not include courses in agriculture, horticulture, animal husbandry, veterinary science, domestic science and art, or irrigation as applied to agriculture.

Chap. 133, Mar. 20, 1905.

705. VERMONT: Providing for the nomination, by each state senator, annually for ten years of two residents of his county as principal and alternate for scholarships at state military college, Norwich University.

Annual appropriation of \$2,500 for department of engineering of said institution.

Act No. 52, Dec. 9, 1904.

706. VIRGINIA: Providing that the Superintendent of Public Instruction shall be ex officio a member of the board of visitors (sec. 1542, Code, 1904) of the University of Virginia.

Chap. 307, Mar. 17, 1906.

707. WISCONSIN: Providing for a committee of the legislature to investigate the state university and making an appropriation therefor.

Act past in accordance with joint resolution, No. 5A (p. 41, sp. sess., 1905).

Chap. 7, Dec. 19, 1905 (sp. sess.).

## P. PROFESSIONAL AND HIGHER TECHNICAL EDUCATION.

### (a) Teachers' Colleges and Normal Schools.

[See Section G, enactments 457-475 and reviews p. 83.]

708. VIRGINIA: Amending chap. 434, acts, 1898, relating to the establishment of and aid to the normal department of William and Mary College.

Authorizing, subject to acceptance of the provisions of the act by the authorities of the college, the transference of the real estate and personal property of

said college to the state. Administration and control to be under board of ten visitors appointed by governor with consent of senate. Duties and powers of board of visitors. Selection of student for scholarships.

Chap. 92, Mar. 7, 1906.

(b) Agricultural Colleges.

The enactments in this section indicate the further extension and development of this valuable type of state educational institution. The first two noted, Arkansas (709) and Iowa (710), are closely related to those dealing with certain aspects of elementary technical and industrial education previously discussed (see enactments 616-625). Those of Minnesota (711) and New York (714) widen the scope of the influence of the agricultural colleges of those states. That of Utah (716) seeks to restrict the work of the agricultural college to its legitimate channels and bring it into proper economical relation with the state university (see enactment 704).

709. ARKANSAS: "An act to extend the usefulness and development of the Arkansas Agricultural Experiment Station in agriculture, horticulture, veterinary, entomology and kindred subjects, and making appropriations for the improvement and maintenance of the same."

Establishing courses of instruction at state university, branch experiment stations, and agricultural investigations.

Act No. 231, May 1, 1905.

710. IOWA: Authorizing state college of agriculture and mechanic arts to undertake and maintain a system of agricultural extension work. Courses of instruction and experimental work in agriculture throught the state. \$15,000 appropriated.

Chap. 185, April 10, 1906.

711. MINNESOTA: Establishing at Crookston a branch school of agriculture as a department of the University of Minnesota.

Special attention to agriculture and domestic economy.

Chap. 132, April 11, 1905.

712. NEW JERSEY: Amending secs. 1, 3, and 4, chap. 108, Acts, 1890, relating to scholarships at state agricultural college.

Modifying number of students to be selected and providing for an annual payment by state to agricultural college of \$120 for each scholarship; maximum expenditure, \$15,000.

Chap. 90, Mar. 31, 1905.

713. NEW YORK: Providing for the administration of the New York State College of Agriculture, established at Cornell University by chap. 655, Laws, 1904, and outlining scope of instruction.

Chap. 218, April 12, 1906.

714. NEW YORK: Establishing New York State School of Agriculture at Saint Lawrence University.

Appropriating \$30,000 for erecting and equipping suitable building. Prescribing objects and purposes of the school, and powers and duties of board of trustees.

Chap. 682, May 31, 1906.

715. PENNSYLVANIA: Providing for the reorganization of the board of trustees of the Pennsylvania State College.

Increasing membership by two elective representatives of alumni, two members appointed by Governor, and five members ex officio—Governor, President of College, State Superintendent of Public Instruction, President of State Agricultural Society, and Secretary of State Board of Agriculture.

Act No. 85, Mar. 24, 1905.

716. UTAH: Amending sec. 2087, Revised Statutes, 1898, relating to courses of instruction in Agricultural College.

Agricultural college may not offer courses in engineering, liberal arts, pedagogy, law, or medicine.

Chap. 134, Mar. 20, 1905.

717. WASHINGTON: Changing name of the Washington Agricultural College to the State College of Washington.

Chap. 53, Mar. 2, 1905.

718. WYOMING: Repealing chap. 92, Laws, 1891 (secs. 504-519, Revised Statutes, 1899), relating to the establishment, government, and maintenance of Wyoming Agricultural College.

Chap. 10, Feb. 7, 1905.

(c) Mining Schools.

(d) Military Schools.

719. IDAHO: Providing for the enrollment and organization of the state militia. Relating to the corps of cadets at the University of Idaho.

H. B. No. 18, Art. 2, Page 16, Feb. 18, 1905.

720. IOWA: Repealing sec. 2191, code, 1897, relative to schools of instruction for officers and men of the national guard.

Schools of instruction may be ordered when sufficient funds are available beyond other requirements of the chapter.

Sec. 10, Chap. 91, Apr. 5, 1906.

721. NEW MEXICO: Amending sec. 6, chap. 6, Acts, 1901, relating to age of appointees to New Mexico Military Institute.

Raising maximum limit of age of entrance (14-20) from twenty to twenty-one (14-21).

Chap. 108, Mar. 16, 1905.

722. SOUTH CAROLINA: Amending sec. 1276, art. 111, chap. 25, Code, 1902, relating to powers of board of visitors at the Military Academy.

Revising the powers of the board of visitors of the military academy relative to the employment and dismissal of professors.

Act No. 415, Feb. 18, 1905.

Q. PRIVATE AND ENDOWED HIGHER INSTITUTIONS—STATE CONTROL.

With but one exception the enactments in this section are of a minor and local importance. That of Wisconsin (731) seems to be a move for a better coordination of private and public efforts for commercial education, and one calculated to give due recognition to those private institutions that are of high grade and entitled to public confidence.

723. CALIFORNIA: Submitting amendment to Const., 1879, art. 9, by adding sec. 13, exempting Cogswell Polytechnical College from taxation; legislature may modify, suspend, or revive at will.

Vote Nov., 1906.

Page 1072, Mar. 10, 1906.

724. INDIANA: Authorizing any university or college organized or existing as a corporation under any special law, or special charter, having a board of directors and having capital stock to provide by by-law or resolution that at least four-fifths of the members of its board shall be members

of any church or religious denomination as designated by such by-law or resolution.

Must be accomplished before Jan. 1, 1907.

Chap. 83, Mar. 3, 1905.

725. MICHIGAN: Giving to members of alumni associations or graduates of degree-granting educational institutions authorized to elect trustees, etc., of the governing body of the institution the right to vote by mail.

Act No. 86, May 3, 1905.

726. NEW YORK: Amending sec. 2, chap. 585, Laws, 1895, as amended by chap. 87, Laws, 1895, as amended by chap. 238, Laws, 1896, and as amended by chap. 97, Laws, 1905, relating to the composition and election of the board of trustees of Cornell University.

Chap. 1, Feb. 5, 1906.

727. NEW YORK: Permitting the Carnegie foundation, a corporation duly incorporated under the laws of New York, to convey its property to the Carnegie Foundation for the Advancement of Teaching.

Chap. 145, Apr. 5, 1906.

728. OKLAHOMA: Amending sec. 1146, Revised and Annotated Statutes, 1903, relating to the incorporation of religious, charitable, educational, and benevolent organizations.

Providing for a certificate fee of two dollars.

Chap. 10, Art. 7, Feb. 8, 1905.

729. SOUTH CAROLINA: Amending the charter of incorporation of Williamston Female College, of Greenwood.

\*Changing the name to Lander College. Authorizing board of trustees to confer the usual literary degrees.

Act No. 506, Feb. 21, 1905.

730. TEXAS: Submitting amendment to sec. 2, art. 8, Const., 1876, relating to exemptions from taxation.

Exempting for two years after purchase bonds and mortgages of endowment fund investment of educational and religious institutions.

Vote Nov., 1906.

Page 410, Apr. 15, 1905.

