Education and The State Superintendent of Public Instruction In Kansas

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EDUCATION AND THE STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION IN KANSAS

being

A Thesis presented to the Graduate Faculty of
The Fort Hays Kansas State College
in partial fulfillment of the requirements
of the degree of
Master of Science

by

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Sister Mary Marcella Landwehr
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Chapter I

EVOLUTION OF THE OFFICE OF STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Introduction

One of the most important and common features of the school systems of the several states is the office of State Superintendent of Public Instruction. This study seeks to show the conditions pertaining to the office and particularly to present these conditions as reflected by current legislation in Kansas.

Origin of the Office

The present prevalence of an administrative machinery and personnel for the schools is not fortuitous and ill-advised, but is the product of a gradual evolution—an evolution which parallels, and is a part of, the evolution of our school system. This may be seen from a backward glance at education in the United States. In the early days, when society was much less complex and when the needs for education were not so great as today, education was a much smaller undertaking than it is today. In the pristine days of education there were no school employees except the teachers; school-board members and administrative employees were not deemed necessary. In those days the schools were
administered directly by the people who met regularly in town meetings and decided all questions *viva voce*. All questions of school policy and control were thus decided in a pure democracy.

This complete democratic control over educational problems did not, however, long exist. To be exact, complete democratic control existed only from 1638, the date of the establishment in Massachusetts of the first schools which were truly public,\(^1\) to 1654, when the Massachusetts Colony enacted a state-wide law which delegated certain functions of government to selectmen. Among these functions was the general direction and control of the schools of the town.\(^2\)

The first large step in creating a school machinery was taken when separate school committees or boards were established to perform certain administrative functions. The next large step was taken when it was realized that the business of education was so large, complex, and important that special employees were needed to assist boards of education with its administration.\(^3\) To the student of modern education it is difficult to understand why this important step was not taken until two hundred years after the establishment of the first public schools. Thus superintendents

3. Ibid.
of schools came into being, the first city superintendency being established by Providence, Rhode Island, in 1836 and the first county superintendency coming about the same time. New York provided for the first state superintendent, when its legislature, on June 19, 1812, passed a law which provided that a superintendent of common schools should be appointed by the council of appointment. How are we to account for the long delay in establishing an office which today is considered so necessary in every State of the Union? The delay was not due to lack of interest in education, but to two retarding influences. First, to our forefathers any centralization of power and authority smacked of autocracy. Second, the idea of the association of the church and the school was prevalent and was hard to eradicate from the minds of the people. These two influences made for decentralization in school organization down to almost the middle of the nineteenth century, and kept even the beginnings of State supervision of the local school systems from appearing until the opening of the nineteenth century.

Specific needs for the office came urgently to the foreground at the time of its first establishment in 1812, when some of the older States had begun to provide permanent State school funds and had also tried the experiment of

4. Ibid.
6. Ibid, p. 3.
granting annual State aid.\textsuperscript{7} It soon became evident to these States that, if the State school funds were to be correctly applied and made useful to the highest degree, their expenditure must be centrally supervised and controlled in some manner. It was seen that this supervision and control could be best exercised by the appointment or election of some officer who would represent the State in its financial dealings with local schools.

Office of State Superintendent of Public Instruction in Other States

At the present time, a State Superintendent of Public Instruction,\textsuperscript{8} under one title or another, is found in each of the American states excepting Delaware. In this state the state auditor acts \textit{ex officio} in the collection of statistics and the issue of blanks, laws, etc., while a state board of education acts as the controlling head of the educational system. In seven states the State Superintendent of schools is appointed by the governor; in four states he is appointed by the state board of education; and in the remainder he is nominated and elected by vote of the people. In three states the appointment is annual; in eighteen states he is appointed or elected for two-year terms; in two states for three-year terms; in twenty-one states for four-year terms; in one state for a five-year term, and in one state

\textsuperscript{7} Ibid, p. 5.
\textsuperscript{8} See Table I, in the Appendix.
for a six-year term. The tendency within recent years has been to lengthen the term, where constitutional objections do not prevent. In a few states, such as New York and New Jersey, the State Superintendent of Public Instruction is at the head of a well organized state school department and possesses some real power; in a few other states, as Massachusetts and Connecticut, he possesses little real power but exercises much influence; while in the majority of the American states, the State Superintendent is, to a large degree, a political figurehead possessing little real power, and exercising but little real influence.

The political basis of nomination and election produces altogether too often a statistical and clerical officer rather than an educational leader. The office, however, is one of great potential power and usefulness and doubtless will be made such before long by the elimination of the political basis of selection and the addition of important powers and functions.

Early School Supervision in Kansas

The earliest supervision of schools in Kansas was done by zealous missionaries. Perhaps the most ambitious attempt to promote education in the pre-territorial period

10. Ibid.
was the erection, in 1839, of the Shawnee Mission Manual Labor School. This was the work of Rev. Thomas Johnson, who with his wife had taught the Shawnees of the neighborhood since 1829.\(^{11}\) Here the Indian girls were taught to sew, cook, spin, and weave, and the Indian boys practiced farming, carpentering, shoemaking and brick laying, while the study of the English language received much attention.

In 1833, the Ohio Shawnees came to Kansas, and schools were established by the Friends, the Baptists, and the Methodists among them. In 1840 Mr. Henry Harvey took charge of the Friends's School.\(^{12}\)

Rev. Issac McCoy was the effective advocate of the act of 1830 for the removal of the Indians to the West.\(^{13}\) His work at Ottawa Baptist Mission was in association with Jothan Meeker, and his wife, who came to the Shawnees, in the Indian country in 1833, and later went to the Ottawas in Franklin County. Meeker was a practical printer, and brought to Kansas the first printing press and type. He printed the first book in Kansas and published an Indian newspaper and many books in the Ottawa language.\(^{14}\)

In 1847 the Reverend John Schoenmaker came to the Osages with several other missionaries and Sisters of Lor-

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etto, and began a lifetime labor for the spiritual and
temporal benefit of the Osages. A Boys' School opened at
the mission May 1, 1847, while a school for girls in charge
of the Sisters opened October 10, 1847. In the same year
the Jesuit Catholic missionaries established their principal
headquarters at St. Marys on the Kansas River. Here
they soon opened a school for the Indian children of the
vicinity.

The work done in these early mission schools was prac-
tically the same regardless of creed. An effort was made
to convert the Indian to Christianity, and at the same time
provisions were made to instruct him in the white man's
ways of living. This could be done most effectively by in-
structing the young, who eventually absorbed the white man's
culture. The supervision in these schools was largely in
the hands of the noble hearted missionaries who gave their
lives for the advancement of their less fortunate brethren.
Practically all the missionaries were affiliated with some
church, and hence came to some extent under the authority
of the particular church of which they were a member.

There is no record of any united effort, nor was there
any central authority supervising the work of the mission
schools. Each sect carried out the work in its own way.17

All endeavored towards improving the conditions of the Indian. Instructions for Indian boys consisted chiefly in imparting knowledge in agriculture and the manual arts, thus preparing them for better farm living. Instructions for the girls consisted in giving them a knowledge of the household arts, with a view towards making of them good homemakers. It must not be forgotten, however, that an effort was made towards imparting to them a knowledge of the English language.

Territorial Provisions for Education in Kansas

The "Organic Act" provided for the Organization of Kansas Territory May 30, 1854. No provisions were made for the supervision of education in the territory at this time but an educational program was initiated because Section 34 of the Organic Act definitely states:

And be it further enacted, "That when the land in the said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory and in the States and Territories hereafter to be erected out of the same."18

The first territorial Legislature after meeting at the town of Pawnee, near Fort Riley, adjourned to hold its principal session at the Shawnee Mission Labor School, in Johnson county in July, 1855, and passed the first body of laws for the government of Kansas. At this time provisions were made for some supervision of Public Schools. In Chapter 144 of these statutes are found two acts pertaining to school supervision:

Section 3. "The legal voters in each district, may have a meeting at any time hereafter by giving ten days' previous notice at five of the most public places within the township or district of the time and place of the same; at which meeting they may proceed to elect three trustees and one inspector, to serve one year from their election, and until others are elected, who shall severally take an oath of office faithfully to discharge their respective duties." 

His duties were further stated:

Section 5: "It shall be the duty of the inspector to examine all applicants proposing to teach a common school in the country, who shall produce satisfactory evidence that they sustain a good moral character, he shall examine such candidates in spelling, reading, writing, English Gram-

20. Kansas (Territory) Laws, Statutes, etc. 1855. Ch. 144, Art. I, Sec. 3.
mar, geography, history, arithmetic, and all branches usually taught in public schools, and particularly in such school for which such persons are examined, and also as to his or her capacity for the government and discipline of such school; and if, on examination such persons are found competent, he shall grant a certificate of the branches he or she is qualified to teach, which certificate for good cause, he shall have power to revoke."21

The laws passed by the legislature of 1855 mark the beginning of the history of the public school system in Kansas, but owing to the political conditions little was done in the administration of the laws enacted by this legislature. The same may be said in respect to the laws passed by the Legislature which held its session at Lecompton, in January 1857.22 Neither of these Legislatures provided for a Territorial School Superintendent. These were pro-slavery legislatures.

After the passage of the Kansas Nebraska Bill, the Anti-slavery people were thoroughly discouraged. Eli Thayer, of Boston, a member of the Massachusetts legislature, advocated with great enthusiasm the ideas of free state emigration to Kansas. His efforts interested some prominent

21. Ibid., Sec. 5.
22. Kansas Educators, Columbian History of Education in Kansas, p. 5.
men of Massachusetts, and as a result the New England Emigrant Aid Society was formed with J. C. Brown as president.²³ The chief aim of this society was to make Kansas a free state, but one of its secondary aims was to promote education. A report from the Circular of the Committee of Clergymen states: "Schools will be in operation at Lawrence, at Topeka, at Osawatomie and Hampden before the end of July, 1854. These schools are due to the exertions of the New England Emigrant Aid Society and its officers."²⁴ From this report it appears that there was some supervision provided for the schools erected by the New England Emigrant Aid Society.

The first free state legislature, which held its principal session at Lawrence, by act approved February 12, 1858, created the office of "Territorial Superintendent of Common Schools, as can be seen from:

"Article VII. Section 8

"At the first election of state officers, and biennially thereafter, the people shall elect a superintendent of public instruction, whose duties and compensation shall be prescribed by law."²⁵

On Feb. 12, 1858, James H. Noteware was appointed by

²³ Prentis, N. L., History of Kansas, p. 72.
²⁵ Kansas (Territory) Laws, Statutes, etc. 1858, Art. VII, Sec. 8.
the Governor of the Territory, James Denver, and confirmed by the Council as Superintendent, to enter upon his duties March 1, 1858. He did not make a report of his proceedings.26

Samuel Wiley Greer was elected Territorial Superintendent of Public Schools Oct. 4, 1858, and entered upon the duties of the office December 1, 1858, serving until January, 1861. During his term of office he issued reports for the years, 1859, and 1860. These reports show great attention to the duties of his office. He may be said to have initiated the work of Kansas educational superintendency. Of his predecessor he says, that he had been unable to obtain any official information of his acts, only that he recommended certain textbooks.27 During his entire service as Superintendent he resided at Leavenworth, and had his office there.

In his first report, made January 16, 1859, Mr. Greer stated, that of the county superintendents only one, the Leavenworth county superintendent, has reported, as required by law. In this county 28 school districts had been organized. A partial report from Atchison county showed 18 school districts.28 His second report, made January 4, 1860, showed reports from 16 counties. Schools had been taught in 136 districts. The number of children reported of school

27. Ibid.
age was 7,029. The number of children enrolled was 2,087. The amount of public money raised for schools was $6,233.67, while $6,883.50 was raised by private subscription.29

By act of the Legislature of 1860, the office of Territorial Superintendent of Public Instruction was further strengthened.

Section 1. There shall be elected, at the general election in the year 1860, and every one year thereafter, a Territorial Superintendent of Common Schools, who shall hold his office for the term of one year, and until his successor is duly elected and qualified.30

Section 2. The said superintendent shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the Constitution of the United States and the Organic Act of this Territory, and faithfully to discharge the duties of his office to the best of his ability, which oath or affirmation shall be filed in the office of the Secretary of the Territory.31

Section 3. The said superintendent shall receive for his salary the sum of fifteen hundred dollars per annum, and the further sum of two hundred dollars per annum for office rent, stationery, etc. payable quarterly yearly out of the Territorial treasury.32

29. Wilder, Daniel, Annals of Kansas, p. 239.
31. Ibid, Sec. 2.
32. Ibid, Sec. 3.
Section 4. He shall have a general supervision over the common schools in this Territory, and it shall be his duty to visit every county in the Territory at least once in each year, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and the instruction of the schools. 33

Section 5. It shall be his duty to recommend the introduction of the most approved text books, and as far as practicable, to secure a uniformity in the use of text books in the common schools throughout the Territory; to discourage the use of sectarian books and sectarian instruction in the schools, and to open such correspondence abroad as may enable him to obtain, so far as practicable, information relative to the system of common schools and its improvements in other states and countries, which he shall embody in his annual report to the Legislature. 34

Section 6. He shall prepare, for the use of common school officers, suitable forms for making reports and con-

33. Ibid, Sec. 4.
34. Ibid, Sec. 5.
ducting all necessary proceedings, and he shall cause the
laws, relating to common schools, with the rules, regulations,
and forms aforesaid, and such instructions as he may deem
necessary to be printed, together with a suitable index, in
pamphlet form, by the person authorized to do the Territorial
printing, at the expense of the Territory, and he shall
cause the same to be distributed among the several school
districts, and other officers having the care of common
schools, throughout the Territory. 35

Section 7. He shall examine and determine all appeals
duly made to him from the decision of any school district
meeting, or from the decision of any county superintendent
in forming or altering, or in refusing to form or alter
any school district, or concerning any other matter under
the common school law of this Territory, and his decision
thereon shall be final. 36

Section 8. He shall prepare in each year, a report,
to be submitted to the Legislature, bearing date on the last
day of December in each year, containing, First, An abstract
of all the common school reports received by him from the
clers of the several counties in the Territory. Second,
A statement of the condition of the common schools in the
Territory. Third, Estimates and accounts of the expendi-

35. Ibid, Sec. 6.
36. Ibid, Sec. 7.
tures of the school money. Fourth, Plans for the improvement and management of the common school fund, and for the better organization of the common schools. And, Fifth, All such matters relating to his office and the common schools of the Territory as he shall deem expedient to communicate. 37

Section 9. It shall be the duty of the Territorial superintendent, on or before the tenth day of February in each year, to apportion the amount of school money to be distributed in each year among the several counties of the Territory, according to the number of children in each over the age of five and under the age of twenty-one years, according to the returns thereof, as made to his office for the preceding year. 38

Section 10. He shall certify such apportionment to the treasurer of the Territory, and he shall give immediate notice thereof to the clerk of each county, stating the amount apportioned to his county, and the time when the same will be payable to the treasurer of such county. 39

Section 11. The Territorial superintendent shall have an office at the seat of government, where shall be deposited all papers and documents appertaining to the business of his office, and to which place communications on the subject of common schools may be addressed to him. 40

37. Ibid, Sec. 8.
38. Ibid, Sec. 9.
39. Ibid, Sec. 10.
40. Ibid, Sec. 11.
The Territorial Superintendent received official information as to the condition of schools from seven counties only during the year 1860. From the reports received, Mr. Greer estimated that there were, at the time of his report, Dec. 31, 1860, as many as 480 organized school districts, and 24,000 school children in the Territory. 41

Mr. Greer traveled extensively over the Territory, visiting many of the counties, holding public meetings, and encouraging the people to organize school districts and establish schools. In his reports he recommended school libraries, the holding of teachers' institutes, and the establishment of normal schools, seminaries, and colleges. He also advocated higher schools of learning.

