

Know your
SCHOOL LAW

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Contents

	Page
Foreword.....	v
Purpose.....	1
Part I. Importance of Educational Law.....	3
Educational Law and Leadership.....	3
Basic Legal Principles.....	4
Federal-State Legal Relationship.....	5
Improving Your School Laws.....	6
Current Legislative Practice.....	7
Codification of School Laws.....	7
Substantive Changes.....	7
Appraisal of School Laws.....	8
Observations and Conclusions.....	9
Part II. Educational Law: Selected References.....	11
Introduction.....	11
Bibliography.....	11
Subject Index.....	29

Foreword

THIS PUBLICATION is designed to encourage and assist those who seek to improve our school systems through the improvement of school laws.

A knowledge of the law which promotes and governs education is of great practical advantage to every educator, legislator, and public-spirited citizen. Over the years there has developed a vast body of legal provisions and judicial decisions which vitally affect education in the various States. An understanding of this phase of education constitutes important working tools for those engaged in improving our educational systems.

This is a revised edition of "Know Your School Law," Bulletin 1952 No. 1, by Dr. Ward W. Keesecker, and is a part of the Office of Education program to develop a clearinghouse of timely and useful information on important phases of school law. Included is an annotated bibliography of legal research studies bearing upon important areas of education. The previous bulletin by this title proved especially helpful to the Office of Education in supplying the kind of information and reference material frequently requested in the field of School Laws and related problems.

LAWRENCE G. DERTHICK,
Commissioner of Education.

Know Your

SCHOOL LAW

Some eulogize their State school laws as though worthy of universal admiration and imitation. Others denounce their laws as unworthy and feeble. Let us waste no time in composing these contrasting views. Where laws are good, let them be improved. Where laws are bad, let them be reformed. Few laws are so good that they cannot be made better. It is always helpful to compare the educational laws of a given State with those of other States, not merely to determine whether they are better, but also to contrast their provisions with our highest ideas, of perfection. The pain of the contrast between an educational law as it is found and as it should be, according to our highest light, is to be assuaged by improving the law forthwith.

PUBLIC-SPIRITED citizens who desire to improve their educational systems increasingly look to the law. The prerogative of a law-making body is to translate acceptable ideals and reforms into operating public policies.

In summarizing the common law nearly two centuries ago, the commentator, Sir William Blackstone, wrote:

The last duty of parents to their children is that of giving them an education suitable to their station in life: a duty pointed out by reason, and of far the greatest importance of any. * * * Yet the municipal laws of most countries seem to be defective in this point, by not constraining the parent to bestow a proper education upon his children. Perhaps they thought it punishment enough to leave the parent, who neglects the instruction of his family, to labour under those griefs and inconveniences which his family, so uninstructed, will be sure to bring upon him.

Since the days of the great commentator, free public education of youth has shown a remarkable advance, especially in the United States where it has evolved into a vast enterprise established and maintained by a great body of law. Educational progress in this country has been vitally encouraged and supported by State constitutions, legislative enactments, and judicial decisions enhancing the educational rights of youth, and which constitute the legal basis and structure of our present vast and intricate State systems of public education.

Purpose

The purpose of this publication is to stimulate interest in the further improvement of educational laws, to identify legislative need in the field of education, and to suggest guiding principles, procedures, and source material helpful to this end.

This bulletin falls into two main parts:

Part I. Importance of Educational Law.—Under this heading is a brief discussion of the significant relationship of educational laws to the quality and efficiency of education. Some sug-

gestive principles and procedures for those who seek to improve the laws governing the administration and support of various phases of public education are also included.

Part II. Educational Law, Selected References.—This is a selected and annotated bibliography of literature in the field of school law designed to provide source material related to the legal aspects of the principal phases of education.

PART I

Part I

IMPORTANCE OF EDUCATIONAL LAW

EDUCATORS should know the basic legal principles governing their profession. They should understand the constitutional provisions, statutory enactments, and significant court decisions which govern the organization, guidance, and maintenance of State systems of education. An understanding of this phase of education constitutes the working tools of a professionally qualified educator.

The importance of teachers knowing the law of their profession has been vividly stated by the Supreme Court of Texas as follows:

Teachers of the public schools being the important element of our population that they are, the sooner and more completely they are advised of their rights or lack of them, the better.—*Woods v. Reilly*, 218 S. W. (2d) 437.

Dr. Trusler in his book *ESSENTIALS OF SCHOOL LAW* states:

No argument is needed to establish the proposition that a knowledge of school law is of great practical advantage to every teacher * * * Undoubtedly, * * * some familiarity with school law will render a teacher more tactful and popular, for it will discover to him some instances of illegal conduct to be avoided. The general reputation of a teacher for tact, fairness, and just dealing is one of the greatest of his professional assets. * * *

Educational Law and Leadership

The improvement of educational laws offers a challenging opportunity for constructive leadership in educational affairs. Experience in the development of State systems of education clearly indicates that the legal provisions and principles which govern State and local systems of education are vitally related to quality and efficiency in education. Improvements in the law affecting State and local systems of education constitute an important objective and function of the educator, legislator, and interested groups and citizens generally.

Dr. Horace Mann, the founder of our free public-school system, was a lawyer, legislator, educator, and statesman;

and he was in the forefront of every major social reform of his time. As both legislator and educator, Dr. Mann clearly recognized the significant role of the lawmaker in the course of education and reform. On the subject he explained:

How glorious is the prerogative of the legislator when he faithfully uses his privileges for the benefit of his race!

Teachers, principals, and superintendents often rise or fall as they counsel school boards on educational legislative matters. Educators need to understand the significant function of education in the scheme of State government and public affairs generally. Likewise, State legislators in the exercise of their broad powers over education will do well to bear in mind: (1) That the need for the exercise of legislative discretion is constant; (2) that certain of their restrictive powers should rarely if ever be exercised; (3) that they should be guided by the wisdom and experience accrued in the evolution of our present State systems of education; and (4) that education, perhaps more than any other State function, touches more vitally the lives and sentiments of more people than any other phase of legislative activity.

In view of the abundance of experience within and among the States in the development of educational laws new and current efforts to improve such laws need not proceed wholly on a trial and error method. Legislation on many phases of education may originally have been enacted years ago and may now be materially amended in the light of experience. The study of such a law may prove of substantial benefit in a State which has had little or no legislative experience on the subject with which it deals. Hence, a new statute need not now be enacted haphazardly or for the want of the light of experience.

