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A REVIEW
OF EDUCATIONAL LEGISLATION
1931 AND 1932

BEING CHAPTER VII OF THE
BIENNIAL SURVEY OF EDUCATION IN THE
UNITED STATES : 1930-1932



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CHAPTER VII

A REVIEW OF EDUCATIONAL LEGISLATION

1931 AND 1932

INTRODUCTION

THE PURPOSE of this publication is to make available information on educational legislation enacted during 1931 and 1932. Probably in no previous biennium have there been more legislative sessions among the American commonwealths. During this period every State had a regular legislative session, and the governors of approximately three fourths of the States called their respective legislatures into special session to wrestle with the serious problems growing out of the economic depression. It is also very probable that in no other biennium have there been so many legislative and constitutional measures referred to the people for their determination.

Legislative activity relating to education during this period attained unusual prominence. This activity has been accompanied with intense and widespread interest. Every State legislature was confronted with the vital and difficult problem of securing adequate educational facilities in the face of diminishing public revenue. A review of this legislative activity portrays a hard, and sometimes bitter, struggle between those who would curtail educational expenditures and educational facilities on the one hand and on the other hand those who fought to retain educational opportunities which have been provided. School men, many legislators, and others were steadfast in their belief and in their efforts that during this period educational opportunities should not be impaired. Their efforts in this respect were tempered with a willingness to practice economy and to avoid any waste in connection with the administration and maintenance of the schools. Their cooperation and spirit of devotion to education was also manifested by their willingness to delay, if necessary, capital outlay for school buildings, etc., rather than to yield to measures which would tend to impair the teaching force or instructional efficiency, or to reduce the length of school terms.

The task of analyzing and reviewing legislation enacted during this unusual period presents unusual difficulties. Numerous enactments affecting education are found to be considerably involved and include many implications which have been perplexing even to school authorities within the respective States. Owing to the necessity for

brevity and the multiplicity of enactments relating to education, only certain phases or subjects can be here reviewed.

A survey of legislation during this period shows, among other things, tendencies toward:

The abolishment of ex-officio members on State boards of education.

Increased State authority for the general administration of education.

Increased State responsibility for educational support.

Use of new sources for school revenue.

Changes in methods of distribution of State school funds.

Facilitating and increasing school attendance.

Increasing availability of high-school education in rural communities.

Higher requirements and lower salaries for teachers.

More provisions for the health and safety of school children.

Coordination of public higher education resulting in increased State control.

Regional school planning, particularly in rural areas.

More efficiency in the business management of schools.

STATE ADMINISTRATIVE ORGANIZATION

The tendency in legislation in recent years is towards the abolition of ex-officio members on State boards of education. Students of the subject are generally in agreement that ex-officio board members too often represent the dominant political party and institutional aspirations rather than the people of the State, and that they should not, by reason of other duties and interests, be responsible for formulating and directing the educational policies of the State.

The tendency to abolish ex-officio membership from State boards of education continued during the biennium. It appeared in Arkansas, Connecticut, and Nevada legislation.

In 1931 the Arkansas Legislature provided for a new State board of education of seven members elected by the people for 1-year terms, one member to be elected by each of the seven congressional districts of the State. Previously the State board of education in Arkansas consisted of the State superintendent of public instruction as ex-officio member and seven members appointed by the Governor. The new law provided for the selection of the State commissioners of education by the State board of education.¹ Previously the chief State school officer of Arkansas was elected by the people and designated as the State superintendent of public instruction.

¹ 1931 legislation affecting the selection of the State board and superintendent of public instruction was replaced by new legislation in 1933.

In 1931 the Connecticut Legislature abolished ex-officio members of the State board of education and created a State board, consisting of nine members appointed by the Governor. Previously the State board of education in Connecticut consisted of nine members appointed by the Governor and two additional ex-officio members—namely, the Governor and the Lieutenant Governor.

In Delaware a new State board of education was provided to replace the board whose term expired July 1, 1931. The new board, appointed by the Governor as before, comprises six members who serve for 3-year overlapping terms. The law provides that not more than three of the six members of the new State board shall be of the same political party. The former board comprised only four members.

The 1931 Legislature of Nevada provided for a new State board of education of seven members, consisting of the Governor and State superintendent of public instruction as ex-officio members and five lay members elected by the people, one from each educational supervision district in the State. Previously, the State board in Nevada consisted of three members, all of whom were ex officio.

North Dakota removed the State superintendent of public instruction and the commissioner of agriculture and labor from ex-officio membership on the State board of administration. This board is vested with the general administration of all penal, charitable, and educational institutions of the State.

During the biennium important legislative enactments were made in Georgia, North Carolina, and Mississippi, affecting State administrative organization with respect to higher education. These States established central State boards for unified and coordinated control of public higher institutions in their respective States (see Higher Education, p. 19).

In 1932 the West Virginia Legislature in special session included in an economy act a provision which would abolish the State board of education and its advisory members, together with its secretary and director, and transfer the duties of the board to the State board of public works.*

In North Carolina a State local government commission was created consisting of the State auditor, State treasurer, and commissioner of revenue, and six other members appointed by the Governor. This body is vested with extraordinary powers over the debts of local public administrative bodies, including school boards.

Pennsylvania restored to the superintendent of public instruction the power to interpret the school law by adding the following (sec.

*The attorney general in that State has ruled that by analogy this provision was unconstitutional by reason of the State supreme court decision sustaining an action for salary by an employee of the State board of education.

1014) to the school code: "The superintendent of public instruction shall, when requested, give decisions and interpretations of the school law which shall be valid and binding in like effect as law until reversed by himself or his successor or by proper judicial authority."

STATE SCHOOL SUPPORT

Recent legislation indicates that the movement toward State centralization in the affairs of public education, motivated by the lack of efficiency in many local school systems, is continuing. Educational requirements of our modern social order are increasing so rapidly that schoolmen and legislators are giving more and more attention to the problem of enlarging educational facilities, especially in rural and financially weak districts. This attention has been accentuated during the biennium. The problem of financing school systems according to standards deemed necessary has been difficult in thousands of communities for many years, and it has become extremely so during the depression. It is in these communities that the property tax for schools is increasingly regarded as inadequate, and also inequitable from the standpoint of tax burdens. Other sources of school revenue are being eagerly sought and an increasing number of authorities and students of the subject regard larger taxing areas essential to the solution of the present condition. Hence, legislation to secure more nearly equal educational facilities in rural communities and at the same time to avoid placing undue financial burdens upon such communities generally results in the shifting of some of the responsibility for school support from local to State governments.

The most outstanding legislation during the biennium affecting State support and control in education was enacted in North Carolina. Until 1931 the primary responsibility for the maintenance of schools in that State rested upon communities and local districts, with some State aid. By reason of fluctuating values and varying levels of school costs in different communities of the State, the 1931 Legislature of North Carolina regarding the equalization system of that State as very difficult to administer, and decided to abandon the system and to rely upon the factor of school cost arrived at by a State standard of cost. The new plan enacted by the legislature calls for complete State support for the constitutional school term of 6 months out of State revenues. The legislature thus took the position that it was unwilling to leave the fate of schools to different localities which varied greatly in financial ability. Hence the legislature not only accepted the doctrine that public education is a State function but it went much further—it followed the doctrine to its logical conclusion. For the first time in its history the Legis-

lature of North Carolina made the support of education a State obligation which was to be met by revenue from taxes levied in the name of the State. This action constitutes a long stride in educational legislation.

In order to assume State responsibility for the cost of a 6-months school term throughout the State the Legislature of North Carolina deemed it necessary and reserved the right to fix and maintain its own standards of school costs. It did not agree to pay the bill according to county standards. Counties and independent districts, however, were left free to operate better schools and for longer than 6-months terms if they elected to do so.

The following statement explains the tax situation in North Carolina in 1931 and is quite characteristic of the situation now prevailing in many other States:

The taxing situation which confronted the general assembly of 1931 was a very difficult one to handle. Land taxes were so high that property was robbed of its sales value. Taxes in many counties could not be collected; the counties could not meet their obligations or were running on borrowed money; and some of them were forced to pay their teachers in scrip which even at this date has not yet been redeemed. Some means had to be devised to reduce the taxes on land by a very considerable amount. Since the schools were the largest spenders from ad valorem taxes, they came in for the first consideration. (State Department Circular, Dec. 7, 1931.)

In order to enable the State to pay the total bill for a 6-months school term the legislature appropriated \$11,500,000 from State funds derived from indirect sources. To this was added \$4,350,000 State funds from ad valorem taxes, from fines and forfeitures, dog taxes, forest fees, etc.

State funds for schools were increased in two other States. Delaware increased the State school budget 5 percent; made "liberal appropriation" for the university and a State-wide school building program. Rhode Island made slight increases in appropriation of funds for certain educational purposes, especially for teachers' salaries and teachers' pensions.

In 1932 the Supreme Court of Kentucky held the State school equalization system provided for in 1930 unconstitutional on the ground that all State funds shall be distributed on pupil census basis. (Talbot v. State Board of Education, 52 S.W. 727.)

(4) NEW SOURCES OF SCHOOL REVENUE

Recent years have witnessed widespread unprecedented interest in securing new sources of revenue for schools. The general property tax is increasingly regarded as inadequate for financing education under modern conditions. For years students of the general tax problem have been studying other sources of wealth and new

systems of taxation in order that reduction may be made on property taxes, and in order to secure adequate and more equitable distribution of tax burdens. A number of significant legislative enactments have been made in recent years which have resulted in considerable school revenue from other sources. Revenues from taxes other than general property taxes now constitute more than 20 percent of the school receipts in approximately a dozen States, and in Delaware they make up approximately 88 percent of the school funds.*

Recent tax legislation falls principally under the following five general classifications: (1) General property tax; (2) sales and commodity taxes; (3) income taxes; (4) estate taxes and inheritance taxes; and (5) corporation and franchise taxes. It should be understood that most of the taxes falling under the aforementioned classifications are *not* levied specifically for educational purposes. However, these taxes as a rule increase the general public funds available for various State and local functions, including education. In some cases these new taxes do specifically and directly provide funds for education.

General property tax.—The depression has tended to accentuate interest in reduction of property taxes. Efforts in this direction run up against the problem of constitutional amendments in some States and progress has been slow. During the biennium legislation was enacted in a number of States which provides for a reduction in general property tax rates. Among these are Iowa, North Carolina, Vermont, and West Virginia. A number of States allowed county and other school districts to reduce property tax rates.