731. WISCONSIN: Authorizing State Superintendent of Public Instruction to prescribe course of study for commercial schools and colleges and providing for publication of accredited list of such.

Chap. 124, Apr. 29, 1905.

## R. LIBRARIES.

### (a) Public School Libraries.

That the library is an essential part of the equipment and activities of the public education is becoming more and more recognized, and the tendency of recent legislation is to provide for the establishment and support of public-school libraries. This tendency is particularly evident in certain of the Southern

\*Legislation relating to public school libraries only has been indexed and recorded here.



states, Louisiana (733), North Carolina (737), and South Carolina (741) having each passed acts of a progressive and influential character. Wisconsin (742 to 745, inclusive) passed several acts calculated to improve her already efficient library system. Nevada (736) and Ohio (738) placed themselves in the line of the public-school library states.

732. CONNECTICUT: Authorizing the establishment of school libraries at temporary home.

Chap. 50, May 12, 1905.

733. \*LOUISIANA: Relating to the establishment and enlargement of public school libraries.

Authorizing the parish school boards to duplicate private donations of ten dollars for the establishment of public school libraries and to appropriate from five to fifteen dollars for each five dollars donated for the enlargement of libraries; providing that not more than one appropriation be made for each school or grade each year. Rules and regulations for selection and care of books to be prescribed by State Superintendent of Public Education.

Act No. 27, July 12, 1906.

734. MINNESOTA: Authorizing appropriation of \$10,000 for school libraries.

Chap. 22, Mar. 2, 1905.

735. MONTANA: Amending sec. 2000, Political Code, 1895, relating to the establishment and use of the school library fund.

Permitting fund to be used for payment of current expenses for maintenance of schools in school districts other than cities-maintaining a free public library and having a population of two thousand or more.

Chap. 14, Feb. 14, 1905.

736. NEVADA: Authorizing the appropriation of \$3-\$5 for each teacher and 5-10 cents for each census child to county school library fund.

Chap. 87, Mar. 16, 1905.

737. \*NORTH CAROLINA: Providing for the establishment and enlargement of libraries in the public schools of rural districts.

State to duplicate private subscriptions of \$10 to found or \$5 to enlarge libraries in school districts of less than one thousand population. Limit of six new and six enlarged libraries in each county in any one year. Appropriating biennially \$7,500 to carry out provisions—\$5,000 for new libraries and \$2,500 for enlargement of libraries.

Chap. 381, Mar. 4th, 1905.

738. OHIO: Amending sec. 1, page 8, Laws, 1902 (special session), relating to libraries.

Board of education may provide free libraries for city, village, township, and special school districts. Regulations relating to organization and management. Provisions of act extended to libraries owned jointly by two or more school districts.

Page 214, Apr. 2, 1906.

739. \*OREGON: Amending secs. 3402-3409, Annotated Codes and Statutes, 1901, relating to district school libraries.

Chap. 132, Feb. 15, 1905.

740. PENNSYLVANIA: Amending sec. 3, chap. 201, Laws, 1895, relating to taxation for school purposes.

Library tax to be included in school tax levy on same subjects of taxation.

Chap. 167, Apr. 20, 1905.

741. SOUTH CAROLINA: Amending no. 207, Acts, 1904, relating to public school libraries.

Providing that county school boards shall, in case of a private gift to establish a library, appropriate ten dollars for the purchase of a bookcase; that gifts

of five dollars to enlarge libraries be duplicated, and increasing number of schools in each county to 25 instead of 10.

Act No. 442, Feb. 22, 1905.

742. WISCONSIN: Creating a committee to secure bids and make contracts for purchase of school library books. Prescribing method of procedure.

Chap. 243, May 24, 1905.

743. WISCONSIN: Amending sec. 1, chap. 238, Laws, 1899, relating to Free Library Commission.

Increasing annual appropriations from \$3,500 to \$7,000, and providing for maintenance of summer school of library science.

Chap. 377, June 14, 1905.

744. WISCONSIN: Amending sec. 486A, Statutes, 1898, relating to the selection of books for township school libraries.

Chap. 417, June 17, 1905.

745. WISCONSIN: State superintendent to prescribe rules and regulations for management of township school libraries and to furnish printed card catalogs for the use of the same.

Sec No. 36.

#### S. EDUCATION OF DEFECTIVES AND DELINQUENTS.\*

The development of the public school system so as to provide for the instruction of the defective classes of children is among the interesting phenomena of present-day educational activity. The enactments relating to the education of deaf and dumb, blind, and crippled and deformed children, included in this section, are evidence of the intent of these states to leave no child without the scope of the influences of the public school, and are consequently of a significant character.

##### (a) Deaf and Dumb.

746. ILLINOIS: Repealing act, page 290, Laws, 1897, relating to education of deaf children.

Authorizing establishment of classes of three for deaf children from 3 to 21 years of age; prescribing teachers' qualifications.

Page 373, May 18, 1905.

747. KANSAS: Extending the provisions of chap. 423, Laws, 1903, regarding compulsory education so as to include deaf and dumb children between ages of seven and twenty-one. Penalties for violation. Prescribing method of instruction.

Chap. 384, Mar. 9, 1905.

748. MICHIGAN: Amending chap. 176, Laws, 1899, relating to establishment of day schools for the deaf.

Chap. 224, June 16, 1905.

\*Only such enactments are included in this section as relate to the education of defectives and delinquents in the public school system. Legislation relating to state charitable, penal, and corrective institutions has been omitted. In many respects the inclusion of such legislation would seem to be necessary and desirable for the completeness of this publication. However, the difficulty of making a clear line of separation between the penal and educational features of such legislation renders the present course the more expedient one.

749. OHIO: Authorizing district school boards, boards of trustees of graded schools and boards of education in cities to establish and maintain day schools for the deaf.

Providing for annual state aid—\$150 for each pupil; also inspection of schools for the deaf.

H. B. No. 134, Page 219, Apr. 2, 1906.

(b) Blind.

750. MARYLAND: Compulsory attendance of blind and deaf children.

Sec No. 545.

751. MASSACHUSETTS: Extending the time in which commission on registration and industrial training of adult blind is to report to Jan. 15, 1906.

Resolves, Chap. 1, Jan. 16, 1905.

(c) Crippled and Deformed.

752. ILLINOIS: Repealing act, page 314, Laws, 1903, and authorizing the establishment by school districts of classes for crippled children.

Minimum size of class 15. Age limitations of pupils 6 to 21. Prescribing teachers' qualifications.

Page 372, May 18, 1905.

753. OHIO: Providing for the appointment of a commission to accept donations, select and purchase lands and erect thereon the necessary buildings and structures for a state institution for the treatment and education of deformed and crippled children.

Providing for a board of trustees and the control and management of said institution, appropriating \$50,000.

S. B. No. 63, Page 57, Mar. 17, 1906.

## RECENT DECISIONS OF STATE SUPREME COURTS UPON TOPICS OF CURRENT INTEREST IN PUBLIC EDUCA- TION.<sup>9</sup>

### EXPLANATORY STATEMENT.

The following decisions of the highest courts of the states concerned have been selected for presentation here primarily by reason of their evident far-reaching influence upon the schools of the states in which the decisions have been rendered, in addition to the fact that they deal with topics possessing more than ordinary interest to those engaged in the work of public education. No effort has been made to discuss either the educational or the judicial implications of the decisions. The first would necessitate a fairly accurate knowledge of the local educational circumstances involved, while to attempt the second would not only carry the discussion beyond the present purpose but would perhaps evidence presumption on the part of a layman. It has been deemed sufficient to present the facts and opinion rendered, either in full or by digest, in each case.

#### I. THE ILLINOIS NORMAL SCHOOL CASE. <

(Lindblad v. Board of Education of Normal School District et al. Supreme Court of Illinois, April 17, 1906. 221 Ill. 261; 57 N. E. 450.)

This case is one of great importance to the public school system of the State of Illinois, on account of the influence of the decision of the court upon the status and development of the professional training of teachers in that state. It arose from a suit by Andrew Lindblad against the board of education and others of the Normal School district of Normal, Ill. The decision of the Appellate Court, Third District, was reversed by the Supreme Court, and the cause remanded to the circuit court for further proceedings consistent with the views expressed in the opinion.