Basic Legal Principles

Generally speaking, under our system of government State legislatures have plenary power in educational matters. According to the late Justice Brandeis:

It is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory to

try novel, social, and economic experiments without risk to the rest of the country.

This freedom of legislative experimentation continues as a basic principle of our constitutional system and constitutes a vital procedure for the improvement of our State systems of education.

The educational prerogative of a State legislature is a vital one. The legislative authority over education has been held by the courts to be not necessarily a distributive one to be exercised by local instrumentalities, but, on the contrary, is a central power residing in the legislature of the State. This principle has been aptly stated by the Supreme Court of Indiana in the following manner:

It is for the law making power to determine whether the authority (over education) shall be exercised by a State board of education, or distributed to county, township, or city organizations throughout the State. * * * As the power over schools is a legislative one it is not exhausted by exercise. The legislature, having tried one plan, is not precluded from trying another. It has a choice of methods, and may change its plans as often as it deems necessary or expedient; and for mistakes or abuses it is answerable to the people. * * *

To deny the power to change, is to affirm that progress is impossible, and that we must move forever "in the dim footsteps of antiquity." But the legislative power moves in a constant stream, and is not exhausted by its exercise in any number of instances, however great. * * *—(23 N. E. 946.)

Federal-State Legal Relationship

While education is primarily a State function, State educational legislation and administrative policies must conform to the Federal Constitution. A State must operate its educational system within the limits of the Federal Constitution and its principles as interpreted and applied by the Supreme Court. On this subject the Supreme Court itself has said:

The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education are not excepted. These have, of course, important delicate and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protec-

tion of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our Government as mere platitudes.—(319 U. S. 624.)

Generally speaking, a State is free to formulate, by legislation or administrative regulation, its own educational policies, but the Supreme Court may, upon properly presented issues, reverse these policies, if they, in the judgment of the Court, constitute an arbitrary interference with the rights and liberties of the people as guaranteed by the Federal Constitution.

In the recent case of *McCullum v. Board of Education*, Mr. Justice Jackson qualified his concurrence opinion with the following noteworthy reservations:

A Federal Court may interfere with local school authorities only when they invade either a personal liberty or a property right protected by the Federal Constitution. * * *

* * * We must leave some flexibility to meet local conditions, some chance to progress by trial and error.

Continuing, Mr. Justice Jackson said that for the Court to adopt "an unchanging standard for countless school boards * * * is to allow zeal for our own ideas of what is good in public instruction to induce us to accept the role of a super board of education for every school district in the Nation."—(69 S. Ct. 461, 1948.)

Improving Your School Laws

Those who seek to improve their school systems may frequently do so by improving their school laws. Policies and principles embodied in school legislation should be in conformity with generally accepted views of experienced and recognized authorities in education.

Educational authorities generally are of the opinion that it is sound legal procedure in education (1) to place in State constitutions only general statements of fundamental objectives of public education; (2) to vest by legislation sufficient discretionary authority and responsibility upon State school officials to formulate policies and enforce rules and standards deemed desirable of State-wide application; and (3) to vest by legislation in the governing boards of local school districts

authority and responsibility for administering education in the various towns and political subdivisions of the State.

Current Legislative Practice

Occasionally legislatures have been known to enact in a single law, or during a session, legislation which completely overhauled and antiquated and financially depleted school system and established it on a sound financial and efficient administrative basis. They are exceptions, however, rather than general rule. A single law usually cannot include all reforms.

Constructive school legislation may consist of a series of legislative changes or amendments of existing school laws along many different fronts.

Codification of school laws.—The practice of adding new school laws and amendments at each session of the legislature over a period of years usually results in illogical arrangement of school laws and duplications and inconsistencies in many cases. In view of this fact State superintendents and other authorities in education have frequently urged upon their respective State legislatures the adoption of a complete new school code.

Current practice in the codification of school laws usually contemplates one or more of the following functions or objectives:

1. To secure a logical and systematic arrangement of the law.
2. To eliminate inconsistencies and duplications of law.
3. To repeal old or undesirable statutory provisions.
4. To embody in the new law (code) organic and substantive changes deemed essential to meet current and future needs.

Substantive changes.—In the codification of school laws, experience has shown that where attempts are made to include organic or substantive changes in a proposed school code, such attempts are often likely to endanger its acceptance by the legislature. Such undertakings are advisable only after careful and comprehensive study of the various problems involved. There is a noticeable tendency to inaugurate such undertakings by securing legislative authorization for the appointment of a school code commission with authority to study the whole

State school system and laws and to recommend such school law changes as may be sound.

From the standpoint of securing legislative approval of a proposed school code which embodies substantive organic changes, it is usually advisable first to recommend such organic changes for legislative approval in separate bills in the early part of a legislative session. In this manner they are as a rule more likely to be considered on their merits and their approval may not thus be jeopardized by being coupled with numerous other matters which may be objected to by different members of the legislature. After the organic changes have thus been approved, the proposed school code embodying the said changes may then be submitted for general legislative approval.

Appraisal of School Laws

In any event, attempts to improve school laws should be based upon a knowledge and appraisal of present laws. Among the questions or factors to be considered in the appraisal of the school laws of your State are:

1. Does the law provide reasonable equality of educational opportunity and suitable facilities for all who can profit from it?
2. Does the law provide sufficient State revenue so as to reasonably equalize the burden of school support?
3. Does the law provide adequate organization for effective State administration and supervision of schools?
4. Does the law provide a suitable local unit and organization for efficient local administration of schools?
5. Does the law governing local school boards stimulate local cooperation, initiative, and freedom of action?
6. Are school funds adequately protected by law against waste and inefficiency in school management, school business, and fiscal matters.
7. Do attendance and child-labor laws safeguard the educational interests of children by keeping them in school until desirable educational standards are acquired?
8. Are teachers required by law to be thoroughly qualified and are they assured adequate compensation and security?
9. Does the school law provide adequate safeguards for the health and physical safety of children attending school?

10. Does the law authorize a wide use of public-school facilities for evening adult education programs, public forums, extended school services, recreational activities, and so forth?

Observations and Conclusions

A study of various types of State laws governing State systems of education emphasizes the importance of developing some scientific method for measuring the results or effects of different legal provisions. Actual experimentation in this area is inadequate. After many years of experience with various types of school laws and much theorizing, school administrators as well as legislators do not yet agree on what constitute the best legislative provisions, or what provisions produce the most desirable results.