John C. Douglas was the third Territorial Superintendent. He was elected to that office in November, 1860, and qualified January 2, 1861. He entered upon his duties January 7. His office expired the following month, upon the organization of the State government at Topeka, January 29, 1861. 42

William Riley Griffith was elected the first State Superintendent, taking his office in February 1861. His report for 1861 shows that 12 county superintendents had made reports, some of them so meager and incomplete that the

42. Ibid.
State Superintendent did not compile the statistics. But few of these 12 counties had been fully organized into school districts. Mr. Griffith reported that the 500,000 acres of land granted under the act of Congress of 1841 had been selected by commissioners appointed by the Governor; also 46,080 acres granted for the support of the State University, while the expenditures of the Department of Public Instruction for the fiscal year of 1861 was $1700.00.

By the time Kansas was ready for statehood, its educational program had been launched. It is true but little had been done outside of the endeavors of the missionaries, and Territorial Legislation, yet a crude but definite program was soon to start on its way with a definite head--the State Superintendent of Public Instruction.

43. Ibid.
Chapter II

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION IN KANSAS

Kansas was admitted into the Union under the provisions of the Wyandotte Constitution in 1861. This constitution was modeled after the second constitution of the state of Ohio\textsuperscript{45} adopted in 1851.\textsuperscript{46} Being a product of the combined experiences of three constitutional State conventions the constitution of Kansas was formulated into a splendid code of laws well adapted to that period for the guidance of the commonwealth. Ample provisions were made for education as well as for the supervision of education.\textsuperscript{47}

During the territorial period from 1855 to 1861, there had been frequent sweeping organizations in government. The territorial legislature held six sessions, each of which made provisions for education in some manner, but owing to the political conditions of the time, little was done in the way of effective supervision.

The period of statehood, from 1861 to the present time, by contrast has been a period of stability, and a

\textsuperscript{45} Prentis, N. L., History of Kansas, p. 58.
\textsuperscript{47} Constitution of Kansas, 1859, Art. VI, Sec. 1-3.
definite program for education has been launched with a
strong administrative leader at its helm. Specific needs for the office of State Superintendent came to the foreground at the time Kansas was admitted into the Union. It was evident that, if the State school funds were to be correctly applied and made useful to the highest degree, their expenditure must be centrally supervised and controlled in some manner. It was also seen that this supervision and control could be best exercised by the appointment or election of some officer who would represent the State in its financial dealings with the local schools.

Moreover, with the growing recognition of the place of the State in educational matters, and because of the developing tendency to increase school legislation, there came a feeling that the legislature needed to be supplied with reliable information concerning both the State and progress of education; furthermore, they needed to know the plans and wishes of the people concerning education, all of which were necessary to enlightened school legislation. These facts, it was seen could be feasibly collected and made available by a State Superintendent. Still more, such an officer could be of great service in working throughout the State toward the desired securing of
a deeper and more general interest in education.

Provisions for the office of State Superintendent is made in two ways throughout the United States: (1) by constitution and (2) by statute.\(^{48}\) Thirty-three states provide for the office in their constitution, by giving instructions therein for the legislatures to create and sustain it. The remaining 15 states, on the other hand, do not mention the office in their constitutions;\(^{49}\) these have only statutory provisions for it.\(^{50}\)

Kansas made definite provisions for a State Superintendent in the constitution adopted in 1861, Article VI, Section 1, states:

"The State Superintendent of Public Instruction shall have the general supervision of the common school funds and the educational interests of the State, and shall perform such other duties as may be prescribed by law."

From these provisions we can readily see that under the Constitution the State Superintendent has been destined to become a strong administrator in the educational functions of the State; through his leadership and under his supervision the schools of Kansas are to flourish.

Constitutional provisions for the office has carried with it similar provisions for its important features.


\(^{49}\) Ibid.

\(^{50}\) See Table II in Appendix.
It should be noted that the framers of the constitution did not stop with a mere mandate of the legislature to establish the office, but they went further, and anticipated how the features of the office were to be determined. As the need arose, laws were to be passed as to the method of choosing its incumbents, tenure, salary, qualifications for holding office, staff of assistants, as well as general duties and functions.

Constitutional determination of the features of the office may have been enlightened at the time of making, but there is danger that such legislation will become, as the years go by, inexpresseive of modern conceptions of school administration. It is a well-known fact of political science that constitutional changes of any kind come very slowly. It is, therefore, against the best interest of education in future generations to petrify in a constitution the features of a great office, which for its fullest serviceability, must constantly readopt itself to the changes of society. The people should be in a position to effect expeditiously a change in any part of our educational system when any such part has become out of date. Hence, when the need arises, when new laws are necessary regarding the office, the legislature is at liberty and may by

force of public opinion be forced to enact legislation suitable to the needs of the general public. 52

Anticipating just such a situation the Laws of 1879, Chapter 166, Section '79, states:

"The educational interests of the State shall be under the supervision and management of the State Superintendent of Public Instruction, subject to such limitations and restrictions as are or may be prescribed by law; and he shall have and exercise the powers and perform the duties prescribed in the acts relating to common schools."

The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments. 53 Hence the Constitution of the State of Kansas makes the promotion of intellectual and moral improvement mandatory. 54

Provisions are made in the statutes of the State of Kansas for the election of a State Superintendent. He is elected by popular vote at the general election on the Tuesday succeeding the first Monday in November of even numbered years. 55

Women could not vote for the State or County Superin-

52. See Table III in Appendix.
53. Kansas Constitution, Art. VI, Sec. 2.
tendent before 1912. But at the session of the legislature 1911, an amendment to the constitution was introduced granting equal rights and privileges to women. This amendment was adopted at the general election held November 5, 1912.56

The law requires that all elective state officials, including the State Superintendent, should be nominated either by: (1) a primary election, or, (2) by independent nomination.57 If the candidate wishes to enter the primary election it is necessary for him to file his name in the office of the secretary of the State.58 These nomination papers for a State office should bear the names of at least one per cent of the voters of the party of which the candidate is a member, in at least ten counties in the State, and in the aggregate not less than one per cent, nor more than ten per cent of the total vote of his party in the State. Or, second, he may file his name not later than noon June twentieth, in the office of the secretary of the state, together with a declaration of intention to become a candidate. This latter type requires no signers of the nomination papers, but on the contrary it requires a fee.59 Most candidates for State offices prefer the latter type of nomination papers, since they do not take the trouble to solicit signers of the petition.

56. Kansas, Statutes, Amendment L.1911, Ch. 337.
58. Ibid, Sec. 208.
59. Ibid, Sec. 205.
When a candidate for a State office, in lieu of nomination papers, files a declaration of intent to become a candidate, the accompanying fee for all State offices whose salary is over one thousand dollars per year, is equal to one per cent of one year's salary, and the funds so received, are turned over to the state treasurer to become a part of the general revenue fund of the State. In the case of the State Superintendent the fee practically amounts to thirty dollars.

The State Board of Canvassers, composed of the governor, secretary of state, auditor of state, treasurer of state, and attorney general, meets in the office of the secretary of state the first Monday following the expiration of the time for filing the nomination papers, and makes out a list of the persons who have been properly qualified and hence are eligible for the primary election.

The primary elections are held on the first Tuesday of August biennially, for the nomination of all candidates to be voted for at the next ensuing November election. No person is entitled to vote at a primary election unless he is living in a first or second class city.

The State Board of Canvassers meets at the office of the secretary of state on the third Tuesday of August of

60. Ibid, Sec. 206.
61. Ibid, Sec. 707.
62. Ibid, Sec. 209.
63. Ibid, Sec. 203.
64. Ibid, Sec. 215.
each year in which a primary election is held. On the fourth day after the completion of such a State canvass or as soon as is practicable thereafter, the secretary of state mails to each candidate found duly nominated by the State Board of Canvassers, a certification of nomination. 65

All ticket blanks and other supplies used for State officials in the primary are paid out of the treasury of the State. 66

All nominations made by political parties are known as "party nominations." These party nominations of candidates for public office can be made only by a delegate or mass convention, primary election, or caucus of the qualified voters belonging to one party having a national or state organization. 67

All nominations other than party nominations are known and designated as "independent nominations." These independent nominations of candidates for any office to be filled by the voters of the State at large. The office of State Superintendent may be made by independent nomination papers signed by not less than twenty-five hundred qualified voters of the State for each candidate. 68 All certificates of independent nomination should be in writing, should contain

65. Ibid, Sec. 218.
66. Ibid, Sec. 223.
67. Ibid, Sec. 301.
68. Ibid, Sec. 303.
the name of each person nominated, and the office for which he is nominated.69 Certificates of independent nomination should be filed with the secretary of state, not later than twelve o'clock noon, September twentieth, preceding the general election, except when such date falls on Sunday, then not later than twelve o'clock noon the following day.70

On the Friday, following the November election, the county clerk and the commissioners of the county meet at the office of the county clerk, and proceed to open the returns which have been sent to that office.71 In all elections for State office, the person having the highest number of votes is declared elected to the office.72 As soon as the county commissioners have determined which person has received the highest number of votes for any office, the county clerk makes out an abstract of the votes and these are sent to the secretary of state.73

For the purpose of canvassing the results of the general election, the State Board of Canvassers meets, not later than December first, examines, returns, and makes official reports.74

The regular term of the State Superintendent begins the second Monday in January following the November election.75

69. Ibid, Sec. 304.
70. Ibid, Sec. 305.
71. Ibid, Sec. 701.
72. Ibid, Sec. 702.
73. Ibid, Sec. 704.
74. Ibid, Sec. 711.
75. Ibid, Sec. 313.
The State Superintendent that may be elected or appointed to fill vacancies may qualify and enter upon the duties of the office immediately after his appointment or election. When elected he shall hold the same during the unexpired term for which he was elected, and until his successor is elected and qualified, but if appointed, he holds office only until his successor is elected and qualified.76

Should the State Superintendent become incapable of performing the duties of his office, the governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the unexpired term.77

After the death of George A. Allen, State Superintendent, there was quite some contention regarding the appointment of his successor.

W. T. Markham, appointed by Governor Woodring, brought mandamus proceedings against E. A. Cornell, secretary of state who refused to issue a commission on a requisition sent to his office while the governor was outside the State.

76. Ibid, Sec. 314.
77. Kansas Constitution, Article 1, Paragraph 14.
Lieutenant Governor Graybill hurried to Topeka, appointed Stacy as successor to the late George A. Allen, Superintendent of Public Instruction, but Cornell was restrained by the district court from issuing a commission to Stacey.

T. M. Lillard representing Markham and Governor Woodring argued that a governor does not disqualify himself by temporarily leaving the State, and that the framers of the State Constitution had no intention of allowing the lieutenant governor to usurp executive powers in such cases.

James A. McClure and Robert Stone, representing the Cornell and Graybill side of the controversy, quoted authorities and argued that the minute a governor passed beyond the borders of the state his power to appoint or otherwise act officially ceased until he returned. They said that in emergencies such as the appointment of a Superintendent, the lieutenant governor was within his duties, as prescribed by the constitution, in taking over the executive power.

The Supreme Court of Kansas was asked to decide also whether the appointment of a successor for the unexpired term holds over through the next term, or until the general election of 1934.

The Supreme Court upheld the appointment of W. T. Markham as State Superintendent of Public Instruction. He was to hold the office until 1934. Furthermore, the Governor
does not lose appointive power by leaving the State temporarily. 78

Since both Markham and Stacey had taken the oath of office and posted bonds thus qualifying for the office, the Supreme Court granted Markham's request for a writ of mandamus compelling Cornell to issue the commission drawn up for him by Governor Woodring. Secretary of State Cornell issued the commission when he received the formal order of the court.

There have been five vacancies in the office of State superintendent. These vacancies were made by Mr. John C. Douglas, Mr. Wm. R. Griffith, Mr. Simeon M. Thorp, Mr. Wilbert D. Ross, and Mr. George A. Allen who was killed in accident December 7, 1932.

Before entering upon his duties, the State Superintendent takes and subscribes the proper oath of office, which is to faithfully perform all the duties of his office. He also executes to the State of Kansas a bond for the sum of ten thousand dollars, signed by two or more sufficient surities approved by the executive council. This oath and bond is then filed in the office of the Secretary of state. 79

78. Markham v. Cornell, 16 K., p. 884.
79. Revised Statutes of Kansas, 1935, Chap. 75, Sec. 801.
The State Superintendent has an office in the State Capitol, at Topeka. It is there that he keeps all books and papers pertaining to the duties of his office. All books, apparatus, maps, charts belonging to the office of the State Superintendent or later to be received for the office by way of purchase, exchange, or otherwise are to be kept and preserved in the office; and are to be delivered by the Superintendent to his successor. He is also requested to file and carefully preserve in the office, the official reports made to him by the county superintendents of the several counties, trustees or directors of academies, graded schools, or colleges.30

The office of State Superintendent involves a task of immeasurable importance, a service that calls for the highest order of talent. Our city schools are supervised by a body of men chosen because of special fitness and preparation. They are in most instances, well paid, and their tenure of office depends upon their individual success as administrators. They are measured by no political gauge. Our present system of selecting and dismissing our State Superintendent is wholly wrong, and constitutes a menace to our schools. The great majority of the children of the State can never come into their own, and can never enjoy the equal opportunity guaranteed by the constitution.

30. Ibid, Sec. 810.
until State Superintendents are chosen because of their educational fitness and the office itself is completely divorced from politics. Has politics played any part in the office of the State Superintendent? 31

The State Superintendents should be paid in proportion to the magnitude and importance of their work, and, having demonstrated their ability, should be retained in office as long as they render efficient service. This re-


Political Affiliations - Kansas Superintendents of Public Instruction 1858 to 1938

Dec. 1932-- Walter Tipton Markham. Democrat.
form would involve an amendment to the constitution.\textsuperscript{82} Provisions could be made for the selection of the State Superintendent by the State Board of Education. We would then in effect employ the system now in operation in our cities. Another method would be to provide for his election by the people on a non-partisan ballot.\textsuperscript{83}

**Salary of the Office**

The salary which a state is willing to pay its State Superintendent is one reliable index of the state's conception of the importance of the office. Moreover, the amount of salary measures roughly the caliber of those who occupy, or have occupied, the office. A consistently low salary can not, other things being equal, be expected to draw as high a grade of ability as a consistently high salary.

