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A REVIEW  
OF EDUCATIONAL LEGISLATION  
1933 AND 1934

BEING CHAPTER VIII OF THE  
BIENNIAL SURVEY OF EDUCATION IN THE  
UNITED STATES : 1932-34



*BULLETIN, 1935, No.*

[ADVANCE PAGES]

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UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1935

For sale by the Superintendent of Documents, Washington, D. C. . . . . Price 5 cents

## CHAPTER VIII

### A REVIEW OF EDUCATIONAL LEGISLATION, 1933 AND 1934

#### INTRODUCTION

**A**CTS BY State legislatures affecting schools, colleges and universities during 1933 and 1934 will be reviewed in the following pages.

During this biennium the legislature of every State had one or more legislative sessions; all of them except Alabama had regular sessions. In approximately three-fourths of the States special sessions of the legislature were called. Moreover, many legislative and constitutional measures affecting education were referred to the people for their determination.

This biennium, like the preceding 2 years, was marked by unusual legislative activity. Efforts to meet the strains produced by the economic crisis dominated the legislative scene.

To relieve hard-pressed property owners, many legislatures lowered property tax levies.

When this action left schools without sufficient income from local sources many legislatures increased the amount of State funds distributed for the support of schools.

These funds were raised by recourse to new non-property tax sources, such as sales taxes and income taxes.

Moreover, the legislatures acted to reduce the cost of maintaining schools by cutting teachers' salaries, consolidating school administrative units, reorganizing State systems of higher education, extending State control over local school district budgeting, and other means.

The central tendency of the legislative action in the past 2 years appears to be a vigorous extension of the principle of State responsibility for public education.

Major legislative trends evident during the biennium are these:

**Extension of State control over administration of public education.**

**Revision of local school administrative organizations and functions.**

**Assumption by the State of wider responsibility for financial support of education.**

Extension of State control over expenditures for public education.

Improvement or revision of methods of distributing State funds for schools.

Use of new taxes to raise money for schools.

Increased pressure to insure economy and efficiency in the operation of public schools.

Elimination of ex-officio members on State boards of education.

Coordination of work and functions of institutions of higher education within the respective States.

Extension of the practice of requiring tuition of students attending public institutions of higher education.

Extension of provisions for free textbooks for school children.

Insistence on better provisions for health and safety of school children.

Improvement of facilities for Negroes in institutions for higher education.

#### *LEGISLATION AFFECTING FINANCIAL SUPPORT OF PUBLIC EDUCATION*

By January 1933, the problem of financing public schools had become a major legislative issue in the majority of States. The precarious financial position of thousands of school districts required legislative action to meet the emergency. Legislatures faced the problem of replenishing funds of school districts which had become impoverished because of tax delinquencies, decreased assessments, and other factors. This was an unusually difficult problem because legislatures were also under pressure to reduce property taxes.

Following are some of the avenues to which legislatures turned in an effort to solve the dilemma: They sought new school revenue. In some instances they restricted school services and facilities. They reduced teachers' salaries. They curtailed or controlled administrative expenses. They eliminated small schools. They established budgetary control over school districts.

Probably in no previous 2 years have there been more sessions of State legislatures and more tax legislation. The 48 States passed approximately 1,500 tax laws in 1933-34. Many of these laws concern directly or indirectly the support of public education.

A review of the whole field of tax legislation during this period is beyond the scope and purpose of this review. It is possible here to note (1) some examples of new taxes levied specifically or primarily for school purposes and (2) to review some outstanding examples of increased State responsibility and control in the affairs of financing public education.

From the standpoint of school revenue it is significant to note several characteristic features of 1933 and 1934 general tax legislation:

1. An unprecedented amount of legislation which provided for reducing property taxes.
2. An unprecedented utilization of nonproperty tax sources.
3. Increased State responsibility for the support of public schools.
4. Increased State control over public expenditures for education.

Following is a summary of the legislation along these four lines:

#### *REDUCTION OF PROPERTY TAXES*

The relief for general property-tax burdens was accorded through lower tax levies, reduced assessments, added exemptions, and increased collection leniency. This resulted in considerable loss of school revenue in some States. Among the States which provided for reduced or restricted property-tax levies are: Alabama, Arizona, Arkansas,<sup>1</sup> California,<sup>1</sup> Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan,<sup>1</sup> Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico,<sup>1</sup> North Carolina, Ohio,<sup>1</sup> Oklahoma,<sup>1</sup> South Carolina, South Dakota, Texas,<sup>1</sup> Washington, West Virginia,<sup>1</sup> Wisconsin, and Wyoming. In 1933 California eliminated a constitutional provision which required county property levies for the support of elementary schools. North Carolina abolished the 15-cent State tax levy for schools.

#### *UTILIZATION OF NONPROPERTY TAX SYSTEMS*

(a) *Sales tax (including gross income or gross retail sales).*—Adoption of gross income or general gross sales taxes marks recent tax legislation. In 1933 and 1934 many States enacted one or the other of these types of taxes. Among the States enacting laws of this character are: Arizona (gross sales), California, Illinois, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, Utah, Vermont, and West Virginia (gross income). These tax levies are in addition to the liquor sales tax enacted in many States.

Sales-tax legislation during this period resulting in revenue for schools appeared in California, Illinois, Indiana, Michigan, New Mexico, New York, North Carolina, Ohio, Oklahoma, South Dakota, Washington, and West Virginia. In Oklahoma and Washington all of the proceeds of these taxes are for school purposes and in South Dakota one-half. Other States having sales taxes which provide revenue for schools indirectly, through appropriations from general State funds, are Arizona, Connecticut, Georgia, and Mississippi.

<sup>1</sup>By constitutional amendment.

A great majority of States levied sales taxes on alcoholic beverages, and in a number of States schools shared in the revenue from taxes of this type directly or indirectly. Such States are Arkansas, Florida, Idaho, Indiana, Louisiana, Michigan, New Mexico, Oklahoma, South Carolina, Tennessee, Utah, and Wisconsin. Also, the general State funds out of which school appropriations are made were augmented by alcoholic beverage taxes in the following States: Connecticut, Florida, Maine, Maryland, Missouri, Pennsylvania, and Virginia.

Miscellaneous sales or gross income-tax receipts appeared in many States. In most instances these receipts are added to the general State funds from which appropriations are made for various functions of the State including education. California and Florida taxed horse races. States levying varying forms of gambling or betting taxes include Maryland, Michigan, New Hampshire, New Mexico, North Carolina, Ohio, Oregon, South Dakota, Texas, and Washington. Gasoline taxes were revised in many States, principally for the purpose of more strict enforcement. Mississippi in 1934 levied a tax on various forms of amusements.

(b) *Income taxes.*—Six States placed new taxes on personal incomes in 1933—Alabama, Arizona, Kansas, Minnesota, Montana, and New Mexico; and in 1934 two States, Iowa and Louisiana, enacted similar tax systems. More than half the States now levy personal-income taxes.

Alabama, Arizona, and Kansas provided that the proceeds from income-tax levies be paid into the State general fund. Minnesota, Montana, and New Mexico voted that the proceeds from the income-tax levies be made specifically or primarily for educational purposes, as was the case of the 1931 Oklahoma income-tax levy.

Among the States which in 1933 revised existing personal income-tax levies are Idaho, Mississippi, North Carolina, North Dakota, Oklahoma, and South Carolina.

New tax systems on corporation incomes were in 1933 levied by Alabama, Arizona, Kansas, Minnesota, and New Mexico, and in 1934 by Iowa. More than half the States now have corporation income-tax levies.

Revenues derived from income taxes are now allocated wholly or in part for school purposes in at least 13 States—Alabama, Arkansas, California (corporation income), Delaware, Idaho, Iowa, Massachusetts (indirectly), Minnesota, Montana, New Mexico, Oklahoma, Utah, and Vermont. The remaining States having income taxes place the proceeds in the State general fund from which school appropriations are usually made. For example, the proceeds from the Arizona 1933 taxes on personal and corporation incomes go into

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the State general fund from which schools participate to the extent of \$20 per pupil. Georgia requires that 50 percent of all revenue received by the State from all sources shall be used for the support of schools.

(c) *Chain-store taxes.*—In 1933 levies on operation of chain stores were voted by Idaho, Michigan, Minnesota, Montana, New Mexico (included in gross retail sales tax), Oklahoma, Washington, and West Virginia. It appears that all of these tax laws provide that all or a large share of the proceeds be used for school purposes (except Montana, where one-half of the proceeds goes for schools). Indiana in 1933 revised and increased its chain-store taxes of 1929. The Indiana law directs that the proceeds of this tax be placed in the school relief fund. In 1934 Kentucky enacted a chain store tax for general State purposes.

### STATE ASSUMPTION OF GREATER PROPORTION OF SCHOOL COSTS

It appears that during the biennium at least 15 States assumed increased responsibility for the financial support of public schools: California, Idaho, Indiana, Kentucky, and Louisiana (1934), Minnesota, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Virginia, Washington, and West Virginia. Increased State responsibility in this field appears in some cases to be accompanied by reduced local tax responsibility.