School administration may not be an exact science, but its procedures may be subject to objective appraisal in terms of results obtained. The science of education may yet work out the technique to determine with reasonable assurance that certain legislative provisions governing school administration are better than others.

From a study of educational-legislative principles and practices among the States a number of broad or general observations may be made which should be helpful to those who seek to improve their school laws. Among some of the more noteworthy observations are:

1. State legislatures have full power to control public schools unless limited by constitutional provisions. (State constitutions generally turn the subject over to the legislatures.)
2. The control of education is in no way inherent in the local self-government except as the legislatures have chosen to make it so.
3. Public education is principally a separate field distinct from local government.
4. The legislature having tried one method of school administration and maintenance is not precluded from trying another.
5. Education is a State function even though the legislature provides no State central control or State agency for its administration.
6. A State legislature has considerable freedom to go the way it chooses, but it should go with its eyes open.

7. Present conditions in education emphasize the need for educational authorities to fully interpret school problems to legislators and for legislators to consult with educational authorities.
8. It is desirable that legislation affecting State and local school administration conform to the best opinion of authorities in education, and that it should follow carefully planned systems which have been found to produce good results.
9. Fewer statutory prescriptions and an extension of discretionary powers in State school officials would apparently enable the development of more flexible and efficient systems of State school administration.
10. Laws which require too much uniformity in administration may stifle the natural educational and administrative processes.
11. Legal provisions governing State school administration are not easily separable from provisions governing local administration, and the delineation of State and local functions is a constant problem in school administration.
12. Whatever the degree of State administrative control, it should secure local cooperation, mutual respect, and confidence, and promote local initiative and freedom of action.

EDUCATIONAL LAW: SELECTED BIBLIOGRAPHY

THIS BIBLIOGRAPHY contains annotated references to important literature on the law relating to education. With few exceptions, studies published prior to 1930 are not included. The references listed comprise published theses, major studies made by educational associations or individuals, and other noteworthy studies reported in educational periodicals. The studies referred to relate to one or more outstanding legal phases or problems of contemporary education. The references listed here represent only a fractional part of the legal literature pertaining to various phases of education; and they are included without prejudice to many worthy studies which had to be omitted because of the limits placed upon a publication of this nature.

In selecting the references contained herein several factors were considered, namely: (1) The relative importance of, or current interest in, the subject matter; (2) the nature and scope of the study; (3) availability for reference use; (4) the date of publication. It was first intended to limit this study to publications issued since 1940. However, because of the character of the subject matter and the sustaining interest and validity of the legal principles involved, exceptions have been made. It was also considered desirable to make the list sufficient in scope to include references to legal information on practically all the important phases of education.

The literature on educational law is difficult to classify. The subjects dealt with are interrelated, and many of the studies listed deal with a variety of subjects. This is indicated by the subject index.

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A review of court decisions affecting the government and operation of elementary and secondary public and private schools in the United States.

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A comprehensive and systematic review of the common law of the United States on important phases of public and private education. Especially valuable as a source of material and for reference purposes.

4. ARMSTRONG, W. EARL, and STINNETT, T. M. A Manual on Certification for School Personnel in the United States. 1957. Published by *National Education Association, Washington, D. C.* 200 p.

A comprehensive and detailed presentation of the legal requirements for various types of school certificates in each of the States. Also includes a list of all approved teacher education institutions, by State.

5. BACHMAN, FRANK P. Education and Certification of Elementary Teachers. *Nashville, Tenn., George Peabody College for Teachers, 1933.* 225 p. (*Field Study No. 5.*)

Chapter II of this volume, pages 15-37, reviews the legal requirements in various States affecting the academic and professional training of elementary teachers. Shows the different standards and nature of training required. Useful for study of trends.

6. ——— Training and Certification of High-School Teachers. *Nashville, Tenn., George Peabody College for Teachers, 1930.* 175 p. (*Field Study No. 2.*)

Chapter II of this volume, pages 15-37, reviews the legal requirements in various States affecting the academic and professional training of high-school teachers. Shows different standards and nature of training required. Useful for study of trends.

7. BARTLETT, LESTER WM. State Control of Private Incorporated Institutions of Higher Education. *New York, Teachers College, Columbia University, 1926.* 95 p. (*Contributions to Education, No. 207.*)

A study of court decisions and statutes affecting the legal status of private higher educational institutions. Includes an analysis of State laws governing the incorporation of higher institutions; also a summary of control through charters in 39 institutions.

8. BEACH, FRED F. and WILL, ROBERT F. The State and Nonpublic Schools. *Washington, U. S. Government Printing Office, 1958.* (*Office of Education Misc. No. 28*) 152 p.

Contains basic data with special reference to legal responsibilities to State Departments of Education to private education. Includes information showing current development of private schools; also compilation of State constitutional and legislation provisions applicable to private schools and colleges.

9. ——— The State and Education. *Washington, U. S. Government Printing Office, 1955.* (*Office of Education Misc. No. 23*) 175 p.

Comprehensive study of the legal structure of education at the State level through which management and control of education are exercised. Based primarily on the compiled statutes of the respective States and the territories of Alaska and Hawaii.

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17. ——— Colleges and Universities in the Federal Courts. *Educational Law and Administration, 2: 77-91, October 1933.*

A review of Federal court decisions pertaining to public and private higher institutions.

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21. ——— *The Colleges and the Courts, 1941-45; Recent Judicial Decisions Regarding Higher Education in the United States. New York, The Carnegie Foundation for the Advancement of Teaching, 1946. 156 p. (Similar to work by Elliott and Chambers listed below.)*

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Legal Requirements for Admission to Public Schools Lee O. Garber

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Tort Liability in German School Law	Ralph Dornfeld Owen
The Control of Pupil Conduct by the School	M. R. Sumption
The Law and the Curriculum	E. Edmund Reutter, Jr.
Supervision of Public Elementary and Secondary School Pupils Through State Control Over Curriculum and Textbook Selection	Reynold C. Seitz
Statutory Problems	Madaline Kinter Remmlen
Religious Issues in American Public Education	Harold H. Punke
Segregation by Race in Public Schools	Arthur E. Sutherland
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26. EDDLEMAN, JAMES C. *The Regulation of Pupil Transportation in the United States.* Lexington, College of Education, University of Kentucky, 1934. 81 p. (*Bulletin of the Bureau of School Service, Vol. 6, No. 3, March 1934.*)

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A compilation of the charters and fundamental laws of 51 institutions of higher education. Contains a tabular summary of the governing boards of the said institutions.