Salaries for State Superintendents of Public Instruction throughout the United States, are increasing fairly rapidly; the median salary has increased from $2,739 in 1909 to $4,250 in 1923, a median increase of $1,511, or a percentage increase of 55.2.\textsuperscript{84} Pennsylvania has the double record of paying one of the largest salaries today, $12,000 and of granting the largest increase, $7,000 in

\textsuperscript{82} Kansas Constitution, Art. I, Sec. 1.
\textsuperscript{83} Kansas, Twenty-ninth Biennial Report of the State Superintendent of Public Instruction, 1931-32, p. 40.
the fourteen-year period; while Ohio has the honor of having given the largest percentage increase of 225%. Although the amount of salary given in dollars and cents has increased rapidly in the last few years, it should be kept in mind that the cost of living has increased even more rapidly than salaries in these years. The State Superintendent is the nominal head of the State school system, yet his salary in most states is less than that of many other school officers, many of whom hold comparatively minor positions.

The median salary of the president of 77 state universities and colleges in 1919-20 was $6,000, and the majority received houses besides; while the median salary of the present State Superintendent in the United States is only $4,250. In more than half the States there is at least one state normal school president getting a larger salary than the State Superintendent. Practically all states have at least one city superintendent, and most of them have several city superintendents, with a larger salary. Even more to the disparagement of the salary of the State Superintendent is the fact that in many states it is less than that paid school superintendents and principals, and in many cases even less than that given high and elementary school teachers.

85. Ibid.
86. Ibid, p. 34.
In Kansas the salary of the State Superintendent is comparatively low, since he receives for his services only an annual salary of three thousand dollars. The salaries of the administrative heads of the various State schools in Kansas exceed this meager salary to a considerable extent. That of the chancellor of the State University being $7,000, the Dean of the Agricultural College at Manhattan receives $4,500, while the presidents of the three remaining State colleges at Emporia, Hays, and Pittsburg each receive $5,000 annually. Many of the professors and assistant professors in the various State colleges receive salaries which far exceed that of the State Superintendent. The same conditions hold true in Kansas as they do in other States. In many instances he receives far less for his services than do many city school superintendents and principals.

In 1934, there were in Kansas twelve first class city superintendents whose salary exceeded that of the State Superintendent, the average of their salary being $3,379 annually, while the average salary of the senior high school principals in these same cities was $2,863 annually. It might be said, in comparison, that the salary of the latter is not much lower than that of the State Superintendent.

88. Ibid.
There were also at this same period six city school superintendents in second class cities receiving an average salary of $3,363 annually. It is worth noting, that throughout the United States the lowest salaries are found where popular election prevails, and the highest salaries are found where appointive methods exist. Under popular election the median salary is only a little more than half what it is where the appointive methods are found. These facts may account for the low salary offered to the State Superintendent in Kansas. Another reason may be, in Kansas, the salary is fixed by statute, there is no way to adjust it to the ability of the recipient except that the law be changed, and this is a slow process. The same objection may be even more strongly urged when the salary is fixed by constitution, for then the hands of the legislature and people are tied. In some cases the State Superintendent of Public Instruction is given assistance by paying him an additional salary for acting as the secretary and executive agent of the State Board of Education. This is not true, however, in Kansas because the State Board of Education must elect a secretary, who is not a member of the board. The State Superintendent is ex officio chairman of the State Board of Education, and may not serve as secretary.

90. See Table IV in Appendix.
93. Ibid, Sec. 201.
Tenure of the Office

A knowledge of the length of the term of office of any official helps to determine the general stability of the position, and thus aids in a better understanding and interpretation of the general conditions pertaining to the office. Seven different lengths of terms are found in the present practices of the various states. These terms are in the order of their popularity, as adjudged by the number of states using them: Four years, found in 25 states; two years, in 13 states; three years, in 4 states; one year, in 2 states; five years, in 2 states; six years, in 2 states. 94

A long and fixed term has the advantage of protecting from political interferences a strong official who is engaged in carrying out a constructive educational program. Such provision, however, has the inherent weakness of making it difficult, if not practically impossible, to get rid of a weak official before the expiration of his term of office. Inability to dispense with the services of such an individual might mean, in some instances, long suffering for the school. The term should be determined in such a manner that the interests of neither the State Superintendent nor the schools would suffer.

Kansas has had twenty-one State Superintendents of Public Instruction. Of this number 12 have served for four

years, 4 have served for two years, 2 have served one year, 1 has served seven years, 1 has served six years, and 1 has served five years. Two terms, each consisting of two years, has been the most frequent tenure in the history of the office.95

A former State Superintendent of Public Instruction, B. Hamlett, of Kentucky has said, "During a term of four years a superintendent has opportunity only to prepare himself for the highest usefulness, and it seems foolish for the people to tie their own hands and deprive themselves of the service of the best-trained men just at the time they are the most valuable, unless there is some overwhelming reason for such a procedure."96

Qualifications of the Incumbent

The incumbent of the office of the State Superintendent makes the office largely what it is. If its occupant is poorly qualified, or not of good will, or both the office will not realize its highest potentialities, be the legislation pertaining to it ever so enlightened and its opportunities for service ever so great. A well-equipped incumbent on the other hand will overcome all obstacles and will make, as did Horace Mann in the pristine days of

96. Markham, W.T., Speech delivered at Kansas State College, Hays, June 16, 1936.
the office, in spite of great difficulties, the office function to its fullest in the development of a great State system of education.

Few states require any legal qualifications except those of age and residence type. Requirements such as these are not difficult to meet, for all that is necessary is for the candidate for the office to be a certain age, now usually 25 years, and to have lived in the State a few years, now usually two or five, next preceding the election. These are constitutional requirements and apply to all popularly elected State officers alike. The few States that require qualifications of an educational nature provide for them by statute. Kansas has no legal requirements.

In Kansas, because of lack of funds, the State Superintendent must carry a double duty. He must administer both the educational and financial aspects of the Department of Education. In order to carry out these important functions of the State it is necessary that he be qualified in both administrative and business technique. An index as to the qualifications of Kansas State Superintendents may be gleaned from their campaign speeches:

"I am a graduate of the Kansas common schools, of two

97. See summary in Appendix.
Kansas colleges, I possess three life certificates, and have a B.S. Degree in Education, which many maintain should be required of all who aspire to this office. My experiences extend to practically all lines of public school work rural, cities of the first, second, and third classes, county, and city superintendence, and assistant state superintendent."99

"I have served as superintendent of schools in four different cities during the past nineteen years. I received my A.B. Degree in 1916 and, in 1926 received my M.A. Degree from the University of Kansas. If elected, I will endeavor to so organize and direct educational efforts as to make sure that an atmosphere of study is created in every school, and that every child enrolled has an opportunity to make the maximum of progress, physically, mentally, and spiritually."100

"I hold a Bachelor of Science Degree in Education from the State Teachers' College at Emporia, a Master of Arts Degree from Teachers' College, Columbia University, New York City, and in addition, I have done graduate work at the University of Kansas, the University of Colorado, the University of Nebraska, and Colorado State College of Education. I have completed, in the above named institutions

a total of 211 semester hours of work, 80 hours of which is on the graduate level in the field of School Administration, Supervision, Educational Psychology, and kindred subjects. My teaching experience extends over a period of twenty-three years. During those years I have taught three years in the rural schools, I have been principal and superintendent of city schools eleven years, and dean of a junior college nine years.\textsuperscript{101}

Personnel of the Office

The duties and responsibilities of the State Superintendent are numerous, complex, and varied. To be effective in the exercise of these functions, the official under view must be provided with a clerical and professional staff which is both competent and sufficient. Any other provision results in important work being left wholly or partially undone, or prevents it being done in a prompt efficient manner.

The State Departments of Education have only a few officials that are common to any considerable number of states.\textsuperscript{102} The officials that are found in more than half of the states are as follows: Deputies or general assistants; supervisors of high schools, supervisors of rural schools; chief clerks; directors of vocational education;

\textsuperscript{101} Scott, Ira, Campaign circular, June 16, 1936.
supervisors of agriculture; supervisors of home economics; and supervisors of trade and industry. Other officials that are coming to be more frequently employed are: Statisticians; heads of certification departments; supervisors of teacher training; supervisors of physical training; and directors of Americanization. Specialists, such as legal advisors, school building agents, research experts, and many others for which there would seem to be need, are just beginning to appear. The size of the staff for a particular state department is determined by several things, among which are the size of the State, the population, the diversity of educational interests, the form of organization of the department, and the powers and duties given to the department.

In the selection of the staff, the prevailing practice is to permit the State Superintendent to appoint the members of his staff, which practice is in accord with the best educational theory of today. But the probable merit of his appointment depends somewhat upon how he is selected. These appointments ought to be made not on the basis of political expediency, but solely on the basis of the ability of the appointee to perform genuine service for the schools of the State.\(^{103}\) In Kansas, he appoints his staff.\(^{103}\) Ibid, p. 65.
of assistants and employees. This staff consists of:
An Assistant State Superintendent; a statistician; a chief clerk; a statistical clerk; and three stenographers.

As regards the salaries of the members of the staff; this depends largely upon the State's conception of the importance of a competent staff. At the present time in Kansas the Assistant State Superintendent receives an annual salary of two thousand four hundred dollars; the statistician receives two thousand dollars annually; the chief clerk one thousand eight hundred annually; the statistical clerk one thousand two hundred dollars annually; and the three stenographers each receive one thousand two hundred dollars annually.

Besides this the State Superintendent may appoint assistants not exceeding four in number, who shall serve as supervisors of the public schools of the state including rural, graded, and high schools. These assistants are expected to perform all the duties required by the State Superintendent, and shall be allowed the actual and necessary traveling expenses incurred in the performance of their duties. They shall also receive a salary fixed by the State Board of Education, but it must not exceed

104. Revised Statutes of Kansas, 1935, Chap. 75, Sec. 3113.
105. Ibid, Sec. 3113.
$2,000 per annum. The state provides, however, that no state funds shall be expended except for the purpose of visitation of rural, graded, and high schools. 107

It is common knowledge that school administration in America had its beginning in purely local means. It is equally well known that school administration is regarded as a primary function of state government. It is not so generally known, however, that the present system of school control originated in very large measure from the attitude of the Federal Government regarding the ownership of its grants. Implicit in the very nature of these grants and the compact ratifying their acceptance are the rights of the states and the conflict between the interests of the government and the congress of the United States as to who should receive the grants and the proceeds thereof. The two questions that inevitably arise when Cl. Should the inhabitants of the territories, for whose benefit the grants were made, control the grants and the proceeds from them? (2) Should the Federal Government, the states, districts, and control?

107. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 105.
Chapter III

GENERAL FUNCTIONS OF THE OFFICE OF STATE SUPERINTENDENT IN KANSAS

It is common knowledge that school administration in America had its beginning in purely local areas. It is equally well known now that school administration is regarded as a primary function of State Government. It is not so generally known, however, that the present status of school control has resulted in very large measure from the attitude of the Federal Government regarding the township land grants. Implicit in the very nature of these grants and the compacts ratifying their acceptance by the states was conflict between the inhabitants of the townships and the congress of the United States as to who should manage the grants and the proceeds thereof. The two questions that inevitably arose were: (1) Should the inhabitants of the townships, for whose benefit the grants were made control the grants and the proceeds from them? (2) Should the Federal Government, the donor, dictate and control?

Legal Provisions for State Administrative Control of Education

It is not putting the matter too strongly to say that
the opinion of Justice Ormond of the supreme court of Alabama, in the case of Long and Long v. Brown et al; 4 Ala. 622, (1843) in the court decision definitely establishing that principle of school administration which asserts that, "Education is a function of the State, for the promotion of which the legislature must be responsible."\textsuperscript{108}

In this case the court was also required to pass upon the validity of a title to a sixteenth section that had been sold by consent of a majority of the electors in the township in pursuance of an act of the state legislature. It had been contended that the sale was not valid because the legislature, after obtaining the consent of congress, had not provided a proper method of obtaining the consent of the inhabitants of the township.

Justice Ormond said:

"The legal title to these lands could not vest in the inhabitants of the township, as they had no corporate existence, nor could such a capacity be conferred on them. Nor can any doubt be entertained that the legal title was intended to be vested by the act of Congress in the State." By the acceptance of this trust, the State impliedly stipulated to do those acts which were necessary to give full

effect to the grant, and this trust. 109

As early as 1819 agents were appointed to take care of the lands, and subsequently school commissioners were appointed and trustees required to be elected by the township for the management of the sixteenth section in each township, who were declared a body corporate.

From the standpoint of school administration the really vital part of this decision is the opinion that the control of the township grants and the proceeds thereof is vested in the state legislature, not in the congress of the United States, nor in the inhabitants of the township for whose benefit the grants were made. This was a key case, soon cited with approval by the Supreme Court of the United States and applied in an unbroken line of numerous decisions from 1843 to the present time. 110

Congress was very liberal to the State of Kansas with land grants.

Section 1, of the ordinance says: "Sections numbered sixteen and thirty-six in each township in the State, including Indian reservations and trust lands, shall be granted to the State for the exclusive use of common schools; and when either of said sections, or any part thereof, has been disposed of, other lands of equal value, as nearly
contiguous thereto as possible, shall be submitted there-
for."\(^{111}\)

Section 6: Five per centum of the proceeds of the
public lands in Kansas, disposed of after the admission
of the State into the union, shall be paid to the State
for a fund, the income of which shall be used for the sup-
port of common schools.\(^{112}\)

Section 7: The five hundred thousand acres of land
to which the State is entitled under the act of congress
entitled, "An act to appropriate the proceeds of the sales
of public lands and grant premption rights," approved Sept-
ember 4, 1841, shall be granted to the State for the sup-
port of common schools.\(^{113}\)

State Control of Education

Each of the forty-eight states has its own distinct
system of education. The Federal Government assumes no
control over the public schools throughout the country ex-
cept with reference to the special Federal appropriations
for specific purposes, as the Smith-Hughes Act for assist-
ance to agricultural extension education.\(^{114}\)

Practice in the United States as well as constitutional
or statutory provisions, charges the several State Legisla-

\(^{111}\) Kansas Constitution, 1859, (Ordinance), Sec. 1.
\(^{112}\) Ibid, Sec. 6.
\(^{113}\) Ibid, Sec. 7.
\(^{114}\) Rural Education, Manual of Educational Legislation, U.S.
tures with the responsibility of providing a system of schools for all the children of the State adequate to their needs and efficient in fulfilling the educational ideals of the people of the State. Education with us is admittedly a State responsibility. It follows, therefore that it is the duty of the State Legislature: (1) To formulate a constructive policy for the education of all the children of the State; (2) to provide the administrative machinery for a school system adequate to carry out this policy; and (3) to make such changes from time to time as changing conditions and educational needs require.\footnote{Ibid, p. 2.}

It is well known that after-war conditions have brought about fundamental changes in ideals for a modern education system. Progressive states, therefore, are providing for such changes in administrative organization; in sources, amount, and distribution of funds; and in school and curriculum reorganization as the needs of modern life require. This program of adjustment of the school system to the growing needs and expectation of the people involves many problems which state legislatures must solve. Among the most pressing of those which call for legislative action at this time are: (1) To secure more nearly equitable adjustment within the State tax burdens and educational opportunities for all children. (2) To provide systems of school sup-
port which will enable the schools of the State more ade-
quately to meet the expansion necessary in the provision
of school facilities. (3) To provide such administrative
systems as will insure professional administration and ef-
cient and economical management of the schools. The
State, as such, is responsible for providing an adminis-
trative system which makes possible an elementary and sec-
ondary education for all children in the State. (4) To
set up certain minimum standards which all schools and
school systems must meet, and to provide for such sources
of support as will enable all communities to maintain schools
satisfying established standards.116

A large amount of proposed educational legislation
is presented at each legislative session. Some of it is
desirable, but a large part is not. It is with difficulty
that those unfamiliar with school administration can pass
upon it and know what ought to be enacted into law and
what discarded. Anyone who has attempted to follow school
legislation is aware of the conflicting provisions of the
statutes. Each legislation attempts to straighten out the
tangle by amending or repealing sections of laws and also
by making additions. Long after adjournment the changes
take effect and the interpreters of our law attempt to rec-

116. Ibid, p. 3.
oncile the new provisions with existing conditions and earlier laws. Comment need not be made here of the manner in which laws are born. They are the result of endless conferences, compromise, and influences. The members of the legislature must constantly be on the alert lest a new law passed to remedy a particular situation may create a worse situation. The charge is often made, that school laws are made by men and women out of sympathy with actual conditions, that many of the legislators are poorly qualified for their important jobs as legislators of education. 117

The framers of the Kansas Constitution made use of the privileges granted by Congress and provided that the State Superintendent should have the general supervision of the common-school funds and educational interests of the State. 118

The income of the State school funds are to be disbursed annually, by order of the State Superintendent, to the several county treasurers, and from thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth residing in each county, between the ages of five and twenty-one years. But no school district in which a common school

118. Kansas Constitution, 1859, Art. VI, Sec. 1.
has not been maintained at least three months in each year shall be entitled to receive any portion of such funds. 119

Administrative Functions

Administration is the machinery that enables State and local school systems to operate, but unless it is properly adjusted it can not work smoothly and efficiently. The generally accepted principle of school administration emphasized in the State School Survey Reports is to the effect that functions of State Boards of Education* should be chiefly legislative and policy making in character, and that the State Superintendent should be the chief executive officer of the Board. 120 This case holds true in Kansas. The State Superintendent has real executive power.