The following is a statement of the facts of the case, taken from the opinion of the Appellate Court of the Third district:

Appellant, a taxpayer and legal voter in the Normal school district of McLean county and a patron of the common schools in said district, filed his bill in equity against the board of education Nor-

<sup>9</sup> For other decisions of State supreme courts relating to public education consult index, under "Decisions."

mal school district, the board of education of the state of Illinois, and certain individuals, appellees, for the purpose of having a certain contract entered into between said board of education of Normal school district and said board of education of the state of Illinois, merging the model school of the Illinois State Normal University into the public school system of the town of Normal, declared illegal and void, and for an injunction restraining the board of education of Normal school district from carrying out the terms and conditions of said contract, and from issuing orders upon the treasurer of said district directing him to pay the salaries of certain critic teachers and of Enoch A. Fritter, superintendent. \* \* \*

This agreement, made and entered into this eighteenth day of April, 1901, by and between the board of education of the town of Normal, county of McLean, and state of Illinois, and the board of education of the state of Illinois, witnesseth: That the model school of the Illinois State Normal University shall be merged into the public school system of the town of Normal, and that said Normal University shall be permitted to use certain grades or rooms as practice schools under the following conditions: (1) Pupils of the first five years of school life shall attend the west side school or the east side system under regulations fixed by the public school board. (2) Pupils attending the east subdistrict doing the work of the first eight school years shall be distributed among twelve rooms or grades, the pupils to remain on the average of two terms or twenty-four weeks in each grade. (3) The twelve grades shall be housed, six (or seven) in the model school, the rest in the public school building. (4) The grades in the model school building shall be grades or rooms 1, 2, 3, 4, 11, 12, or such other rooms as may be agreed upon by the superintendent of the public school and the president of the university. (5) The high school department of the model school shall be abandoned, but the university shall be permitted to furnish teachers for six high school classes each term, such classes to be selected by the city superintendent and such student teachers to be approved by him. In such classes lesson plans shall be submitted to the high school authorities and shall be under their supervision and direction. Any such teacher may be deprived of his class at any time his work be not satisfactory to the superintendent. (6) The university shall furnish janitor, fuel, repairs, and ordinary school supplies for the grades housed in the model school building. The public school board shall furnish the same for the grades in the public school building. (7) The university may be permitted to use the grades in the model school building, and one or two grades, as needed, in the public school, as a practice school. (8) The public school board shall pay the teachers in the practice schools not less than \$42.50 per month. (9) In each room so used as a practice school the teachers shall be paid by the university such additional sum as may be necessary to secure persons able to supervise and direct the work of student teachers in the most thorough manner. Such additional salary shall not be less than \$234 per year. The university shall not be bound by this section to pay more than \$450 per year additional salary to any critic teacher. (10) No teacher shall be permitted to teach in the practice school except members of the senior class or persons whose general experience has eminently fitted them for teaching. (11) At a date not

later than April 1 the university authorities shall notify the public school board what grades the university shall wish to use the following year as practice schools. (12) If all grades used as practice schools the teachers shall be selected by the concurrent action of the state board and of the public school board. In all grades not used as practice schools the public school board shall have exclusive right to select the teachers. (13) The course of study shall be prepared by the president of the university and the superintendent of schools and submitted to the public school board for amendment and adoption. (14) Rules and regulations relating to rights and obligations of parents' and pupils' reports, discipline, promotions, and all other matters of a general character shall be made by the public school board. (15) The university shall have power to make necessary regulations in regard to the use of the university property and in regard to the mode of instruction and daily program in the practice schools. (16) All text-books that pupils are required to buy shall be prescribed by the public school authorities. (17) If copies of such regularly adopted text-books are needed by indigent children, they shall be furnished by the public school board. (18) The school year in the public school shall be divided into terms in conformity with the three regular terms of the university calendar. (19) Tuition in all grades shall be free to all residents of Normal. (20) Rates of tuition for nonresident pupils shall be fixed by the public school board, and such tuition shall be paid into the public school treasury. (21) All pupils attending the grades in the model school building shall have the privilege of the campus of the university, library, and gymnasium, under such regulations as the university may adopt. (22) The high school pupils may be permitted to use the campus for a playground, and shall be granted one hour per day for physical culture in the gymnasium under the supervision of the teacher of physical culture, on such terms as may be agreed upon by the president of the university and the superintendent, providing such privileges shall not conflict with the paramount rights of the Normal students. (23) The university instructors in music, drawing, and physical culture shall supervise the work in their respective departments in the various grades of the Normal public schools. One-third of their time shall be thus at the disposal of the public school authorities. (24) These articles of agreement may be amended by the concurrent action of the public school board and the state board of education. (25) Either party to this agreement may cause the same to terminate on June 30 of any year by giving written notice to the other party at least six months prior to the proposed termination. Wesley Grinstead, President; Enoch A. Fritter, Clerk, for the Board of Education of Normal School District, Normal, Ill. The Board of Education of the State of Illinois, by William H. Green, President, Alfred Bayliss, Secretary. (Seal.)

The bill alleges that the public schools of the town of Normal are conducted under and in pursuance of the terms of said contract, and that the students in attendance upon the Illinois State Normal University, and who teach the grades housed in the model school building and one or more of the grades housed in the public school buildings of Normal school district, are not required to have certificates from the county superintendent of schools of McLean County; that appellee Enoch A. Fritter is superintendent of the public schools

in the Normal School district, and receives a salary as such superintendent of \$167.64 per month; and that said Fritter also performs educational work for appellee the board of education of the state of Illinois in supervising, directing, and controlling the work of the critic teacher employed under the contract, and receives an additional salary therefor from the said board of education of the state of Illinois. The chancellor sustained a general demurrer to the bill interposed by appellees and entered a decree dismissing the bill for want of equity. To reverse this decree the appellant prosecutes this appeal.

The town of Normal was incorporated by special act of the Legislature approved February 25, 1867. (3 Priv. Laws 1867, p. 321). Article 8 (page 329) of the charter provides for a public school system; that the town of Normal shall constitute a school district, known as "Normal School District;" that the governing body of the public schools of such district shall be styled "Board of Education of Normal School District," and shall consist of five members, each of whom shall hold office for a term of five years, one to be elected each year on the first Monday in March. Section 4 (page 330) of said article provides: "Said board of education shall be a body corporate and politic, by the name and style of Board of Education of Normal School District;" may have a common seal and change the same at pleasure, and as such may contract and be contracted with sue and be sued, plead and be impleaded in and before any tribunal having competent jurisdiction." Section 11 (page 333) provides: "The said board of education shall have the entire management and control of all the common schools and transact all business which may be necessary in relation to said common schools and said district, and shall have all the rights, power, and authority necessary for the proper management of the schools and school funds, with the power to make all such rules, orders and requirements as they may deem necessary to carry their powers and duties into effect and perfect a good system of public instruction and common schools in said district." Section 13 provides: "Said board shall have power and authority to divide said school district into two or more districts when in the opinion of the board it shall seem advisable."

The jurisdiction of the court of equity to award the decree sought by the bill in this case is invoked upon three grounds: First, that the contract in question is ultra vires, illegal, and void, for the reason that the board of education of Normal school district has thereby surrendered or delegated, in whole or in part, certain discretionary powers vested in it as a quasi municipal corporation by its charter, to its superintendent, Enoch A. Fritter, and to the Board of Education of the state of Illinois; second, that certain persons named in the bill as defendants and designated in the contract critic teachers, and to whom is paid \$42.50 per month each by the board of education of Normal school district, are also in the employment of and receive pay from the board of education of the state of Illinois, that the duties of said critic teachers are to supervise and direct the work of the student teachers who teach in those grades of the common schools denominated in the contract practice schools, and that said critic teachers devote very little, if any, of their time to the work of teaching the pupils attending the public schools; third, that

Enoch A. Fritter receives a salary as superintendent of the Normal school district of \$167.64 per month, and also performs education work for the board of education of the state of Illinois in supervising, directing, and controlling the work of said critic teachers, and receives therefor a salary from said board of education of the state of Illinois in addition to the salary paid him by the Normal school district.