Sales and commodity taxes.—Among the States which enacted legislation affecting sales or commodity taxes during 1931 and 1932 are Arizona, Arkansas, Georgia, Kansas, Maine, Massachusetts, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Utah, Vermont, and Wisconsin. The Legislatures of Georgia, Ohio, and Texas imposed taxes on cigarettes. Arkansas raised the cigarette tax from \$2 to \$2.25 per 1,000 cigarettes, the receipts of which, as well as the 10 percent levy on cigars, are used for educational purposes. The Ohio act places an excise tax on the sale of cigarettes at the rate of 1 cent on each 10 or fractional part thereof, and also placed an annual license tax on all persons engaged in the wholesaling or retailing of cigarettes. The revenues received from the cigarette tax are paid into the State treasury, from which the general assembly may make appropriations for (1) paying the expense of administering the State educational equalization fund, (2) affording the

*Mort, Paul R. State Support for Public Education. National Survey of School Finance, Office of Education, published by American Council on Education, Washington, D.C., 1933.

advantages of free education to all the youth of the State, and (3) for the purpose of constructing and repairing buildings at the institutions administered by the department of public welfare.

Among the States which increased taxes upon the sale of gasoline are Arkansas, Florida, Georgia, Kansas, Maine, Massachusetts, Oklahoma, Tennessee, Utah, Washington, and Wisconsin. Florida authorized county superintendents to levy and collect a gasoline tax to pay for textbooks for grades 1 to 6, inclusive.

Nebraska levied a tax on vending machines. North Dakota imposed a tax on the gross receipts of all wholesale and retail merchants. The Legislature of Vermont levied a tax upon outdoor advertising.

Income taxes.—During the biennium Alabama, Idaho, Kansas, Ohio, Utah, Vermont, and West Virginia enacted State income-tax systems for the first time. Previously existing income-tax systems in Georgia, Missouri, North Carolina, and Oklahoma were revised so that they may contribute substantially to the support of education. Idaho provided that all receipts from the State income tax shall become a part of a general State fund under the custody of the State treasurer, and that the revenue so produced shall be taken account of by the State board of equalization in making the annual levy for State purposes. It is the expressed intention of this act that the revenue derived hereunder shall reduce by corresponding amount the direct tax levy which the State board of equalization would otherwise make and apportion to the several counties in the State. Most of the receipts from the Oklahoma income-tax law are to be used for common schools and distributed on a census basis. The income-tax rates were increased in Georgia, Missouri, New York, Oklahoma, and Oregon.

Estate and inheritance taxes.—Inheritance-tax legislation was submitted to the people of Alabama and Florida and was approved in both instances. Among the States which modified their laws on this subject are Connecticut, Delaware, Florida, Indiana, Iowa, Minnesota, New Hampshire, Washington, West Virginia, and Wisconsin.

Corporation and franchise taxes.—Florida required all corporations to file a report with the secretary of state and required such corporations to pay a filing fee. Certain public-utility corporations in that State were required to pay a tax of 1½ percent on gross receipts. Modifications of franchise tax laws were made in Delaware, Maine, North Carolina, Ohio, and Pennsylvania. Excise taxes on certain common carriers, in addition to the existing registration fees, gasoline taxes, etc., were levied in Alabama, Colorado, Georgia, Kansas, Michigan, Pennsylvania, and Wyoming. Regis-

tration fees for various franchises were increased in a number of States. Among these are Florida, Illinois, Nebraska, New Mexico, Ohio, and Wisconsin. In Massachusetts, Michigan, New Hampshire, and Vermont aircraft were subjected to license fees. Alabama and Florida imposed a tax on chain stores. North Carolina extended and increased the franchise tax in order to help meet the expense of State-supported 6-months school term. Minnesota imposed a motor-vehicle tax. South Carolina imposed a tax on electric power. Arkansas imposed a license tax on the operation of slot machines, the receipts of which were to be added to the State equalization fund.

(B) DISTRIBUTION OF STATE SCHOOL FUNDS

During the biennium a number of State legislatures made noteworthy changes in the method of apportionment of State school funds. Among these States are Delaware, Florida, Indiana (1932), Missouri, New York, New Mexico, North Carolina, Oklahoma, Oregon, and Utah. These changes are based upon recognition of the need for improved State-wide plans to insure a minimum elementary and secondary education program on a more equitable basis throughout the State.

The Delaware Legislature established by a new budget the principle of differentiation in the apportionment of school funds. Previously the budget provided that after State-wide activities were taken care of the remainder of the appropriations should be based on a straight net enrollment basis. This was changed. The new budget provides that \$90 shall be allotted per pupil in grades 10, 11, and 12; \$82 shall be allotted per pupil in grades 7, 8, and 9; and the remainder on the enrollment on the first six grades. It is estimated that approximately \$70 will be allotted per pupil in grades 1 to 6, inclusive.

In Florida the legislature stipulated that all money paid into the State treasury from the licensing of motor vehicles (except such amounts as shall be first set aside as the motor-vehicle expense fund) shall be credited to the county school fund. Previously, the proceeds of the automobile license tax were used mainly for State and county road funds. Furthermore, the Legislature of Florida directed the State superintendent of public instruction to apportion the public free school fund, the 1-mill constitutional school tax, and the interest on the school fund among the several counties in proportion to the instruction units in the several counties as determined by the average daily attendance of children between the ages of 6 and 21. The legislature in this act provided the following instruction units and prescribed the method of arriving at such units:

- (1) Elementary instruction unit;
- (2) junior high school instruction

unit; (3) senior high school instruction unit. It also provided that the total number of instruction units of a county shall be composed by using the elementary instruction unit as a base, giving each junior high school instruction unit a value of 1.92, and each senior high school instruction unit a value of 1.43. It was furthermore provided that the total amount of State aid apportioned to any county shall not exceed the amount of salaries paid by a county board of public instruction plus an additional $33\frac{1}{3}$ percent of the total salaries.

In order to assist the Florida counties in maintaining a minimum of eight months free school, both elementary and high, the legislature (in another act) appropriated \$7,500,000, less a credit of the 1-mill tax constitutionally levied, and less whatever sum may be derived by the State as interest on State deposits in banks of the State, and less whatever other amounts may be appropriated to the county school fund by any existing law. In making up the budget for each ensuing school year the county boards of public instruction were directed to make a careful estimate of the amount of money which will be allotted to each county under the terms and provisions of the law and upon determining the necessary expenditures for the operation of the schools to deduct from such estimated expenditures the estimated revenue to be received from the State and to levy a rate sufficient only to produce the difference, provided that the county levy shall not be less than 3 nor more than 10 mills.

In 1931 the Indiana Legislature directed the State superintendent of schools to deduct from the revenue from the 7-cent State tuition common school tax the sum of \$500,000 for each of the years ending 1932 and 1933 for the purpose of assisting in the payment of school deficits in poor townships, and stipulated that teachers' salaries shall be paid first, other personal services and claims later. In 1932 the legislature (special session) directed the State superintendent to add to the total sum of revenue available for apportionment to each county any amount in the State treasury ready for that purpose, and to apportion the whole amount to the several counties according to the average daily attendance in each county. The State superintendent of public instruction was given the duty to regulate the computation of the average daily attendance in each county.

In Missouri the legislature provided that in apportioning the State school funds for the year 1931 and thereafter the State superintendent may use the number of days attendance for the full preceding year in apportioning money to districts which have been forced to close schools before the expiration of the full term because of the nonpayment of taxes arising by reason of flood or drought conditions or because of the loss of surplus funds occasioned by the failure of banks.

New Jersey authorized and directed the State treasury to pay to each county 90 percent of the amount of the State school tax even though such county has not paid in full the State tax, and restricted the counties from distributing the State money to districts that have not paid their proportion of said taxes.

The New Hampshire Legislature established a State budget system and financial control, including State control over school expenditures.

In New Mexico an enactment was made to provide funds to meet school maintenance expenses of rural, municipal, union, high school, and independent rural school districts during the biennium by authorizing an advance apportionment of funds from the State common current funds and providing a tax levy for the repayment thereof. The legislature also renewed the limitation on general county school tax levies for the year 1931 in counties receiving advance apportionments under certain terms.

The Legislature of North Carolina made it the duty of the State board of equalization to set aside the appropriation made for an extended term of 2 months beyond the constitutional 6-month term, and stipulated that the said appropriation shall be used as a tax reduction fund. The act provided for the methods of distribution of said fund and for the rate of local levy, and stipulates that the extended school term costs shall not exceed the pro rata cost of the 6-month constitutional term. North Carolina required county boards of education in computing high-school instruction costs for the annual budget to estimate the costs on the basis of number of teachers allowed in each high-school district; 1 teacher being allowed for 25 pupils in average daily attendance, 2 teachers for 38 pupils, 3 teachers for 50 pupils, and 4 teachers for 60 pupils, and 1 additional teacher for each additional 31 pupils in average daily attendance. (See North Carolina, p. 21.)

Oregon made considerable change in the apportionment of the income from the "irreducible school fund." Under the old code the county school superintendent distributed this income on the first Monday of October of each year. Under the new provision, the county school superintendent must distribute his county's share of the irreducible school fund within 2 weeks after he receives it from the State land board. Heretofore the fund has lain in the local bank from August 1 until October 1 and under the provisions of the new act it becomes immediately available to the various districts of the State.

In 1931 the Utah Legislature created an accumulative equalization fund beginning at \$1 per child in 1932-33 and to be gradually increased to \$5 per child in 1936-37.

* Proceeds from the sale of secs. 16 and 36 of land granted by the Federal Government.

(C) SCHOOL BONDS AND INDEBTEDNESS

During the years 1981 and 1982 approximately one half of the State legislatures took action to enable school districts to borrow money, issue bonds, and to refund their indebtedness. Some of these States are Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oregon, and South Dakota. The extent and technical character of legislation relating to school indebtedness does not lend itself to full review here.

The most significant legislation pertaining to school indebtedness appeared in North Carolina. The legislature of that State created a local State government commission of nine members—the State auditor, the State treasurer, and the State commissioner of revenue, ex-officio members, and six other members appointed by the Governor. This commission was vested with extraordinary power to control the indebtedness of local units of government, including school districts, to determine whether a proposed bond issue shall be submitted, and for this purpose it may investigate, among other things, the necessity of the bond issue, the amount of indebtedness outstanding, and the ability of the unit to sustain additional tax levy. The act prohibits the investment of public funds in public bonds of any city, county, or district without the approval of the local State government commission.

The Maryland Legislature authorized certain counties to issue school bonds, aggregating more than \$3,000,000. Nevada authorized certain counties to issue bonds, aggregating \$250,000, for school buildings.