Within recent years there has been rapid development in establishing State Boards as the administrative heads of the State school systems. This movement continues to gain ground and at the present time, forty-two states have such Boards with general educational functions. The powers and duties of these State Boards vary from practically nothing in a few states to complete control of the educational system in other states. The general tendency is to give the Board greater functions. 121 The work of the

119. Ibid, Sec. 4.
* The name "State Board" as referred to in this thesis means the State Board of Education.
State Superintendent is closely related to that of the State Board. Of the forty-two states which have full-fledged State Boards, thirty make the State Superintendent an *ex officio* member of the Board. In these thirty states it is found that twenty-eight elect him by popular vote, and two permit the governor to appoint him. A similar study of the twelve remaining states in which he is not a member of the Board reveals the fact that eight permit the State Board to appoint him; two permit the governor to appoint him; and two elect him by popular vote.\(^{122}\) In Kansas, the State Superintendent is elected by popular vote\(^ {123}\) every two years.

In those States in which the State Superintendent is elected by popular vote, he is generally an *ex officio* member of the State Board. The tendency is to make him the chief executive officer of the State Board. In those states which have no State Board, he is, as a matter of course, sole executive of the schools, and in many states, where legal relation between him and the State Board has not been clearly defined by law, practice has made him the chief executive officer.

The laws of Kansas provide that: "The State Board of Education shall be composed of the State Superintendent,

\(^{122}\) Ibid, p. 38.
\(^{123}\) Revised Statutes of Kansas, 1935, Chap. 25, Sec. 101.
who shall be *ex officio* chairman, and in addition thereto
the governor shall appoint eight members selected as fol-
lows: One member from among the faculty of the University
of Kansas or the Kansas State College of Applied Science;
one member from among the faculty of the three state te-
chers' colleges located at Hays, Pittsburg, and Emporia;
one member from the faculty of one of the privately en-
dowed or denominational colleges in the State of Kansas;
one county superintendent of public instruction, who shall
serve only so long as he shall hold the office of county
superintendent; one city school superintendent; one high
school principal or superintendent from a fully accredited
class A high school; and two members who shall be citizens
of the State of Kansas and engaged in farming, business,
or professional occupation. The governor shall fill all
vacancies in the State Board by appointment for the remain-
der of any unexpired term. Each member of the State Board
shall receive all necessary and actual traveling expenses
incurred in attending the meetings of the Board and in the
discharge of the duties required by law, and in addition
thereto each appointed member receives as full compensation
the sum of five dollars per day for each day of actual ser-
vice not exceeding ten days in any one year."124

124. Ibid, Chap. 74, Sec. 201.
The State Board meets whenever it is called by the State Superintendent or by any member of the State Board of Education as is shown in State, ex rel., v. Wooster.\textsuperscript{125}

The State Board assumes an important function when it revises courses of study, makes rules regarding the use of the course of study, and prescribes courses of study for the public schools of the State including common or district schools, the graded schools, high schools, and normal institutions. As shown in State, ex rel; v. School District, they also have the authority to make rules and regulations in regard to the issuing of teachers' certificates. The State Superintendent countersigns all certificates issued by the State Department of Education.\textsuperscript{126}

The State Board or any member of it has the right of access to the books and records of its Board at any time during reasonable hours, whether the Board is in session or not.\textsuperscript{127}

The State Board of Education is also authorized by law to elect a secretary who is not a member of the State Board. The secretary should be a graduate of a four-year course of study of a university, college, normal school, or institution of like rank. In other words, he should be

\textsuperscript{125} State, ex rel; v. Wooster, 111 K. p. 831.
\textsuperscript{126} State, ex rel; v. School District, 112 K. p. 66.
\textsuperscript{127} Revised Statutes of Kansas, 1935, Chap. 72, Sec. 102.
an expert in education, and should have had not less than five years of experience in educational work, such as superintendent or supervisor of schools. He is elected for a term of four years, or until his successor is elected, unless he is removed by the State Board for cause. The regular election of the secretary should be held during the month of April preceding the date of the expiration of his term of office. He is subject to the direction of the State Superintendent. One of his most important functions is to serve as inspector of colleges and universities accredited by the State Board. He also has charge of all matters relating to state teachers' certificates, and he performs such duties as may be required by the State Board or the State Superintendent. He receives an annual salary of two thousand four hundred dollars.

The State Superintendent may employ a stenographer, who also serves as a stenographer to the State Board during its meetings, and in addition do such other work as may be directed by the State Superintendent. This stenographer receives an annual salary of twelve hundred dollars.

Finally we might summarize the functions of the State

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130. Ibid, Sec. 3115.
131. Ibid, Sec. 3114.
Board by saying, "The State Board with the State Superintendent as its head has exclusive and sole authority to define official standards of excellence in all matters relating to the administration, course of study, and instruction in rural schools, graded schools, and high school, and to accredit those schools in which the specific standards are maintained. The Board may grant to accredited schools an appropriate certificate or other evidence of approval." The State Superintendent may not, however, accredit schools and colleges without the approval of the State Board.

The State Board is responsible to the governor and legislature for its acts, while the State Superintendent is largely independent of all these, and may work with the State Board or against it, as he wishes. Such a relation is incongruous for the following reasons:

The double-headed control is dangerous, because as already implied, friction may develop between the two heads. Only a policy of friendly cooperation can prevent this. An antagonistic or antagonized State Superintendent might be either tempted or driven to play politics against the State Board in the hope of securing re-election or winning some other favor or honor. Still more, he might raise the

132. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 103.
133. State, ex rel; v. Wooster, 111 K. p. 831.
constitutional question as to the right of the State Board to exercise educational control. In support of this contention he might claim that the makers of the constitution intended that the functions of his office should be integral and indivisible, and that, therefore the State Board was usurping some of its rightful functions. What is more, even where friendly cooperation exists between the two heads, there is apt to be duplication of effort, and in consequence a waste. This is bound to occur frequently, for in this dual system of control there is a considerable overlapping of functions. In general, the two heads occupy the same field, each having some control and supervision over such things as the certificating machinery, textbooks and courses of study, building, publicity, finances, inspecting of schools, pupils, and lower school officers. This possible duplication can best be prevented by centralizing functions under one head. The logical person is the State Superintendent. He should be an expert in the field. His knowledge and experience should excel that of the members of the State Board.

From what has been said we can readily see that the legislature created the State Department of Education and gave real directive power to the State Superintendent.

Hence we may say, "The educational policy of the State of Kansas is directed by the State Board of Education, with the State Superintendent of Public Instruction its chief executive." The educational system of the State of Kansas, however, needs considerable revision before there is an equality of educational opportunity for every boy and girl irrespective of his place of residence.

The State Board having the general supervision of the educational affairs in Kansas should be composed of members from the various groups making up the body politic. No one school activity should be emphasized at the expense of another. The State Superintendent should be made *ex officio*, a member of all boards caring for and dealing with educational interests in order that all the provisions of the State Constitution may be carried out.

Adequate administration pays for itself. It makes effective the work of the teaching members of the staff and thus greatly improves instruction which is the primary purpose of the school system. Thus it saves money indirectly. It also saves school funds directly by the careful and skillful management of all the affairs of the school which involve large sums of money.

135. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 101.
From what has been said we may be safe to say that the State's program of education has a legal basis resting upon the constitution and the duly approved acts of its legislature. In some instances this legislation charges the performances of certain educational duties directly to local units,\(^{138}\) usually, however, it is carried out through the State Superintendent. The State Board has the general supervision of the State's educational program as is determined in the constitution and laws.\(^ {139}\) It acts only as a body. Its acts are legislative, the execution being the function of the State Superintendent and the State Department of Education over which this officer presides. In other words, the State Department of Education is the functioning body for the State Board. The office of State Superintendent was largely clerical and statistical at first.\(^ {140}\) Almost any person chosen from the general electorate could then fill the position to the satisfaction of the public. But the demands of today require a new type of educational leadership, one able to administer the manifold problems of modern school organization and administration, general education, school sanitation, industrial and vocational education, inter-relation of the elementary and higher schools, and educational legislation.

\(^{138}\) Revised Statutes of Kansas, 1935, Chap. 72, Sec. 204.
\(^{139}\) Ibid, Sec. 101.
The efficient administration of our schools depends upon the recognition of the distinction in function between the State Board as policy determining and legislative body and the State Superintendent of Schools as its chief executive officer. The State School Board serves the public best by advising with the State Superintendent concerning the schools by interpreting for him the will of the people whom they represent and by requiring of him from time to time a record of the work done by the school system and proposals for its further development. The State Superintendent, if he is competent, will present his program to the State Board and will demonstrate the wisdom of the policies which he advocates. In recent years it has been suggested that the business administration of schools can be to advantage divorced from their professional management. It has been argued that the construction of school buildings, their maintenance and operation, the purchase of supplies, the making of the budget and the like can be best handled by one trained in business affairs.\textsuperscript{141}

\textbf{Judiciary Functions}

The State Superintendent shall, at the request of any county superintendent, give his opinions, upon a written

\textsuperscript{141} "Educational Administration," School and Society, July, 1928, Vol. 28, p. 82.
statement of facts, on all questions and controversies arising out of the interpretation and construction of the school laws and in regard to the rights, powers, and duties of school district boards, school officers, and county superintendents. He is requested by law to keep a record of all such decisions, but before giving any such opinion, the State Superintendent may submit the statement of facts to the Attorney-general for his advice. It is then the duty of the Attorney-general to examine the statement and suggest the proper decisions to be made.

Appeals are also made to the State Superintendent when there is question of alteration or refusal to alter the boundaries of any joint school district, or in the attaching or refusal to attach, to a school district adjacent territory situated in another county. Such appeals are made to the State Superintendent, while a notice of the appeal is also made to the superintendents of the several counties represented in each district within twenty days after the appeal was made. As is shown in Field v. School District, this notice is made in writing and states the objections to the action of the county superintendent; while a copy of it is filed with the State Super-

142. Revised Statutes of Kansas, 1935, Chap. 75, Sec. 807.
143. Ibid.
intend. It then becomes the duty of those county superintendents to transmit the same to the State Superintendent immediately upon being served with notice of appeal. After this the State Superintendent sets a date for the hearing of the appeal, notifying at the same time the several county superintendents interested, and the appellants thereof. The decision of the State Superintendent on these appeals is final, and shall be by him certified to the several county superintendents interested, and they shall take action in accordance therewith.145

The boards of education of cities of the second class may issue at any time, without election, a bond for a sum not greater than ten hundred dollars to raise money to pay for needful repairs on school buildings or heating plants for the public school buildings, if the State Superintendent shall approve in writing such issue. The issue of such bonds shall not, however, exceed at any time an aggregate amount of the sum of five thousand dollars.146

The State Superintendent also possesses many quasi-judicial functions which are those that lie midway between the judicial and ministerial ones. The lines separating the two sides are necessarily indistinct; but in general terms, when the law, in words or by implication, commits

145. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 305.
146. Ibid, Sec. 1820.
to any officer the duty of looking into facts, and acting
upon them, these functions often take on a judicial nature.

Supervision of Education

School supervision in the United States is by no
means a novelty, for it has been in use in one form or
another for more than two centuries. It is true that dur-
ing the greater part of the first hundred years of its
history supervision was carried on almost entirely by the
members of the school committee, who occasionally inspected
the schools for the purpose of gaining first hand knowledge
of the teachers' worth. Constructive supervision of a
professional nature having for its purpose the improving
of instruction, probably began with the appointment of
school superintendents, during the first half of the last
century. Little worthwhile supervision was done in the
high school, however, before the present century, and
even now it is either unknown or badly handled in some sys-
tems. 147 Nevertheless, through a slow process of evolu-
tion, supervision has so firmly fastened itself upon the
American schools, as a whole that today it is considered
a necessity in every progressive school system.

147. "The Supervising Principal and Constructive Supervisor,"
Educational Administration and Supervision, February
General Supervision of Education in Kansas

When Mr. W. D. Ross became State Superintendent in 1912, he discovered that there were twenty-three states with better schools than Kansas. So it was decided that something should be done to improve school conditions.  

The legislature of 1915, passed a law creating the department of supervision as a part of the State Department of Education. This act provided for two supervisors for high schools and two supervisors for rural and grade schools, who follow regulations made by the State Board, and work under the direction of the State Superintendent. In 1916 the Standard and Superior ranking for rural and grade schools was established as a means of encouraging better schools. The rural school supervisors, in company with the county superintendents, inspected the schools that were asking for this ranking. They also inspected annually the schools that had been approved as Standard or Superior to learn if they were worthy of renewal. These reports were then sent to the office of State Superintendent. These reports keep the State Superintendent informed of the general status of education in Kansas.

The supervisors are the connecting link between the State Superintendent, the State Department, and the county.

superintendents. Through the supervisors the State Superintendents can keep in close touch with the needs of the elementary and rural schools. A closer cooperation between the State Superintendent, the State Department, and the county system of education is very desirable. This, however, is difficult under existing laws. There is no doubt that the efficiency of the rural schools could be doubled by better trained teachers and closer and better supervision.