### INCREASED STATE CONTROL OVER PUBLIC EXPENDITURES FOR SCHOOLS

The recent increase in State responsibility for the financial support of public education has been accompanied by increased State control over school expenditures in many States. This trend was evident in Alabama, California, Colorado, Delaware, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, Washington, and West Virginia. State control was extended in some cases through requirements for State approval of school budgets. (For other evidence of this trend see *Examples of Outstanding Legislation Affecting Support of Education*, p. 6).

The extent to which salaries of superintendents and teachers were reduced is not confined to legislative action and leads somewhat beyond the scope of this review. It appears that in a majority of States local school boards made general reductions in salaries of teachers. Among the States in which teachers' salaries were reduced by legislative stipulation or by reduced State appropriations are: Delaware, Florida (schedule fixed by State board of education), Illinois, Indiana, Iowa, Maryland, Pennsylvania, South Carolina, West Virginia, and Wisconsin. (See *Teachers*, p. 33).

EXAMPLES OF OUTSTANDING LEGISLATION AFFECTING THE  
SUPPORT OF EDUCATION

It is impracticable to summarize within the scope of this review legislation pertaining to school support in all of the States. However, below is a condensed review of outstanding legislation enacted in certain States.

ALABAMA

A special legislative session (late 1932) voted considerable reductions in funds for education; and by a Budget and Financial Control Act prohibited the issuance of warrants when funds for their payment were not in the State treasury. The special session also proposed a constitutional amendment to authorize the levy of a personal and corporate income tax; and also enacted an income tax to be effective upon the adoption of the constitutional amendment. This amendment was adopted July 18, 1933. Another constitutional amendment was also adopted on this same date authorizing issuance of warrants for refunding the State's floating indebtedness of approximately \$17,000,000, a large part of which was for schools. Under the Financial Control Act the State guarantees itself against deficits. This limitation has resulted in reduced school expenditures, shorter school terms, reduced salaries, etc.

CALIFORNIA

The adoption by the people on June 27, 1933, of Senate Constitutional Amendment No. 30, effected an important change in former methods of financing the public elementary and high schools of California.

The amendment:

- (1) Eliminated the constitutional provisions which required county taxes for the support of elementary and secondary schools.
- (2) Authorized the legislature by a two-thirds vote to limit the real and personal property taxes which may be imposed for county or city purposes.
- (3) Prohibited school districts from increasing expenditures by more than 5 percent over the previous year, except by two-thirds vote of the electors or by the consent of the State Board of Equalization.
- (4) Prohibited the legislature from increasing expenditures for any biennium (exclusive of appropriations for public schools) by more than 5 percent over the previous biennium except by a two-thirds vote of the members of each house.

The amendment—Continued.

- (5) Provided that not more than 25 percent of the total appropriations from all funds of the State shall be raised by real and personal property taxes, which shall be assessed according to full cash value.

The legislature (A. B. 2442) revised the School Code to give effect to the new constitutional provisions. Following are outstanding changes relating to the financing of schools: (1) The elimination of all county taxes for elementary and secondary schools; (2) the use of State general funds to take the place of funds by county school taxes. These apportionments from the State General Fund are intended to provide in each county amounts identical with the amounts previously required by the constitution to be levied by county school taxes.

The California Legislature enacted a flat rate retail sales tax and also a franchise tax, revenues from which are to be placed in the State general fund, upon which the schools are given a prior claim.

#### COLORADO

"The local government budget act of Colorado" provided that budget-making authorities shall describe in the budget the important features of the budget plan for the fiscal year and that the figures in this proposed budget shall be contrasted with the corresponding figures of the preceding year. This act stipulated that the budget-making authorities in first- and second-class districts shall be the board of school directors, and that in third class districts the electors shall continue to be the appropriating authorities. It required that the school budget be published and a copy of it be filed with the State Superintendent of Schools. This act furthermore stipulated that the budget shall include a complete financial plan for the ensuing fiscal year and shall include: (1) proposed expenditures for operation and maintenance; (2) deficits from prior years; (3) interest and debt redemption charges during the fiscal year; (4) expenditures for capital outlays; (5) estimated income for the fiscal year.

#### DELAWARE

The most important school measure enacted is the appropriation act for the school budget. This act appropriated \$3,188,128 for each year of the ensuing biennium ending June 30, 1935. This sum was appropriated subject to a number of noteworthy restrictions, some of which are: (1) At least 72 percent shall be expended for "instructional service"; (2) not more than 5 percent shall be for "maintenance"; (3) not less than \$20,000 shall be "for matching the appro-



priation of the Federal Government for Smith-Hughes vocational education."

After placing restrictions upon the amounts to be spent for certain functions, the appropriation act stipulated that the remainder shall be divided among the State board of education, the city of Wilmington, and the various special school districts of the State, as follows:

- (1) \$81 per pupil enrolled in grades 10, 11, and 12 during the previous school year.
- (2) \$74.25 per pupil enrolled in grades 7, 8, and 9 during the previous school year.
- (3) The remainder shall be divided among the said divisions in the proportion which the net enrollment in grades 1 to 6, inclusive, during the previous school year in each of these divisions bears to the total net enrollment in said grades during the said school year.

The legislature made provision for the payment of all the maturing bonds for each school district for the biennium.

#### IDAHO

The legislature reduced appropriations to all State educational institutions from 20 percent to 39 percent of the amount appropriated for the last biennium. In providing for the apportionment of State school money the legislature (Ch. 205, 1933 Laws) defined elementary schools as giving instruction not beyond the eighth grade and high schools as schools giving instruction in grades 9, 10, 11, and 12. Classroom unit requirements were laid down on basis of average daily attendance as follows:

- (1) Elementary classroom units: One classroom for first 27 pupils in average daily attendance; two classroom units for first 54 pupils in average daily attendance, plus 1/38th classroom unit for each additional pupil, if not more than 290; if more than 290 pupils in average daily attendance, 1/35th classroom unit for each additional pupil. No classroom unit shall be allowed any district having less than 10 pupils in average daily attendance unless approved by the State Board of Education.

#### INDIANA

The legislature extended the general salary reduction act of 1932 for 2 years and provided that the minimum salary shall not be less than \$800 per school year for elementary teachers and \$1,000 for high-school teachers. The State was authorized to imburse each school corporation \$600 per teacher on the basis of one teacher for each 35 pupils or major fraction thereof in average daily attendance in grades 1 to 8, and one teacher for each 25 pupils and major fraction thereof in average daily attendance in grades 9 to 12. The legislature directed the board of the department of education to prescribe the method of determining the average daily attendance. The number of instructors shall be certified by the State superintendent to the auditor of State.

The legislature levied (1) a tax on intangible property, 10 percent of which is paid into the general fund of the State, and of the remaining 90 percent one-fourth is paid into the county general fund and three-fourths to the school corporations of the county in proportion to the assessed value of real property; and (2) an income tax of one-fourth of 1 percent to 1 percent on gross income of individuals and corporations; \$1,000 exemption allowed per taxpayer. Part of the revenue from the income tax is to be used to pay teachers' salaries. Furthermore, the legislature authorized the use of the proceeds from a 7-cent property tax and a 50-cent poll tax as a common-school relief fund, which may be used to pay the approved and allowed deficit on the current operating expenditures of the school relief claims of such poorer school corporations as comply with the eligibility qualifications as may be set up by the State board of the department of education.

#### KENTUCKY

The 1934 legislature in regular session reduced the State levy on real estate from 30 to 5 cents for each hundred dollar valuation. In making this reduction the legislature eliminated the provision for distribution of this and other taxes to the school fund on a percentage basis. All State tax receipts previously devoted to the school fund and other special school funds were allocated to the general fund, from which lump-sum appropriations are to be made for schools. The legislature adjourned without making such appropriation. At a special session called later, the legislature appropriated \$8,367,500 annually for the next 2 years to the common-school fund for the purpose of equalizing educational opportunities. This appropriation amounts to approximately \$11.60 per capita, which exceeds any previous apportionment. Of this appropriation the State Superintendent said: "The increase of the common-school fund makes possible the best opportunity we have had for equalizing educational opportunities."—(Kentucky School Journal, September 1934, p. 10.) The legislature in special session also appropriated \$500,000 annually for the next 2 years in order to enable the State board of education to purchase textbooks for school pupils. (See Textbooks, p. 28.) In case a change is made in valuation of property the county clerks of the counties affected by the change shall be notified and the changed assessed rates shall be used as a basis in tax levies. Furthermore, the county commissioners were authorized to make a general reduction of county tax levies, and stipulated a graduated tax limitation.

#### LOUISIANA

Two constitutional amendments were made in 1934 which fundamentally affect the financing of public schools. Speaking of these

two amendments, the State superintendent said: "They are both vitally important. They represent that school financial plan that was adopted at the recent session of the legislature. The plan shifts the major portion of school support from local shoulders to State shoulders, which are broader and stronger and more able to carry the load. The plan guarantees a reasonable school program to even the poorest of the parishes."—(Louisiana Schools, October 1934, p. 6.) Constitutional and legislative revenue provisions for education were amended so as to provide \$10,000,000 (segregated funds) in order to maintain a State-guaranteed minimum educational program to all parishes, including a minimum teachers' salary schedule. A constitutional amendment stipulates that three-fourths of the State school support shall be distributed on the basis of number of educables and one-fourth to be used as an equalizing fund. These funds are to be apportioned monthly instead of every 4 months and are to supplement parish levies. Special parish maintenance levies were to be reduced 1 mill for every \$800,000 added to the State school funds. This reduction to continue until the 3-mill point is reached. It was provided, however, that in no case shall any parish pay less than 10 percent for the maintenance of its educational program.