The decision in the case rendered by Judge Scott covers three main points, as presented in the following digest:

(a) A contract between the board of education of a school district, authorized by 3 Priv. Laws, 1867, p. 321, to manage and control the common schools and employ and discharge teachers and fix their salaries, and the state board of education, whereby the State Normal University is permitted to furnish teachers not having the usual legal qualifications for certain classes, and critic teachers are to be employed by the state board and public school board acting concurrently, who are paid in part by the school district, is void.

(b) A contract of a public school board with the state board of education, in so far as it relates to the manner in which the schools are conducted and transfers authority from the public school board to the state board, and authorizing practice schools, does not cause any injury or oppression to a taxpayer, so as to entitle him to prevent its enforcement by injunction, mandamus being the proper remedy.

(c) A taxpayer is entitled to enjoin a contract between the public school board and the state board of education providing for the employment of critic teachers to be paid by the school district.

## II. THE IOWA FOOT-BALL CASE.

*Kinzer v. Directors of Independent School District of Marion.* Supreme Court of Iowa. Jan. 18, 1906. 105 N. W. (686).

The decision in this case, while enunciating no new fundamental principle of the powers and duties of educational officers; is of more than local interest to the high schools of Iowa, on account of the present day importance that certain athletic activities have assumed in the American high schools, both large and small. That the board of education of a city in practically all of our states has had delegated to it discretionary jurisdiction over the schools of the community is a well-recognized administrative principle, yet it would seem that the courts of the states must renunciate this principle upon every disputed detail of the authority of the board.

The case arose from an action of mandamus to compel the defendants, directors of the independent school district of Marion, to admit the plaintiff to the privileges of the high school of said district, from which the defendants were excluding him under an order of suspension for violation of the rules and regulations made by them. On



demurrer to plaintiff's petition judgment was rendered for the defendants, from which the plaintiff appealed.

The circumstances and importance of the case are such as to warrant the reproduction here of the full opinion of the court rendered by Chief Justice McClain:

It appears from the allegations in plaintiff's petition that plaintiff was, by a resolution of the defendant board of directors, suspended from the high school of which he was a pupil until he should apologize to the superintendent before the school, and through the superintendent to the board, for the willful violation of a rule adopted by the board of which violation the board on investigation found plaintiff to be guilty. The rule was as follows: Resolved, That the board of directors disfavor football on account of injuries to life and limb. The board will lend all assistance, morally and financially, in support of baseball, the gymnasium, or track work, but for the above reasons will not permit football or practice under the auspices of the High School or on the school grounds. The violation charged consisted in participating in a game of football as a member of a team composed largely of the students of the high school, which was played on a Saturday afternoon at the fair grounds. It also appears that plaintiff, with the other members of the team, caused to be printed and posted in the city of Marion a poster and advertisement of the game, which was represented to be a game between the West Branch High School and the High School of Marion for which an admission fee of 25 cents was charged. The questions argued are, first, whether the board had any authority to adopt the rule above quoted; second, whether the conduct of plaintiff was a violation of such rule; third, whether a certain apology made by the plaintiff to the board (not in the method pointed out by the board in its resolution of suspension) was sufficient to entitle the plaintiff to readmission to the school under the terms of his suspension; and fourth, whether this proceeding by mandamus is the proper method of testing the validity and propriety of the proceedings of the board.

1. Considering first the question whether plaintiff has resorted to the proper procedure in order to secure a review of the action of the defendant board, it is at once apparent that his application for a writ of mandamus will not lie if he has any other remedy in the ordinary course of the law which is plain, speedy, and adequate. Code, sec. 4344. It is also plain that plaintiff cannot maintain this action to question the proceedings of the defendants in a matter which is within their discretion. Code, sec. 4341. The method provided for reviewing the proceedings of a school board, either as to law or fact, relating to a subject which is within their jurisdiction and as to which a discretion is vested in them is by appeal to the county superintendent of schools. Code, sec. 2818. But the courts are not excluded by this provision for appeal to the county superintendent from considering the question whether the board was, in the matter complained of, acting within the scope of its powers as defined by the statute. The board is given authority in Code, sec. 2772, to "make rules and regulations for its own government and that of the directors, officers, and teachers and pupils," and in Code, sec. 2782, to "expel any scholar from school for immorality or for violation of

the regulations or rules established by the board or when the presence of the scholar is detrimental to the best interests of the schools." Whether the rule adopted by the board, the enforcement of which is complained of, is reasonably within the scope of the power thus conferred is subject to inquiry in the courts, and the party complaining is not limited to an appeal to the county superintendent. *Perkins v. Directors*, 56 Iowa, 476, 9 N. W., 356; *Hinkle v. Sadler*, 97 Iowa, 526, 66 N. W., 765; *Rodgers v. Independent School Dist.*, 100 Iowa, 317, 69 N. W., 544. This is in accordance with the general rule that in an action of mandamus or other special proceedings the question whether an inferior tribunal, such as a school board, has acted within the scope of its authority may be determined. *State ex rel. v. Board of Education*, 63 Wis., 234, 23 N. W., 102, 53 Am. Rept., 282; *King v. Jefferson City School Board*, 71 Mo., 628, 36 Am. Rept., 499; *Board of Education v. Purse*, 101 Ga., 422, 28 S. E., 896, 41 L. R. A., 593, 65 Am. St. Rept., 312.

We are required, therefore, to decide whether the rule of the defendant board for the alleged violation of which plaintiff was excluded from the high school was within the power of the board to enact. And here it may be suggested that the court should hesitate to interfere with the regularly constituted school authorities in their management of the scholars which are placed under their charge. The legislature is expressly authorized to provide for the educational interests of the state in such manner as shall seem best and proper. See article 9 of section 15 of the State constitution. And in the exercise of this power school districts have been created, authorized to have exclusive jurisdiction in all school matters over their respective territories. Code, sec. 2743. It is further provided that the affairs of each school corporation shall be conducted by a board of directors. Code, sec. 2745. And the directors are, as already indicated, expressly authorized to make and enforce rules. It was plainly intended, therefore, that the management of school affairs should be left to the discretion of the board of directors and not to the courts, and we ought not to interfere with the exercise of discretion on the part of a school board as to what is a reasonable and necessary rule, except in a plain case of exceeding the power conferred. A rule may be so far unreasonable or beyond the exercise of discretion that the courts will say that the board acted without authority in making and enforcing it. *Murphy v. Board of Directors*, 30 Iowa, 429; *Perkins v. Directors*, 56 Iowa, 476, 9 N. W., 356; *State v. Vanderbilt*, 116 Ind., 11, 18 N. E., 266, 9 Am. St. Rept., 820. But the presumption is in favor of the reasonableness and propriety of the action of the board. *Burdick v. Babcock*, 31 Iowa, 526; *Smith v. Dist. Township*, 42 Iowa, 522.

It is contended that the rule of defendant board already quoted, under which plaintiff was suspended, does not apply to the conduct of pupils of the school on holidays and outside of school hours, and that, if it is to be construed as having application to the action of pupils away from the school grounds and on a day when the school is not in session, it is unreasonable and invalid. But, in view of the general discretion given to boards of directors, as above indicated, we are not disposed to hold that the rule as applied in the present case by the defendant board is unreasonable or in excess of authority.