At the time when provisions were made for rural and high school supervision the total number of pupils under supervision was 394,823.149 At the present time (1937), the entire enrollment under supervision is 417,604.150

Elementary and Rural School Supervision

Supervision is a worthy objective for which to work, and is well adapted to secure a standard of rural teaching far in advance of that generally found at present. The supervisor, whose chief function is to improve the quality of teaching, seeks to do this by many means. She brings to the rural teacher professional advice. She shows the better methods of instruction by demonstration lessons, and helps eliminate wasted effort in program making and

150. Markham, W.T., Cir. 321-M, June, 1937, p. 5.
class organization. She provides inspiration, thereby stimulating the superior teachers to increased efficiency and the discouraged to renewed effort. She works constantly toward the coordination of the rural school with the central powers of the educational system, thereby strengthening the weak places in the organization and rendering it possible for the educational opportunities of rural children to be made more nearly equivalent to those provided for city children. In thirty states some provisions have been made for the local supervision of rural schools.\textsuperscript{151}

Before 1915 little had been done in Kansas in an organized way by higher school authorities for the advancement of rural and grade schools as compared with the improvements which had been promoted in the high schools of the State, but with the appointment of two rural school supervisors, by the state Superintendent, great strides have been made for the improvement of the rural schools. These supervisors represent the State Superintendent in rural school supervision, thus relieving him of much actual field work, while at the same time they keep him constantly informed of the rural school conditions.

The two rural school supervisors are each supplied with a typewriter, which is to be used in making up their
reports in the field, that they may leave the necessary
reports with the board of education at the time when the
school is visited. This serves more promptly the inter-
est of the school. The rural supervisors have kodaks for
the use in taking pictures of new school buildings, of spe-
cial play equipment, of improved conditions, and of any un-
usual or especially pleasing or helpful school activity
which may be used in official publications of the State
Superintendent. A supply of slides of rural school condi-
tions and of features worthy of note or imitation has been
frequently used by the supervisors to awaken a stronger
interest in matters of improvement. 152

The law providing for the appointment of rural school
supervisors became effective July 1, 1915. In accordance
with its provisions, the State Superintendent and the State
Board in July of that year resolved to undertake the stand-
ardization of rural schools. Kansas had at that time ap-
proximately 8,000 schools eligible to standardization, and
it was to this standardization that the supervisors gave
most of their attention. As a means of getting the matter
before the people of the state, they addressed school-board
conventions and teachers' meetings in more than sixty coun-
ties, and in numerous community meetings they sought to in-

152. Kansas, Twenty-third Biennial Report of the State Su-
perintendent of Public Instruction, 1922, p. 50.
terest the people in a campaign for rural-school improvement. The first year's work discovered but 119 that measured up to the requirements. From this report it was apparent that rural school conditions in the State were far from ideal.\textsuperscript{153} In 1920-21 the rural supervisors visited sixty-four counties, inspected 464 schools and 709 teachers. In 1921-22 seventy-eight counties were visited, and 522 schools and 720 teachers were visited. During these two years the rural supervisors attended 31 educational meetings.\textsuperscript{154}

Since the system of elementary and rural school supervision was inaugurated in 1915 many splendid modern buildings have been erected, old buildings have been remodeled, more and better equipment has been added and more interest has been shown in the elementary schools. There are now 1378 schools approved as "Superior, Standard, and Accepted" by the department of elementary education.\textsuperscript{155}

During the years 1926-1930, the rural school supervisors visited every county every year. With the limited amount of money appropriated by the legislature for the expense of these supervisors, only one day could be spent in

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\end{itemize}
each county. Even if enough expense money were furnished, the two supervisors could not cover the state properly. Missouri has six and Oklahoma has four. Kansas could carry through very nicely an educational program for her elementary schools with four rural supervisors. The two rural school supervisors have been able to give attention to the physical phase of the school, while very little could be done to assist the teachers and county superintendents. Much good equipment has been added, good libraries have been built up, and many buildings have been remodeled. No survey has been made to determine if the work of the Standard and Superior schools is better than that of other schools.

Plans have been prepared by the State Superintendent, the supervisors, county superintendents, and health officers for the health of the children, as well as for better school buildings. These plans provide for proper lighting and ventilation, while playground equipment has been quite liberally provided. 156

There are at the present time in Kansas, (June 30, 1937) 7,253 rural school districts, 21,759 elective board members; 6,635 teachers in these rural schools. The census is 155,150; while the pupils enrolled have reached the

156. Ibid.
enormous sum of 83,001. There are also at this time 722 elementary schools, 2,166 elective board members, 2,265 principals and teachers. The census is 80,682 while the number of pupils enrolled has reached the sum of 50,826. From these figures we can see the large number of persons under the direct supervision of the State Superintendent.

Information as to the nature of the work done in supervision in the rural schools can be gleaned from a personal letter. "The nature of my work is Supervision of Elementary Education. I have compiled in the last two years a complete course of study in Social Studies. At present a completely integrated program for the elementary schools of Kansas is in the making. For this integrated program we are using the Social Studies as the basis from which to build all other subject matter courses. I meet all county superintendents in the State in groups at least twice each year and sometimes three times each year. I have divided the state into sections of twelve separate divisions. That means that all of the county superintendents meet in the various twelve districts from two to three times a year in group conferences. I make definite reports to the State Superintendent of Public Instruction at regular intervals.

I have attended teachers' meetings in every county of the State and have helped with school board conventions in many of the counties and delivered commencement addresses (both elementary and high school) in many of the counties.

"I hold a Master's degree and have had experience in both elementary teaching and college teaching prior to my accepting my present position as State Elementary School Supervisor."158

Supervision has always been a big problem with school people. It is as yet only partly solved. The sales manager can measure the efficiency of his salesmen by the amount of goods sold or business produced. The factory superintendent measures the efficiency of his factory by the amount and quality of the finished product. By a system of records these data can be quite accurately obtained.

With the school it is not so easy. We cannot measure so accurately how successfully we have sold the idea to the children and to the community. Supervising the work of the classroom and testing results have been practiced successfully for several years in our cities by special supervisors, who visit the teacher often. But our rural schools, with one visit a year by the county superintendent, have received little or no supervision. The State Superin-

158. Hare, Mae, Correspondence, Topeka, Kansas, July, 1938.
tendent can not devote much time to individual schools.

The State Department of Education, assisted by the rural department of the state teachers' colleges and the county superintendents, have started a system that shows promise of helping to solve the problem of rural supervision.

Many of the county superintendents have divided their teachers into groups called zones. These groups of teachers follow suggested programs sent out by the State Superintendent from the State Office, discuss their local problems, and occasionally a demonstration school is conducted. The county superintendent usually meets with the group of teachers and by this means keeps in close touch with the school work. The State Department and teachers' colleges are also getting in closer contact with these isolated schools.

Private or Parochial School Supervision

There never was a time in the history of the Christian church when elementary schools did not exist. Even in the catacombs we find next to the little chapel the schoolroom for the catechumens. Wherever monastic institutions were established elementary Christian schools flourished. There were the episcopal schools in the early days,
the cathedral school, the parish school, the burg schools, the rural school, all of which flourished at one or other time during the Middle Ages throughout Christendom. They were what we call "parochial" schools today.

When the Catholic bishops of the United States met in the third plenary council of Baltimore in 1884, one of the most important questions they had to discuss and legislate upon was the subject of parochial schools. Laws and regulations for the establishment and management of these schools were laid down with great care and definiteness. Courses of studies were prescribed; there was to be a school superintendent appointed in each diocese, and local school boards of competent laymen were selected to organize the whole parochial school system. The management of the parochial school, however, ultimately rested with the rector of the parish. He was usually aided by a local committee or school board made up of competent laymen who were interested in educational matters. There was always a principal appointed from among the sisters in charge, to supervise the daily work; and general administration of the school.

The same principles of the council of Baltimore still prevail in the Catholic parochial schools of today.159 In

addition all private and parochial schools are supervised by the State Superintendent, the same as all other schools of the elementary and high school type. The same qualifications of teachers is required. These schools are also required to use the state course of study, and instruct only in the English language.\textsuperscript{160} Definite reports are sent to the office of State Superintendent each year.

There are at the present time (June 30, 1937,) 211 private and parochial schools in Kansas. The present enrollment is 15,381,\textsuperscript{161} there are 770 teachers employed.\textsuperscript{162} Private schools are run under the same principles as the parochial schools.

Junior High School Supervision

The first step in the State towards organizing a junior high school was taken in 1913 at Chanute.\textsuperscript{163} Increased enrollments and inadequate building facilities necessitated the reorganization. Since then other fine junior high schools have been organized. Before 1913, a few schools of the State had departmentalized their seventh and eighth grades, but had not gone so far as to organize junior high schools. Though a number of junior high schools were or-

\begin{itemize}
\item[\textsuperscript{160}] Kansas, Twenty-third Biennial Report of the State Superintendent of Public Instruction, 1922, p. 51.
\item[\textsuperscript{161}] Markham, W.T., Cir. 321-M, June, 1937, p. 5.
\item[\textsuperscript{162}] Ibid, p. 13.
\end{itemize}
ganized and operated, it was not until 1915 that definite legislation was secured providing for such organization. Shortly following this legislation the State Superintendent and the State Board adopted regulations for the maintenance and recognition of junior high schools.

Section I, chapter 240, Session Laws, 1925, provide:

"Any board of education or board of any school district in this state is thereby authorized to provide for an intermediate school or junior high school, which shall be called a junior high school; and which shall include two or more of the first three years immediately following the first six years of school instruction. The State Board of Education is authorized and directed to prescribe a course of study for each year of such junior high school and provide regulation for teaching therein."164

Junior high schools are supervised under the direction of the State Superintendent by the high school supervisors.

Junior high schools can only be organized in school systems that maintain a four year accredited high school in connection with the grades. The Junior High School Movement has increased in popularity in Kansas during the last few years. For the year 1931-1932 there were seventy-five

164. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 102.
three-year junior high schools and forty two-year junior high schools.165

Senior High School Supervision

Kansas took her place early in the work of high school supervision. As far back as 1872, a convention of teachers was called to urge the State University to demand a course of study and higher qualifications for admittance to the University courses. In May, 1876, the University of Kansas, by authority of the Board of Regents, issued a circular to boards of education throughout the State to encourage the establishment of high schools with a definite and uniform course of study. A three year course of study was prepared by a committee appointed by the Board of Regents of the University. Four schools were established by 1876. In 1883 the University required of all high schools desiring accreditation a copy of their adapted courses of study and copies of their examination questions. By 1886 there were thirty-six high schools that had complied with the requirements and had their names in the accredited list. In 1809 the plan of inspection was introduced to supersede the documentary evidence plan theretofore employed.

The schools were excused from sending in their reports of courses of study and examination questions, if they applied for an inspection and were inspected by the chancellor of the University, or some one commissioned by him. For a number of years this continued to be the plan for high school supervision, and the method of standardization.\textsuperscript{166} In 1896 there were seventy-seven high schools fully accredited. Between the years 1890 and 1895 a demand for a more definite and comprehensive basis for accrediting arose and grew in the minds of school superintendents and administrative officers, and the University dropped its preparatory school. This had the effect of stimulating attendance and encouraging the completion of the courses in the home high schools and the establishing of high schools where there had been only grade schools.

These high schools were calling for some one to visit them and report upon their conditions and tell them what should be done to become standard. In response to their demands, the University appointed Prof. W. H. Johnson high school visitor. He held this position for ten years, or until 1915.\textsuperscript{167}

On recommendation of the State Superintendent, sup-
\textsuperscript{166} Kansas, Twenty-fifth Biennial Report of the State Su-
perintendent of Public Instruction, 1927, p. 20.
\textsuperscript{167} Ibid.
ported by the unanimous opinion of the active teaching
force of the State, as well as by the boards, the legisla-
ture of 1915 passed an act reorganizing the State Depart-
ment of Education. Section 8, Chapter 15 of the Laws of
1915 provides:

"The State Board of Education shall have exclusive
and sole authority to define official standards of excel-
lence in all matters relating to the courses of study and
instruction in rural schools, graded schools, and high
schools, and to accredit those schools in which the speci-
fied standards are maintained."

Section 10 provides that:

"The State Superintendent of Public Instruction may,
with the advice and consent of the State Board of Educa-
tion, appoint assistants, not exceeding four, who shall
serve as supervisors of the public schools of the state,
including rural, graded, and high schools."

The first two high-school supervisors were appointed
under the provisions of this law, July 1, 1915. Soon there-
after the State Board adopted full standard requirements
for the guidance of the supervisors in determining the
recommendations as to the ranking of each high school at
the annual meeting of the State Board after the close of the
school year. The classification made out by the commision
acting up to the time the supervisors were appointed was adopted as the working basis for the high school supervisors, and was of great value in carrying out the work of high school supervision.

The State Superintendent recommended that on taking up the work of high school supervision for the year 1915-1916, the supervisors began work on the list of all schools in the state doing high school work. All of these schools were entitled to visitation by the supervisors. Even at that time it was evident that it was impossible to visit all the schools in one year, and it became the policy to visit each school at least once in two years.

The report under the first year of supervision showed the following facts: There were 598 public schools in the state doing one, two, three, or four years of high school work. Three counties in the state had no accredited high school. Eight counties had but one school, each attempting high school work. During the year the supervisors made 372 official visits. During the year thirty schools were placed on the accredited list and seven were dropped from the list. Forty-three were reduced in rank.

For the school year 1917-18 the classification was changed so as to be designated and accredited as A, B, C, or D.
There were in 1932-1934, 740 accredited high schools in Kansas. There are at the present time in Kansas (June 30, 1937), 313 rural high schools; managed by 939 elective board members; 1,652 principals and teachers staff these schools; while their enrollment is 24,199 students.163

There are also at the present time in Kansas (June 30, 1937), 23 community high schools, managed by 138 elective boards members; the teaching staff is composed of 285 principals and teachers; while the student body enrolled has reached 6,331.169

The State Superintendent is represented in this phase of supervision by the high school supervisors whom he duly appoints. Some idea as to what is done by these supervisors may be gleaned from a personal letter.

"This year I visited approximately 300 high schools in forty-two counties. I tried to spend a quarter of a day in each high school though sometimes it was necessary to visit six high schools in one day. In general we found the conditions of the school very good as to building, equipment and teaching force.

There are no educational standards for the position of high school supervisor. The present administration, however, requires a person with a Bachelor's degree as a minimum and is looking toward a Master's degree as a re-

169. Ibid.
quirement for all supervisors. There are two high school supervisors in the State. These are appointed by the State Superintendent of Public Instruction and are directly responsible to him." 170

The Problem of County Supervision

There are at the present time in Kansas 417,604 children under the supervision of the State Superintendent171 through the medium of county superintendents. This is more than fifty percent of all the elementary school children of the State. The work of the county superintendents is a task of immeasurable importance, a service that calls for the highest order of talent.