LOCAL SCHOOL ADMINISTRATION

The usual local unit for the administration of schools has had to struggle over many obstacles on its way toward efficiency and economy. Notwithstanding this fact the local district unit for the administration of schools generally remains smaller than the unit for other purposes of government. Modern means of communication contract distances and extend areas of common interest. Students of local government are growing more conscious of the need for regional school planning, especially in rural areas. The opinion is growing, and that opinion is crystallizing into legislation, that educational opportunities in many local districts can be better provided by a larger (regional) area which may embrace many present small school units.

Legislation specifically affecting the reorganization of county and rural government in general was not great either in quantity or significance during the biennium here reviewed. However, the in-

terest in this general field was unprecedented. Educational, social, and political science literature relating to consolidation and regional planning of county and rural government, including school units, was unusual in extent. Experts, including a number of State governors and other authorities emphasized the need for reform in local government. The Governor of Delaware suggested a survey to discover whether the county is antiquated or whether consolidation of some county offices and the abolition of others might not be desirable. The Governor of Michigan said that "in the interests of governmental economy, there must sooner or later be brought about the modification in the set-up of the units of local government." Governor Roosevelt of New York in his 1931 message recommended "a complete reorganization and modernization of local government" and recommended the appointment of a commission to study the situation and recommend legislation and a constitutional amendment which would permit legislators to provide modern forms of government for counties. The Governor of North Carolina advocated the elimination of "inefficiency and maladministration" in local finances, including closer State supervision over accounting, budget making, debts, and purchasing, and also advocated the mandatory consolidation of some counties.

The effect of this unprecedented interest in the reorganization of rural government may result in slowing down State centralization of education (as well as other functions of government) since it is commonly believed that State control has been encouraged by reason of the seeming inability and inefficiency of small local school districts. If local school districts can be enlarged and made more efficient and able to carry on there will be less justification for centralization of control in State departments. When this is brought about State departments may limit their activities to leadership for higher and better educational standards and ideals.

Recent provisions which in some way tend to promote educational opportunities in rural communities are found in various phases of educational legislation though they do not specifically refer to "rural communities." The extent and character of legislation in 1931 and 1932 affecting rural schools may be indicated by the amount of legislation relating to the following subjects:

Approximately 10 States amended their methods for apportionment of State school funds in order to provide more adequate school opportunities in financially weak districts, most of which are in rural areas. (See *Distribution of State School Funds*, p. 8.)

More than a dozen States made provisions relating to free pupil tuition and transportation, which make school opportunities more available, especially in rural communities. (See *Pupil Tuition and Transportation*, p. 37.)

Approximately one third of the States made provisions for facilitating district consolidation and the creation of larger school areas, especially in rural communities. (See *District School Organization*, p. 15.)

More than a dozen States made provisions looking toward more business efficiency in school management, which would be of benefit to many rural areas. (See *Business Efficiency in School Management, Budgets, Etc.*, p 16.)

(4) COUNTY SCHOOL ADMINISTRATION AND SUPPORT

Legislation affecting the administration of schools on a county basis has been of slow development. During the biennium, however, many States enacted legislation relating to miscellaneous phases of county school districts. These enactments in general amend existing systems or practices and tend in a general way to promote the administration of schools by county authorities. Some examples of legislation pertaining to county administration and support of schools during 1931-32 are here indicated.

Alabama amended its laws so as to authorize county boards of education to pledge and "issue State warrants" as security for a loan to pay teachers' salaries and current expenses. Alabama also authorized counties having from 105,000 to 300,000 population to levy and collect a gasoline tax to pay for textbooks for grades 1 to 6, inclusive, which books are to be selected by the county board of revenue, with the approval of the county superintendent of schools.

In 1931 the Georgia Legislature prohibited voters living in independent school districts from voting in any primary or election for the county superintendent of schools, and also provided that the county superintendent in certain counties need not be a voter in that part of the county over which he has jurisdiction. The county boards of education were authorized to borrow money not to exceed 80 per cent of the estimated revenue accruing and also to reduce taxes in special school tax districts.

In North Dakota the legislature created the county superintendent contingent fund, to which the county commissioners were to make appropriations on estimates of the county superintendent. The purpose of this contingent fund is to pay expenses for teachers' meetings, play days, commencements, etc. The amounts available for traveling expenses of county superintendents were reduced.

Kentucky required members of county boards of education to be 24 years of age, citizens of the United States, and to possess an eighth-grade education. Furthermore, the legislature directed the appointment for 4-year terms beginning January 1933 of county superintendents of schools in counties having cities of the first or second class.

New Mexico authorized counties to levy a 5-mill tax for the construction and equipment of school buildings to meet emergencies existing "by reason of extraordinary growth."

North Carolina authorized county boards of education, with the approval of the county commissioners and the State board of equalization, to supplement the State school term of six months and to

operate schools for a longer term and of a higher standard than those provided for by the State. The county board of education is authorized to approve district school budgets in the same way and manner as the State approves county school budgets. The 1931 legislature limited county school levies to not more than 15 cents ad valorem tax. In order to strengthen county school administration in North Carolina, county boards of education were directed to examine into the business qualifications, executive ability, and administrative experience of applicants for the position of county superintendent.

The Legislature of Oklahoma made provision for an appeal from the county superintendent to the county court in all matters affecting changes in the boundaries of school districts or the membership of school boards.

In Oregon the legislature provided that in counties having the county unit for administration of schools the district school board of a county school district shall constitute the county high-school board (affects only three counties which have the county unit system).

The county administration of schools in South Dakota was strengthened through authorizing the county superintendent in counties having 50 or more teachers to appoint an office deputy, and provided that superintendents in counties having 100 or more teachers may, in addition to the office deputy, appoint a field deputy who shall have the qualifications of the county superintendent. The Legislature of South Dakota also increased supervisory authority of the county superintendent over school boards of any district with respect to buildings and sanitary conditions,

Kentucky, Michigan, and North Carolina demanded higher qualifications of county superintendents. (See Teacher Requirements, p. 29.)

(B) DISTRICT SCHOOL ORGANIZATION

Legislation for the enlargement of local school districts appeared in many States during the biennium. Among these States are Arkansas, Florida, Georgia, Idaho, Kansas, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, Oregon, North Carolina, North Dakota, South Carolina, Texas, and Wisconsin.

Arkansas simplified its consolidation law so as to enable, either by election or petition, an entire county to be placed under one school district. Florida authorized two or more contiguous special tax school districts to be consolidated, and also provided that any special tax school district may be divided and merged with one or more contiguous school districts. Idaho authorized lapsed school districts having no outstanding indebtedness and fewer than five qualified electors to be consolidated with any adjacent school district. Kan-

sas provided for the voluntary consolidation of rural high-school districts under the same procedure as prescribed for the consolidation of common school districts. Kentucky authorized boards of education of two or more adjacent graded school districts to combine and provided that the members of two or more such district boards shall constitute the board of trustees of the new consolidated district. Kentucky also authorized common school districts, upon a majority vote of the electors, to extend their boundaries in order to secure better educational facilities.

Without doubt the most outstanding legislation during the biennium for the reorganization and enlargement of school districts was enacted in Missouri. In 1931 the legislature in that State in order to secure more equal educational opportunities throughout the State made provision for the creation of larger school units to take the place of numerous small districts. Provision was made for the election of redistricting boards in each county. The law provided for county school surveys with a view of enlarging school districts, such districts to embrace not less than 50 square miles or have an assessed valuation of at least \$1,500,000.

In Montana the legislature required county superintendents of schools to declare any school district abandoned when its school terms aggregated less than 12 months during 3 consecutive years, unless transportation of school children to other districts has been provided for at least 6 months during each of such 3 years.

Among the States which made noteworthy provisions for the consolidation of districts for high-school purposes are Arizona, Kansas, Missouri, and Montana. (See High Schools, p. 35.)

Delaware provided for the appointment of local boards of education and boards of school trustees. The appointment is to be made by the resident county judge of the county wherein district is located; four members, and not more than two members shall be from any one political party; each member serves 4 years. (Formerly there were three members elected by the people.) This applies to all districts throughout the State except Wilmington. It is a completely new policy for the State and abolishes all elections for the selection of school board members. The 7-member board of education in Wilmington was abolished and a new 6-member bipartisan board was created similar to the State board but appointed by the resident judge.

EFFICIENCY IN THE BUSINESS MANAGEMENT OF SCHOOLS, BUDGETS, ETC.

The legislative problem of financing public education looms up in ever-increasing importance. Current economic conditions have resulted in many demands for economy and business efficiency in public education.

There can be little doubt but that the number of local school districts created by legal provisions constitute a difficult obstacle in the movement towards school economy and efficiency. Those who have followed legislative efforts to remove these legal obstructions appreciate the difficulties associated with such attempts. The great bulk of our present school law relating to the business of school administration was enacted when school systems were developing. Conditions often change more rapidly than laws. The existence of numerous small districts makes it difficult to meet the present demand for economy and efficiency in school maintenance. Laws should secure school management on a modern businesslike basis and avoid faulty and improper practices. Accounting is as essential to the efficient and intelligent business management of public education as it is to private enterprises.

Within the biennium here reviewed an unusual number of legislatures enacted noteworthy provisions designed to promote efficiency in the business affairs of education and to place school management on a systematic, uniform, and economic basis. Measures providing for State and county control over school expenditures, budgets, school accounting, and reporting won legislative approval in many States. Among these States are: Delaware, Florida, Idaho, Indiana, Kansas, Louisiana, Michigan, Montana, New Hampshire, North Carolina, South Dakota, Texas, Vermont, and Virginia.

The Legislature of Delaware made the State treasurer the treasurer of all school districts in the State, including Wilmington. Heretofore the public-school districts did not use the State treasurer for a disbursing agent. At present all school money in the State is disbursed directly by the State treasurer. Moreover, the Delaware Legislature authorized the Governor to appoint a State board of budget directors of three members, who are to confer with those who seek State appropriations. The budget directors will then report their recommendations to the Governor. The legislature of that State also established by a new budget the principle of differentiation in the apportionment of State school funds. (See Distribution of State School Funds, p. 8.)

Florida made it the duty of the county boards of education in making up their school budgets to make a careful estimate of the amount of money allotted to each county under the State appropriation act.

The Legislature of Idaho required all common and joint common school districts to prepare on forms prescribed by the State board of education a budget setting forth expenditures for the past year and the requirements for the next ensuing year. The law prescribed classification of items which are to be followed in the school budgets.