The general character of the school and the conduct of its pupils, as affecting the efficiency of the work to be done in the schoolroom and the discipline of the scholars, are matters to be taken into account by the school board making rules for the government of the school. They have no concern, it is true, with the individual conduct of the pupils wholly outside of the schoolroom and school grounds and while they are presumed to be under the control of their parents, or after they are beyond the age of parental control, to be governed by the rules which regulate the conduct of all members of the body politic; but the conduct of pupils which directly relates to and affects the management of the school and its efficiency is within the proper regulation of the school authorities. Thus it has been held that rules as to absence and tardiness of pupils and their misconduct on the way to school, or on going home from school, are properly within the scope of the power of school officers. *Burdick v. Babcock*, 31 Iowa, 526; *Lander v. Seaver*, 32 Vt., 114, 76 Am. Dec., 156; *Deskins v. Gose*, 85 Mo., 485, 55 Am. Rep., 387. We have no doubt as to the power of the defendant board in the exercise of its reasonable discretion as to the management of the high school to determine that it was detrimental to the best interests of the school that pupils should be encouraged by their school associations to engage in games of football with teams of other high schools, and we think that their proper power, with reference to the encouragement or discouragement of the playing of football by pupils of the school, was not limited to the high school grounds, but extended to participation by the pupils in games as members of a team purporting to represent in any way the high school under the control of defendant board; and we therefore reach the conclusion that, giving to the rule the interpretation which the board gave it in holding it to be applicable to the act of plaintiff, such rule was not unreasonable nor in excess of the powers of the board. Whether or not the conduct of the plaintiff was in fact a violation of such reasonable rule as thus interpreted was, as we think, a question, not of the jurisdiction of the board, but of the propriety of its action, which we can not review in the present proceeding. In short, we hold that the defendants as a board had authority to prohibit, and did prohibit, the pupils of the high school from playing football in a game purporting to be played under the auspices of the school or on a team purporting to be a team representing the school.

2. The other questions presented on this appeal may be briefly disposed of in accordance with principles already announced. If the board had the power to make the rule in question, then the findings as to whether the rule had been violated by the plaintiff and whether the apology tendered by him was sufficient or not are not subject to review in this proceeding and can be tested only by appeal to the county superintendent. Plainly it is not intended that the courts shall interfere with the action of the school authorities in matters of discipline as to which such authorities are vested with discretionary power. *Burdick v. Babcock*, 31 Iowa, 562; *McCormick v. Burt*, 98 Ill., 263, 35 Am. Rep., 103; *Watson v. Cambridge (Mass.)*, 32 N. E., 864. And, in general, as to the proposition that the discretion of a school board cannot be interfered with by the courts as to a matter within its jurisdiction, see *Preston v. Board of Education*, 124 Iowa, 355, 100 N. W., 54; *Marshall v. Sloan*, 35 Iowa, 445; *Barnett v. Direc-*

tors, 78 Iowa, 134, 34 N. W., 780; *Bogaard v. Independent Dist.*, 93 Iowa, 269, 61 N. W., 859; *State ex rel. v. Board of Education* (N. J. Sup.), 45 Atl., 775.

The action of the trial court in sustaining the demurrer to plaintiff's petition and rendering judgment for defendant was correct, and it is affirmed.

### III. THE SEATTLE HIGH SCHOOL FRATERNITY CASE.

(*Wayland v. Board of School Directors of District No. 1, of Seattle, et al.* Supreme Court of Washington. August 15, 1900, 86 P., 642.)

The principle of the adequacy of the authority of a local board of education to make such rules and regulations for the conduct and government of the schools under its care is here, as in the preceding case, again maintained. The decision seems timely for citation and consideration under the present conditions of development and importance of certain social characteristics within the secondary schools of the country.

The case arose from a suit by George Wayland, by Russell Wayland, his guardian ad litem, against the board of school directors of school district No. 1, of Seattle. The judgment of the superior court in favor of the defendants was affirmed.

The opinion of Judge Crow is here reproduced in full:

This action was commenced by appellant against the board of school directors of school district No. 1, in Seattle, King County, Wash., and other school authorities of said district, to restrain them from enforcing certain rules which deprive members of Greek letter fraternities of the privileges of said high school, except that of attending classes. The appellant, George Wayland, a minor 18 years of age, sues, by Russell Wayland, his guardian ad litem, on behalf of himself and other members of the Gamma Eta Kappa fraternity. He alleges that all members of said fraternity are of school age and entitled to all the privileges of said high school; that they are unjustly prohibited from belonging to debating clubs, athletic teams, school bands, glee clubs, orchestras, cadet corps, and other kindred organizations of said school, and that, unless they withdraw from said fraternity, they will also be deprived of the customary honors attending graduation; that they have no privileges except that of attending classes; that said rules are in excess of lawful authority; that there is nothing objectionable in said fraternity; that its meetings are held at the homes of members, with the consent of their parents, every two weeks, from 8 to 10 o'clock p. m., and never during school hours; that they are not under the jurisdiction of the school authorities, but are under parental control; that at said meetings improper conduct is prohibited, and that a high-class literary program is carried out. The answer pleaded an affirmative defense, substantially alleging the facts afterwards found by the trial court. From a final judgment refusing injunctive relief, this appeal has been taken.

The trial court made findings of fact, from which it appears that at the time of the commencement of this action George Wayland was

student in the Seattle High School and also a member of a certain secret Greek letter society, known as the "Gamma Eta Kappa fraternity;" that the membership in said fraternity and in other similar high school secret societies was confined particularly to high school students; that such societies were therefore usually known as high school fraternities; that members other than such students were admitted as honorary members only; that said Gamma Eta Kappa fraternity was first organized in Seattle during the year 1900, at which time a request was made by it for the use of the name of said Seattle High School; that before acting on said request the high school authorities instituted a careful investigation to ascertain the probable effect of such societies on the school; that after such investigation and after receiving reports from many prominent educators, all of whom unqualifiedly condemned the influence of said societies as highly deleterious and injurious, the school board of said Seattle district, on May 7, 1901, passed a resolution whereby said request for the use of the name of the Seattle High School in connection with said fraternity was refused and membership of students in any secret society connected with said school forbidden; that at all times thereafter it was contrary to the rules and regulations of said high school for pupils to become members of the said fraternities; that afterwards said George Wayland, while a student in said school, became a member of said Gamma Eta Kappa fraternity, as did other students; that it was also contrary to the said rules and regulations for students to become pledged to said secret societies; that said rules and regulations were from time to time modified to meet emergencies in accordance with the activities of said societies in pledging or initiating members; that on May 5, 1905, the school board by final action amended its former rules so as to provide that all students who were then members of any high school secret society, or pledged to become such, who would promise that so long as they remained students of said high school they would not become members of any other such secret society or give any promise or pledge to become such, or solicit any other student to give any promise or pledge to become a member of any high school fraternity or secret society, and in good faith kept such promise—such students would be restored to the privileges of such school—otherwise all students who thereafter should become members of, or in any way pledge or bind themselves to join, any high school fraternity or secret society, or should initiate or pledge any other students, or in any way encourage or foster the fraternity spirit in the high school, should be denied all the privileges of the high school except those of the class room; that the influence of the said Gamma Eta Kappa fraternity and similar secret societies, and the membership and pledging of students therein, permeating said school, injuriously affected the good order and discipline thereof; that in adopting the various rules and regulations aforesaid, and in denying certain privileges of said school to pupils who refused to comply therewith, the respondents at all times acted in good faith and in the exercise of an honest judgment; that such action was at all times general in its application and at no time special, malicious, or arbitrary, and that all such rules and regulations and particularly those in force and effect at the time of the institution of this suit were reasonable and necessary and were wholly within the powers of the respondents.