The county superintendent of public instruction is a constitutional officer, and is elected biennially.172 County superintendents are elected by the electors of an entire county including cities.173 The laws require great activity on the part of this officer in the visitation of schools. He represents the State Superintendent in his official visitation of schools. He is expected to visit each school in the county at least once each term. At this time the State Superintendent expects him to correct any deficiency that may exist in the government of the school,

170. Stinson, Ralph, Correspondence, Topeka, Kansas July 1938.
171. Markham, W.T., Cir. 321-M, June 1937, p. 5.
172. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 201.
the classification of the pupils, or the methods of instruction employed in the teaching process. It is also the duty of the county superintendent to note the character and conditions of the school-house furniture, apparatus, and grounds, and make a report of these conditions in writing to the district board, together with suggestion towards improvement should he see fit. He also examines the accounts and record books of the district officers and sees that they are kept as required by law. By virtue of his office, he is also expected to encourage the formation of association of teachers and educators for mutual improvement, and as far as possible to attend the meetings of these associations. He must also attend the normal held in his county, using his influence to secure the attendance of teachers, make a daily personal inspection of the work of the institute while it is in session. He is also required by law to hold a public meeting in each school district of his county at least once every year for the purpose of discussing school questions and elevating the standards of education.174

The county superintendent is expected to keep a complete record of his official acts, besides all the necessary and useful data concerning teachers, certificates, enroll-174. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 201.
ment, and attendance, as well as the semiannual apportionment of the state and county funds, and such other statistical records as may be necessary for making reports to the State Superintendent. These records are kept on file in his office.

The County Superintendent of Public Instruction is required by law to make out and transmit to the State Superintendent on the last Monday of March, June, September, and December of each year, a report showing the number of school visits made, with the average length of time spent in such visits; the number of consultations held with school officers; the number of days his office has been kept open; the number of district treasurers' and clerks' record books examined; the number of teachers' meetings attended; the number of public lectures delivered, and any such information as the State Superintendent may require regarding the duties of the county superintendent.

The county superintendent is also required by law to make an annual report to the State Superintendent on or before the 15th day of October of each year. This report must contain a statement of the number of school districts of the county, together with the number of children and their sex, over the age of five and under the age of twenty-

175. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 204.
176. Ibid, Sec. 204.
one years in each district; a complete statement of each of the following school units in the county including: school districts, private or select schools, and graded schools, must be made. This report should include the length of the term, number of pupils attending, their sex, branches taught, textbooks used, and number of teachers employed. He must also compile a statement of the conditions of the normal school where such a school has been established; a statement of the county normal institutes; a statement of the number of academies and colleges in the county, together with the number of students attending the same; a financial statement of the amount of public money received in each district or part of districts, and what portions were apportioned to the support of graded schools; a statement of the amount of money raised in each district by tax and paid for teachers' wages, in addition to the public money paid therefor; the amount of money raised by tax or otherwise for the purpose of purchasing school sites, for buildings, hiring, purchasing, repairing, furnishing, or insuring school-houses, or for any other purpose allowed by law. 177

School Administration in First and Second Class Cities

In cities of the first and second class a board of education is elected by the qualified voters of the city in-

177. Ibid, Sec. 207.
April of each odd-numbered year. This board holds office for a term of four years, and constitutes a body corporate and politic. In cities of the first class having more than 85,000 and less than 115,000 in population, the board consists of six members.178

It is the duty of the board of education in cities of the first and second class to elect a superintendent of schools. This person however, may not be a member of the board. He is elected for a term of one or two years as the board may choose; his term begins the first Monday in August.179

The superintendent shall have charge and control of the public schools of the city, subject of course to the orders, rules, regulations, and bylaws of the board.180

The board of education, at the close of each school year, makes an annual report to the State Superintendent of the progress, prosperity, and condition of all schools under their charge. This same report is also printed either in a newspaper or pamphlet form for public inspection.181

The general supervision of education in cities of the first and second class is under the State Superintendent.

There are at the present time (1937) 174,529 students enrolled in first and second class cities.182

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178. Ibid, Sec. 1601.
179. Ibid, Sec. 1603.
180. Ibid, Sec. 1608.
181. Ibid, Sec. 1720.
In regard to third class cities and villages it may be said that no portion of the corporation of such a city shall be detached from the school district in which the city is located, and the whole of such a corporation shall be and remain in one school district for the purpose of schools and school taxation. 183 Third class cities are directly under the supervision of the county superintendent of the county in which the city is located, while cities of the first and second class maintain their own system of education, under the general supervision of the State Superintendent.

Normal Training in Kansas

The first normal training schools in Kansas were organized under the law of 1886. Only the larger schools put in the normal training course under this law. The Kansas Educational Commission in 1908 recommended a plan designed to give every county at least one normal training high school. The legislature of 1909 passed a law by the provisions of which the State Board was empowered 184 to prescribe regulations under which accredited high schools might offer a course in normal training for prospective teachers. An appropriation of $50,000 a year for two years

183. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 1720.
was made, to be used for the payment of additional teaching force, and to be distributed among the high schools qualifying for that course. The purpose of the course is to supply the rural schools with better qualified teachers.

In 1908 only about thirty-three percent of the rural teachers were high school graduates. In 1915 this percentage had risen to fifty-three percent, and in 1918 to ninety percent. At the present time all teachers in the Kansas schools are high school graduates, but the number of normal training schools, as well as the number of applicants for normal training certificates, is decreasing. The supervision of these normal training schools is done by the high school supervisors under the direction of the State Superintendent. All examination papers are sent to his office, and graded under his supervision.

Vocational Education

Vocational education in Kansas is conducted under what is popularly known as the Smith-Hughes vocational education act and the supplemental act known as the George-Reed act. The Smith-Hughes act became effective February 23, 1917. The Kansas legislature, then in session, accepted the provisions of the act and made an appropriation with which to carry on the work. The legislature designed the State

185. Ibid.
186. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 4201.
Board of Education as a State Board for Vocational Education, and designated the State Superintendent as executive officer of the Board.\(^{187}\)

The State Board of Education with the State Superintendent as its chief executive, was given the authority to inspect any public schools or classes providing training in agriculture, industrial arts, household arts, or commercial subjects, and any schools or classes providing for the preparation of teachers and supervisors of such subjects. The State Board was also authorized to approve the site, plant, equipment, qualifications of teachers, admission of pupils, courses of study, and methods of instruction.\(^{188}\)

The State Board was also given authority to apportion any and all moneys which may be allotted to the State of Kansas by the federal board for vocational education.\(^{189}\)

\(^{187}\) Revised Statutes of Kansas, 1935, Chap. 72, Sec. 4302.
\(^{188}\) Ibid, Sec. 4304.
\(^{189}\) Ibid, Sec. 4305.
Chapter IV

SPECIFIC POWERS AND DUTIES OF THE OFFICE

With the belief that subject matter is one of the most important elements in the curriculum, teachers and school officers are giving increasing attention to the selection and organization of subject matter. Practically all states now have state courses of study, particularly for the elementary school. These courses are usually prepared either by the State Board of Education, of which the State Superintendent of Public Instruction is a member, or by the latter official individually.\(^1\) This is in accord with the best educational theory that the official in question, being at the head of the state school system, should have functions relating to the preparation of courses of study.

Unity has thus been effected in the curricular organization of the local schools by giving the State Superintendent guiding direction and control of them. In effecting such unity, however, there is always the danger that the curricular prescriptions shall be so uniformly rigid that

\(^1\) Reeder, W.G., Chief State School Official, U.S. Bureau of Education, Bulletin No. 5, 1924, p. 44.
the needs of the local community will not always be met as they should be.

In addition to the duty of either preparing or helping to prepare general courses of study, the State Superintendent is frequently required to see that instruction in certain special fields is given. Thus several states enjoin him to prepare and distribute programs for special days, such as Arbor Days, holidays, and birthdays of great men. Many states also require him to prepare and distribute courses in accident prevention, fire prevention, normal training, physical training, and patriotism.191

Functions Relating to Course of Study in Kansas

In 1915, Kansas passed a law which provided for a uniform course of study that was to be drawn up by the State Board with the State Superintendent as ex officio chairman. The act definitely stated:

"The State Board of Education shall prescribe courses of study for the public schools of the State, including the common or district schools, the graded schools, and the high schools; they shall also prepare a course of study for the normal institutes; and they shall revise the several courses of study when in their judgment such revision is desirable. They shall also have authority to make rules

191. Ibid."
and regulations relating to the observance of the prescribed courses of study."\textsuperscript{192}

The law requires that a course of study be issued to serve as a guide for superintendents and teachers employed to instruct in the schools of Kansas — public, private, parochial and all other schools doing like work. A course of study naturally is not static, but must be changed from time to time to meet conditions and new situations. Thoughtful teachers and superintendents are urged by the State Department to make the course of study the subject of thought and investigation, so that they may be prepared to make their contribution when new courses of study are drawn up, or old ones revised.\textsuperscript{193}

As stated before, the course of study is intended by the State Department to serve as a guide for a systematic work throughout the State. It is the means whereby the state superintendent is able to carry out his educational program. Every true teacher, however, will use initiative and will not become a slave to the textbook or to the course of study. The course of study usually states the required subjects, but leaves the method of presenting the subjects to the teacher. The welfare of the child should ever be first in the mind of the teacher, to keep the

\textsuperscript{192} Revised Statutes of Kansas, 1935, Chap. 72, Sec. 102.

\textsuperscript{193} Allen, George A., Course of Study for the Elementary Schools of Kansas, 1932, p. 4.
pupil "graded" should be a second consideration. The law contemplates that teachers are employed to teach pupils how to study and how to help themselves. That the study period is the all important period; also that the study period for all pupils shall be under the direction and guidance of the teacher who is to hear the recitation.

The course of study is prepared for the purpose of assisting teachers in the solution of the many perplexing problems relating to the selection, organization, and presentation of subject matter.\footnote{194}

Throughout the course each child should be trained in the fundamental elements of citizenship, should learn to cooperate with others and to use his leisure time in the development of his character.

Courses specified by law are as follows: a complete course of instruction to all pupils, in civil government, and United States history and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all high schools, public, private, or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the constitution of the United States. No student shall be graduated from a school who has not taken

\footnote{194. Miley, Jess W., Course of Study for the Elementary Schools of Kansas, 1928, p. 3.}
and satisfactorily passed such a course. Any person violating this law, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than ten days nor more than ninety days, or by both fine and imprisonment.

Each school room in the state, both rural and graded in compliance with the law, must be supplied with a copy of the course of study. The copy is the property of the district. The bi-monthly and final examination questions are based on the course of study. As a result the course of study has become invaluable as a guide in their work.

Questions for the bi-monthly as well as for the final examination are based on the course of study. These questions are prepared by the State Board under the direction of the State Superintendent and are mailed by the State Superintendent to the county superintendents, who must see that they are properly administered to the pupils in each county. Because of the fact that the course of study is uniform throughout the State it is only logical and proper that the examination of the pupils throughout the State

195. Revised Statutes of Kansas, Chap. 72, Sec. 1103.
196. Ibid, Sec. 1105.
198. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 5104.
should be uniform. 199

Both the bi-monthly and final examination questions as prepared by the State Board and the State Superintendent are the means whereby the State Superintendent can check on the subject matter taught by teachers in the various schools throughout the State. If the general outline of the course has been followed pupils will ordinarily have no difficulty in passing the final examinations, and as a consequence the school will be considered as coming up to the standard in the teaching of subject matter. The building of better courses of study is one of the fundamental movements in American education. In ten years, the old will give place to adaptations necessary to adjust the school to changing social needs. Hence the State Superintendent must be constantly on the alert and prepare new courses of study when needed.

Education moves toward the attempt to equip man with that assortment of abilities, habits, skills, and powers of judgment involved in actual daily living. It no longer aims to make a walking encyclopedia. Pupils acquire abilities, habits, attitudes, and powers of judgment involved in living the community life of today and tomorrow. Courses of study should deal more with the students present need and less with the problems of the past.  

199. Ibid, Sec. 5105.
During the summer of 1933, the State Department of Education, under the direction of State Superintendent W. T. Markham, began the preparation of a few revisions in the State course of study so that present-day trends in education could be satisfactorily met.

The social studies, including history, geography, civics, and health have been planned in a series of units of work. These units have been carefully checked with the State course of study, and will fully provide for acquainting the child with the essentials of the subject matter taught formerly. The unit plan is encouraging teachers and pupils to make good use of the available helps, such as government bulletins, advertising circulars, etc., that have formerly been used by 4-H clubs, garden clubs, reading clubs, and other progressive groups of this type in our public schools and especially in our rural schools. 200

Functions Relating to Textbooks

Since textbooks determine generally both what is taught, and how it is taught, they should be the best available. In order to secure an increasingly better standard of textbooks, most states have deemed it advisable to have control and supervision over their selection. Consequently, the typical state has state-adopted textbooks. These

adoptions apply particularly to the elementary school, and slightly less frequently to the high school. The adopting agency is usually either the State Textbook Commission or the State Board of Education. In most instances the State Superintendent is an ex officio member of these adopting agencies.²⁰¹

It is the general duty of the textbook boards and commissions to select and adopt a uniform series of textbooks for the public schools of the state. In some states a uniform list has been adopted for the whole state, in others there is uniformity through county adoptions. In others the selection of the text rests with the local school unit. Two states, California and Kansas, print textbooks. Four states lend them to school districts, which in turn lend them to pupils, retaining them as state property. In 1927, twenty-six states had state-wide uniform systems of adoption, five had county adoption, while in the remaining seventeen, the textbooks were selected by the local school unit. Of the states having state-wide uniformity, eleven provide for selection of the textbooks by the State Boards of Education, and the others by special textbook commissions usually appointed by the governor.²⁰²

The tendency to change the State Board of Education with the function of selecting textbooks seems to be growing in favor. Selection should be made by, or with the advice of professionally trained persons, including teachers, supervisors, and superintendents. Recommendations should be made solely on the merits of the book.

In exercising the function of selecting textbooks, the typical board or commission advertises for bids, rejects bids and advertises for others; brings suits against textbook publishers for violations of contracts; designates textbook depositories, buys manuscripts to be published or secures copyrights on the same; and drops an adopted book which has been found unsatisfactory. 263

In addition to the group responsibilities enumerated, many states give the State Superintendent official individual functions regarding certain phases of textbook selection. For example, in the typical state, as soon as practicable after the adoption of the textbooks by the textbook commission, it is made his duty to issue a circular letter to school officers and teachers stating the list of books adopted, the prices of same, the location of depositories, and such other information as he may deem advisable to include.

In states which do not have state adoptions of textbooks the State Superintendent usually has some supervision over the sale of textbooks. 204

The problem of selecting textbooks for the schools of Kansas was consigned to the Text Book Commission in 1887. 205 In 1913, however, the State School Book Commission was created, and to it was transferred the authority of the State Textbook Commission. 206

The Kansas State Textbook Commission consisted of seven members. It was composed of the State Superintendent, the state printer, and five other persons appointed by the governor, one of whom had to be a county superintendent of public instruction; one a superintendent of schools in either a first or second class city; while the three remaining members could be citizens of the State engaged in farming, business, or a professional occupation other than teaching. 207

In 1937 an act was introduced into the Kansas legislature in relation to the adoption of textbooks, providing for the transfer of authority from the School Book Commission to the State Board of Education, the abolition of the School Book Commission, conferring authority upon

204. Ibid.
207. Revised Statutes of Kansas, 1935, Chap. 74, Sec. 301.
the state printer to make contracts with and print for publishers, textbooks that have been adopted by the State Board of Education. The act reads as follows:

**Section 1:** That for the purpose of carrying out the provisions of this act the membership of the State Board of Education shall be increased and the state printer and the state business manager shall be and become *ex officio* members of the State Board of Education. Within twenty days after this act shall take effect, the State Superintendent of Public Instruction shall call a meeting of the State Board of Education, and thereupon all authority of the State School Book Commission shall terminate.