This act limited school taxes in common and joint common districts for general school purposes to 10 mills and for high-school purposes to 5 additional mills. The legislature also directed the county treasurer to file quarterly with the county superintendent of public instruction a statement setting forth information showing in detail the financial status and condition of each school district, and required the county superintendent upon receipt of such report to mail at once a true copy to the respective school districts.

In Indiana the legislature limited governmental budgets made in 1981 and 1982 so as not to exceed the budgets made in 1930, and provided that extra funds required for emergencies may be provided upon approval of the State tax commission.

The Kansas Legislature provided for the preparation and publication of budgets for all taxing units or districts, including all boards of education. The law requires that the budget be properly itemized, showing sources of income and amounts to be expended during the next ensuing year.

A Louisiana act imposed general restrictions upon the expenditure of money for school purposes, and stipulated that the school treasurer shall be personally liable for all items of school expense not included in the school budgets of expenditures.

The Legislature of Michigan provided for the uniform reporting of information concerning financial transactions of the State, including provisions for uniform accounting of records and uniform budget procedure and made it the duty of financial officers of each municipality to prepare and submit budgets upon forms and in such a manner as prescribed or approved by the State treasurer. The budget shall clearly indicate the sources of all estimated revenues and all expenses for the fiscal year covered. This act also directed the Governor to appoint a temporary commission of seven members on uniform budgeting, reporting, and accounting. Furthermore, the legislature created a State commission of inquiry composed of five members appointed by the Governor to study township and school district government. This commission was instructed to give special attention to such changes as will reduce the cost of maintenance of such governmental units and increase their efficiency.

Montana created a board of school budget supervisors in each county and prescribed their powers and duties. The duty of this board is to control estimates, budget expenditures, and tax levies of school districts. The act prescribed the duties of school trustees, school clerks, and county officers in connection with school budgets.

In New Hampshire the legislature made provisions for a complete State budget system and financial control over all State expenditures. The Governor of the State was empowered to make inquiries

regarding the receipt, custody, and application of State funds, existing organization, activities, and methods of business of the departments and establishments, to make recommendations, and to order, within the scope of his powers, action to be taken toward bringing about increased economy and efficiency in the conduct of government affairs.

The Legislature of North Carolina made very unusual and apparently significant provisions for promoting economy and efficiency in school administration. The legislature enumerated in detail how the State and county budgets are to be computed and itemized for each of the objects of expenditure for the school system and provided that the State budget as determined for each county shall constitute the cost basis for the apportionment of the 6-month school fund and shall be considered the State standard of cost for educational facilities. All features of county budgets must be approved by the State board of equalization before becoming effective. The act stipulated that the amount of State funds to any county shall be the amount estimated by the State board of equalization as necessary for the "efficiency and economical operation of the 6-months school terms." The legislature also made it the duty of the county boards of education to study the school conditions in their respective counties prior to preparation of their budget to ascertain what modification may be made so as to provide for greater economy and efficiency in the operation of schools. The legislature prohibited the operation of an elementary school with fewer than 22 in average daily attendance or a high school with fewer than 50 average daily attendance unless, after careful calculation, every other plan for caring for pupils is regarded unsatisfactory. The legislature also sought business efficiency in school administration by making it the duty of county boards of education to examine carefully into the business qualifications and executive ability of applicants for county superintendencies.

The Legislature of South Dakota required the State superintendent to prescribe a uniform system of accounting and reporting for school districts, school officers, superintendents, and teachers.

The Legislature of Texas created a uniform budget system for the State department, providing for executive control of budget operations.

In Vermont the legislature abolished the practice of making appropriations to State institutions and departments, plus receipts, and provided that all receipts shall go into the general State treasury.

In Virginia the school code was amended so as to charge school boards with the duty of securing by visit or otherwise complete information about the conduct of the schools, to take care that they are conducted according to law and with the utmost efficiency.

HIGHER EDUCATION

(A) UNIFICATION IN THE CONTROL OF INSTITUTIONS
OF HIGHER EDUCATION

The most outstanding legislation in recent years affecting higher education consists of enactments for the unification and coordination of institutions of higher learning.

Historically, it may be said that the legal developments for the coordination of higher education in this country reach back to the early days of our national independence. This idea first found legal expression in 1784, when the New York Legislature provided for placing of all higher institutions of learning under the control of a board of regents of the University of the State of New York. This board has continued to exist and has exercised somewhat broad powers in the coordination of higher education of that State. This principle, with slight modifications, found legal expression more than a century ago, not only in the educational schemes of schoolmen but in early legislative enactments in a number of other States, among which were Indiana, Maryland, Michigan, Missouri, Louisiana, and Tennessee. Most of these enactments came to little or nothing, at least for the time being. The rising interest in elementary education turned the main current of education into other administrative channels, and the coordination of higher educational institutions remained for later development.

The recent movement to coordinate the activities of several boards of higher institutions within a State under a single State board manifested itself in Florida (1905 and 1927), Iowa and West Virginia (1909), Mississippi (1910), Oklahoma (1911, repealed in 1919), Kansas, Idaho (1913), Oregon (1929). This movement was accelerated during the biennium here reviewed. Georgia and North Carolina in 1931, and Mississippi in 1932 enacted legislation to this end. Furthermore, the South Carolina Legislature of 1932 appointed a commission to consider plans looking toward the coordination of institutions of higher education in that State.

The prime difference between those early enactments and the recent enactments, especially in the States of Oregon, Georgia, North Carolina, and Mississippi, lies in the fact that the latter have actually placed the control and administration of their respective public institutions of higher education under a single State board, while in New York the various public institutions retain their respective local boards.

The Oregon act of 1929 effecting the unification of higher education in that State is the forerunner of the three similar acts within the present biennium. By reason of its recent date and its similarity of purpose and construction it may be of interest to note its

essential provisions before reviewing the other three later enactments of its kind.

The Oregon Legislature of 1929 created a department of higher education under the control of a board of nine directors known as the "State board of higher education." The members of this board are appointed by the Governor for 9 years (except a part of the first appointees) with overlapping terms upon the approval by two-thirds vote of the senate. The former board of regents of the University of Oregon, the board of regents of the Oregon State Agricultural College, the board of regents of the normal schools, and the board of higher curricula were all abolished, and the new board of higher education was vested with all the powers and duties which formerly were lodged with the abolished boards. The new State board of higher education was directed to secure the assistance of nationally recognized and impartial authority or authorities in making a complete survey of the present conditions and future needs of all branches of the State-supported higher education and scientific research, and directed that the survey study the experience of other States in dealing with higher education problems similar to those which confront the State of Oregon. The board of higher education was directed to prescribe for all State-supported institutions of higher education a standardized system of accounts and records and to prepare biennially a report to the Governor containing the proposed budget for the succeeding biennium, covering in detail the purpose for which all expenditures shall be made. The act required that the State levy a 2 4/100 mills for the use of the Oregon Agricultural College, the University of Oregon, and the State normal schools.

North Carolina.—The 1931 Legislature of North Carolina (chap. 202) consolidated and merged the North Carolina State College of Agriculture and Engineering at Raleigh and the North Carolina College for Women at Greensboro with the University of North Carolina. It provided that the trustees of each of the said institutions shall act in their respective capacities until July 1, 1932, after which date a newly created board of trustees of the University of North Carolina, Inc., shall succeed to all the powers now exercised by the three present boards, namely, the trustees of the university, the trustees of the State College of Agriculture and Engineering, and the trustees of the State College for Women. The new board is to consist of 100 members elected by the State legislature, 10 of whom shall be women.

The act directed the Governor, within 60 days after its ratification, to appoint a commission of 12 members, in addition to the Governor, who is ex-officio member and chairman, to work out plans for the consolidation of the component parts of the university, for the

unification of their executive control, and for the coordination of their educational programs. This commission was directed to "employ distinguished and competent experts in the several pertinent fields of higher education in America . . . who shall take account of the experiences of the several American States in the various forms of unification . . . and shall study the circumstances and needs of higher education in North Carolina." They shall recommend to the commission with regard to form, extent and procedure, and details "of unified guidance and control."

The report of this commission was required to be in the hands of the new consolidated board of trustees of the university by July 1, 1932. The report, when approved or modified by them, shall constitute the rules and regulations under which the consolidated university and its component parts shall continue to function until amended by the board of trustees.

Georgia.—In 1931 the Legislature of Georgia (act 298, art. 6) created and consolidated as a department of the State government a "board of regents of the university system of Georgia" and provided that the university system of Georgia shall consist of the University of Georgia and all of its 25 branches in various parts of the State, including agricultural colleges and teachers colleges. This act provided that the board of regents shall consist of 11 members appointed by the Governor for 6-year terms upon approval by the senate, one from the State at large and one from each of the congressional districts, the Governor being an ex-officio member. By this act all of the institutions of public higher education in the State of Georgia were merged under one system, and all the boards of trustees of the respective institutions were abolished. The Georgia board of regents succeeded to all the property, records, and powers of the boards of trustees of the respective institutions, which boards were abolished. The board of regents was authorized (1) to make reasonable and necessary rules for the performance of its duties, (2) to elect or appoint professors, educators, stewards, or any other officers necessary for all of the institutions and schools in the university system of Georgia, and to discontinue or remove them as the good of the system or any of its schools or institutions may require, and to fix their compensation, and (3) to establish such schools of learning and art as may be useful to the State and to organize the same in a way most likely to attain the ends desired.

Mississippi.—In 1932 the Legislature of Mississippi created a "board of trustees of State institutions of higher learning." This board was vested with the sole supervision and control of colleges maintained by the State, including the State university. The board consists of nine members appointed by the Governor, with the consent of the senate, for 12 years (except a part of the

first appointees), with overlapping terms. Two of these members shall be from the first supreme court district, two from the second, two from the third, and three from the State at large. The act also provided for one additional member for the University of Mississippi who shall have a vote in matters pertaining to the university. By this act all of the institutions of public higher education in the State of Mississippi were merged under one system, and all the boards of trustees of the respective institutions were abolished. The Mississippi State Board of Trustees of Institutions of Higher Learning succeeded to all the property and records belonging to each and all of the respective boards of trustees previously supervising and controlling the institutions of higher education. The new board was vested with authority to control, distribute, and disburse all funds received or appropriated for the use and maintenance of the institutions of higher learning, and it was also vested with the general supervision of their departments, dormitories, business methods and arrangements of accounts and records, and the organization of the administration plan of each institution. The board was directed to provide a uniform system of recording and accounting approved by the State auditing department, to prepare a biennial report to the legislature, showing how the money appropriated to each institution has been expended, and to prepare a budget for each institution for the succeeding biennium. Furthermore, the board of trustees was vested with full power to elect presidents of all State-maintained higher institutions and all other employees of said institutions and to prescribe their duties and relationships. The act, however, declared that it shall be the policy of the board to allow the executive head of each institution to nominate for election by the board all subordinate employees of the institution over which he presides.