The legislature revised and strengthened State control over school expenditures by budgetary stipulations. Parish school boards were required to submit annually copies of their budgets to the State budget committee (Governor, State superintendent, and State treasurer) for review, examination, and approval. The State budget committee and the State board of education were empowered to require parish school boards to operate schools within the receipts normally expected and set up in their school budgets.

#### MICHIGAN

A constitutional amendment was approved by the people which fixed a 15-mill tax limitation. The legislature provided for the allocation of this tax and stipulated a minimum district school tax of 4 mills, except in districts where for the past 3 years the average tax has been less than 4 mills. A gross sales tax was enacted with the stipulation that when the annual revenue from this tax exceeds \$31,700,000 (allotted to other functions of the State government) the next \$15,000,000 shall be used for schools. A tax on chain stores was also levied, graduated according to number of stores, the revenue from which is to be prorated within a prescribed limit to the school districts according to the number of teachers in grades 1 to 8, inclusive.

By chapter 236 the legislature provided for the distribution of State school money in the following manner: 10 percent of the \$15,000,000 provided for out of the receipts from the State tax, together with

10 percent of the current primary school interest fund shall be set aside as an equalization fund. It was estimated that approximately \$3,300,000 will be available for equalization under this plan. It was provided that the amount be deducted from the \$15,000,000 and that the remaining \$11,700,000 constitute a primary supplement fund to be distributed to all school districts on a school census basis with certain restrictions on districts having fewer than 800 pupils. The fund is to be appropriated so that, when added to the primary school interest fund, plus an amount equal to a 3-mill tax, plus tuition receipts, will make the following amounts available in elementary school districts having fewer than 800 pupils:

- (1) To districts with fewer than 30 pupils, \$70 for the first 12 elementary school membership, plus \$9 for each additional pupil up to and including 32 additional pupils.
- (2) To districts with fewer than 60 pupils, \$80 for the first 30 elementary school membership, plus \$26 for each additional pupil up to and including 50 additional pupils.
- (3) To districts with fewer than 90 pupils, \$1,642 for the first 60 elementary school membership, plus \$34 for each additional pupil up to and including 60 additional pupils.
- (4) To districts with fewer than 150 pupils, \$2,662 for the first 90 elementary school membership, plus \$40 for each additional pupil up to and including 70 additional pupils.
- (5) To districts with not fewer than 150 nor more than 800 pupils, \$40 per pupil.
- (6) Each elementary school district is allowed an additional amount of \$40 for each pupil for whom high-school tuition is paid. No State aid is allowed to districts with fewer than 12 pupils without the approval of the State Superintendent.

Additional State aid was granted to districts maintaining high school prorated according to number of high-school pupils in a manner similar to that given for elementary school districts. The school equalization fund is to be apportioned to provide, when added to the other sums above indicated, \$40 for each elementary pupil and \$65 for each high-school pupil throughout the State.

The legislature authorized the payment of delinquent taxes in 1931 and prior years in 10 equal annual installments beginning in September 1935. It is estimated that this will postpone the payment of more than \$20,000,000 of school district money until 1935.

#### MINNESOTA

The legislature levied an income tax and provided for the creation of an income tax school fund to be distributed by the State board of education to districts on the basis of compulsory school age; this act to replace the 1-mill property tax formerly granted to the Current School Fund. It also levied a tax on business conducted by chain stores, and appropriated such revenue for the payment of

State aid to public schools in accordance with existing law. The effect of this act is to reduce the State property tax in proportion to the income from the tax on chain stores. The legislature appropriated for special State aid to high schools, grade, and rural schools \$5,750,000 and \$5,760,000 for the 2 years 1933 and 1934, respectively. For the items subject to prorating, which includes all except high-school tuition and teacher training, it was expected that the amount prorated would be measurably less than that of the previous 2 years.

#### MONTANA

The legislature voted a personal income tax. A noteworthy feature of this law stipulates that 50 percent of the receipts from the tax shall be paid into the general State fund, 25 percent to the "common-school interest fund", and 25 percent to the "common-school equalization fund" (Ch. 181). It also revised and increased the existing corporate license and income tax scheme, and provided that 75 percent (instead of all) of the receipts from this source shall be paid into the general State fund, and the remaining 25 percent "to the common-school equalization fund" (Ch. 166). It was the expressed intention of each of these acts that the revenue derived should reduce by corresponding amount the direct tax levy which the State would otherwise make for State purposes.

Furthermore, the legislature levied a tax on chain stores one-half of the proceeds from which is to be appropriated for schools; and also a natural gas license tax, one-half of the revenue from which is to go to the common-school equalization fund. It is also noteworthy that the legislature set up a budget system for school districts and county high-school organizations, and transferred the proceeds of an existing freight-car license tax from the State general fund to the common-school equalization fund.

#### NEW MEXICO

The legislature levied personal and corporate income taxes, and stipulated that after deducting the expense of administration of these taxes, 75 percent of the remaining amount shall be placed to the credit of the State school equalization fund. The outstanding legislative act was the creation of a "State public-school equalization fund." This act directed the State treasurer annually, at the same date of distribution and apportionment of the "State current school fund", to also distribute and apportion all moneys in the State public-school equalization fund, upon a per capita average daily attendance basis. Each and every county, regardless of assessed value, length of school term, or population, will share proportionately in such funds as its average daily attendance bears to the total average daily attendance of all public schools of the State.

"The purpose of this act being to relieve and decrease property taxes, it is especially provided that the moneys received by any county from either the State current school fund or from the State public-school equalization fund or from both shall serve as a credit upon school budgets for the purpose of decreasing the tax levy required to produce such budgets and in no case shall the same be used for other than such credit." By constitutional amendment the total State and local property tax was limited to 20 mills. Other tax legislation provides: (1) An excise tax of 4 cents per gallon upon the use of all lubricating oil used in the State, except that sold in original packages and containers as purely interstate commerce sales; the proceeds of this tax shall be paid into the State treasury and covered into the free textbook fund to be used for the furnishing of free textbooks to the school children of the State; (2) a graduated gross retail sales tax, one-third of the revenue of which is to be used for State common-school current fund (especially applies to chain stores); (3) 5 percent of the receipts from the State inheritance tax was assigned to support the newly created teachers retirement fund.

## NORTH CAROLINA

Senate bill 156 enacted into law embodies a number of important provisions. This is an act to promote efficiency in the organization and economy in the administration of schools and to provide for their operation throughout the State for a term of 8 months without the levy of any ad valorem tax therefor. Among the important provisions of this act are:

- (1) The appropriation of \$16,000,000 for a State-wide 8-month public school "in place of the present 6 months and extended terms."
- (2) The abolition of the State board of equalization and the creation in lieu thereof of a "State School Commission", which shall be vested with all the powers and duties heretofore exercised by the State board of equalization, together with such additional powers as are conferred by this act.
- (3) Declared that "all school districts, special tax, special charter, or otherwise, as now constituted for school administration or for tax-levying purposes, are \* \* \* nonexistent and it shall be unlawful for any taxes to be levied in said district for school operating purposes except as provided in this act: *Provided*, That nothing herein contained shall be construed to prevent the tax-levying authorities in any administrative unit, with the approval of the State School Commission, from levying taxes to provide the necessary funds for teaching vocational agriculture and home economics in such unit when said tax-levying authorities are now authorized by law to do so and are now levying taxes for such purposes."
- (4) Stipulated that no provision shall be made for a high school with an average attendance of fewer than 60 pupils nor an elementary school with an average attendance of fewer than 25 pupils, unless geographi-

cal or economic conditions make it impracticable to provide for them otherwise.

- (3) Authorized and directed the State School Commission to determine for each administrative unit, "by districts and races", the number of elementary and high-school teachers to be included in the State budget; and to determine in accordance with the schedule of salaries established the total salary cost in each and every county.
- (7) Authorized county and city boards of education, upon the approval of the respective tax-levying authorities and the State School Commission, and upon consent of electors, to operate their schools on a higher standard than those provided for by State support, but not to exceed a term of 180 days.
- (8) "It is the intention of this act to effect a reduction of ad valorem taxes in the several counties and school districts of the State, and it is hereby declared to be unlawful, for any board of county commissioners or other school units for the years 1933, 1934, and other fiscal years succeeding to make any tax levy which in the gross does not reflect the savings to the taxpayer of the fifteen cent ad valorem State-wide tax for schools, and all reductions in special district and ad valorem taxes affected under the provisions of this act."

The legislature adopted a 3-percent (instead of 1-percent) tax on retail sales for the support of schools.