**Section 2:** The State Board of Education shall adopt such textbooks for each subject as are needed for use in grades one to twelve, inclusive, after having given careful consideration to the textbooks recommended by the textbook advisory committee.

**Section 3:** The advisory committee shall be designated by the State Board of Education and a majority of them shall be supervisors, principals, superintendents or teachers in the high and elementary schools.

**Section 4:** At least seven months before the date set for the adaption of any textbooks the State Board of Education shall announce to the textbook publishers the names of
the subject or subjects for which it wishes to receive bids on books offered, together with all the necessary information for submitting bids.

Section 5: All books to be printed by the State shall be adopted not later than the first day of December, next preceding September of the year when they are first to be used by the pupils.

Section 6: The purchasing power for all supplies and materials of every kind and character necessary to be used in the printing and manufacture of schoolbooks is placed in the State Board of Administration and the business manager of the State.

Section 7: The State Board of Education is authorized to appoint a secretary with duties separate and distinct from the duties of the secretary of the State Board of Education.

Section 8: The State Board of Education shall have the power to procure copyrights for the state of Kansas for any school textbooks, manuscripts, or subject matter thereof.

Section 9: The printing of all textbooks published by the state, shall be done by and under the supervision of the state printer, at the state printing plant.

Section 10: The state printer shall furnish the State Board of Education a statement of the cost of the materials
and labor required to publish each book provided for in this act.

Section 11: The State Board of Education shall have authority to approve supplementary readers for the first, second, third, and fourth grades.

Section 12: Not later than the first of September in each year, the State Board of Education shall make a complete report to the governor of all the business transacted by the board under the provisions of this act for the fiscal year ending June 30, next preceding.\(^{208}\)

Another problem of importance in education is the subject of free textbooks. In an inquiry recently made concerning the success of the plan of supplying free textbooks indicates that the consensus of opinion among teachers, superintendents, and school authorities is in favor of the system.\(^{209}\) Free textbooks apparently give greater opportunity to all classes of pupils, cost less than when purchased by the individual and aid teachers in meeting the requirements of the course of study. In practically all states books are furnished free to indigent children.\(^{210}\)

The School Laws of Kansas 1933, Chapter 265, section 1 provide:

"Whenever the parents or guardian of any child attending any of the public grade schools in the state are unable to purchase textbooks for their child, the district board or board of education shall, if they find such application meritorious, furnish the child with textbooks free of cost. The parents or guardian of the child, however, must file with the district clerk, or board of education an affidavit stating that he or they are unable to purchase textbooks for the child."

In Kansas books are sold to the users at cost. School books cost less in Kansas than in any state in which they are not furnished free. That is the result of the policy which has been followed. There is always a difference of opinion as to whether certain texts should be retained or changed in favor of texts that the teaching profession regard as superior. Books should not be changed unless there is a controlling reason for doing so. They must be written by someone qualified to do so. The State of Kansas has no one in its employ who writes textbooks, at least who has the time and whose business it is to do so. Consequently the State Board tries to secure proper books. Textbooks are always copyrighted. They can either pay so much per copy royalty for the privilege of using them or buy outright the privilege of printing them in the State plant.
The State Board insists that the latter method is the better and cheaper.

It is unlawful for the State Superintendent to receive from the publisher of any school books, or from any other person interested in the sale or introduction of any book into the public schools in the state, any money or bonus in any manner as an inducement for the recommendation or introduction of such books into the public schools. If found guilty of this misdemeanor, his fine shall not be less than one thousand dollars nor exceeding five thousand dollars, or he shall be imprisoned from one to five years in the penitentiary. He may also be given both the fine and the imprisonment.211

Functions Relating to School Libraries

The library should be one of the important parts, if not the most important single part, of the equipment of the school. This fact is coming more and more to be recognized by educators. School libraries need to be built up, and a more general use of them by both the pupils and the general public needs to be encouraged. The State Superintendent, being at the head of the State school system should have the power, if not the duty, of stimulating and directing the development and use of this most important educational

211. Revised Statutes of Kansas, 1935, Chap. 72, Sec. 5321.
tool. However, only about half the states give him library functions, moreover, the most of those which are given are of a perfunctory character.

It is noted that the nature and extent of his library functions vary widely, though a few common veins exist. Some functions which occur fairly frequently are: (1) That of serving, ex officio, as a member of the State Library Board, twelve states; (2) that of furnishing school libraries with lists of adopted or suggested books, fourteen states; (3) that of prescribing rules and regulations for school libraries, ten states. 212

In 1876 the Kansas legislature enacted a law permitting school districts to vote a tax at their annual meeting for the establishment of a library. The maximum levy for this purpose was as follows: Where the valuation was $20,000 or more the levy shall not exceed two mills.

This law was amended in 1915 as follows: The money so collected shall be used under the direction of the board of directors for the purchasing of a school library, and for no other purpose; and the district board, in the purchase of books, shall be confined to works of history, biography, science.

In 1925 a law was enacted which requires school boards

to purchase five dollars worth of library books for every teacher employed. These books are to be approved by the State Superintendent.213

The law of 1876 was not taken seriously. Provision was made for libraries in very few rural schools. The need of school libraries was felt keenly and about 1897 a few county superintendents conceived the idea that children should acquire the reading habit early. To insure desirable books a county superintendent called together a committee of his best teachers who helped him make the selection.

Following this movement many schools were imposed upon by high-pressure salesmen who sold many sets of books not suitable for elementary pupils.

In 1901 the Pupils Reading Circle Board was organized. It was composed of a representative from each congressional district with the State Superintendent ex officio chairman.214 This organization worked with an unpaid secretary-manager until 1925. At that time this work was taken over by the secretary of the State Teachers' Association. In that same year the legislature passed the law requiring five dollars worth of books to be purchased for every room.

The Kansas State Reading Circle Department now handles the sales of books taken on consignment from publishers, as based upon the adaptations of the Kansas State Reading Circle Adoption Committee. This committee is nominated to the Board of Directors by the State Superintendent and consists of eight county superintendents, a secretary-manager, with the State Superintendent as chairman. This committee when approved by the Board of Directors becomes the Kansas State Reading Circle Adoption Committee, and has charge of the selection of teachers' books for professional reading and pupils' books for Kansas school libraries. Through the cooperation of the State Superintendent and the county superintendents, this department of the Kansas State Teachers' Association continues to pay its own way and to produce a modest profit for the Association, which can be applied to the support of non-revenue departments of the Association, such as the work of the Legislative Committee, the curriculum project.

It is fair to presume that the Kansas State Reading Circle Board is composed of persons especially qualified to select books for the youth, and in this way much of the light and worthless matter frequently found in school libraries can be eliminated. Such a board might well be com-

posed of a representative of the cities of the first and second class. The total number of volumes in school libraries throughout the State of Kansas in 1937 reached 2,619,314.216

There is a tendency in Kansas to give the State Superintendent more power in the selection of books for school libraries. Perhaps as the years go by, we will see the need for more centralization of power in the office of State Superintendent. This office should touch every phase of school activity in every minute detail, and more power should be vested in the State Superintendent.

Kansas State Teachers Association

The teachers of Kansas need to become profession-conscious. The need for it is greater than ever before in the history of the State. In the time of struggle and change the individual teacher is powerless. Every interest and class is organizing. There is one organization, and one only, whose entire energy is devoted to safeguarding the interest of the Kansas teacher. That organization is the Kansas State Teachers Association.

The State Superintendent, the highest executive in the field of education, is because of this fact, an ex officio member of the executive committee of the Kansas State Teachers Association.

Teachers Association.  

Conventions of the Kansas State Teachers Association are held in the autumn of each year. Three types of programs are arranged for each convention. First, there are the general sessions, where all members may attend. The programs of these general sessions are designed to appeal to teachers and administrators of all types; that is the programs are aimed to carry general interest. Most general session programs are arranged around speakers of national importance. Second, there are the departmental meetings of large teaching or administrative groups, such as the College Department, the Senior High School Department, and the Rural School Department. These meetings tend to unify teachers of a large administrative group. At least one out-of-state professional speaker is provided for each department program. Third, there are many round table meetings which are arranged on the basis of specialized teaching such as social science or English.

The chairman of the Executive Committee, together with his eight Vice-presidents, and the State Superintendent as ex officio member of the Executive Committee are responsible for the success which these conventions have achieved. Each year the State Superintendent at one

218. Ibid, p. 5.
or other of these conventions usually takes an active part
and by his first hand information imparts to the teaching
public his plans for the improvement of Kansas schools.

All the best education, civic and professional agen-
cies of the State have been enlisted in making the Associa-
tion the best possible for its teachers; the best platform
of the county has been procured each year.

That the Kansas State Teachers' Association has been,
in a large measure, responsible for the interest, growth,
in the present high standing for the school system of Kan-
sas, cannot be disputed.

Kansas Teacher Placement Bureau

In 1920 the Kansas State Teachers' Association organ-
ized the Placement Bureau. This Bureau was designed to
aid members in finding positions. Such an organization
was in keeping with the plan of expansion of the associa-
tion in 1921. About 2000 of its members have found posi-
tions through its efforts at a nominal charge of two and
one-half percent commission at a saving of $40,000.219
Teachers were not so numerous and the demand was good.
But in a few years conditions changed. In 1925 the ex-
penses were but a little greater than the gross income
from the Bureau. At the present time the Kansas Teacher

219. "Accomplishments of the Kansas State Teachers' Assoc-
Placement Bureau has been discontinued and the Board of Directors have ordered that all credentials, etc. should be destroyed.220

Functions Relating to Teachers Institutes

By far the majority of teachers enter upon their work with comparatively little preparation for it. To increase the efficiency of the poorly trained, particularly, and to help the professionally trained as well, institutes have been provided in all states. The control and supervision of these institutes is chiefly local, devolving generally upon the county superintendent or schools. However, more than half of the states give the State Department of Education certain functions relating thereto. These functions pertain usually to the county institutes, which are held annually in most states. A few states give the office duties in connection with the State Teachers' Associations or conventions; for example, the State Superintendent of Wyoming is required to hold annually a State Teachers' Institute at a time and place to be determined by him.221

The most common functions of the State Superintendent relating to institutes are as follows: That either fixing

220. Pinet, F. L., Correspondence, July 1926.
or helping to fix the time and place of holding them; that either employing instructors or of recommending some; that of either making or approving rules for their government; that of holding them in person or through representatives; that of attending them when possible; that of outlying in the work for them; and that of approving and holding joint institutes. 222

The institute functions of the office of State Superintendent vary from nothing in some states to large control and supervision in others. In Nevada the office has larger powers and duties in this connection than that of any other state. 223

The Kansas School Laws of 1877, chapter 136, section 2, provides: "The county superintendent of public instruction, with the advice and consent of the State Superintendent, shall determine the time, and place of holding normal institutes, and shall elect a conductor and instructors for the same."

The Kansas School Laws of 1811, chapter 270, section 1, also states: "It shall be the duty of the State Superintendent, annually, when twenty-five persons have registered as members of any duly organized normal institute, and have

222. Ibid, p. 42.
223. Ibid.
paid the required registration fee, to certify the same
to the auditor of the State, who shall forward to the county
treasurer an order on the state treasurer for the sum of
fifty dollars. This is to be placed in the 'normal-institute
fund'.'

Two or more counties each having less than 12,000 in-
habitants may unite in holding one normal institute, with
the consent and by the direction of the State Superintend-
ent.224

The law requires that county superintendents follow
the institute course in their county teachers' normal in-
stitutes, and the county teachers' examination questions
are based on the work in the county institute course of
study. The State furnishes the institute course of study
free to teachers, and requires the State superintendent
to prepare the institute course of study.225

Kansas had only the lecture system of institutes
until 1877, at which time the legislature gave the State,
by statute, the "four-weeks normal institute for the in-
struction of teachers and those desiring to teach." Thus
it is seen that Kansas discarded by statute the lecture
form of institutes more than fifty years ago. There is
no authority in the statutes today for any other than the
224. Revised Statutes of Kansas, 1885, Chap. 72, Sec. 1402.
225. Ibis, Sec. 102.
"normal institute for the instruction of teachers and those desiring to teach."

In a recent year there were institutes of one week held in ninety-five counties of the state; two counties held institutes of two weeks; while the remaining five counties held institutes of five weeks each. The total enrolled was 9,593, with an average attendance of 7,512.5. The institutes in ninety of these counties were conducted by county superintendents, while fifteen of them were conducted by others.226

The many duties of the State Superintendent prevent him from taking an active part in county institutes outside of supervision.

Closely related to county institutes are County Teachers' Associations. The State Superintendent takes an active part in their organization and at the meetings which they provide. In 1935-1936 the State Superintendent attended and took part in forty-one of such teachers' meetings.227

Functions Relating to Teachers Certificates

Centralization within the State Department of Education for the certificating of teachers for the whole state

227. Markham, W. T., Correspondence, July 1936.
is growing everywhere. This practice has the advantage of eliminating much of the petty officialism and exclusiveness often exhibited when local authorities grant certificates. Moreover, it permits a central authority to see that minimum standards demanded by the state are maintained everywhere. In accordance with this principle, practically all states give the State Superintendent functions relating to the certificating system. These functions he exercises either individually or as a member of the State Board of Education or the State Board of Examiners.\textsuperscript{228}

It is seen that the typical state gives him either the power or the duty of granting certain, or all, certificates, extending some, and honoring those of other states. The power of granting certificates usually carries with it the privileges of suspending and revoking. Thus, the State Superintendent may suspend or revoke a certificate for immorality or incompetence in office. About half the states give him the function of preparing teachers' examinations.\textsuperscript{229}

In only a few states does he have complete control over the certificating machinery. The tendency is to make the supervision of this work one of the functions of the


\textsuperscript{229} Ibid, p. 50.
State Board. Thus, the State Superintendent is coming to certificate, subject to the rules and regulations of the State Board, all teachers. About one-fourth of the states give the function of certificating teachers to the State Board of Examiners. The State Superintendent usually has *ex officio* membership on this board and has the further duty of appointing the other members of it.230

The Kansas School Laws of 1915, chapter 285, section 1 provide: "That the State Board of Education shall have authority to hold examinations and issue teachers' certificates to persons of good moral character who give satisfactory evidence of requisite scholarship, culture, professional attainments, and ability. All certificates issued by the State Board of Education are valid in any township, county, school district, or city of the first or second class for the time specified in the certificate, unless it is sooner revoked by the State Board of Education. All certificates issued by the State Board of Education shall be countersigned by the State Superintendent of Public Instruction, and registered in his office. These certificates supersede the necessity of all examinations by county, city, or other local boards of examiners."

230. Ibid.
In 1937 the Kansas legislature passed a State Certification Law, known as Senate Bill No. 68. Its provisions are:

Section 1: It shall be unlawful for any district board, board of education, board of trustees of a community high school or other agency controlling any elementary or secondary public school or public junior college to issue an order for payment of the salary of any teacher, supervisor or administrative officer who does not hold a certificate valid in the State of Kansas.