Like the Oregon law, Mississippi required that all relationships and negotiations between the legislature and its committees and the institutions shall be through the board of trustees, and no official is permitted to represent any of the separate institutions before the legislature or any of its committees except upon written order of the board or upon the request of the legislature or their committees. The new board was authorized to appoint an executive secretary "who shall be a well-qualified educational worker and administrator." The act made it the duty of the executive secretary to make constant inquiry into the problems of higher education, "to survey and study carefully the organization, management, and all other affairs of each institution under the control of the said trustees," and to report findings and make such recommendations as will increase the efficiency and economy in the operation of each institution.

In 1931 the California Legislature authorized the Governor to engage an educational research organization to make a survey of public higher education in that State. This survey commission recommended that the functions of the regents of the University of California be extended so as to give them jurisdiction over the entire State university system, including the university and the State teachers colleges; that the present State board of education have jurisdiction over common schools of all grades, including all public junior colleges (except those now attached to the university or State teachers colleges); and that provisions be made for cooperative understanding and coordinated effort in the operation and articulation of the common-school system and in the university system by the establishment of a State council for educational planning and coordination.

A few other noteworthy acts relating to higher education are here mentioned. The Connecticut Legislature in 1931 authorized the State board of education to confer degrees in education, exclusive of honorary degrees, as are usually conferred and granted in colleges of education. The authority of State boards of education to confer degrees is very unusual. Few, if any, other State boards of education have like authority.*

In 1932 the Rhode Island Legislature created a board of managers for the Rhode Island State College to consist of nine members, five appointed by the Governor with consent of the senate, two appointed by the Governor from nominations made by the alumni of the college, and two *ex-officio* members—the State commissioner of education and the State commissioner of agriculture.

The 1931 Texas Legislature declared that university endowment lands located in counties shall be subject to taxation for county purposes to the same extent as lands privately owned. This act is in pursuance to the constitutional amendment in 1930, which made it mandatory that the State pay taxes upon the lands of the State university.

(B) TEACHER-TRAINING INSTITUTIONS

Below is a review of some enactments during the biennium affecting teacher-training institutions.

The Legislature of Connecticut in 1931 required all students enrolling in public normal schools to sign a written statement that they will teach in the public schools of the State for 2 years following graduation unless excused therefrom by the State board of education.

Maryland required that each white normal school require for graduation a total of not less than 3 years' work. The courses of

* The Board of Regents of the University of New York is authorized to confer honorary degrees.

study maintained in such normal schools may include specialized instruction in the practical arts, in public-school music, and in such other special fields as may be determined by the State board of education on recommendation of the State superintendent of schools.

The Michigan Legislature required all county normal schools to offer a course of 4 term-hours in civics, and required all colleges receiving public money to offer six 1-hour lectures or equivalent in political science covering the forms and functions of Federal and State governments, counties, and villages. This act stipulated that after 1933 no degrees or diplomas shall be granted to any student of normal schools or colleges unless that student shall have successfully completed these courses.

Laws in California, New York, Pennsylvania, and South Dakota authorized the fixing of admission fees in their respective State normal schools.

In 1931 the South Dakota Legislature designated the State normal schools located at Madison, Spearfish, and Springfield as teachers' colleges and authorized them to give instruction to qualified persons to teach in the common schools of the State, including high schools.

In 1931 the West Virginia Legislature stipulated that all State normal schools shall thereafter be known as State teachers colleges, and authorized them to confer degrees.

(C) JUNIOR COLLEGES

During the biennium noteworthy legislation affecting junior colleges occurred in Arizona, California, Nebraska, North Dakota, and Utah. The legislative provision for the establishment of junior colleges in Montana was repealed in 1931. Enactments relating to junior colleges are also noted in a few other States; among these are Iowa and Kansas.

In 1931 the Arizona Legislature supplemented its junior college legislation so as to provide for the establishment of (1) union junior colleges, or (2) county junior colleges, in addition, and alternative, to the method already provided by law (sec. 1086) for establishing "junior colleges." The 1931 supplementary act provided that a union junior college district shall include two or more contiguous high-school districts in the same county, and a county junior college district shall embrace all territory of the county not included in any other junior college district. Any union junior college district proposed to be formed must have an average daily high-school attendance of not fewer than 200 and not less than \$5,000,000 valuation. The act stipulated the manner for calling election, and for establishing union or county junior colleges, and provided for a "junior college board" of five members, whose powers and duties

shall be the same as those of high-school boards. Courses of study shall be approved by the State board of education. The support of such union or county junior colleges shall be the same as that provided in section 1087 (1928 Revised Code) for junior colleges, namely, "the board may include in its annual budget an amount necessary for the support of the junior college."

The California Legislature amended its junior-college law so as to require the State board of education to set up standards for junior colleges, and to conduct or have conducted a survey at district expense to determine whether or not a proposed junior college district may qualify under the standards proposed by the State board of education. The requirement that high-school districts have an average daily attendance of 1,000 or more and an assessed valuation of \$25,000,000 or more in order to establish junior colleges was eliminated.

In 1931 Nebraska enacted its first junior college law. This act is probably the outstanding legislation on the subject during the biennium. It is also the most recent and complete initial junior college enactment and embodies many features found in the laws of a number of other States. This act authorized the establishment of junior college districts coterminous with any school district which has a total average daily attendance of 200 or more pupils in high school and an assessed valuation of not less than \$5,000,000. The establishment of such districts may be initiated by petition which shall be approved by a majority vote of the local board of education and also by the State superintendent of public instruction, after which an election shall be called to determine whether or not such college shall be established. If 60 percent or more of the electors vote in favor of a junior college the county superintendent shall declare it duly established. This act provides that the board of education of the school district in which the junior college shall be established and organized shall constitute the board for the management and control of the said college, and the powers and duties of the junior college board shall be such as are now or may hereafter be assigned by law to boards of education of public-school districts. The junior college board is expressly authorized to prescribe courses of study, including not more than two years of work in advance of that offered by accredited 4-year high schools. The board is also authorized to provide courses of instruction designed to prepare for institutions of higher education, and courses designed to prepare for agricultural and industrial, commercial, home making, and other vocations, and such other courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community. The act prescribed that not less than 60

semester hours of work shall be completed as a minimum requirement for graduation.

Under this act the superintendent of public instruction is directed to prepare and publish standards and other regulations for the accrediting of junior colleges, provide adequate inspection, and to recommend for accrediting all such courses of study offered by junior colleges as may meet the standards and regulations. The junior college board is directed annually to estimate the amount of funds required for the support of the school and the county board is required to levy the necessary amount the same as other taxes, provided that the aggregate school tax for junior-college purposes shall in no year exceed the limits fixed by law. Boards of education of junior college districts are authorized upon vote of the electors to issue bonds for purchasing sites and erecting suitable junior college buildings and furnishing equipment. The junior college board may prescribe uniform fees to be paid by students, such fees (not to exceed \$108 per year per pupil.

The North Dakota Legislature provided that "the board of education of any special school district in any city of the State having a population of more than 10,000 when authorized by a two-thirds vote of the electors voting thereon to do so, may establish and maintain, in conjunction with the high school of such district, a department of junior college work to consist of not more than 2 years of work beyond a 4-year high-school course. . . ." The act directed that the State board of administration prepare and publish from time to time standards for junior colleges, provide for their inspection, and recommend for accrediting such courses of study offered by them as may meet the standards prescribed. The board of education of such school district on or before August 15 in each year shall determine the rate of tuition, if any, required to be paid by all pupils attending such department, whether residents or not, of the district.

In Iowa the junior college law was amended to provide that no public junior college shall hereafter be established in any school district having a population of fewer than 20,000.

The Legislature of Kansas amended its tuition law to provide for the payment of tuition out of public funds for students attending junior colleges, and thus extends the provision now in the statutes for the payment of high-school tuition to the payment of junior college tuition with the same procedure and at the same rate. "Persons residing in Barnes law counties desiring to attend junior college are regarded as residing outside any high-school district and payment for any junior college tuition for such persons is made out of the high-school fund of such counties."

The Legislature of Utah in 1931 made provision for the establishment of two State junior colleges, one at Ephraim and one at Ogden, to be known as "Snow College" and "Weber College", respectively. The State junior colleges in these cities, were to be established upon the condition that the boards of education of the respective colleges allow the use of the present campus, buildings, and equipment for such schools without cost to the State and that on and after July 1, 1933, the schools shall be maintained jointly by the State and the school district, county or counties in which they are respectively located. The legislature provided that the State pay one half the cost of maintenance. It was provided in this act that the State board of education shall have the management and control of each of the aforementioned schools, prescribe their standards, and appoint the president for each school and also to prescribe entrance requirements for students. The two colleges mentioned have accepted the provisions made by the legislature. Previously they had existed as private institutions.

(D) PRIVATE DEGREE-CONFERRING INSTITUTIONS

Two noteworthy enactments were made during the biennium respecting private degree-conferring institutions. These acts were passed by the Legislatures of Connecticut and Rhode Island.

In 1931 Connecticut prohibited any school from conferring degrees unless authorized by an act of the general assembly, and provided that no application for authority to confer degrees shall be heard by the assembly or committee thereof until the application has been considered and endorsed with the recommendation of the State board of education. It is stipulated in this act that no school incorporated prior to January 1, 1931, which had authority under the general incorporation laws to confer degrees, shall be required to comply with the new provisions until July 1, 1933.

In 1932 the Legislature of Rhode Island prohibited the incorporation or establishment of any academy, college, university, or other institution of secondary or higher education unless, and until, suitable provision approved by the State board of education on recommendation of the commissioner of education shall be made for adequate faculty and educational facilities and equipment and proper maintenance. The legislature also directed the secretary of state, upon the receipt by him of articles of association purporting to establish an educational institution, to transmit the same to the commissioner of education. The secretary of state is directed not to issue the certificate of incorporation unless, and until, the commissioner of education shall file with the secretary of state a certificate that the State board of education has approved the

application for incorporation. This same act also provided that no corporation or association shall grant academic, collegiate, professional, or similar degrees without specific authorization in its charter or articles of incorporation. Furthermore, the act authorized the State board of education to revoke its approval of any academy, college, university, or other institution of learning upon proof that such institution has not maintained adequate faculty or educational facilities and equipment.