#### OHIO

The 1933 legislature provided that the proceeds of a 1-cent tax on liquid fuel shall be used for education and distributed to districts on the basis of average daily attendance. Additional State money was provided for schools by a modification of the classified property tax law by which the taxes on intangibles paid by financial institutions, brokers, insurance companies, railroads, express, telegraph, and telephone companies and intercounty corporations are paid into the State treasury for school purposes. This money for schools is also to be distributed on the basis of number of pupils in average daily attendance.

A constitutional amendment was ratified which reduced the maximum property levies from 15 to 10 mills.

In 1934 the Ohio Legislature (in special session) enacted a sales tax which provides that 60 percent of the net proceeds shall be placed in the State public-school fund, to be allocated on an average daily-attendance basis. It is estimated that this tax will provide \$22,500,000. The legislature reenacted the liquid fuel tax for support of schools of the State on an average daily-attendance basis; estimated receipts from this tax for schools is \$9,000,000. Furthermore the tax rates on intangibles was increased from 5 percent to 6 percent of the income yield, which will increase funds for schools. These three Ohio acts of 1934 will insure approximately \$39,000,000 annually for schools equal to a State subsidy of about \$30 per pupil for the year.

## OKLAHOMA

The legislature levied a tax of 1 percent upon gross sales, and provided that 97 percent of the gross revenue secured from this tax shall be used for the benefit of the common schools, distributed as follows: (1) 17 percent to the common-school equalization fund, not to exceed \$1,000,000; (2) 50 percent to be distributed to the various school districts upon enumeration basis and provided for a corresponding reduction in ad valorem taxes; (3) 30 percent to be distributed upon enumeration basis to be used for a relief or revolving fund, which may be used for the following purposes and in the order mentioned: (a) To redeem warrants issued during the current year; (b) to retire warrants issued in prior years; (c) to credit the sinking fund for the purpose of paying judgment bonds.

Furthermore, the legislature reenacted a personal and corporation income tax, and provided that 95 percent of all money received from this tax shall be apportioned as follows: One-fourth for expenses of State government; three-fourths for support of "common schools to be distributed upon scholastic enumeration per capita basis." The legislature also declared it to be the "intent and purpose of this Act to reduce the total minimum mill-tax levy, upon ad valorem basis, in a sum equal to the amount distributed to any such district from the proceeds hereof."

Other taxes levied in aid of schools are: (1) A 4-percent tax upon the gross earnings of all freight cars on railroads wholly or partly within the State, and stipulated that all funds derived from this source shall be paid into the common-school fund and distributed on an enumeration basis. (2) A chain-store tax for school purposes, and provided that local property tax for schools is to be reduced by an amount equal to the proceeds of the chain-store tax.

## SOUTH CAROLINA

The 1933 legislature made provisions for the State to pay the salaries of all public-school teachers for the term of 6 months in elementary and high schools. In order to receive the benefits of this Act a school must have had for the preceding year at least the prescribed minimum enrollment and average daily attendance. This Act provides that the minimum requirements of enrollment and attendance shall not apply where impractical to consolidate because of mountains, rivers, islands, or other natural causes; the county board of education shall be the judge in such cases. It is also provided that teachers and principals must teach at least 4 periods of 45 minutes each day, except a principal or superintendent having more than 10 teachers under his supervision. This Act also stipulated the



following maximum State salaries: Teachers holding first-grade certificate, \$70 per month, average salary in any school not to exceed \$60 per month; teachers holding second-grade certificate, \$45 per month, average salary in any school not to exceed \$40 per month; teachers with third-grade certificate, \$25 per month.

County or district school boards were authorized to operate their schools more than 6 months and to pay salaries in addition to those provided for by this act.

Other noteworthy legislative provisions affecting school support include:

- (1) Additional license fees on corporations with the stipulation that out of the money derived from such fees \$906,000 shall be credited to the State aid for public schools for the year 1933-34.
- (2) Appropriation of \$24,000 annually to State aid fund for public schools out of the receipts from license permits issued to persons engaged in the handling of beverages not over 3.2-percent alcohol.
- (3) Direction of county board of commissioners to levy 3 mills for school purposes to be distributed to districts in proportion to number of pupils enrolled in public schools of the respective districts. (Repealed the 4-mill levy.)
- (4) Stipulation that out of the revenue derived from the State income tax law \$893,000 shall be allocated annually for the support of public schools.

Additional tax levies for schools were prohibited in any district or county unless submitted to the people and approved by them, except that the county delegation to the General Assembly may upon approval of the legislature provide special levies for school purposes.

The 1934 legislature authorized the State Finance Committee to borrow State Aid Funds for schools in anticipation of revenue receipts. It also authorized school districts to purchase or construct self-liquidating water, sewer, and gas systems, school auditoriums, gymnasiums, swimming pools, stadiums, teacherages, etc. The legislature in 1934 increased the State teachers salary schedule 10 percent.

#### WASHINGTON

"The outstanding legislation enacted by the 1933 legislature was the new Barefoot Schoolboy Law, Senate bill No. 80. This measure provides greater equalization of public-school support by increased contributions from the State." This new law provides for a levy and distribution of funds on a basis of 25 cents per day and for additional amounts for attendance in the special and "higher divisions." It also authorized State reimbursement to school districts

for transportation of school pupils equal to one-half the amount expended therefor. This law provides for a review of budgets in second- and third-class districts by a county reviewing board.

A *business and occupational excise tax* was intended to provide for the increased proportion of school costs assumed by the State and also for the State school fund lost by the operation of the 40-mill tax limit measure.<sup>2</sup> The excise tax authorized a sales tax on all forms of business and occupations and it was estimated that it would raise approximately \$8,000,000. All the proceeds go to the State current school fund. A tax on chain stores was also levied. The revenue produced by this measure will probably not exceed \$500,000, of which 90 percent shall go to the State current school fund and 10 percent to the State general fund.

#### WEST VIRGINIA

The 1933 Legislature of West Virginia (in special session) created a county district for school purposes, effective July 1, 1933. "Existing magisterial school districts and subdistricts and independent districts are abolished." The legislature also provided that "The bonded indebtedness incurred by former magisterial school districts and independent school district boards shall remain the debt of the property originally pledged as security for the payment of the obligation." (For duties of county boards of education see Local School Administrative Organization, p. 22.)

This law stipulates that the minimum term for elementary and high school shall be 9 months, or such part thereof as the maximum levy as provided by law and the equalization fund of the State will permit.

In aid of public education the legislature levied a license tax on all store operators; an additional license tax was imposed upon all chain stores, graduated according to number of stores under same management; and a general sales tax. Receipts collected from these shall be paid into the State treasury and "shall be added to and constituted a part of the general fund for elementary schools."

There was appropriated \$10,500,000 to insure an 8-month free school term throughout the State.

A constitutional amendment was adopted which made classified reductions and limitations of taxes on real and personal property for State and school purposes.

The legislature stipulated that the number of elementary teachers employed shall be determined by dividing the number of pupils in

<sup>2</sup>The 40-mill tax limit on State and local levies was an initiated measure ratified in November 1934.

average daily attendance during preceding year by 18 in districts with an average daily attendance of 1 to 5 per square mile; by 22 in districts having an average daily attendance of 6 to 9 per square mile; by 25 in districts having an average daily attendance of 20 to 39 per square mile; and by 38 in districts having an average daily attendance of 40 or more per square mile. The total number of junior and senior high school teachers is to be determined by dividing the average daily attendance in junior and senior high schools by 23 (Ch. 9, Extra Session).

School districts in order to receive supplemental State aid were required to show:

- (1) That the maximum tax is levied.
- (2) That the said levy, together with the State aid for 9 months' teachers' salaries, was insufficient to maintain school for the minimum term (of 9 months).
- (3) That the proportion of teachers is proper.
- (4) That the schedule of teachers' salaries is reasonable.
- (5) That the budget of contingent expenses and building enterprise is commensurate with actual needs.

All State aid may be withheld from a school where average daily attendance falls below 20, or "in case the board fails, or refuses to consolidate when, in the judgment of the State superintendent, consolidation is wise, and when the board fails to meet the standards established by the State board."

#### *STATE SCHOOL ADMINISTRATION, ORGANIZATION, AND FUNCTIONS*

During the past decade legislators have been voting consistently to abolish ex-officio members on State boards of education. This trend continued during the biennium here reviewed. Legislation abolishing ex-officio members on State boards of education is in line with the principle generally accepted by students of school administration, namely, ex-officio boards of education too often represent the dominant political party and institutional aspirations rather than the desires of the people of the State. Legislation during this period also manifested a tendency towards the establishment of more unified State systems of education.

The Legislature of Alaska reorganized the Territorial Board of Education and enlarged its functions, and altered the method of selecting the Territorial Commissioner of Education. The legislature created a Territorial Board of Education of five members appointed by the Governor with the approval of both houses of the legislature, each member to hold office for 6 years; and made the position of Commissioner of Education appointive by the Board. The new Territorial Board of Education was vested with "complete control over the schools of the Territory." Previously the Alaska

Board of Education, from the time it was organized until 4 years ago, consisted of the Governor and four senior senators, and this board appointed the Commissioner of Education. In 1929 the legislature made the office of Commissioner of Education elective.