It will be observed that no attempt is being made by the respon-

dents to deny appellant any instruction afforded by class work or by the required curriculum of the school. He is only denied certain other privileges, such as participation in athletic, literary, military, musical, or class organizations. In other words, the respondents made it optional with appellant to determine whether, against the known wishes of the school authorities, he would continue his membership in said secret society, and thereby forfeit participation in the privileges above mentioned, which were no part of the class work or curriculum, or whether by complying with the adopted rules he would elect to enjoy the privileges of which he is now deprived. The appellant contends that the trial court erred (1) in making certain of the above findings of fact to which he has excepted; and (2) in entering judgment dismissing his complaint. Appellant especially complains that the evidence does not sustain the finding that all active members of the Gamma Eta Kappa fraternity were high school students, and that any members not students were honorary members only. There may have been an instance in which an active member was not a student when initiated, but he had been a student immediately prior thereto, and there is no evidence that he did not intend to so continue. In any event it is immaterial whether he or even other members were students. It clearly appears that the fundamental purpose was to organize with students of the Seattle High School. The evidence shows that this particular Gamma Eta Kappa fraternity is a branch or chapter of a general organization having other chapters in various high schools throughout the country; that it is subordinate to a general or parent governing body, and that the entire organization is essentially a confederation of associations composed in the main of high school students. We call attention to a certain periodical which, with the consent of both appellant and respondents, was admitted in evidence and is entitled: "The Gamma Eta Kappa Magazine, Quarterly, Devoted to the Interest of the Gamma Eta Kappa Fraternity of the United States of America, and Published by the Grand Conclave." This magazine appears to be in the charge of one general editor, located in San Francisco, assisted by chapter editors, members of 20 distinct chapters, including Rho Gamma Chapter, the one of which appellant is a member, purporting to be connected with the Seattle High School. In this magazine we find the following editorial: "In former editorials we have frequently dwelt upon our old standby of High School Fraternities versus School Boards and Principals, but we feel compelled to again state the facts on account of recent developments. The principal of the Seattle High School does not know what a fraternity is or he would not attempt to enforce his proposed futile plans. It is simply a case of all educators not educated. Imagine the monarch that could prohibit a man from wearing a fraternity pin. The Sacramento board by a vote of 6 to 3 recently decided 'To forbid any member of the Sacramento High School from joining a "frat" society in that school.' There is no penalty affixed, and the resolution was simply adopted to quell public sentiment in order to secure a favorable vote from the people on new school bonds. In voting on this motion but one member of the board expressed the belief that the law would uphold them in attempting to crush a society in a public institution; in other words they are educated. We hope that others will learn and save us the trouble of summoning our army of able

attorneys, who are willing to defend us in the courts, and in doing so will make these uneducated beings feel their lack of knowledge with humiliation and chagrin at the expense of the poor unfortunates."

This magazine also publishes a letter from the Rho Gamma, or Seattle chapter, in which the existing differences between it and the Seattle high school authorities are discussed. This letter in part says: "And now comes the most unkindest cut of all. Beginning with the coming school year, in addition to the restrictions already imposed, all members of fraternities and sororities will be denied the right of graduation or of representing the school in any field of effort or competition. This is according to an open letter from Supt. Cooper to Prof. Twitmeyer. He calls Mr. Twitmeyer's attention to a recent ruling of the board which authorizes his action. According to the ruling, the superintendent is given authority 'to repeal all existing regulations.' This phrase may or may not be significant, for as far as the secret societies are concerned, they will go ahead and prosper as before. There will be no difficulty in pledging and initiating new members if they may be desired, because, far from creating any dismay among the students, it has aroused a feeling of indignation and that natural antipathy to restriction which is inherent in the American youth. \* \* \* It is barely possible that Rho Gamma Chapter will incorporate, but it is a question whether such action would help matters any or would only add fuel to the flame." Letters from the Sacramento, Cal., and Denver, Colo., chapters are also published, showing a like spirit of insubordination against lawful school authority. We incorporate these quotations in this opinion to illustrate the seditious spirit permeating this organization, with which the school authorities were obliged to deal. Without further discussion of the evidence, we express our complete satisfaction with each and all of the findings made by the honorable trial court.

The only remaining question is whether the board of education had authority to adopt the rules complained of. Appellant insists that section 2334, Ballinger's Ann. Codes & St., provides who shall be admitted to the public schools, and that the board of education can not exclude any pupils so entitled to attend. No issue need be taken with this contention. The board has not excluded the appellant from the Seattle High School, neither has it threatened to expel or suspend him. He can and does attend school, and, under our construction of the rules adopted, he is at the same time permitted to continue his membership in the Gamma Eta Kappa fraternity; although in doing so he opposes the authority of the board and thereby forfeits certain privileges which are no necessary part of the curriculum or class work, from which he is not excluded. Respondents are only seeking to prevent appellant and his associates from dictating the terms on which they shall enjoy certain privileges which are merely incidental to the regular school work, and this they have authority to do. Appellant further contends that, as the fraternities meet out of school hours at the homes of members, and at no time in the school building, and as their parents consent to this action, the board is exceeding its lawful authority in entering their homes, in withdrawing from parents the control of their children, and in dictating what the children shall or shall not do out of school hours. We think this contention unreasonable. The board has not invaded the homes of any

pupils, nor have they sought to interfere with parental custody and control. They have not said these fraternities shall not meet at the various homes, nor have they attempted to control students out of school hours. The evidence shows beyond a doubt that these secret organizations when effected foster a clannish spirit of insubordination, which results in much evil to the good order, harmony, discipline, and general welfare of the school. We can express these conditions in no better terms than by quoting from the testimony of Prof. Geiger, the principal of the high school, who says: "I have found that membership in a fraternity has tended to lower the scholarship of the fraternity members; \* \* \* the general impression that one gets in dealing with them is one of less respect and obedience to teachers. It is found that there is a tendency toward the snobbish and patronizing air, not only toward the pupils, but toward the teachers; there is a certain contempt for school authority. This is in a measure, I think, aggravated by the attitude of the parent organization, which seems to encourage members of the fraternity in this contempt for school authority, and one of the most difficult things in dealing with the situation is the fact that the members have their allegiance to a general organization or headquarters, which are often located in a distant city and which it is difficult to reach and which exercises upon the members in the local school a very powerful influence. \* \* \* In dealing with these fraternity members I have been assured more than once that they considered their obligation to their fraternity greater than that to the school." The evidence of this witness with that of the president of the school board and other school authorities overwhelmingly establishes the fact that such fraternities do have a marked influence on the school, tending to destroy good order, discipline, and scholarship. This being true, the board is authorized, and it is its duty, to take such reasonable and appropriate action by the adoption of rules as will result in preventing these influences. Such authority is granted by section 2339 and subdivisions 5 and 6 of section 2362, Ballinger's Ann. Codes & St. It would be difficult to confer a broader discretionary power than that conferred by these sections. Manifestly it was the intention of the Legislature that the management and control of the school affairs should be left entirely to the discretion of the board itself, and not to the judicial determination of any court. These powers have been properly and legally conferred upon the board, and unless it arbitrarily exceeds its authority, which it has not done here, the courts can not interfere with its action. (*Kinzer v. Directors, etc.* (Iowa), 105, N. W., 686; *Board of Education v. Booth* (Ky.), 62 S. W., 872, 53 L. R. A., 787; *Watson v. City of Cambridge* (Mass.), 32 N. E., 864.)

The appellant has cited a number of cases which in effect decide that the school board would have no authority to refuse him admission to the high school. This the board has not attempted to do; hence these citations are not in point. The only case mentioned by appellant which seems to be cognate to the questions here involved is that of *State ex rel. Stallard v. White*, 82 Ind. 278, 42 Am. Rep. 496, in which the Supreme Court of Indiana held that the officers and trustees of Purdue University, an institution controlled and supported by the state, could not require an applicant otherwise qualified to sign a pledge relative to membership in Greek fraternities as a condition precedent to his admission as a student. The university au-



thorities had adopted a rule that no student should be permitted to join or be connected with any so-called Greek or other college secret society, and as a condition of admission to the university or promotion therein should be required to give a written pledge to observe such regulation. The relator declined to sign such a pledge and was refused admission as a student for that reason only. The decision which ordered his admission was by a divided court.

The majority opinion, however, is not in point as supporting appellant's contention. The appellant has not been refused admission to the high school. The school authorities have only endeavored to exercise a governmental control over him after his admission, without even attempting to suspend him. In the majority opinion in *State ex rel. Stallard v. White*, supra, the court said: "The admission of students in a public educational institution is one thing, and the management and control of students, after they are admitted and have become subject to the jurisdiction of the institution is quite another thing. \* \* \* It is clearly within the power of the trustees, and of the faculty when acting presumably or otherwise in their behalf, to absolutely prohibit any connection between the Greek fraternities and the university. The trustees have also the undoubted authority to prohibit the attendance of students upon the meetings of such Greek fraternities or from having any other active connection with such organizations, so long as such students remain under the control of the university, whenever such attendance, upon the meetings of, or other active connection with, such fraternities tends in any material degree to interfere with the proper relations of students to the university." The above language shows that the Indiana case, upon which the appellant relies, utterly fails to sustain any of his contentions. Our attention has not been called to any adjudicated case at all similar to this. Citation to authority, however, is unnecessary, as under our statutes the respondent school board had undoubted authority to take the action of which appellant complains, and the courts should not interfere with said board in the enforcement of the rules and regulations which it has adopted.