The California Legislature made it a misdemeanor for any private degree-conferring institution to fail to file required reports with the State superintendent of public instruction. Idaho amended its law to require that only one (instead of a majority) of the members of the directors of corporate institutions of learning be a citizen and bona fide resident of the State. The Legislature of Mississippi authorized the board of trustees of any agricultural high school or junior college to lease the buildings and equipment to any individual for the purpose of operating a private school or to lease the land for agricultural purposes. The Legislature of Rhode Island granted a charter to Roger Williams University, a corporation which projects a new university, and authorized the said institution to confer academic degrees, subject to the approval of the State board of education as to curricula and provisions for instruction.

TEACHERS

(A) TEACHER AND SUPERINTENDENT QUALIFICATIONS

Recent legislation relating to teacher requirements continues to raise minimum standards for entrance to the teaching profession and to make State school authorities responsible for the granting of teachers' certificates. Arkansas moved toward the centralization of teachers' certificates in the State board of education and California clarified its law relating to the filing of certificates with the county superintendents and abolished the necessity of issuing county certificates based on State credentials. Nevada created a bureau of certification in the State department of education under the direction of the State superintendent.

The Legislatures of Kentucky, Michigan, and North Carolina required higher qualifications for county superintendents. Kentucky required all superintendents of schools to hold standard certificates of administration and supervision. Such certificates shall be issued to those who have 4 years of experience in administration and supervision and have satisfied requirements for the issuance of a standard certificate for high-school teaching and completed in addition 6 semester hours in school administration and supervision.

Michigan required candidates for county commissioner of schools to have 27 months' teaching experience in the Michigan public schools (previously 12 months was required), and to be holders of Michigan life certificates. County commissioners in counties having 100 or more teachers were required to be graduates of a college or university and have a bachelor of arts or bachelor of science degree.

North Carolina required county superintendents to be graduates of a 4-year standard college and have 3 years' successful teaching experience and to be holders of certificates from the State board of education showing those facts. County boards of education in North Carolina were directed to examine into the executive ability and business qualifications of applicants for the position of county superintendent.

Indiana legislation required applicants for teachers' certificates to present a certificate showing that they are "able-bodied, not addicted to drugs nor intemperate, and free from tuberculosis or syphilis." Indiana by regulation required that graduates of standard institutions located in other States must meet Indiana requirements before they are granted a teaching or administrative license in that State.

Maine abandoned entirely the examination system for teachers' certificates, except in the requirement for the certificate of superintendent's grade. In place of examinations actual training in approved teacher-training institutions is required, and under the new regulation elementary teachers cannot be certified until they have submitted credit showing completion of at least 1 year's work from an approved institution for the training of elementary teachers, and secondary teachers must submit credit showing completion of 4 years' work in an approved teacher-training institution or college.

Mississippi authorized the State board of examiners to grant, under rules and regulations formulated by the board of examiners, a State teachers' license to students who have finished the accredited course in any 4-year accredited high school in the State and who have completed 6 weeks of teacher-training course in a summer normal school or the equivalent in a standard college of the State. Such license shall be valid for 1 year and may be renewed as other licenses are renewed.

Montana raised the minimum requirements for teachers' certificates from 48 quarter hours beyond high school to 72 quarter hours by September 1934, and to 96 quarter hours by September 1936.

An unusual number of States enacted legislation during the past 2 years affecting the civic requirements of teachers. In 1931 California, Michigan, Montana, North Dakota, and Washington re-

quired public-school teachers to take an oath to support the Constitution of the United States; and South Dakota required all teachers to be citizens of the United States.

(B) TEACHERS' SALARIES

Legislation looking toward State-wide reduction in teachers' salaries was proposed in many States during the biennium. Apparently most of these proposals failed. A number of States, however, did enact legislation affecting State-wide salary reduction. Among these States are: North Carolina, Ohio, South Carolina, and West Virginia.

New Jersey provided for reduction of salaries of State officers and employees on a sliding scale from 1 to 10 percent for the fiscal year 1932-33. North Carolina limited the cutting of salaries of teachers in public schools to 10 percent below the standard salary scale in operation during the year 1930-31. Ohio in 1932 reduced the salaries of State officers and employees for 2 years beginning January 1, 1933, at rates varying from 5 to 20 percent, according to amount of salary. South Carolina in 1932 reduced by 12½ percent all teachers' salaries under the schedule provided in the State-aid law, and provided that the amount saved by the reduction should be applied to the payment of any deficit which may exist in the school system of the State.

The special session of the West Virginia Legislature in 1932 reduced the salaries of all public employees, including teachers and superintendents, receiving from \$1,200 to \$2,000, 10 percent; from \$2,000 to \$3,000, 15 percent; and more than \$3,000, 20 percent. It also fixed the salary of State superintendent of public instruction at \$5,000, reduced the salary of the president of the university to \$7,500, and limited the salary of athletic coaches and directors to \$4,000.

California authorized the payment of teachers' salaries in 12 equal monthly installments. Texas authorized independent and common school districts to issue interest-bearing warrants for the payment of salaries, the total amount of such warrants not to exceed 80 percent of the estimated receipts from local taxes together with all funds received from the State for the current year. South Carolina authorized the State finance committee to borrow money to pay teachers' salaries for a 6-month term.

Rhode Island made a slight increase in appropriation of funds for educational purposes, especially for teachers' salaries and teachers' pensions.

Teachers suffered salary reductions by local school action in practically every State. The extent of these reductions is beyond the scope of this review.

(C) TEACHER RETIREMENT

State-wide systems for teacher retirement exist in approximately one half of the States and more than half of the remaining States have provisions which permit certain cities and districts to establish local retirement pension systems for teachers. For many years the general tendency of legislation relating to teacher retirement systems has been toward State-wide systems. During the 2 years here reviewed legislation pertaining to this subject has to do mostly with improvement of State systems already existing rather than the establishment of new State systems. A few States authorized certain cities to establish teacher retirement systems.

Alabama authorized city school boards of cities with more than 100,000 population to make rules governing the retirement of public-school teachers. Illinois limited the establishment of local teachers' pension systems to cities of 500,000 or more population. Louisiana authorized all parish school boards (except parish of Orleans) to retire any teacher who has been on active duty for a period of 40 years when they deem it for the best interest of the public schools. The Legislature of New Hampshire authorized the cities of Dover and Portsmouth to provide pensions for teachers who have served 30 years in the public schools.

Legislation modifying State teachers' pension systems occurred in California, Connecticut, Indiana, Massachusetts, Michigan, Minnesota, New York, North Dakota, Pennsylvania, Rhode Island, and Vermont. The following are examples of changes among these States:

Connecticut increased the regular annual pension amount from \$350 to \$500; Massachusetts required teachers 70 years of age to retire at the end of the school year; Michigan permitted teachers who have been members of the retirement system for at least 1 year to retire for total disability and permitted teachers who have been members of local retirement systems to become members of the State retirement system; Minnesota reenacted its State-wide retirement system for teachers and extended it to include county superintendents; New York modified its teacher-pension law to enable teachers who have been absent not more than 5 years in any 10-year period to retain membership; the North Dakota Legislature provided for the appointment of a commission to ascertain the condition of the teacher insurance and retirement fund; Pennsylvania provided an option for disability retirement of teachers by permitting, upon retirement for disability, the selection of a lesser annuity; Rhode Island made slight increases in the appropriation of funds for teachers' pensions, and extended its teachers' pension system to include teachers employed by the bureau of the

blind; Vermont provided, among other things, that a teacher who has retired after 25 years' service prior to July 1, 1929, on account of disability, shall receive an annuity not to exceed one half the average annual salary during his entire period of active service.

The legislature of Florida authorized, at State expense, a pension for teachers who have taught 35 years in public schools in the State and who are incapacitated and without means of support.

(D) TEACHER TENURE

Prior to 1930 legislation had been enacted in more than a dozen States and the District of Columbia to provide teacher tenure, continuing teachers' contracts, or contracts for a specified period of more than 1 year. Among the States having laws on this subject are: California, Colorado, Illinois, Indiana, Maryland, Montana, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Wisconsin.

In 1931 Pennsylvania amended its law relating to teachers' contracts to provide that such contracts shall continue in force from year to year unless terminated by the teacher or the board of school directors by written notice 60 days before the end of the school term. In 1931 California amended its teacher tenure law to make it optional with school boards of districts having an average daily attendance of fewer than 850 pupils. In New Jersey the legislature authorized boards of education to employ superintendents for a term not to exceed 5 years. Wisconsin in 1931 required that all teachers in State teachers colleges be employed on probation for 3 years and provided that after successful probation for 3 years the employment shall be permanent during efficiency and good behavior. This act does not apply to the president or acting president of any teachers college. Wisconsin also provided that all teachers in vocational schools in first-class cities shall be employed on probation for 3 years.

TEACHERS INSTITUTES

The work of teacher education institutions has largely displaced the traditional teachers institute. Recent legislation continues to eliminate the requirements with respect to the conduct of institutes for teachers. During the biennium Illinois reduced the minimum number of days for county institutes from 5 to 3. Iowa repealed its county institute law and established a new plan for the improvement of instruction. The new plan directed county superintendents to arrange meetings and demonstration teaching subject to the final approval of the State superintendent of public instruction. Teachers are allowed 1 day per year with pay to attend such meetings or demonstrations. Pennsylvania authorized any county superintendent to permit any fourth-class district within his county to

substitute "equivalent forms of teacher training or teacher improvement" as may be approved by the State department of public instruction in lieu of the regular teachers institute. Texas authorized the county boards of school trustees in certain counties to employ rural school supervisors in lieu of conducting teachers institutes. West Virginia abolished the provisions for teachers county institutes and Wyoming shortened county institutes to two days and repealed the statutes providing for a State teachers institute.

SCHOOL ATTENDANCE

Rarely, if ever, does a biennium pass without the enactment of legislation for increasing school attendance. Within the past 2 years no less than a dozen States enacted legislation for enlarging the provisions for more school attendance.

Alabama, Maryland, Maine, and New Jersey increased the educational requirements necessary in order to leave school. Alabama required, after September 1, 1932, the completion of the seventh grade and after September 1, 1934, the eighth grade in order to leave school. Previously only the sixth grade was required. Maryland clarified and strengthened its State compulsory attendance system by requiring full-time attendance of all children under 14 years of age and also full-time attendance of children under 16 if they are not lawfully employed. Previously the Maryland law required full-time attendance until only 13 years of age and for only 100 days per year from then on until 16 years of age. Children in the city of Baltimore were required to complete the elementary school course in order to enter employment. Maine required the completion of the ninth grade where such grade is maintained. The New Jersey Legislature required the completion of the eighth grade in order to exempt from day-school attendance pupils under 15 years of age, and the completion of the sixth grade if above 15 years of age. The legislature also provided that children between 14 and 16 years holding age and schooling certificates and who are temporarily unemployed must regularly attend a day school or a continuation school 20 hours each week. It was also provided that children between 14 and 16 years holding age and schooling certificates and regularly and lawfully employed shall attend a continuation school at least 6 hours per week for 36 weeks each year. The Legislature of Vermont increased the fine from \$25 to \$50 which may be imposed upon parents for failure to comply with compulsory school attendance laws. Provisions for extending the compulsory education period for certain handicapped children were enacted in Alabama, California, and Hawaii. (See *Physically Handicapped*, p. 43.)