In Arkansas the Legislature and Governor approved a measure to abolish the elective board of education and to provide for a State board of education appointed by the Governor. This measure, however, under the initiative provision of the State Constitution, was referred to the people and was defeated in the November election in 1934.

The Legislature of Colorado established the following six divisions in the State department of education: Administration, State board of examiners, State Historical Society, State library, child-welfare bureau, and State board of vocational education. Furthermore, a new State Board of Vocational Education was established and vested with all the functions and powers heretofore vested in the State board of agriculture with respect to the administration of the Federal funds appropriated under the Smith-Hughes Act. The State board of vocational education is composed of three citizens appointed by the Governor for 6-year terms.

The Florida Legislature reorganized the State department of education and enlarged the functions of the State board of education. It abolished the following positions: State supervisor of high schools, State supervisor of elementary schools, State supervisor of physical and health education, rural-school inspectors, and the director of buildings and building standards, and authorized the State board of education to employ such assistants as the State superintendent of public instruction may recommend and as the State board may find necessary. The legislature also empowered the State board of education to determine the establishment, classification, and character of all high schools receiving State aid and to fix and determine the courses of study in such schools. The said board was also empowered to determine a maximum salary scale to pay teachers in the public schools out of the teachers' salary funds of the several counties. It furthermore empowered the State board of education to require amendments to county-school budgets when it appears that the proposed levy (in any county not proposing to levy the maximum 10-mill ad valorem constitutional tax) is insufficient to assure the proper maintenance of the schools of such county.

In Idaho the Legislature abolished the office of commissioner of education and transferred the duties of that position to the office of State superintendent, and increased the salary of State superintendent from \$2,400 to \$3,600 per annum. The Idaho Legislature also authorized the State board of education to determine the type of examinations to be used in the several grades and classes in all

schools of the State and to make such regulations as it deems appropriate governing the promotion of pupils.

The Indiana Legislature reorganized the State board of education and provided for a board composed of the Governor, Lieutenant Governor, and State superintendent of public instruction as ex-officio members, and six other persons appointed by the Governor, four of whom shall be actively engaged in educational work. Certain ex-officio members were eliminated. Previously the State board of education was to include in its membership the presidents of Purdue University, the State University, and the State Normal School, superintendents of schools of three cities having the largest enumeration of school children, three citizens engaged in educational work, one of whom shall be a county superintendent of schools, and three persons actively interested in and of known sympathy with vocational education, one of whom shall be a representative of employees and one of employers. In pursuance to an act which empowered the Governor to reorganize and coordinate the functions and branches of the State government the Governor by executive order centralized the various educational functions of government in the State department of education under the general control of the reorganized State board of education.

In Kansas the Legislature reorganized the State board of education by eliminating the presidents of the State University, the State Agricultural and Mechanical College, and the State Normal School as ex-officio members and provided for a State board composed of the State superintendent of public instruction and eight others appointed by the Governor, six of whom must be engaged in various specified educational work in the State.

In 1934 the Legislature of Kentucky abolished (a) the ex-officio State board of education, (b) the board of trustees of Kentucky State Industrial College for Colored, at Frankfort, (c) the board of trustees of West Kentucky Industrial College for Colored Persons, at Paducah, and (d) the State board for vocational education. The functions exercised by these respective administrative bodies were vested in a newly created State board of education which consists of the superintendent of public instruction and seven lay members appointed by the Governor for 4-year overlapping terms.

The Maine Legislature authorized the commissioner of education to appoint as many as four full-time helping teachers whose duty it shall be to assist and direct "rural teachers" to work with local school officials on request and to perform such other duties in the field of elementary education as the Commissioner may direct.

In Massachusetts the State commissioner of education and a committee of three appointed by the Governor were directed by the Legislature to regroup towns in the State for the purpose of employ-

ing superintendents of schools and stipulating that supervisory unions heretofore created may be dissolved for the purpose of more advantageous combination. During the first 3 years of the operation of this act regrouping shall be made only when vacancies occur, by death, resignation, or failure of reelection.

The North Carolina Legislature abolished the State board of equalization and created in lieu thereof a "State school commission" to be constituted as follows: "The Governor as ex-officio chairman, the Lieutenant Governor, State treasurer, and State superintendent of public instruction, and one member from each congressional district (11) to be appointed by the Governor", each of whom shall serve for 6-year overlapping terms. The State board of equalization abolished by this act was composed of seven members, all of whom were ex-officio members. The new State school commission is vested with all the powers and duties heretofore exercised by the State board of equalization, together with certain additional powers.

Among other States which enacted legislation affecting State administration of schools are: Oregon, South Dakota, Vermont, and Virginia. In Oregon the administration of vocational rehabilitation was transferred from the State industrial-accident commission to the State board for vocational education. South Dakota reorganized the personnel of the State board of education so as to provide for four appointive officers who shall include a laborer, farmer, housewife, and superintendent of city schools. The Vermont Legislature made the selection of the State commissioner of education and the fixing of his salary by the State board of education subject to approval by the Governor; formerly these functions were vested solely in the State board. The Legislature of Virginia requested the State board of education to reduce the number of school superintendents by combining several counties in each school division.

#### *LOCAL SCHOOL ADMINISTRATIVE ORGANIZATION*

The amount of legislative activity during 1933 and 1934 devoted to enlargement of local administrative units for the management of public education was perhaps unequalled in any previous biennium. There was a marked increase in State centralization of control with respect to the principal functions of government, including that of education. In the domain of local school administration this centralization of control was manifest in connection with legislation which subjected local school authorities to additional State supervision and control in such matters as school budgets, standards of costs, tax levies, and teachers' salaries. Under this heading, however, will be mentioned only a few examples of legislation which affect local school administrative organization.

Noteworthy legislation during the biennium affecting county school administration occurred in Arkansas and West Virginia. The Legislature of Arkansas abolished the county boards of education and the office of county superintendent and provided that all powers and duties previously vested in the county board of education shall be vested in the county court and also that all powers and duties heretofore exercised by the county superintendents be vested in the county examiner. The legislature authorized the county judge to appoint a county examiner for a 2-year term subject to the approval of the county court. This act stipulated that the county examiner possess a professional teacher's license and that he remain active in the teaching profession.

The most significant legislation affecting county school organization and administration during the biennium occurred in West Virginia. The legislature of that State in special session in 1933 created a county school unit system and abolished all existing magisterial school districts. The legislature provided that the county school district shall be under the supervision and control of a county board of education which shall consist of 5 members, citizens of the county, who shall be elected by the voters for 4-year overlapping terms, except that the State superintendent of schools was empowered to appoint a county board of education for each county, which board shall serve until the successors shall be elected and qualified. Among the powers vested in the newly established county board of education are: (1) To "control and manage all of the schools and school interests of the county"; (2) to establish needed high schools; (3) to close any school which is unnecessary and to assign the pupils thereof to other schools; (4) to consolidate schools; (5) to close any elementary school whose average daily attendance falls below 20 pupils for 2 months in succession, and to send pupils to another school in the district or in the adjoining district; (6) to provide adequate means of transportation for all school children who live more than 2 miles from school.

The Legislature of West Virginia furthermore empowered the county board of education to select the county superintendent of schools, which officer was formerly elected by the people. Additional power was also vested in the newly established office of county superintendent and the incumbent of that office was required to possess additional qualifications, including a bachelor's degree with at least 8 hours' credit in school administration and 2 years' teaching experience. Among the powers conferred by the new law upon county superintendents are: (1) To act as chief executive officer of the county board of education; (2) to receive applications for teaching positions and to submit them to the county board together with his recommendations; (3) to assign, transfer, suspend, promote, or

dismiss teachers, subject to the approval of the board; (4) to organize and attend district institutes, and organize and direct reading circles and boys' and girls' clubs; (5) to close temporarily any school when conditions are detrimental to the health, safety, or welfare of pupils; (6) to certify all expenditures and pay rolls of teachers and employees; (7) to act as secretary to the county board of education; (8) to administer oaths and receive testimony under oath in proceedings pertaining to schools and have same reduced to writing; (9) to exercise all other authority granted by this chapter or required by the county board or State board; (10) to act in case of emergency as the best interests of the school demand.

Other noteworthy measures affecting county school organization occurred in New Mexico and Oregon in 1933 and in Kentucky in 1934. The Legislature of New Mexico abolished all county boards and created a school district which shall be known as "Rural schools of \_\_\_\_\_ county, New Mexico", which shall be composed of those school districts not a part or an annex of municipal or rural independent school districts. The legislature provided that the new boards of education shall be composed of five members elected for 6-year overlapping terms with substantially the same powers previously possessed by boards of education in municipal districts. Prior to this act the county board of education was composed of the county superintendent of schools and four qualified electors appointed by the district judge.

The new 1934 school code of Kentucky recognized only two types of school districts—county and independent, instead of six types formerly recognized. Both of the two types now existing have practically the same organization and are under the direction of a board of education composed of five members elected at large. In county districts, subdistricts are retained and one trustee is elected instead of three as was provided for in the old law.