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34. GIESSINGER, JOHN B. Changes Since 1945 in the Legal State of City School Superintendents. *The American School Board Journal, 124: 28-83, May 1952.*

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A comprehensive review of court decisions pertaining to the control of the public-school curriculum by legislative action and by local agencies, subject matter of instruction, textbooks, etc.

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37. ——— Selected Legal Problems in Providing Federal Aid for Education. Prepared for the Advisory Committee on Education. *Washington, U. S. Government Printing Office, 1938. 71 p.*

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A summary of the legal provisions for the support of capital outlay programs provided by legislation in 19 States. Also an analysis of such program.

41. ——— and MUNSB, ALBERT R. Public School Finance Programs of the United States. (1953-54) 251 p. *Washington, U. S. Government Printing Office, 1955. (Office of Education Misc. No. 22.)*

42. ——— and JOHNSON, ALVIN W. The Legal Status of Church-State Relationships in the United States, With Special Reference to the Public Schools. *Minneapolis, Minn., The University of Minnesota Press, 1934. 332 p.*

Contains an extensive review of the laws and court decisions relating to Bible reading, religious instruction, and sectarian influences in public schools.

43. ——— and YOST, FRANK W. Separation of Church and State in the United States. *Minneapolis, Minn., University of Minnesota Press, 1948. 279 p.*

Deals with the legal status of religion in connection with public education. Reviews legal status of Bible reading and other religious and sectarian influences in education; also free transportation and textbooks for private schools.

44. KREBECKER, WARD W. Court Decisions and Legal Opinions Relative to Federal Legislation for Education. *Iowa Law Review, Vol. 30, January 1945. (A Symposium in Federal Legislation Relating to Education.)*

Summarizes Federal-State legal relationships established by the courts and administrative officers.

45. ——— Digest of Legislation Providing Federal Subsidies for Education. *Washington, U. S. Government Printing Office, 1930. 52 p. (U. S. Office of Education, Bulletin 1930, No. 8.)*

Summarizes Federal grants for: Common schools; universities, seminaries, and normal schools; colleges of agriculture and mechanic arts and agricultural experiment stations; reform schools and charitable educational institutions; and vocational education. Contains digest of literature on Federal subsidies for education. Somewhat obsolete but contains basic source material.

46. ——— Duty of Teachers To Promote Ideals and Principles of American Democracy. *School Life, 30: 31-33, February 1948.*

Summarizes State laws which make it the legal responsibility of teachers to give instruction concerning the principles of American democracy, United States Constitution, American history, etc.

47. ——— Education for Freedom as Provided by State Laws. *Washington, U. S. Government Printing Office, 1938. 38 p. (Office of Education, Bulletin 1948, No. 11.)*

Embodies excerpts of State laws requiring the teaching of the United States Constitution, American history, ideals and principles of American democracy, etc. Contains tabular summaries on the subjects.

48. **KREBECKER, WARD W.** International Exchange of Teachers—Legal Aspects. *School Life*, 28: 11-14; December 1945.

Reviews historical legal development of teacher exchanges. Summarizes State laws affecting the foreign teacher, as well as Federal statutes and treaties affecting international educational relations.

49. ——— Legal and Regulatory Provisions Affecting Secondary Education. [National Survey of Secondary Education.] *Washington, U. S. Government Printing Office, 1933. 114 p. (Office of Education, Bulletin 1932, No. 17, Monograph No. 9.)*

A comprehensive review of the principal statutory and regulatory provisions which affect the organization and standards of secondary education in the United States. Among subjects dealt with are: Legal organizations for control; Grades of secondary instruction; Compulsory school attendance, tuition, and transportation; State administration and supervisory control; Regional accrediting associations.

50. ——— Legal Status of Married Women Teachers. *Washington, U. S. Government Printing Office, 1934. 22 p. (Office of Education, Pamphlet No. 47.)*

Reviews the legal principles relating to dismissal of teachers generally, and of teachers on account of marriage; and includes summaries of State supreme court decisions and State rulings relating to dismissal of married women teachers.

51. ——— Legislation as it Affects State School Administration: Principles and Trends Across the Nation During the Past Decade. *School Life*, 32: 122-24, May 1950.

52. ——— Legislation Concerning Free Textbooks. *Washington, U. S. Government Printing Office, 1935. 16 p. (Office of Education, Pamphlet No. 59.)*

Reviews principal phases of legislation providing free textbooks and textbook adoption. Includes information on cost of free textbooks and arguments for and against free textbooks.

53. ——— Review of Educational Legislation, 1931 and 1932. Being Chapter VII, of the Biennial Survey of Education in the United States: 1930-1932. *Washington, U. S. Government Printing Office, 1933. 44 p. (Office of Education, Bulletin 1933, No. 2, Chapter VII.) Also Biennial Reviews for 1933-35, 1936-38, and 1938-40.*

These publications review important State and Federal educational legislation for the bienniums mentioned.

54. ——— State Boards of Education and Chief State School Officers: Their Status and Legal Powers. *Washington, U. S. Government Printing Office, 1950. 114 p. (Office of Education, Bulletin 1950, No. 12.)*

Contains comprehensive review of laws governing the composition and organization of principal State agencies vested with the administration of public education. Shows principal legal characteristics of State organization (by State) for State administration of public elementary and secondary education.

55. ——— State Laws Permitting Wider Use of School Property. *School Life*, 30: 3-7, 24, March 1948.

Indicates important legal developments and guiding principles, and contains examples of specific legislation.

56. ——— Supreme Court Decisions Affecting Education. *School Life*, 31: 4-7, February 1949.

Shows important trends in Supreme Court decisions affecting education. Contains citations and annotations of leading decisions.

57. ——— Free Textbook Trends Across the Nation. *School-Life*, 32: 44-45, December 1949.

Indicates important trends in textbook legislation in the States. Summarizes present laws governing free textbooks and their adoption.

58. ——— and ALLEN, ALFRED C. Compulsory Education Requirements. Washington, D. C., Department of Health, Education, and Welfare, Office of Education. (Office of Education Circular No. 440, 1955.) Mimeo. 17 p.

Summarizes minimum and maximum school attendance ages; minimum education required for exemption from school attendance; and work permits. Summarized also by State.