California, Florida, Missouri, and North Carolina took action to insure the maximum length of school term. California required county superintendents to maintain schools 170 days instead of 160 in any case where sufficient funds are available. Florida and Missouri required an 8-month school term and North Carolina insured a minimum school term of 6 months.

Legislation relating to the school-admission age was enacted in Alabama and Louisiana. Alabama amended its law to provide that any child under 6 years of age on December 1 may not be admitted to school during that school year. Louisiana amended its constitution to fix the minimum school age at 6 years instead of 5. This amendment also authorized communities to establish kindergartens.

Louisiana also authorized incorporated cities and towns to establish part-time schools for the training and guidance of employed boys between 14 and 16 and employed girls between 14 and 18 years of age who have not completed the requirements for graduation from high school "to the end that their academic, civic, and vocational intelligence may be increased." This act stipulated the conditions, standards, and regulations governing the maintenance of part-time education classes and placed their general supervision under the State board of education.

An unusual number of laws were passed during the biennium to facilitate school attendance through provisions for tuition and transportation. (See Tuition and Transportation, p. 37.)

HIGH SCHOOLS

In recent years legislatures have shown considerable interest in promoting the availability of high-school education for all children. Legislative enactments in this respect are principally applicable to rural areas, and generally included one or more of the following provisions: (a) Authorize the closing of small high schools and the transportation of their pupils to other high schools in the same or adjacent areas; (b) authorize nonhigh-school districts to contract for the education of their pupils in high schools of adjacent districts upon payment of tuition therefor; (c) require or authorize nonhigh-school districts to furnish tuition or transportation or both for its pupils to attend school in another district (see Tuition and Transportation, p. 37); (d) authorize the creation of larger school districts, particularly for high-school purposes. Obviously these provisions lead toward fewer but apparently better high schools. Modern methods of transportation favor the development of larger high-school districts or cooperative units and have made the maintenance of high schools by small districts unnecessary and uneconomical in many cases.

It appears that the yearly special State-aid appropriations for high schools in weak districts are being gradually reduced or modified at least in part. Recent State aid to school districts tends to include general aid to both elementary and secondary schools and to permit local districts to use this fund for the joint maintenance of elementary and secondary schools.

During the biennium here reviewed a number of State legislatures enacted provisions affecting district high-school organization. In 1931 Arizona amended its law to provide for the formation of union high-school districts jointly by two or more districts, except that such union districts shall not be formed of territory embodied in any union high-school district already established unless the remaining territory of the latter district shall be contiguous and have a valuation of \$3,000,000 or more.

The Legislature of Kansas provided that a community high school located in a town which has become a second-class city (2,000 or more population) shall be under the control of the board of education of said city. The legislature of that State authorized the organization of rural high-school districts which have an assessed valuation of \$1,250,000 or more, provided that within the territory of the district there has been a high school maintained for a period of at least 5 years with an attendance of not fewer than 40 pupils.

The Michigan Legislature authorized district boards to discontinue high schools when the number of pupils do not warrant the maintenance and required that boards which discontinue high schools shall provide tuition and transportation for their pupils to attend high school in other districts. Michigan also provided for an ad valorem tax of two tenths of 1 mill for the fiscal year 1931-32 for the purpose of raising funds for the support of high schools.

Minnesota provided that common school districts which have maintained for at least 2 years a 4-year accredited high school shall have the powers now or hereafter vested in school boards of independent districts insofar as courses of study and the hiring of teachers and superintendents are concerned.

In Missouri the legislature authorized the creation and organization of consolidated high-school districts in counties which have a population of more than 200,000 and fewer than 350,000.

Outstanding legislation affecting high-school organization appeared in Montana, North Dakota, and Tennessee. Legislation in these States defined the organization of their respective high schools.

Montana reenacted, unified, and revised its laws relating to high schools. Provision was made for the establishment of junior high schools which were desired by many communities, and authorized consolidation of high schools when the county commissioners decide such policy would be wise, subject to the approval by the State

superintendent of public instruction. The new law provided a more equitable distribution of funds for high schools.

The Legislature of North Dakota defined high schools and stipulated that all 6-year high schools shall consist of grades 7 to 12, inclusive, and shall employ a minimum of three full-time high-school teachers; 5-year high schools consisting of grades 8 to 12, inclusive, 3 full-time teachers; and all 4-year high schools consisting of grades 9 to 12, inclusive, shall employ a minimum of 2 full-time high-school teachers. This act requires all unit courses, except natural science courses, to be taught a minimum of 40 minutes per day, 5 days per week, for 36 weeks, and stipulates that the content of all courses in all types of high schools shall follow the State course of study for high schools as outlined by the superintendent of public instruction, and provides that schools which violate this provision shall not be accredited by the department of public instruction.

Tennessee revised its laws relating to high schools and included a number of noteworthy features which promise to simplify the development of reorganized high schools in that State. The new law contains provisions for the following five plans of school organization: (1) 6-3, (2) 6-3-3, (3) 6-4, (4) 6-4-2, (5) 8-4. The act prescribes in somewhat detail the standards for the different types of high schools, and stipulates the methods by which they shall be supported.

The Oregon Legislature provided that in the counties having the county unit for the administration of schools the county board shall constitute the county high-school board, thus placing the administration of high schools in the county under one board of directors. This affects Lincoln, Klamath, and Crook Counties. The Oregon law relating to the State eighth-grade examination was amended to authorize the State superintendent of public instruction to accept, in lieu of examination, an organized plan of supervision and testing of eighth-grade students submitted by county superintendents.

During the biennium noteworthy legislation was enacted affecting junior colleges in Arizona, California, Nebraska, North Dakota, and Utah. (See Junior Colleges, p. 25.)

TUITION AND TRANSPORTATION

Legislative tendencies for many years have moved toward increasing the facilities for school attendance rather than the building of more school buildings. In fact, in rural communities the number of school buildings is constantly being reduced. Below is a résumé of legislative provisions during 1931 and 1932 which enable school districts to facilitate school attendance by providing for pupil tuition and transportation.

The Legislature of Idaho authorized independent and joint independent non-high-school districts to provide for the transportation of their pupils to the nearest accredited high school. Idaho also provided that when two thirds of the board members of a district abutting on the State line are of the opinion that it would be more economical to arrange for the education of their youth in the adjoining district in another State, they shall call an election to determine whether their school shall be discontinued and enter into an agreement for the education of their children in the adjoining district. (Formerly an election for this purpose could be called only upon a petition therefor signed by 30 percent of the electors of the district.) This provision was also extended to authorize similar arrangement for instruction of eligible high-school pupils in an adjoining district in another State in lieu of maintaining a high school.

Illinois amended its law to enable nonhigh-school districts, upon majority vote of the electors, to provide for the transportation of their pupils who cannot be reached by train or bus.

Iowa authorized any pupil to attend a high school of good standing in an adjoining State if the school is nearer to the pupil's residence than any approved high school in the home State.

The Legislature of Kansas provided for the payment of high-school tuition in certain high-school communities at the rate of \$3 per week (applicable to counties having between 45,000 and 50,000 population and not less than \$50,000,000 valuation). The legislature also provided for the payment of high-school tuition of pupils attending high school in another State (applicable only to certain counties adjacent to State border and requires the approval of county superintendent with reference to each pupil). Furthermore, the Kansas Legislature provided for the payment of tuition from public funds for students attending junior colleges in the same manner and at the same rate as provided by statute for the payment of high-school tuition.

The Maine Legislature increased the amount which a non-high-school town may pay for its high-school pupils attending approved high schools from \$100 per pupil to \$125 per pupil.

The Legislature of Michigan authorized districts to discontinue small high schools and to provide tuition and transportation of their pupils who attended high schools in other districts.

The North Carolina Legislature authorized the State board of equalization to make a thorough study of the several systems now in operation for the transportation of public-school children, and to ascertain possible economies and to make rules and regulations looking toward the standardization of the transportation systems and their economical operation.

North Dakota authorized school districts to charge \$2 per week tuition to nonresident pupils. Previously the amount chargeable was \$1.50.

The Legislature of Oregon requires pupils who wish to attend high school in other counties to procure a certificate from their county superintendent showing that they are bona fide residents in such county and qualified for registration in the high-school grades.

Alabama, California, and North Carolina provided free tuition in State institutions of any child whose father died while serving in the armed forces of the United States during the World War.

TEXTBOOKS

Legislation relating to textbooks was enacted in at least 10 States during the biennium. Outstanding legislation in this field appeared in Oregon, Georgia, and North Carolina.

Oregon authorized and directed the district school boards to provide textbooks for use in their respective districts for the free use of all pupils enrolled in and actually attending the public elementary schools. The local boards of education were directed to set aside in their annual budgets not exceeding \$1.50 per pupils for the purpose of purchasing textbooks. This act provides that textbooks for use in first-class districts may be purchased by the school directors direct from the publishers or dealers or through the State board of education; and that textbooks for use in second-class and third-class districts shall be purchased through the State board of education. The State superintendent, with approval of the State board of education, is authorized to promulgate rules and regulations relative to first- and second-class districts.

Georgia authorized the State board of education to lease plates from publishers or to buy manuscripts and to print textbooks for public-school children.

North Carolina in "an act to promote economy and efficiency in the operation of public schools" authorized the State board of education to adopt textbooks for use in all public high schools and provided that textbooks so adopted shall be used in the schools of the State. The legislature directed the Governor and the State superintendent to appoint a State committee on high-school textbooks consisting of five members actually engaged in school work. This act directed that the textbook committee shall list all the high-school fields of instruction into five separate groups and shall make a thorough examination of the books submitted by publishers and shall submit to the State board a multiple list not exceeding three books in each field of instruction. From this list the State board of education is directed to select one book for each field of instruction

for exclusive use in public high schools for a period of 5 years. In another act the North Carolina Legislature authorized counties or special chartered districts to establish funds for renting of textbooks to patrons of the public schools, when approved by the State board of equalization, which board shall prepare rules and regulations governing the establishment of rental of textbooks. The State superintendent of public instruction, in conjunction with the State board of health, was directed to adopt rules and regulations governing the use and fumigation or disposal of textbooks from quarantined homes and provided for the regular disinfection of all textbooks used in public schools.