The Oregon Legislature revised the county unit law and among the changes made are: (1) Provision for "a fair and equitable adjustment of the indebtedness of the component school districts", both high and elementary districts; (2) 5-year terms for county school board members; (3) restriction of the vote on the adoption of the county system to territory in the proposed county school district (previously city school districts had authority to vote on the question even though it did not in any way affect them); (4) provided for only one other class of school district under the county school system, namely, city school districts (previously the town school district was permitted); (5) required each county superintendent under the county school system to be "trained and experienced in the organization and supervision and financial management of a school system", and "must hold a certificate based upon graduation from a standard



normal school, college, or university, or be the holder of a life certificate entitling him to teach in all the grades of the public elementary and high schools of the State."\*

The Legislature of Iowa repealed the law providing for the establishment and regulation of county high schools.

#### CONSOLIDATION

Legislation designed to promote the consolidation of school districts occurred in many States. A few examples of legislation of this type are here summarized. The Legislature of Colorado required a petition in order to hold an election on the question of consolidation; 500 families in first-class districts, 300 families in second-class districts, and 50 families in third-class districts; and also stipulated the method of dissolving small third-class districts having a school population of fewer than 10.

The Idaho Legislature provided three plans for consolidating school districts. Under these plans the trustees of the district concerned meet and decide upon the plan that is to be voted upon. Plan one provides that each district shall assume such part of the total outstanding indebtedness as the combined boards may determine upon. Plan two provides that each of the component districts shall retain its own outstanding indebtedness. Plan three provides that the new district created shall be liable for the outstanding indebtedness.

The Legislature of North Dakota repealed that part of its law which prohibited the closing of any school at certain village railroad stations. By repealing this provision such village schools may be consolidated with other schools.

#### HIGHER EDUCATION

Legislative interest in the unification and centralization of State control over public higher educational institutions, especially manifested since the depression, continued during the biennium here under review. Noteworthy legislation in this field was enacted in at least five States—California, Georgia, Kentucky, North Dakota, and Oklahoma. The principal provisions of legislation of this nature in these States are summarized below:

*California.*—The 1933 Legislature of California created a "State Council of Educational Planning and Coordination" consisting of 9 members: the superintendent of public instruction and the president of the university, ex-officio members, and 7 other persons, 5 of whom shall not be engaged in any educational work. Each of the

\* The legislature of 1935 repealed the laws providing for county school superintendents and county school districts in counties with 25,000 or more school population.

said members shall be appointed for a term of 1 year jointly by the State board of education and the board of regents of the State University upon the joint nomination of the superintendent of public instruction and the president of the university. The legislature made it the duty of the State council of educational planning and coordination to study problems affecting the relationships between the schools of the public-school systems and the University of California and to make recommendations thereon jointly to the State board of education and the State University.

*Georgia.*—The Legislature of Georgia in 1933 in order to promote economy and efficiency in the university system of Georgia "provided that all appropriations made for the use of any or all the university system of the State shall be paid to the regents of the university system in a lump sum and authorized and directed the said regents to allocate or distribute the same among the institutions in such a way and in such amounts "as will further an efficient and economical administration of the university system of Georgia." Furthermore, the legislature authorized the regents of the university system to make such changes in the institutions under their control as will make possible further economies and efficiency and promote the educational interests of the State and empowered the said regents "to consolidate, suspend, and/or discontinue institutions, merge departments, inaugurate or discontinue courses, and abolish or add degrees." The board of regents was also empowered to readjust budgets to the extent necessary for the reallocation of moneys appropriated. The fiscal year of the regents of the university system of Georgia was changed from a calendar year basis to a scholastic year basis, July 1 of each year to June 30.

*Kentucky.*—In 1934 the Legislature of Kentucky established a council of public higher education composed of 16 members: The President or chief executive officer of the State University and each of the four State teachers colleges for white persons, a member of the board of regents of the four teachers colleges (selected by the respective said board of regents), three appointive members of the board of trustees of the State University (selected by the board of trustees), two lay members of the State board of education (selected by the board), the dean of the College of Education of the State University, and the State superintendent of public instruction, who shall be *ex-officio* chairman. This council is charged with the duty (1) to coordinate the work and determine the curricular offerings of public institutions of higher learning on the basis of efficiency and economy; (2) to determine the entrance fees and the qualifications for admission to each institution; (3) to consider the budgetary requirements of the institutions on the basis of their respective needs and to recommend to the State budget committee or other proper

authority a budget covering the needs of the institutions; (4) to require such reports from the executive officers of each of the higher institutions as may be deemed necessary; (5) to publish at least biennially a report of the educational and financial affairs of each of the institutions of higher learning. This act also made it the duty of the board of regents of each of the higher institutions to make such changes or adjustments in their curricula and regulations as will be necessary to carry out the rulings of the council on public higher education in regard to curricular offerings, entrance fees, and qualifications for admission. (See "State School Administration, Organization, and Functions," p. 20.)

*North Dakota.*—In 1933 the Legislature of North Dakota directed the State Board of Administration to eliminate all unnecessary duplication of courses among the State educational institutions and to coordinate the courses of study in these institutions insofar as practicable. It was provided that this be done gradually but completed within 3 years by eliminating a certain percentage of courses each year.

*Oklahoma.*—The Oklahoma Legislature created a board of 15 members appointed by the Governor for the purpose of coordinating the courses of instruction in the various institutions of higher learning. Among the duties and functions of this board are: (a) To assemble exact information that will show the actual cost of education at the several institutions, and report annually to the Governor; (b) to check the "up-grading and expanding tendency by a clear interpretation and definition of the functions of each of the several institutions and the elimination of unnecessary and undesirable duplications"; (c) to bring about "harmonious working relationships among the institutions by the establishment of needed councils"; (d) to unify the tax-supported institutions into a State system of higher education through an intelligent plan for their further development.

#### NEGRO EDUCATION

Noteworthy provisions affecting the higher education of Negro youth occurred in 1933 in Maryland and West Virginia. The Maryland Legislature required that the funds received by the University of Maryland from the Federal Government under the Morrill Act, amounting to \$50,000 per year, be divided on the basis of population of the State in order that a percentage of the funds equal to the percentage of the Negro population shall be expended by the comptroller of the State upon recommendation of the regents of the University of Maryland, for the benefit and in the interest of the Princess Anne Academy. The board of regents of the university was authorized to allocate such part of the State appropriation for the Princess Anne

Academy, or other funds as may be deemed advisable, to establish partial scholarships at Morgan College or at institutions outside of the State for Negro students who may apply for such privileges, and who may by adequate test be proved worthy to take professional courses or such other work as is not offered at the Princess Anne Academy but which is offered for white students in the University of Maryland.

The West Virginia Legislature created a Negro board of education which shall, in conjunction with the State board of education, formulate educational policies for Negro youth. The board consists of the State supervisor of colored schools, two board members of the Negro race, and the State superintendent. The institute for the instruction of colored students at Institute, Kanawah County, was designated as the West Virginia State College, with authority to grant degrees under the supervision of the State board of education, and to carry on agricultural extension work and home economics courses. The legislature also authorized State payment of tuition fees of resident Negro students who are required to pursue advanced courses outside of the State because of inability to attend West Virginia University and State College for whites by reason of the constitutional provision which prohibits Negro and white youth from attending same school. The Bluefield State College (for Negroes) was authorized to confer degrees under supervision of the State board of education.

(See Kentucky under "State School Administration, Organization, and Functions", p. 20.)

#### MISCELLANEOUS LEGISLATION RELATING TO HIGHER EDUCATION

In recent years imposition of tuition fees on students attending public higher institutions, especially teacher-training schools has become more common. During the biennium here reviewed legislation on tuition appeared in California, Colorado, Connecticut, Maine, Maryland, Minnesota, Pennsylvania, and Wisconsin.

Connecticut and Washington Legislatures authorized their respective State normal schools to grant degrees in education to students completing the 4-year course of study.

The Legislature of Tennessee resolved that the standard courses of college grade, academic and professional, completed in William Jennings Bryan University, which are identical with or parallel with similar courses offered in State institutions of higher learning, "shall be accredited at face value towards satisfying the requirements for granting and renewal of teachers certificates."

In Utah the Legislature provided for the establishment of Dixie College at St. George City as a State junior-college upon condition that the present owners transferred the institution to the State. The

State board of education was authorized to provide for its management and control, prescribe the courses of study, appoint a president, and prescribe entrance requirements.

#### TEXTBOOKS

During the biennium there was unusual legislative activity concerning textbooks for school children. Legislation in this field was directed along two distinct lines: (1) to reduce the expense of textbooks and (2) to provide free textbook facilities for additional school children.

The Legislatures of Alabama, Georgia, and South Carolina established commissions to investigate textbook problems with a view of restricting the frequency of changes in the adoption of textbooks and reduction of textbook costs. The Kansas Legislature "directed" the State School Book Commission to cut the price of school books. California, Georgia, Kansas, North Dakota, Oklahoma, and Virginia enacted legislative limitations affecting the periods for which textbooks may be adopted. California extended the duration of contracts for State books to 6 years instead of 4 years; North Dakota prohibited changes in textbooks oftener than once in 3 years; Oklahoma prohibited changes oftener than once in 5 years; Virginia required basal textbooks to be used for a period of not fewer than 7 years subject to renewal from 1 to 4 years.