59. ——— and DAVIS, MARY DABNEY. Legislation Concerning Early Childhood Education. Washington, U. S. Government Printing Office, 1935. 47 p. (Office of Education, Pamphlet No. 47.)

A guide to legislation to promote educational facilities for young children. Contains a complete summary of legislation relating to the establishment and maintenance of kindergartens.

60. ——— and LATHROP, EDITH A. Laws Affecting School Libraries. Washington, U. S. Government Printing Office, 1940. 136 p. (Office of Education, Bulletin 1940, No. 17.)

Summarizes comprehensively (by State) State laws governing the establishment, financial support, and administration of public-school libraries.

61. KELLY, FRED J. and McNERLY, JOHN H. The State and Higher Education: Phases of Their Relationship. The Carnegie Foundation for the Advancement of Teaching in cooperation with the U. S. Office of Education, Department of the Interior. New York, The Foundation, 1933. 282 p.

This volume deals with the legal and administrative relationships between the States and their higher educational institutions. Considerable attention is given to State control with respect to curricular offerings, and also to legal and administrative trends with respect to the unified control.

62. MARKE, DAVID TAYLOR. Educational Law Simplified. New York City, 461 West 18th Street, Oceana Publications, 1949. 96 p.

Summarizes principal phases of educational law in all the States as it affects teachers, pupils, and parents. Includes discussion of sectarian education in America.

63. MARTENS, ELLIE H. State Legislation for Education of Exceptional Children. Washington, U. S. Government Printing Office, 1949. 61 p. (Office of Education, Bulletin 1949, No. 2.)

Summarizes State legislation providing special education for exceptional (or handicapped) children. Indicates the types of educational services authorized, sources of financial aid, supervision and certification, and suggests basic principles of State legislation.

64. MARTORANA, S. V. *The Legal Status of American Public Junior College*. American Junior Colleges. 1956. Ch. 3. p. 17-29.

Reviews important phases and different types of State legislation affecting public junior colleges.

65. ——— *Recent State Legislation Affecting Junior Colleges*. *Junior College Journal*, February 1958, pp. 307-321.

Latest of a series reporting actions of State Legislature relating to 2-year colleges, including technical institutes and university extension centers.

66. MATZEN, JOHN M. *State Constitutional Provisions for Education*. New York, Teachers College, Columbia University, 1931. 159 p. (*Contributions to Education*, No. 462.)

A comprehensive review of principal organic laws affecting the organization of public education which reveals fundamental attitudes of American people from 1776 to 1929.

67. McCLURE, MAJOR L. *Legislature Controls Over the Public School Curriculum*. A Doctor's dissertation. The University of Oklahoma, Norman, Okla., 1957. (Microfilm.)

A review of legislature trends and present enactments affecting the curriculum of the public schools of each of the 48 States.

68. McLAUGHLIN, Sister RAYMOND. *A History of State Legislation Affecting Private Elementary and Secondary Schools in the United States, 1870-1945*. Washington, D. C., Catholic University of America, 1946. 348 p. (*Pb. D. Dissertation*.)

Consists of general survey of legislation affecting private schools from 1870 to 1945; also surveys public-school legislation affecting private schools during the same period; and contains analysis of State-private school relationships.

69. McNERLY, JOHN H. *Higher Educational Institutions in the Scheme of State Government*. Washington, U. S. Government Printing Office, 1939. 108 p. (*Office of Education, Bulletin 1939, No. 3*.)

Reviews the constitutional status of State governing boards in control of higher education and contains a comparative analysis of the legal organization of higher education in the respective States.

70. ——— *Supervision Exercised by States over Privately Controlled Institutions of Higher Education*. Washington, U. S. Government Printing Office, 1934. 64 p. (*Office of Education, Bulletin 1934, No. 8*.)

Reviews the principal State laws governing privately controlled colleges. Among subjects treated are: Extent of State supervision; Methods of incorporating institutions; Restrictions with respect to conferring degrees; Supervision of teacher training. Summarizes aspects of supervision characteristic of the different States.

71. MORPHET, EDGAR L. and LINDMAN, ERICK L. *Public School Finance Programs of the Forty-Eight States*. Washington, U. S. Government Printing Office, 1950. (*Office of Education, Circular No. 274*.)

Includes summaries, by State, of the general provisions established by law for the local and State support of education; analysis of State school finance practices; and tabular summaries of school revenue derived from Federal, State, and local sources, by State, and for the Nation as a whole, and how distributed.

72. MORT, PAUL R. State Support for Public Education. (The National Survey of School Finance. Office of Education.) *Published by the American Council on Education, 744 Jackson Place, Washington, D. C., 1933. 496 p.*

A comprehensive review of major problems of school support in the United States. Includes summaries of State legislation affecting school revenue and expenditures.

73. NATIONAL ADVISORY COMMITTEE ON EDUCATION. Federal Relations to Education. Report of the National Advisory Committee on Education, Part II—Basic Facts. Prepared by David Spence Hill and William Alfred Fisher. *American Council on Education, 744 Jackson Place, Washington, D. C., October 1931. 448 p.*

A comprehensive report dealing with the principal phases of Federal relationship to education. Includes review of principal laws pertaining to the subject treated.

74. NATIONAL CATHOLIC WELFARE CONFERENCE, LEGAL DEPARTMENT. School Bus Transportation Laws in the United States. *Washington, D. C., The Conference, 1946. 259 p.*

A compilation of State laws and also a review of court decisions affecting the legal status of using public-school busses to transport children to private schools.

75. NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES. The Legal Basis of Education. Prepared by the Committee on the Legal Basis on Education. *Review of Educational Research, 3: 369-482, December 1933.*

Reviews constitutional and statutory provisions and principles of common law relating to principal phases of education. Contains a bibliography on the various subjects reviewed.

76. ——— The Legal Status of the Public-School Pupil. *Washington, D. C., The Association, 1948. 38 p. (Research Bulletin, February 1948.)*

A documented study of legal rights of pupils regarding school admission, attendance, instruction, disciplinary matters, and school accidents, etc.

77. ——— The Legal Status of the Public-School Teacher. *Washington, D. C., The Association. 48 p. (Research Bulletin, April 1947.)*

A documented study of the legal status of public-school teachers regarding certification, employment, tenure, salary, retirement, etc. Deals also with the rights, privileges, immunities, and duties of teachers.

78. ——— Recent Court Decisions on Teacher Tenure. *Washington, D. C., The Association, 1935. 61 p.*

Analytical review of court decisions affecting the tenure rights of teachers. Sixty-nine cases analyzed. Includes cases involving the tenure rights of teachers whether under permanent tenure or otherwise.