Textbook legislation in other States during the biennium may be summarized as follows:

Alabama required counties having between 105,000 and 300,000 population to purchase a standard line of textbooks from the first to the seventh grade, inclusive. This act authorized the county boards of revenue to levy and collect a gasoline tax to pay for such books and to provide for their distribution. California amended its law to authorize the State board of education to print more than one book per grade when there is enough money in the textbook fund. Florida required textbook publishers having contracts to furnish textbooks to public schools in the State to establish within the State a convenient distributing agency or joint agency where stocks of books shall be kept at all times in sufficient quantity to supply immediate demand. Kansas required the State school book commission to provide by adoption for a single text in each subject in each of the public schools, including the elementary schools, junior high schools, and senior high schools. This act prohibits the multiple adoption in any case and also prohibits any period of adoption of less than 5 years. New Mexico created a State school building, textbook, and current aid fund, to be expended under the supervision of the State board of education. South Carolina amended its law to prohibit the State board of education from making any changes in the high-school textbooks until 1933 and elementary textbooks until 1934; and required all textbook contracts to be approved by the attorney general. The Territory of Hawaii authorized the department of public instruction to inaugurate a system of rental of textbooks in all the public schools and stipulated the maximum charges to each pupil.

CURRICULUM

The problem of deciding what shall be taught in public schools continues to receive legislative attention, and in a few instances it has been determined by vote of the electors.

In 1931 by an initiative act the people of Arkansas required the daily reading of the English Bible, without comment, in all the public schools of the State up to and including high school.

The Legislature of Michigan required the teaching of civics in all high schools to the amount of one semester course of five recitation periods per week. The course is to cover all forms and functions of Federal and State governments and of counties, cities, and villages. Normal schools were also required to give a course of six 1-hour lectures in political science covering the forms and functions of the Federal, State, county, and local governments. Instruction in this field is required before graduation from high school or normal school.

Mississippi required the subject of art to be taught in one or more of the first six grades and authorized instruction on this subject above the sixth grade. New Jersey required the United States flag to be displayed in school, and required the flag salute and oath of allegiance on every school day. The South Dakota Legislature required the State superintendent to prepare and submit to the county superintendents, for their approval, uniform courses of study in the branches taught in the graded schools; and provided that no course of study may be adopted without the approval of a majority of the county superintendents.

SCHOOL HEALTH AND SAFETY

School boards in Illinois were authorized to employ the services of school nurses. The employment of oral hygienists in public schools was authorized in Delaware. In New York school boards were permitted to employ oculists. California and Connecticut required school boards to furnish schoolhouses and adequate supply of pure water.

A number of States made provision for protecting the safety of school children from accidents. Arkansas required all motor vehicles to stop on approaching a school bus which is receiving or discharging school pupils. Delaware authorized the State highway department to conduct a safety-education program. Three States set minimum age limits for school-bus drivers—Iowa, 16; Wyoming, 18; Massachusetts, 21. Massachusetts also required careful and periodical inspection of school busses. Montana required instruction in fire drill once a week in all public and private schools where 20 or more pupils are enrolled and twice a month in high school. New Jersey and Pennsylvania authorized boards of education to organize school safety patrols and, with the permission of parents, to appoint pupils as members to direct pupils in crossing highways at times when traffic conditions would render such crossing unsafe.

KINDERGARTENS

Further steps on the part of legislatures to promote school attendance are noted in laws which provide for attendance at kindergartens. An unusual number of States during the biennium enacted legislation to enlarge school attendance facilities for young children.

Perhaps the most noteworthy legislation during the biennium relating to kindergartens was enacted in Delaware. The legislature of that State appropriated \$50,000 for the biennium 1931-1933 for the establishment and maintenance of kindergartens, making them a part of the public-school system. According to the Delaware State Department of Education, "this is a new departure, since no State funds have ever been spent for kindergartens." It is also noteworthy that Louisiana, by constitutional amendment in 1932, authorized the establishment of kindergartens for children between the ages of 4 and 6. New Jersey amended its kindergarten law to provide that children over 4 and under 5 years of age may be permitted to attend kindergartens and that children over 5 and under 6 must be admitted when application is made therefor. Previously the law in that State required the admission to kindergarten of any child over 4 and under 7 years of age when application was made. North Dakota required that upon petition of one fifth of the voters a school board must submit to the voters the question of establishing a kindergarten.

The Legislature of Pennsylvania authorized school directors to establish and maintain kindergartens for children between 4 and 6 years of age. This act made kindergartens, when established, an integral part of the school system and the school directors were authorized to levy taxes for their maintenance. The permission to use public funds to assist and maintain private kindergartens was repealed.

In 1931 New Mexico changed the ages of kindergarten pupils from "between 4 and 6" to "between 5 and 6."

ADULT AND VOCATIONAL EDUCATION

Legislation relating to vocational and adult education was enacted in a number of States during the biennium.

Arkansas authorized county and other local school boards to establish and maintain opportunity schools for adults who are illiterate or near illiterate. Massachusetts authorized the department of education to offer free of charge correspondence courses to inmates of county and State hospitals and sanatoria, State correctional institutes, the State infirmary, and Federal hospitals situated within the State. New Hampshire made a special appropriation for putting

into operation the Federal vocational rehabilitation act which the State legislature accepted in 1925.

California required cooperative vocational courses in high school to be conducted according to the standards prescribed by the State board of education. Nevada authorized any county to establish and maintain hospitals and training schools for nurses; previously in that State only counties of 15,000 population or more could do so. The New Jersey Legislature authorized the electors of any county to vote to establish regional districts for the establishment of vocational schools, and provided that cities with school enrollment of 15,000 or more and which have vocational schools are to be separate from the regional or county vocational system. In 1932 New Jersey provided for the establishment of summer schools and extension courses "for the purpose of training and educating persons in the science of education and in the art of teaching elementary agriculture, manual training, household economics, and such other subjects" as may be prescribed by the commissioner of education subject to the approval by the State board of education.

Louisiana authorized school districts to establish and maintain part-time schools, training, and guidance for employed minors who have not completed high school.

Georgia abolished the board of managers of the State Training School for Boys and placed the school under a newly created State board of control of eleemosynary institutions.

The Legislature of Wyoming authorized the board of trustees of the State university to conduct university extension classes through the establishment of home education classes in the various towns, cities, and communities of the State in cooperation with the Federation of Women's Clubs, commercial organizations, Federation of Labor, organizations of railroad workers, and other such organizations, including volunteer groups of students. For this purpose \$15,000 was appropriated.

HANDICAPPED AND DEPENDENT CHILDREN

During 1931 and 1932 legislation was enacted in a number of States for the educational benefit of handicapped and dependent children. Below are some examples of legislation in this field.

Physically handicapped.—Alabama required the enrollment of all blind and deaf children between 7 and 16 years of age at the State Institute for Blind and Deaf. California extended the provisions of education law relating to physically handicapped to include children with defective speech. Kansas provided for a county tax levy for crippled children, and created a State crippled children's commission, which was empowered, among other things, to coop-

erate with the State department of education and to recommend a plan for vocational education of crippled children.

The Maryland Legislature directed the State board of education to set up standards and regulations for the examination, classification, and education of the handicapped children of the State, and granted State aid to counties which provide education for physically handicapped children, not to exceed \$200 per pupil per year. Provision was also made for public aid for classes of mentally handicapped children. Massachusetts extended its law relating to the education of crippled children to authorize education for "physically handicapped" children.

The Minnesota Legislature authorized the State board of education to assist school districts, or county boards for unorganized territory, in providing transportation or board for crippled children who are unable to walk with normal effort but who are able to carry the regular course of study. State aid for this purpose was allowed not to exceed \$150 annually per pupil, the total amount not to exceed \$20,000 for any one year.

Wisconsin provided that the supervision of academic instruction in a convalescent hospital for crippled children located in a rural school district shall be under the same supervision as the main hospital from which the crippled children are transferred, provided that the convalescent hospital is within 10 miles from the main hospital.

Mentally retarded.—Legislation relating to children under this classification was enacted in Indiana, Maryland, and Massachusetts. Indiana required special classes in districts where there are 25 or more school children "retarded in mental development." Massachusetts provided \$12,000 for an investigation concerning the care and supervision of mentally retarded children in the public schools. The law in Massachusetts relating to the education of children mentally retarded more than 3 years was amended to provide examination, upon request of the town school superintendent, for a child appearing to be mentally retarded to a less degree. For information concerning Maryland, see *Physically handicapped*.

Dependent or neglected children.—Alabama authorized courts of county commissioners or county boards of revenue to appropriate public funds to the county board of child welfare for the relief of dependent children under 18 years of age. Illinois provided for a soldiers' and sailors' children's school, the object of which is "to provide for the nurture and intellectual, moral, and physical culture of all children" whose parents served in the military service of the United States and who are in indigent circumstances. Michigan increased from 12 to 14 the maximum age at which children may

be admitted to the State school for dependent and neglected children. Ohio authorized boards of education to allocate local school funds to furnish shoes, clothes, and medical attention to needy school children to enable them to attend school.

Texas authorized the State board of education to create a school district at any institution for dependent or delinquent children maintained by any county.

EDUCATIONAL SURVEYS

During the years 1931 and 1932 a number of State legislatures made provisions for educational surveys and investigations. Among the noteworthy surveys provided for are those of Alabama, California, Kentucky, Michigan, Missouri, and South Carolina.

The Alabama Legislature appointed a committee of five members to investigate the uneven distribution of all school funds, particularly the equalization and trust fund, and to report findings and recommendations to the legislature.

California and South Carolina authorized State-wide surveys relating to higher education. (See Higher Education, p. 19.)

The Legislature of Kentucky (1932) created a State educational commission consisting of the superintendent of public instruction and eight members appointed by the Governor, not more than one half of whom shall be engaged in educational work. The commission is directed to study public education in Kentucky and report its findings to the Governor at the opening of the next legislative session with recommendations of school measures and such revision of the school code as may be necessary for increasing the efficiency and equalizing the benefits of public education throughout the State.

Michigan created a State commission of inquiry of five members appointed by the Governor to examine carefully into township and school district governments. This commission was directed to give special attention to such changes as may reduce the cost of maintenance of local governments and increase their efficiency.

Missouri made provision for county educational surveys throughout the State looking toward the reorganization of the local school districts and the creation of larger school units.

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