The Georgia Legislature imposed the following restrictions concerning changes in textbook adoption: (1) No textbook or series of textbooks now on the official list and in use in the State shall be changed where such textbook or series of textbooks are giving reasonable satisfaction; (2) that the publishers of textbooks submit a material reduction in price in line with the reduced cost of production; (3) prohibited more than 30 percent of the subjects or books to be changed unless it is evident to the State board of education that a material saving can be effected by the change of a large percentage of books; (4) that in the event the contracts cannot be legally recalled and the textbook companies affected decline to surrender their contracts for cancellation then the State board of education is requested to permit the use of the textbooks now in use in the schools as long as the supply on hand shall last and that it permit the recently adopted textbooks to be put into the schools gradually and only as new books are necessary.

Kansas extended the period during which certain adopted textbooks may be made and authorized the State school book commission to purchase books and to make laboratory tests in elementary schools to secure superior textbooks.

Kansas, Mississippi, and Oklahoma Legislatures reestablished their State textbook commissions. In Kansas the President of the State Teachers College at Emporia, the President of the State Agricultural College, and a member of the State board of agriculture, were removed as ex-officio members from the State school book commission. The Kansas State School Book Commission now consists of seven members composed of the State superintendent of public instruction, the State printer, and five appointed by the Governor, including one county superintendent, one city superintendent and three persons not actively engaged in school work. In 1934 the Mississippi Legislature amended its law so that the State elementary textbook commission shall include the State superintendent and eight appointed by the Governor, including one county superintendent at large (a new feature) and one appointed from each of the seven congressional districts and shall include one teacher of primary work and one teacher of intermediate (previously "elementary") work. The separate commission for the adoption of high-school textbooks was not affected by this act. The Oklahoma Legislature established a State textbook commission of seven members, consisting of the State superintendent and six appointed by the Governor for 5-year (instead of 3-year) terms, and provided that the Governor shall be entitled to sit at all meetings of the commission but without a vote. The Oklahoma Legislature also required that textbooks on State and United States history and civics contain a copy of the United States Constitution.

Legislation providing free textbook facilities for certain school children occurred in Arizona, Kansas, Kentucky, New Mexico, and Virginia. In Arizona the State was required to furnish free textbooks for all State welfare institutions maintaining educational facilities. In Kansas school boards were required to furnish textbooks free of cost to children of parents who are unable to purchase textbooks. The 1934 Kentucky Legislature appropriated \$500,000 annually for the purchase of textbooks by the State board of education, which made it possible to furnish basic textbooks to children in the first four grades. In 1928 the State board of education was authorized to purchase textbooks but it had heretofore been unable to do so for want of funds. The New Mexico Legislature imposed an excise tax of 4 cents per gallon on all lubricating oil the proceeds of which shall be put into the State Treasury and used to furnish free textbooks to school children. Furthermore, the legislature extended the provisions of the free-textbook law so as to provide free textbooks for all pupils from the first to the eighth grade, inclusive. Previously free textbooks were provided for pupils in first and second grades only. The State board of education was directed to

adopt a uniform system of free textbooks from the first to the eighth grade, inclusive, prior to entering into any textbook contracts; and in negotiating contracts the State board was forbidden to pay for textbooks more than the lowest price paid for the same kind of books in any other State. The Virginia Legislature authorized the school board of the city of Alexandria to purchase their own textbooks and to let them out to pupils on a rental basis.

#### CURRICULUM

During the biennium an unusual number of legislative measures were proposed affecting the subject matter to be taught in public schools. However, comparatively few such measures were enacted. Among those enacted are:

Connecticut required the teaching of State and local history in public schools. Indiana required that all textbooks on physiology and hygiene used in grades 4 to 8 contain discussion devoted to the evil effects of alcoholic drinks, sedatives, and narcotics, and the State Board of Education was directed to provide a suitable course of study in these subjects. Iowa made agricultural, manual training, and domestic science courses optional instead of mandatory, and defined physical education as being exclusive of interscholastic athletics. In Louisiana the Legislature required the State Board of Education to include in all public schools above the seventh grade a course of study on the evil and injurious effects on the human system of the use of alcohol and narcotics. In Massachusetts the Governor was directed to issue a proclamation setting apart September 13 as Commodore Barry Day and recommended that it be observed by appropriate exercise in public schools. In New York, city boards of education were authorized to conduct and maintain such extra-curriculum activities in the schools as the board shall from time to time deem proper. South Dakota designated October 9 as Leif Erickson Day and stipulated that one-half hour must be given to the observance of the day by instruction on the life and ideals of Leif Erickson.

The California Legislature expressly provided that a teacher who teaches sedition or is engaged in any activity which comes under the criminal syndicalism law shall immediately be subject to dismissal.

#### SCHOOL HEALTH AND SAFETY

The subject of the health and safety of school children continues to receive considerable legislative attention and many bills were enacted into law during the biennium which are designed to promote the health and safety of public-school children. California provided that all school buildings must be erected according to specifications

of the State board of architects. This measure was designed to provide for the construction of school buildings which would be earthquakeproof. Colorado required the driver of any vehicle while overtaking any school bus which has stopped or is about to stop to receive or discharge school children to bring his vehicle to a complete stop at least 20 feet in the rear of said bus except in cases where a safety zone has been established. Colorado repealed that section of the school law which provided State funds for physical examination of school children. The repeal of this provision does not in any way affect the law requiring the physical examination of school children. Indiana provided stricter safety regulation of school busses. Iowa required that all motor vehicles, including those carrying school children, be equipped with safety glass in all doors and windows. Minnesota authorized the control and supervision of pupils attending schools, both public and private, during the establishment of school safety control for the purpose of influencing and encouraging pupils to refrain from crossing public highways at points other than the regular crossings.

In Montana the Legislature required school busses to be sufficiently equipped with brakes and kept in safe condition, that operators of busses be 16 years of age and of good moral character, and that they shall stop before crossing any railroad track. Furthermore, it was provided that all drivers of vehicles approaching a school bus which has come to a stop to receive or discharge school children shall stop at least 10 feet from such bus and remain stationary until the children enter the bus or reach the nearest adjacent side of the highway. Montana also provided that all school ventilation systems must be of fireproof material and that school ventilation shall be adequate to produce "satisfactory conditions of air in the schoolroom at all times and under all conditions", and repealed the provision requiring "30 cubic feet of pure air per minute per pupil."

New York required all vehicles overtaking or meeting a school bus which has stopped for receiving or discharging school children to come to a complete stop and then to proceed with caution, and also required that school busses shall carry signs in front and rear designating them as school busses.

Oregon required all school busses to display prominently the sign "school bus" and to stop before railroad crossings, and required all motor vehicles while passing a school bus which is loading or discharging passengers to slow down to 15 miles per hour. South Carolina made it the duty of the State department of education and the trustees of State institutions of higher learning to establish and require to be taught in the schools "a course of instruction on the



traffic laws"; such courses of instruction to be by lecture. Tennessee required all public-school teachers to instruct pupils "in the art of safety \* \* \* on the public thoroughfares, highways, and streets", and other places for at least 15 minutes each week.

In somewhat contrast with preceding health and safety legislation, the North Dakota Legislature repealed a provision which required school nurses or physicians who may be employed by school boards to examine immediately all children enrolled in public schools, make a record of each child, advise parents of any defects, and make recommendations for guidance to parents.

#### SCHOOL ATTENDANCE

The problem of school attendance is of constant legislative concern. The Arizona Legislature took an unusual step by amending its law in order to authorize rather than require the appointment of school attendance officers by school district trustees and repealed the provisions which authorized the appointment of attendance officers by county superintendents. The Idaho Legislature required county superintendents to give notice to parents and guardians concerning the compulsory school law and required that the law be published twice during the latter part of August in newspapers of general circulation.

The Kentucky Legislature prohibited employment in any occupation during school hours for children under 14, and provided that needy children 14 years of age who have completed the eighth grade or 15 years of age and completed the seventh grade may be issued work permits, and stipulated that attendance at continuation schools may be required for employed children under 16. Kentucky also provided for a continuing school census and required all school districts to employ a qualified full-time attendance officer. In Missouri the Legislature authorized counties having between 200,000 and 300,000 population to appoint a county school attendance officer who shall have the power of deputy sheriff in the performance of the duties of school attendance officer in all school districts of the county when so directed by the county superintendent.

The New York Legislature provided that minors under 17 and temporarily unemployed must attend continuation school not fewer than 20 hours a week "instead of not exceeding" 20 hours a week, and stipulated that minors shall be deemed temporarily unemployed until they reenter lawful employment or return to full-time day instruction.

The Virginia Legislature stipulated that compulsory education must not apply "to children who live more than 1½ miles (previously 2 miles) by the nearest traveled road from a public school unless public transportation is provided within 1 mile of the place where such children live."