Several subsequent publications on same subject.

79. ——— State Laws Forbidding Discrimination in Salaries Paid Men and Women Teachers. *Washington, D. C., The Association, August 1956. 4 p.*

Quotations of texts of State laws with citations.

80. NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES. The State and Sectarian Education. *Washington, D. C., The Association, 1956.* 49 p.

A documented summary of the legal status of sectarian relation of the State to instruction or influence in connection with public education.

81. ——— RESEARCH DIVISION. Statutory Bases of State Foundation Programs for Schools. *Washington, D. C., The Association, 1948.* (*Research Bulletin, 26: 43-99, April 1948.*)

Includes statutory definition, by State, of foundation programs in terms of educational content and also in terms of costs.

82. ——— ——— Who Is Liable for Pupil Injuries? *Washington, D. C., The Association, October 1950.* 32 p. (*Prepared by the Association's Research Division for the National Commission on Safety Education.*)

Discusses general principles of liability of school boards and teachers, insurance and compensation provisions. Contains annotations of court decisions involving injured pupils.

83. ——— ——— Public School Retirement at the Half Century. *Washington, D. C., The Association, 1950.* 175 p. (*Research Bulletin, December 1950.*)

Comprehensive summary of the various types of retirement benefits under State teacher retirement systems.

84. ——— ——— State Minimum-Salary Laws for Teachers, 1950-51. *Washington, D. C., The Association, November 1950.* 33 p.

Shows the State minimum-salary requirements for teachers, including summary of minimum salary laws.

85. ——— Committee on Tenure and Academic Freedom. Teacher Tenure: Analysis and Appraisal. *Washington, D. C., The Association, October 1947.* 71 p.

Shows types of tenure laws; includes summary of types of teacher contracts. Contains appraisal of tenure laws, and a State-by-State abstract of such laws.

86. ——— ——— Teachers' Oaths and Related State Requirements. *Washington, D. C., The Association, June 1949.* 22 p.

Summarizes State laws and their types which require loyalty oaths of teachers.

87. ——— Legal Status of the School Superintendent. *Research Bulletin, October 1951.* 48 p.

Analysis of legal status of city and county superintendents; State laws; certification requirements; court decisions.

88. ——— High Spots in State School Legislation. Published annually from 1935 through 1957.

Summarizes important school legislation enacted in each State for the respective years.

89. ——— State Tax Legislation Affecting School Revenues, 1949-1953. *Research Bulletin, October 1954.* 54 p.

90. ——— Loyalty Requirements Applicable to Public-School Teachers. November 1956. 28 p.
Legal aspects of loyalty requirements; examples of statutory provisions; table indicating States with loyalty provisions and types of provisions; court decisions.
91. ——— Legal Status of Segregated Schools. January 1954. 32 p.
Includes summary of statutes, court decisions, and pending cases. (Prior to Supreme Court decisions of May 1954, declaring segregation of public-school children on account of race unconstitutional.)
92. ——— Antifraternity Rules. 1953. 18 p.
Contains summaries of State laws and judicial decisions on subject.
93. ——— Decade of Court Decisions on Teacher Retirement: 1940-1949, inclusive. August 1950. 29 p.
94. ——— The Codification of School Law. *Research Bulletin*. February 1954. 48 p. 50¢.
Standards of good codification system; arrangement and numbering of school laws (not substantive content of laws); outline of major topics of State school code.
95. ——— Tax Exemption of Property of Educational Institutions. May 1952. 18 p.
General discussion; State-by-State summary of pertinent laws and constitutional provisions.
96. ——— The School Teacher's Day in Court. Revised annually. 1949-1957.
Digests of every court decision which concerns public-school teachers in every State as reported for the year issued in the *National Reporter System*.
97. ——— The Legal Status of Married Women Teachers. December 1956. 11 p.
Statutory provisions of States; discussion of judicial decisions; table summarizing legality of dismissing women teachers for marriage as shown by court decisions.
98. ——— Analysis of Teacher Tenure Provisions: State and local. June 1954. 77 p.
Addenda, June 1956, to include 1955 legislation.
99. ——— School District Liability. October 1953. 23 p.
Developed from manuscript by L. O. Garber and E. C. Bolmeir; deals principally with tort liability of school districts.
100. ——— Tax Limitation Laws. Revised. March 1956. 86 p.
Summary of constitutional and statutory provisions which limit the school revenue collectable from taxes on real property; nation-wide and State-by-State summary.
101. NEWBOM, N. WILLIAM. The Legal Status of the County Superintendent. *Washington, U. S. Government Printing Office, 1932. 41 p. (Office of Education, Bulletin 1932, No. 7.)*
Deals with the historical development of the office of county superintendent and shows the legal status of the office in 1880, 1905, and 1930. Summarizes present duties, powers, and qualifications of county superintendents. Shows legislative trends.

102. O'NEILL, JAMES M. Religion and Education Under the Constitution. *New York, Harper and Brothers, 1949. 338 p.*

Embodies an appraisal of recent Supreme Court interpretations of the 1st and 14th amendments of the United States Constitution affecting the relation of religion and education.

103. PATTY, WILLARD WALTER. Legal Basis of Public Secondary Education Program of the United States. *Columbus, Ohio State University. (Printed in 1927) 259 p.*

A detailed and comprehensive study of laws pertaining to public secondary schools. Gives special attention to legal provisions affecting secondary curricula and extracurricular activities, and the control of expenditures for public secondary schools. Includes noteworthy findings and conclusions.

104. POE, ARTHUR CLAYTON. School Liability for Injuries to Pupils: A Study of the Legal Liability for Injury to Children in Public Schools. *New York, Teachers College, Columbia University, 1941. 108 p. (Contributions to Education, No. 828.)*

An attempt to interpret under what conditions legal liability for injuries to public-school pupils arise and also to indicate the care that is expected of teachers and the pupils themselves.

105. REMMLEIN, MADALINE KINTER. School Law. *New York, McGraw-Hill Book Co., 1950. 376 p.*

A case study in textbook style of typical cases on principal phases of the law affecting the teaching profession, including certification, teachers' contracts, tenure, retirement, teacher liabilities, curriculum, control over pupils, etc. Also a chapter on how to find a school law.