The judgment is affirmed.

#### IV. THE STATUS OF THE PUBLIC HIGH SCHOOL IN THE AMERICAN SCHOOL SYSTEM.

(Board of Education of the City of Lawrence v. Dick et al. Supreme Court of Kansas. December 1, 1904. 78 Pacific, 812.)

Coming at this stage in the development of American public secondary education, the following case is worthy of consideration. It presents further evidence of the fact that it was the design of the founders of our American states to include a complete system of education within the opportunity of all. The case itself presents no really new feature, but is included here because it reaffirms in unmistakable terms a fundamental doctrine of the American school system.

The case arose from action by Harry Dick and others against the Board of Education of the City of Lawrence, to test the constitutionality of that part of section 1, chapter 224, page 326, of the Laws of 1899 (section 6305, General Statutes, 1901), authorizing cities of the second class to maintain high schools in whole or in part by collecting a tuition fee from each pupil.

The judgment for the plaintiffs rendered in the district court of Douglass County was affirmed. The decision of Justice Green is thought to deserve careful reading by all those interested in the development and the protection of the American free public school system, including all grades of instruction from the lowest to the highest.

The plaintiffs, for themselves and 400 others similarly situated, brought this action to restrain the board of education of the city of Lawrence, a city of the second class, from enforcing one of its resolutions previously adopted, authorizing the superintendent of its city schools to expel from the high school all resident pupils who refused to pay a tuition fee of \$2.50 per term. The petition alleges that the plaintiffs are residents and taxpayers of the city of Lawrence, and the parents of the children between the ages of 6 and 20 years; that the board of education had previously passed a resolution to the effect that all pupils attending such school should be required to pay a tuition fee of \$2.50 per term, and had authorized the superintendent of schools of the city to expel from such school all children then attending who refused to pay such tuition fee on or before a certain day therein named. Upon the application of the plaintiffs a temporary restraining order prohibiting said board from enforcing the conditions of the resolution was allowed, and finally made permanent. It was held generally that the board of education had no power to impose a tuition fee upon the resident pupils as a condition precedent to attending such school.

The question involved is, has the Legislature of the state of Kansas power to authorize the board of education of cities of the second class to impose a tuition fee upon resident pupils attending the high school? If this question is answered in the affirmative, it must be held that the board acted with authority. The Legislature attempts to confer such authority upon the board of education of the cities of the second class within the state by the enactment of section 6305, Gen. St., 1901. This section reads:

"The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the city demand; and to exercise the sole control over the schools and school property of the city; and maintain such high school, in whole or in part, by demanding, collecting, and receiving a tuition fee for and from each and every scholar or pupil attending such high school." Plaintiffs contend that the common schools of Kansas are free schools, and that this section, in so far as it attempts to confer power upon the board of education of cities of the second class to impose a tuition fee upon pupils

attending such schools, contravenes section 2, art. 6, of the Constitution of Kansas, and is void. The constitutional provision invoked reads: "The Legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments."

The one great hope of the republic lies in the intelligence and morality of the individual citizen. To encourage, promote, and inculcate intelligence and morality large bodies of land were reserved by the government from the public domain to many of the states upon their admission into the Union, to be used for a permanent school fund. Section 34 of our organic act provides "that when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory and in the states and territories hereafter to be erected out of the same."

Recognizing the great need of popular education, the framers of our Constitution, in addition to the provisions hereinbefore quoted making it compulsory upon the Legislature to establish a uniform system of common schools, inserted section 3, art. 6, which reads: "The proceeds of all lands that have been or may be granted by the United States, for the support of schools, and the five hundred thousand acres of land granted to the new states, under an act of Congress distributing the proceeds of public lands among the several States of the Union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent as may be granted by Congress, on the sale of lands in this state, shall be the common property of the state shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the Legislature may provide, by tax or otherwise, shall be inviolably appropriate to the support of the common schools." Ample provisions are found elsewhere for the annual distribution of this fund to the several county treasurers of the state, to be used in the support of the common schools. In addition to the fund thus provided, the Legislature has made provisions for the support of the common schools, and enacted rules for the general management by officers to be elected by the voters of the locality where the schools are to be maintained.

In view of the numerous provisions made by the general government and the Constitution of this state as well as the history of its legislative enactment, for the establishment and maintenance of a common school system under which the children have been educated for the past 40 years, the suggestion that such schools are not free comes as a surprise at least. This, however, cannot change the provisions of our Constitution, and it is to such provisions we must look to determine whether the system of common schools it commands the Legislature to encourage was to be a system of free common schools or pay common schools. We can only determine this by ascertaining what was meant by the words "common schools," as therein used. If we find that they have acquired a technical meaning, we must

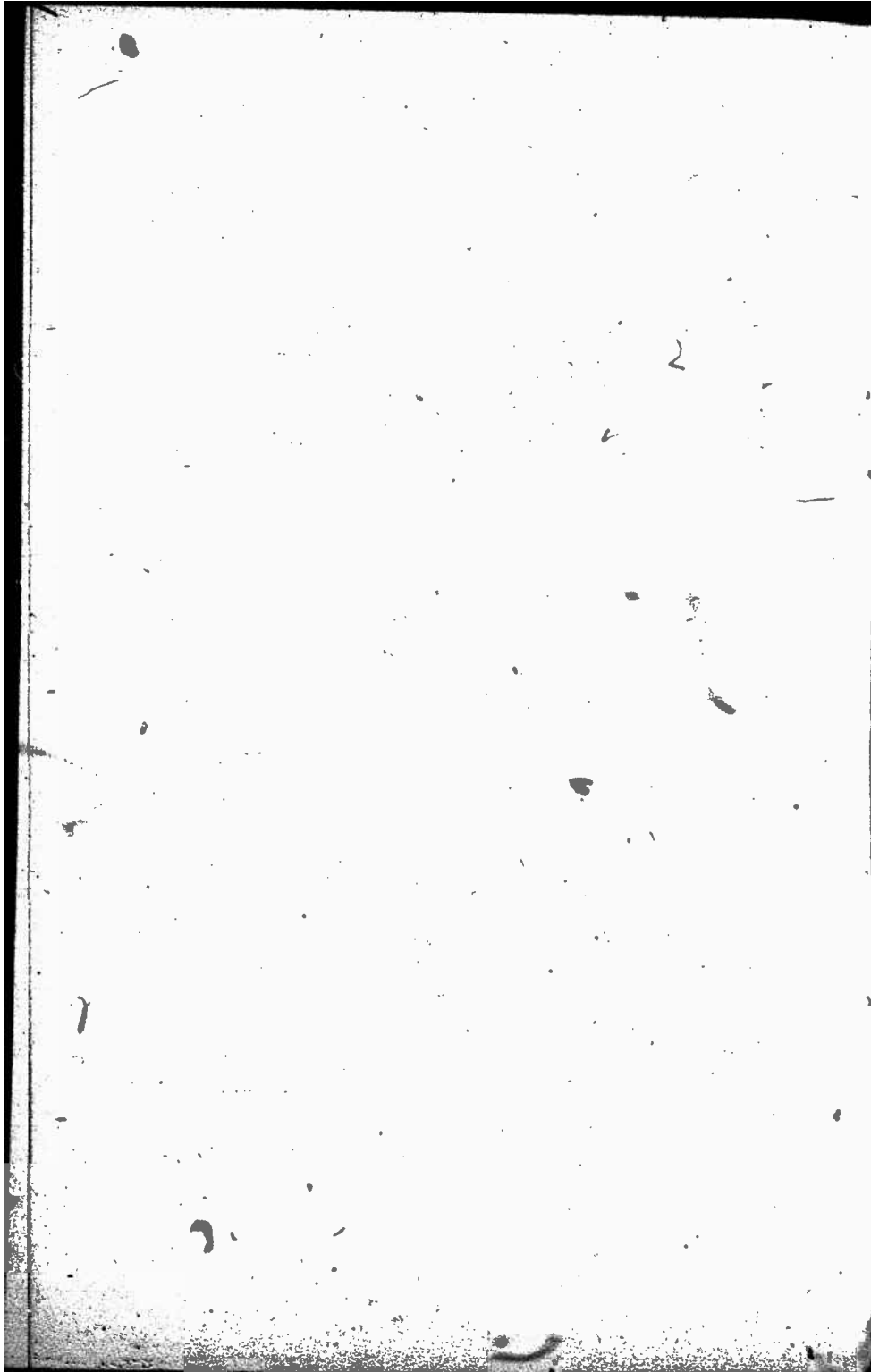
assume that they were used in the Constitution in their technical sense. The high school in cities of the second class is a department of the common school system of such a city, in which the higher grades of the common school are taught. *Board of Education v. Welch*, 51 Kan., 792, 33 Pac., 654; *Whitlock v. State ex rel. School District*, 30 Neb., 815, 47 N.W., 284. The phrase "common schools" is synonymous with "public schools." *Jenkins v. Andover*, 103 Mass., 94. Both have been defined by lexicographers and by judicial interpretation to mean "free schools." *Merrick and others v. Inhabitants of Dunster and others*, 12 Allen, 509; *Roach v. The Board of President and Directors of the St. Louis Public Schools*, 77 Mo., 484; *Collins v. Henderson, etc.*, 74 Ky., 74; *Irvin Gregory (Ga.)*, 13 S. E., 120; *Roach v. Board of President and Directors of the St. Louis Public Schools*, 7 Mo., App., 567; *People v. Board of Education of Brooklyn*, 13 Barb., 100. In 25 Am. and Eng. Encyc. of L., it is said: "Common or public schools are, as a general rule, schools supported by general taxation, open to all of suitable age and attainments, free of expense, and under the control of agents appointed by voters." Mr. Black, in his Law Dictionary, defines common schools to be "schools maintained at the public expense and administered by a bureau of the state, district, or municipal government, for the gratuitous education of the children of all citizens without distinction." Mr. Anderson, in his Law Dictionary, says: "Common or public schools are schools supported by general taxation, open to all free of expense, and under the control of agents appointed by the voters." *Repulje and Lawrence* define common schools to be "public or free schools, maintained at public expense, for the elementary education of children of all classes." Mr. Bouvier, in his Law Dictionary, says that common schools are "schools for general elementary instruction, free to all the public." Chancellor Kent, in his Commentaries, vol. 2, p. 195, in discussing free common schools in the several states of the Union, on the continent, and in many European countries, uses the phrase "common schools" exclusively. It must be assumed that the men who wrote our Constitution used the phrase "common schools" in its technical sense, as we find it defined. We think it follows, therefore, both from authority and reason, that the phrase "common schools" was used in the Constitution in its technical sense, which means free schools, and that the common schools of Kansas are free schools. The act of the Legislature attempting to authorize boards of education of cities of the second class to collect tuition fees for the admission of resident pupils into such schools violates this provision of the Constitution of this State, and is therefore void.