## TEACHERS

*Teacher training and certification.*—During the biennium a dozen or more States enacted legislation affecting teacher training and certification. A number of State legislatures extended temporarily or granted renewal of certain teachers certificates without extra training. Legislation of this character appeared in Alabama, Arkansas, Colorado, Kansas, Kentucky, New York (applicable to New York City), Nevada, New Mexico, North Carolina, South Carolina, and Wyoming. In Colorado the number of teachers examinations conducted annually was reduced from 3 to 2 and the field of study for which graduation certificates may be issued was extended to include political science.

The tendency to centralize control over certification of teachers in the State board of education and to abandon certification of teachers by examination methods is still in evidence. The Connecticut Legislature required all teachers to hold appropriate State teachers certificates; previously teachers could be employed who held town or city certificates. In 1934 the Legislature of Kentucky raised the certification requirements effective September 1, 1935, after which no certificates shall be issued upon less than 2 years of standard college training and provided that each certificate shall show the curriculum the holder has completed.

The Iowa Legislature repealed major provisions of the certification law and enacted a new law which provided for (1) the creation of a new State board of educational examiners; (2) the abandonment of certification of teachers by examination; and (3) the granting of four classes of certificates—(a) elementary certificates (including elementary and kindergarten certificates); (b) secondary certificates (including junior and senior high-school certificates); (c) administrative and supervisory certificates; (d) special certificates. The legislature prescribed a minimum amount of training necessary for certification under each of these classes, and provided for differentiated certificates based upon training and character of experience during the previous 5 years. The legislature also required county superintendents to be holders of county certificates.

The West Virginia Legislature abolished the emergency in third-grade teachers certificates and discontinued credit for reading circle work. Legislative prescriptions of subjects to be included in teachers examinations were abolished and the State board of education was empowered to determine the subjects applicants may be examined upon for certification by examination. Furthermore, the provisions for granting of supervisors certificates by examination and experience was repealed, and college or normal school graduation including 20 hours of professional subjects was required for such certificates.

The Legislature of West Virginia also made noteworthy increases in the qualifications required of county superintendents who now must have a bachelor's degree including at least 8 hours' credit in school administration and 2 years' teaching experience.

As noted in the section on higher education, the tendency since the depression to require tuition fees of students attending public teacher-training institutions continued during 1933 and 1934 and the tendency to eliminate the traditional teachers institute was also in evidence. Indiana provided that the appropriation for county teachers institute by county council shall be optional rather than mandatory. New York repealed a provision which granted \$1 per day to teachers for time spent in attendance at an institute or conference and 10 cents per mile traveled for this purpose. Certain types of teachers institutes were discontinued in Pennsylvania. Texas provided for a new type of county institutes under the direction of the county board and county superintendent of schools, and authorized county superintendents of schools to call teachers institutes on Saturday.

*Teacher employment and tenure.*—Legislation of varying types affecting teacher employment and tenure appeared in a number of States. California provided that any teacher who fails to signify his acceptance within 15 days after notice of election to employment shall be deemed to have declined the position and will at once be eligible for dismissal. Delaware required school boards to notify any teacher who has served 2 consecutive years on or before March 15 if he is not to be retained the next year and to give in writing reasons for not reappointing.<sup>4</sup> Indiana amended the teacher-tenure law to leave out towns and made the law applicable to city and town school corporations (attorney general has ruled that amendment will not cancel or modify indefinite contracts now held by permanent teachers in township schools).

Massachusetts strengthened its teacher-tenure law so as to provide that the school committee in any town, except Boston, may not dismiss any teacher or superintendent "except for inefficiency, incapacity, conduct unbecoming a teacher or superintendent, insubordination, or other good cause." Louisiana revised its teacher-tenure law applicable to New Orleans and stipulated that "no permanent teacher shall be removed from office except on written and signed charges of immorality, or willful neglect of duty, or of incompetency, and then only if found guilty after a hearing by the New Orleans Parish School Board, which hearing, at the option of said teacher may be private or public. Said teacher shall be furnished by said Orleans Parish School Board at least 10 days in advance of the date of said hearing with a copy of said written charges. Said

<sup>4</sup> Repealed in 1935.

teacher shall have the right to appear before said board at said hearing with witnesses in his behalf, and with counsel of his selection, all of whom shall be heard by said Orleans Parish School Board at said hearing."

Legislation was enacted in Colorado, Illinois, Iowa, Texas, and Wisconsin which made it unlawful to discriminate against teachers on account of their religion or religious affiliations or to make inquiry concerning the religion of candidates seeking positions in the public-school system. The North Carolina Legislature stipulated that in the employment of teachers no rule shall be made or enforced on the ground of marriage or nonmarriage.

Legislation to provide for the exchange of teachers between countries was authorized in California, Hawaii, and Michigan.

Kansas and New York required teachers in public schools to take an oath of allegiance to support the Federal and State Constitutions; and Florida required 2 years and New Mexico 1 year State residence prior to employment in State and local government service, including the public schools.

*Teachers salaries.*—An unusual amount of legislation was enacted during the biennium affecting the compensation received by teachers. The major legislative trends were: (1) further curtailment of teachers' salaries (2) establishment of State-wide salary schedules for teachers; and (3) increased State responsibility for the payment of teachers' salaries.

The Delaware appropriation act for the State school budget divided all teachers and school officials into four classes: (1) those receiving salaries between \$1,000 and \$1,200 annually; (2) those receiving between \$1,200 and \$3,500 annually; (3) those receiving between \$3,500 and \$5,000 annually; and (4) those receiving more than \$5,000 annually. The salaries of employees falling within these classifications were reduced 5, 10, 15, and 20 percent, respectively.

The Indiana Legislature extended the general salary reduction act of 1932 for 2 years but provided that the minimum salary shall not be less than \$800 per year for elementary teachers and \$1,000 for high-school teachers.

The Maryland Legislature reduced the salary of all teachers, principals, and supervisors throughout the State ranging from 10 percent to 15 percent, according to amount of salary during the biennium: Salaries under \$1,200 reduced 10 percent; salaries from \$1,200 to \$1,799 reduced 11 percent; salaries from \$1,800 to \$2,399 reduced 12 percent; salaries from \$2,400 to \$2,999 reduced 13 percent; salaries of \$3,000 to \$3,599 reduced 14 percent; salaries of \$3,600 and over reduced 15 percent. The Delaware and Maryland acts are typical of salary reductions in a few other States. The Iowa Legislature in 1933 stipulated for teachers an unusually low flat minimum salary of \$40 per month (increased to \$50 in 1935).

New Jersey school boards were authorized to decrease salaries of school employees for the year 1933-34 provided there shall be no discrimination between salary reductions of municipal employees and those of school districts.

New York continued for the fiscal year 1934 the reduction of salaries of all State officials and employees, including educational employees, receiving \$2,000 a year or more. The percentage of reduction varies from a minimum of 6 percent to a maximum of 33.9 percent.

In 1934 the South Carolina Legislature increased the State salary schedule for teachers 10 percent.

*Teacher retirement.*—The most noteworthy enactment during the biennium in behalf of teacher retirement occurred in New Mexico. The Legislature of that State created for the first time a State-wide retirement system for all teachers employed in public schools or other educational institutions supported by the State or any political subdivision. This act increases to 24 the total number of State-wide teacher-retirement systems. The State teachers' pension fund recently created by the New Mexico Legislature is to be made up of all contributions made by teachers, income from the investment of moneys in the fund, 5 percent of inheritance taxes collected each year by the State, appropriations made by the legislature, and donations. Each teacher, in order to participate in the benefits of the retirement system, must contribute to the retirement fund the following sums each year: 50 cents per month if the monthly salary is less than \$100; \$1 per month if the monthly salary is \$100; \$1.50 per month if the monthly salary is more than \$100 and not more than \$150; \$2 per month if the monthly salary is more than \$150. The administration of the teacher-retirement system is vested in the State Board of Education, and the State Treasurer is custodian of the teachers pension funds. Under this act any public-school teacher 65 years of age who shall have taught school in New Mexico for 25 years on and after January 1, 1934, shall be entitled to retirement and receive an annual pension of \$400 per year payable in 12 equal monthly installments. A disability retirement is allowed after 10 years in the service to an amount in proportion to \$400 as his or her time of service bears to 25 years.

Amendatory legislation affecting teacher retirement appeared in many other States. Arizona prohibited the paying of teachers' pension to anyone who is in the service or receiving remuneration from the Federal Government or any State, county, or municipal government. Connecticut suspended for the biennium 1933-35 the statutory provision that required the pension fund to be on an actuarial reserve basis. The Illinois Legislature increased (1) the State contribution to the State teachers' pension fund from one-tenth to three-

twentieths of a mill on each dollar of assessed valuation, and (2) from \$5 to \$10 the contribution required of teachers who have taught more than 10 years, and from \$10 to \$20 from teachers who have taught from 10 to 15 years. Massachusetts amended its teacher-retirement law to restrict the retirement of janitors for physical incapacity after 15 years of service to cases where such incapacity resulted by reason of injury received in the performance of duty. The Nevada Legislature relieved counties from making levies for teacher retirement but retained the State levy for this purpose.

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