106. ——— The Law of Local Public School Administration. *New York, McGraw-Hill Book Company, 1953. 271 p.*

A general treatment of local school administration from a legal point of view. No attempt to evaluate practice or enunciate policy; presents principles of law applicable to major problems of school administration at the local level, including legal status of school districts, school finance, creation of school districts, buildings, transportation, personnel, pupil regulation, relations with private schools, and school board liabilities.

107. RIBEN, MAURICE L. Legal Aspects of Separation of Races in the Public Schools. Doctor's Dissertation. *Philadelphia, Teachers College, Temple University. Majestic Press, Inc., 1210 Race Street, Philadelphia, Pa., 1935. 142 p.*

Contains a compilation of constitutional and statutory provisions and court decisions on race separation in public schools.

108. ROSENFELD, HARRY N. Liability for School Accidents: A Manual for Educational Administrators and Teachers. *New York, Harper and Brothers, 1940. 220 p.*

A rather comprehensive treatment in textbook style of the legal liability of school boards, teachers, and supervisors for injuries arising from school accidents.

109. SCOTT, CECIL WINFIELD. Indefinite Teacher Tenure—A Critical Study of the Historical, Legal, Operative, and Comparative Aspects. Doctor's Thesis, 1934. *New York, Teachers College, Columbia University. 166 p.*

Contains a summary on the development of teacher-tenure legislation, an analysis and appraisal of existing tenure laws, and a recommendation for teacher-tenure legislation.

110. SMITH, JAMES H. *Legal Limitations on Bonds and Taxation for Public School Buildings.* New York, Teachers College, Columbia University, 1930. 177 p. (*Contributions to Education, No. 452.*)

Presents data relating to the various debt limitations in the different States. Shows factors affecting development of school building programs and the limits of school indebtedness reduced to a common denominator.

111. SPURLOCK, CLARK. *Education and the Supreme Court.* University of Illinois, 1955. 252 p.

A compilation of Supreme Court opinions relating to education. Includes many excerpts of decisions which have become notable documents in the history of American education.

112. STAFFORD, FRANK S. *State Administration of School Health, Physical Education, and Recreation.* Washington, U. S. Government Printing Office, 1947. (*Office of Education, Bulletin, 1947, No. 13.*) p. 33.

A review of State practices on the subject including tabular summaries of State Laws relating thereto.

113. STEINER, ARCH K. *A Report on State Laws: Early Elementary Education.* *School Life*, May 1957. Reprint Available.

Summary of basic State legal provisions for early elementary education. Shows permissive entrance ages for nursery, kindergarten, and regular elementary schools; also, compulsory attendance ages.

114. STREET, CLAUDE W. *State Control of Teacher Training in the United States.* Doctor's Thesis, 1932. Pittsburg, Kans., Bureau of Research, Kansas State Teachers College. (*Education Monograph No. 2.*)

Gives analyses of general features of the five types of State control over teacher training and the composition of administrative boards in control of teacher-training institutions. Discusses legal and professional aspects of the problem of State control. Useful to show trends in subsequent years.

115. SWIFT, FLETCHER HARPER and ZIMMERMAN, BRUCE LEWIS. *State School Taxes and School Funds and Their Apportionment.* Washington, U. S. Government Printing Office, 1929. 431 p. (*Office of Education, Bulletin 1928, No. 29.*)

Out of date but good for comparative study of subsequent trends. Contains digests of the laws in each State showing types of taxes levied and the extent to which their proceeds are devoted to public schools. Shows what State school funds are provided in each State.

116. TORPEY, WILLIAM G. *Judicial Doctrines of Religious Rights in America.* Chapel Hill, N. C., The University of North Carolina Press, 1948. 376 p.

Chapter IX, pages 233 to 276, of this volume contains a review of educational practices involving the rights of religious freedom arising from religious teachings and influences in connection with public education.

117. TROXEL, OLIVER LEONARD. *State Control of Secondary Education. Baltimore, Md., Warwick and York, Inc., 1928. 232 p. (Research Monographs, No. 4.)*

Shows that State responsibility for secondary education is universally recognized and accepted and that State legislatures and departments of education consider it their function to provide for, direct, and regulate the public high schools. The study supports the view that State control is a fact, that it is desirable, and that it is effective. Contains summary and recommendations.

118. TRUBLER, HARRY RAYMOND. *Essentials of School Law. Milwaukee, Wis., The Bruce Publishing Co., 1927. 478 p.*

This is a comprehensive and systematic review of common-law principles governing the principal phases of public-school administration in the American States. Reviews the court decisions bearing on the numerous subjects treated. A ready-reference volume on numerous questions of school law.

119. United States Code, "Title 20—Education." *Washington, U. S. Government Printing Office, 1952.*

A complete compilation of Federal laws dealing with education, including those affecting the Office of Education.

120. UNITED STATES DEPARTMENT OF AGRICULTURE. *Federal Legislation, Rulings, and Regulations Affecting the State Agricultural Experiment Stations. Washington, U. S. Government Printing Office, September 1946. 52 p. (Miscellaneous Publication No. 515.)*

A compilation of the Federal Acts and regulations relating to the establishment and maintenance of the land-grant colleges and experiment stations in the various States.

121. UNITED STATES DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION. *Federal Laws and Rulings Relating to Morrill and Supplementary Morrill Funds for Land-Grant Colleges and Universities. Washington, U. S. Government Printing Office, 1940. 16 p. (Office of Education, Pamphlet No. 91.)*

The laws referred to in this pamphlet are: First Morrill Act of July 2, 1862; Second Morrill Act of August 30, 1890; Nelson Amendment of March 4, 1907; Bankhead-Jones Act of June 29, 1935.

122. ——— School Transportation Insurance, Legal Bases and Current Practice. *Washington, U. S. Government Printing Office, 1948. 34 p. Office of Education, Pamphlet No. 101.)*

123. *Laws Relating to the Physically Handicapped. Washington, U. S. Government Printing Office, 1946. 223 p. (Seventy-Ninth Congress, Second Session. House Document No. 753.)*

Part I includes summary of Federal legislation, affecting the vocational rehabilitation of handicapped persons, and grants-in-aid to the States. Part II consists of a comprehensive tabular analysis of State laws relating to the physically handicapped, including provisions for their education and vocational rehabilitation.