A contention is made that the word "otherwise," found in the latter part of section 3, art. 6, of the Constitution by which the legislature is directed to add to the permanent school fund by taxes or otherwise, is an express authority to add to it by charging a tuition fee. The word "otherwise," as there used, simply means that the Legislature may set apart for public school purposes such moneys as may come into the public treasury incidentally, such as fines imposed for violation of laws of the State, and items of a similar character. To charge and collect a tuition fee would not be adding to the permanent school fund.

The objection that the plaintiffs cannot maintain this action, on the ground that an individual cannot maintain an action to restrain public officers from performing a public duty, unless such party can show some personal, pecuniary, or special interest, or some injury which he may sustain other than the public generally, cannot be sustained. The exclusion of the plaintiff's children from the public schools, is a question in which they have a special and peculiar interest, not held in common by the people of the state. While the people of the state and county have a general interest in the education of its children, the exclusion of any particular child directly affects the parents of that child in a much greater degree than it does the public. In *Craft v. Jackson Co.*, 5 Kan., 518, 521, it is said: "If the injury is one that particularly affects a person, he has his right of action."

The judgment of the court below is affirmed. All the Justices concurring.

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[Figures in *italics*, within parentheses, refer to enactment numbers; others to pages.]

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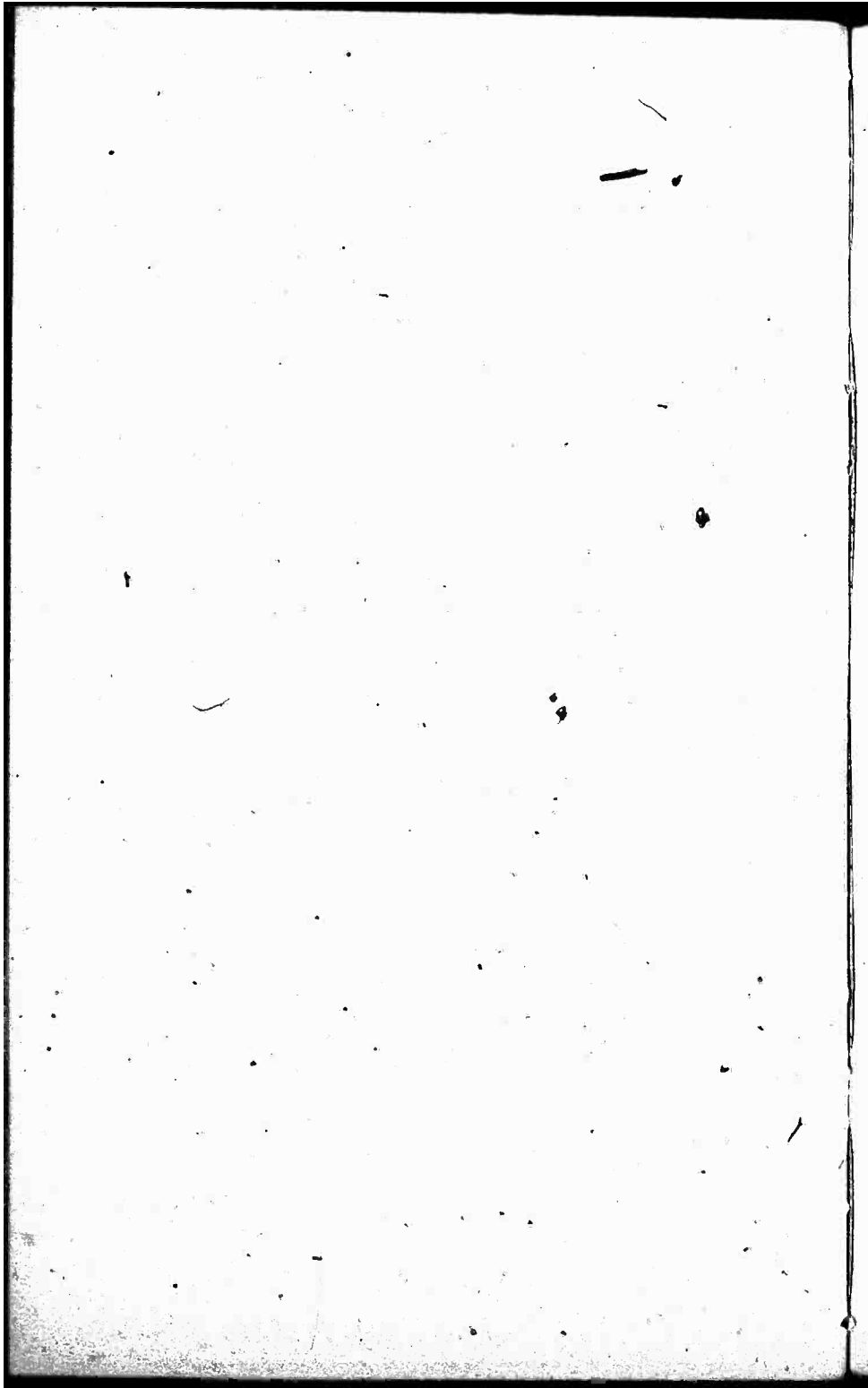
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