124. [Federal Laws] *Laws Relating to Vocational Education and Agricultural Extension Work. Compiled by Elmer A. Lewis, Superintendent*

of House Document Room, U. S. House of Representatives. *Washington, U. S. Government Printing Office, 1954. 300 p.*

A compilation of all Federal laws on the subject mentioned beginning with the Smith-Lever Act of 1914 through and including Public Laws on education through 83d Congress.

125. VANDERBILT UNIVERSITY SCHOOL OF LAW. *Race Relations Law Reporter*. Vol. 1, No. 1, February 1956 and subsequent quarterly issues, Nashville, Tenn.

This publication presents current, systematic, and comprehensive legal information on race relations, especially with reference to school segregation. Contains text of major Federal and State court decisions and legislation affecting race relations in education.

126. WELTZIN, J. FREDERICK. *The Legal Authority of the American Public School as Developed by a Study of Liability to Damages*. *University, N. Dak., School of Education, University of North Dakota. 286 p.* (Published by the Mid-West Book Concern, Grand Forks, N. Dak., 1931.)

A comprehensive review of common-law principles affecting liabilities of public-school authorities. Highly useful as a guide to school administrators. Deals at length with legal nature of school districts, the general rule of non-liability and exceptions to the rule.

127. WOELINER, ROBERT C., and WOOD, M. ARVILLA. *Requirements for Certification of Teachers, Counselors, Librarians, Administrators for Elementary Schools, Secondary Schools, Junior Colleges*. *The University of Chicago Press, Chicago, 1953-54. 126 p.*

A State-by-State summary of the requirements for beginning certificates of public-school personnel.

Subject Index

[NOTE: The numbers following each subject refer to the publications bearing those numbers. Many publications cover more than one subject; consequently, the same number often appears under different subjects.]

- ACADEMIC FREEDOM: 27, 32, 35, 36, 46, 47, 85, 86, 90, 105, 118
- BIBLE READING: 3, 25, 27, 42, 43, 111, 118
- COMPULSORY EDUCATION: 3, 25, 27, 35, 36, 46, 47, 58, 113, 118
- CONSTITUTIONAL PROVISIONS AFFECTING EDUCATION: 3, 16, 17, 18, 19, 22, 24, 27, 30, 31, 36, 66, 100, 102, 111
- CORPORAL PUNISHMENT: 3, 11, 25, 27, 32, 36, 62, 76, 105
- CURRICULUM: 2, 25, 27, 35, 36, 42, 43, 46, 47, 53, 67, 103, 112, 117, 118
- ELEMENTARY EDUCATION: 2, 3, 22, 24, 25, 31, 33, 46, 47, 59, 67, 68, 76, 77, 88, 125
- EXCEPTIONAL CHILDREN: 63, 123
- FEDERAL AID FOR EDUCATION: 24, 36, 37, 73, 119, 120, 124
- FEDERAL LAWS RELATING TO EDUCATION: 17, 36, 39, 44, 56, 73, 111, 119, 120, 124
- FEDERAL-STATE EDUCATIONAL RELATIONS: 9, 24, 27, 36, 39, 44, 56, 73, 111, 118, 119, 120
- HIGHER EDUCATION: 1, 7, 8, 9, 13, 16, 17, 18, 20, 21, 28, 29, 61, 62, 64, 65, 69, 119, 120, 121, 124
- INTERNATIONAL EDUCATIONAL RELATIONS (LEGAL ASPECTS): 48, 111
- JUNIOR COLLEGES: 9, 13, 64, 65, 111, 127
- LIABILITIES OF SCHOOL OFFICIALS: 3, 14, 25, 27, 32, 36, 38, 77, 82, 96, 99, 104, 105
- LOCAL SCHOOL OFFICIALS: 2, 3, 15, 22, 27, 30, 31, 32, 33, 34, 36, 38, 50, 59, 62, 77, 82, 87, 99, 101, 104, 105, 106, 108, 126
- PARENTAL CONTROL OVER EDUCATION: 2, 12, 14, 27, 32, 38, 62, 76, 77, 105, 111, 118
- PRIVATE EDUCATION: 3, 7, 8, 27, 36, 70, 95, 106, 111, 118 (*See also use of public funds*)
- PUPILS: THEIR DUTIES, RIGHTS, AND PRIVILEGES: 2, 11, 14, 25, 27, 32, 36, 38, 76, 104, 105, 106, 113, 118, 126
- RACE SEPARATION: 25, 27, 31, 36, 91, 107, 111, 125
- RELIGIOUS INFLUENCES IN PUBLIC EDUCATION: 2, 25, 27, 32, 36, 42, 43, 102, 111, 116, 118
- SCHOOL AGES: 27, 36, 59, 113
- SCHOOL DISTRICTS: 2, 3, 22, 24, 25, 30, 31, 32, 33, 36, 51, 53, 82, 87, 99, 104, 106, 108
- SCHOOL LIBRARIES: 10, 60, 127
- SCHOOL REVENUE, EXPENDITURES, BUDGETARY CONTROLS, ETC.: 2, 3, 15, 22, 24, 27, 30, 39, 40, 41, 51, 53, 71, 72, 81, 89, 95, 100, 103, 106, 110, 115, 118

- SCHOOL TRANSPORTATION: 25, 26, 27, 32, 36, 74, 106, 122
- SECONDARY EDUCATION: 24, 25, 33, 47, 49, 103
- SECRET SCHOOL FRATERNITIES: 27, 36, 92, 106, 118
- STATE BOARDS OF EDUCATION: 3, 9, 24, 31, 54, 66
- STATE RELATION TO EDUCATION: 22, 27, 30, 31, 32, 36, 61, 66, 94, 106, 118
- TEACHERS:
- AUTHORITY AND LIABILITY: 14, 25, 27, 31, 32, 36, 38, 46, 47, 62, 76, 77, 82, 104, 105, 108, 118, 126
- TEACHERS—Continued
- CERTIFICATION: 4, 5, 6, 32, 36, 105, 114, 127
 - EMPLOYMENT AND TENURE: 27, 32, 36, 50, 77, 78, 79, 84, 85, 86, 90, 96, 97, 98, 105, 106, 109
 - RETIREMENT: 27, 32, 77, 83, 93, 105
 - TEXTBOOKS: 23, 25, 27, 35, 36, 51, 52, 57
 - USE OF PUBLIC FUNDS IN AID OF PRIVATE SCHOOLS: 3, 7, 8, 27, 32, 36, 66, 74, 80, 102, 106, 111, 118
 - USE OF SCHOOL BUILDINGS: 27, 36, 55, 80, 111

PS-46-58