Section 2: After July 1, 1937, the State Board of Education shall have exclusive authority to issue teacher's, supervisor's, and administrative officer's certificates valid in the State of Kansas. None of the provisions of this act shall be retroactive in respect to certificates legally issued in this state prior to June 30, 1937, and valid on that date.

Section 3: The State Board of Education is authorized to make rules and regulations covering the issuance, renewal, revival and registration of certificates for teachers, supervisors and administrative officers of elementary and secondary public schools in the state of Kansas, including kindergarten, grade schools, junior high schools, high schools, and public junior colleges.
Section 4: The State Board of Education upon being satisfied as to the general qualifications of an applicant to teach, may in its discretion, offer examinations granting leave to teach certain subjects or department work in the schools of this state.

Section 5: No certificate shall be issued by the State Board of Education for a period of more than two years, except to a person previously certified to teach in the schools of Kansas. The State Board may also issue teachers' certificates to those persons who have completed the normal training course of study approved by the State Board of Education.

Section 6: The State Board of Education is empowered to cancel any certificate on satisfactory proof, that the holder of such a certificate is a person of immoral character or otherwise disqualified as teacher, supervisor, or administrative officer in the public schools.

Section 7: The State Board of Education shall provide for the holding of teachers' examinations at county-seat towns or any other towns within the county which the State Board of Education may designate throughout the State.

Section 8: Nothing herein shall be construed to prohibit the Board of Education in cities of the first or sec-
ond class from giving such further examinations to teachers to be employed in such cities as the board of education thereof shall deem necessary.

Section 9: The board of education in cities of the first and second class, may appoint competent persons, who, with the superintendent as chairman, shall be styled the examining committee of the board of education of such cities whose duty it shall be to examine all persons applying for such a certificate.

Section 10: Each application to the State Board of Education for certification or renewal shall accompany the application with certain fees ranging from one to three dollars. All such fees shall be deposited by the State Board of Education with the state treasurer, and such fees are hereby appropriated to the State Board of Education for the payment of expenses connected with the issuance, renewal, revival, or duplication of such certificates, and for the keeping of records by said board. Such expenses shall be paid on warrants drawn by the state auditor, verified and approved by the State Superintendent of Public Instruction.231

In summary we may say that the Teachers Certification Bill became effective July 1, 1937, thus limiting the one hundred ninety-seven certifying agencies that had been established in the State to four. The State teachers' colleges were to continue to issue the same kind of certificates that they had issued during the past several years. Also the state normal training certificate law remains in effect. The only major change was that relative to county certificates. After July 1, 1937, certificates formerly issued by the county superintendents are to be issued by the State Board. An examination will be provided annually, the questions to be furnished by the State Board, and the examinations are to be held at points designated by the State Board.

Functions Relating to Patriotism

The Kansas School Laws 1907, chapter 319, section 3 impose as a duty of the State Superintendent the obligation of preparing for the use of the public schools of the State a program and patriotic manual providing for a salute to the flag at the opening of each day of school, and such other patriotic exercises as may be deemed expedient by him. The same act made it the duty of the State Superintendent to make provisions for the observance of special
holidays such as: Lincoln's birthday, Washington's birthday, Memorial day, and Flag day.

The State Superintendent is also authorized and directed to procure and provide the necessary and appropriate instructions for developing and encouraging patriotic exercises in the public schools; while the state printer is authorized and directed to do such printing and binding as the State Superintendent may direct.232

In compliance with these laws, the State Superintendents have issued some excellent patriotic manuals for the considerations of teachers, and for the use in the schools of Kansas. It is believed that a careful use of the material in these manuals will develop a deep patriotic response to our nation; not an impassioned emotionalism which exhausts the mental powers, but a deep and abiding love and faith which shall be for all time.233 In the school is found the most fertile soil for planting the seed of patriotism. The germ of patriotism is in every heart; but it must be cultivated and fostered in the hearts of the youth, if it is to blossom and develop fruit in the hearts of men. In familiarizing our boys and girls with the life story of the men and events that have entered in-

to the building of our republic, we bring them face to face with the grand characters that go to make up our history, and in so doing instill into their minds love of country before childhood has become maturity.

The flag salute, as set forth in the article of "The Flag Code,"

"I pledge allegiance to the flag of the United States of America, and to the republic for which it stands,--one nation, indivisible, with liberty and justice for all," when observed by the schools, meets the requirements of the law in the matter of patriotic daily opening exercises. 234

Functions Relating to Publicity and Publication

Another historic function of the State Superintendent relates to publicity and publication. This work is considered so important that the state generally directs the office to collect and diffuse educational information in every way possible. This publicity is given through addresses, communications, and by the publication of pamphlets, bulletins, and a special report to either the state board, governor, or legislature. 235

More than half the states make it the duty to publish.

234. Ibid.
usually every two years, the school laws in force, with such forms, regulations, instructions, and decisions as he may judge expedient to attach thereto. It is made his duty further to cause the same to be forwarded to such persons as are entitled to receive them. In a few states, due to the fact that the legislature meets annually, he is required to publish the school laws annually.236

The laws of Kansas provide that the State Superintendent not more than once in two years, may publish the school laws in force, with such forms, regulations, instructions and decisions as he may judge expedient.237

He is also asked to see that all forms and blanks necessary in the details to the common-school system are uniform throughout the State. It is his duty to forward them to the county superintendents who in turn distribute them to their various subordinate officials.238

The report of the State Superintendent is usually made to the governor, though a few states direct that it be made to the legislature or to the State Board. The report is made either annually or biennially, generally the later, because the data which it contains are needed for the legi-

236. Ibid, p. 53.
237. Revised Statutes of Kansas, 1825, Chap. 75, Sec. 308.
238. Ibid.
slature, which in most states meets biennially.\textsuperscript{239}

The data to be included in the reports are usually specified, the specifications of Kansas being typical.

"The State Superintendent, on the first day of December preceding each regular session of the legislature, makes out and delivers to the governor a report containing: (1) A statement of the number of common schools in the State, the number of scholars attending the same, their sex, and the branches taught; a statement of the number of private and select schools of the State, the number of scholars attending the same, their sex, and the branches taught; a statement of the number of normal schools in the State, and the number of students attending them; the number of academies and colleges in the State, and the number of students, and their sex, attending them; and such other matters of interest as he may deem expedient, drawn from the reports of the several county superintendents of the several counties in the State, and from other reports received on the subject of education from trustees or other school boards within the state. (2) A statement of the condition of the common school fund of the State, in-

cluding moneys, school lands, or other property held in trust by the State for the support of the common schools, and giving a full statement of the school-land account of each county. (3) A statement of the receipts and expenditure for the year. (4) A statement of plans for the management and improvement of common schools, and such other information relating to the educational interests of the State as he may deem important.240

With this end in view that the work of school officers in keeping and reporting statistics shall be reduced to a minimum, and in order that such statistics may be made more serviceable, the official in question is given, in practically every state, the duty of preparing, printing, and distributing blanks and forms for keeping and reporting such statistics. Most states also authorize him to prescribe the way in which statistics shall be kept and reported.241

Several states direct him to secure information regarding the systems of school in other states and thus to make this available in his own state. The pamphlets and bulletins which he is to publish are usually specified, the most common subjects with which they deal being various holidays, such as birthdays, anniversaries of great

240. Revised Statutes of Kansas, 1935, Chap. 75, Sec. 812.
events, and other special days, such as Arbor and Bird
days, the Good Roads day, State day, and Fire Prevention
day.242

Since the organization of the office of State Superin-
tendent in 1861 there have been seventeen annual, and
twenty-nine biennial reports made by the office.

Visitations

It is the duty of the State Superintendent to visit
each county of the State at least once in two years, and
as often as will be necessary for the discharge of his
duties, for the purpose of advancing and promoting the
cause of education throughout the State. It shall also
be his duty to open such correspondence as may enable him
to obtain all necessary information relating to the system
of common schools in other States.243

During the year 1935-36, the State Superintendent
visited sixty-four counties; delivered one hundred sixty
addresses, besides attending and taking part in forty-one
teachers' meetings and visiting a large number of schools.
While not away from the capitol on these trips, he devoted
full time to the duties of his office. His office hours
are from 8:30 a.m. to 12 noon: 1:30 p.m. to 5 p.m.244

242. Ibid.
243. Revised Statutes of Kansas, 1935, Chap. 75, Sec. 809.
244. Markham, W. T., Correspondence, July 1936.
Chapter V

FUNCTIONS RELATING TO SCHOOL FINANCES

"The power of the state to establish and maintain a system of common schools, and to raise money for that purpose by taxation, and to govern, control, and regulate such schools when established, is one of the powers not delegated to the United States by the constitution, nor prohibited by it to the states, and is reserved to the states, respectively, or to the people. Providing for public education and establishing and regulating public schools are matters which rest primarily with the legislative department, subject only to the constitutional restrictions."245

From this citation it follows that education is primarily a function of the state. Under our form of political organization the state alone, and not the national government, is responsible for the establishment and maintenance of a system of common schools. Hence, it is the function of the state to raise funds for the schools and this is done primarily by taxation.

The State Superintendents and School Finance

One of the earliest functions of the State Superintendent was that of supervising the collection, investment, and disbursement of the State School Funds. This function has developed until it is one of the most common of all. Practically every state gives the State Superintendent the duty of distributing or ordering the distribution of the state school funds. 246 Several states authorize him to withhold for reason, the appropriation of any county or community. 247

School Costs and School Support

The constantly increasing cost of public education, paralleling that of living and of government in general, is of concern to legislators and citizens generally. The costs of maintaining public education, the sources from which funds are received for school support, methods of distributing state moneys among local schools and districts so as more nearly to equalize educational opportunities of children and tax burdens of citizens, are matters of paramount importance to legislatures and others responsible for enacting or recommending laws governing the support of public education.

247. Ibid.
Sources of School Funds

School moneys are now provided by states, counties, cities, townships, and districts. State school tax funds are generally derived from one or more of the following sources: (1) State-wide tax on all taxable real and personal property, the rate is fixed in the statutes or in the constitution; (2) State-wide tax on all taxable real and personal property, the rate is variable; the total amount of the per capita amount to be raised fixed by statute per capita may be scholastic population, average daily attendance, or other unit; (3) a fixed portion of state gross receipts; (4) All or a portion of the proceeds of special taxes, such as income taxes, inheritance taxes, taxes on stocks and bonds, poll taxes;248 State appropriations result from direct legislative enactment, made as a rule annually or biennially. There is at present a great amount of interest in the possibilities of special taxation sources for school support. This is due to the fact that property tax is now in many states the sole source of school funds as well as the sole source of support for all local and state government, and property is becoming more and more heavily burdened. It is believed by some

authorities on taxation that unless property is relieved from taxation for some type of public service purposes, property ownership, even home ownership, may become burdensome. There is the added consideration that in a number of states the valuations are not equalized among local school districts, counties, or other units of taxation, and that when a particular millage levy is made for state purposes it becomes unfair to certain local units. The system puts a premium on the tendency to place a low valuation on property within local units by local authorities. A state general property tax has been found, therefore, to encourage constituent political corporations to lower their valuations. The more the valuation is lowered, the smaller will be the amount paid into the state treasury.

States are employing to a considerable extent corporation taxes, income taxes, sales tax, and other types of taxes instead of, or in addition to, general property tax as a means of producing State school revenues.

Financing the Pioneer Schools in Kansas

A law providing for the creation of school districts and the levying of taxes to support schools, was passed by the first territorial legislature. Even then it was diffi-

249. Ibid. p. 33.
250. Ibid. p. 35.
cult to raise money, for the people could raise very little for taxes. The story of Elm Creek School, organized in Cloud County in 1864, illustrates the method of pioneer finance. The people organized their school district at a meeting in a grove. A school board was elected and a tax levied, but the tax levy would raise only $54 for the whole year. A canvass of the community for a teacher resulted in the employment of Miss Rosella Honey, who agreed to teach three months for eighteen dollars a month.

An analysis of the school reports of early years reveals that poor school houses and low salaries were general over Kansas. In 1862 the average length of the school year was only twelve weeks. Women teachers were paid an average salary of thirteen dollars a month. There were 319 teachers in the state that year. The value of all the school houses in Kansas was only $10,432. Wages improved after the Civil War and the length of the school term grew longer. In 1867 Kansas had 703 school houses of an average value of $815. Men teachers were paid an average salary of thirty-nine dollars a month, and women, twenty-six. The average school term was lengthened to seventeen weeks at that time.²⁵¹

The framers of the State constitution recognized the

importance of education in Kansas, and hence provided means for financing it. This can be seen from the following acts:

Article VI, Section 2: "The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments."252

Article VI, Section 3: "The proceeds of all lands that have been or may be granted by the United States to the states for the support of schools, and the five hundred thousand acres of land granted to the new states, under an act of congress distributing the proceeds of public lands among the several states of the Union, approved September 4, A.D. 1841, and all estates of persons dying without heir or will, and such percent as may be granted by congress, on the sale of lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the legislature may provide, by tax or otherwise, shall inviolably appropriated to the support of common

252. Constitution of Kansas, 1859, Art. VI, Sec. 2.
Article VI, Section 6: "All moneys which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker-up, and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected, to the support of common schools." 254

The apportionment of the school fund is vested in the State Superintendent. He is authorized by law to distribute the income of the State School Fund and the annual taxes collected by the State for the support of common schools to those counties of the State from which the proper reports have been received. This distribution is made twice a year. The apportionment to each county is made in proportion to the number of children over the age of five years and under the age of twenty-one years. 255

The management and investment of the State permanent school, normal school, and state university funds are under the School Fund Commission. This commission is composed of the following members: The secretary of state; who is the president of the board; the State Superintendent,

253. Ibid. Sec. 3.
254. Ibid. Sec. 6.
255. Revised Statutes of Kansas, 1935, Chap. 75, Sec. 805.
who is secretary of the board, and the attorney-general. In the absence of either the president or secretary, the attorney-general acts as president or secretary, as the case may be. Members of the commission must act personally. They can not be represented by any assistant or clerk. 256

The School Fund Commission meets regularly in the office of the State Superintendent at ten o'clock on the last Saturday of each month. Special meetings of the board may be held at any time when it is called by any member of the board. The commissioners keep a full and correct record of their proceedings at every session of the board. 257

The School Fund Commission has the duty and is authorized by law to invest in United States Bonds, state or Kansas Bonds, or bonds of any municipality, school district, or boards of education, any moneys belonging to the permanent school fund, the state agricultural fund, the state normal, and the state university fund. In making such investments they are, however, authorized not to pay more than par, nor more than the actual market price. The validity of municipality bonds must also be approved by the attorney-general before they can be purchased by the School

256. Ibid. Sec. 2301.
257. Ibid. Sec. 2302.
Fund Commission. Neither are the commissioners permitted to invest in any bonds which exceed fifteen percent of the assessed valuation of any municipality.258

All three of the members of the board must be present when there is question of purchasing bonds under pain of nullity. At other times two members constitute a quorum, and may carry out the necessary business.259

The commissioners are required by law to keep a record showing a detailed statement of the condition of the state Permanent school fund, the state agricultural, the state normal, and the state university funds which are under their control. This statement should include such items as: the amount of each fund, how invested, when due, interest paid, all other acts connected with the management and investment of funds.260

The State Superintendent is requested by law to make a biennial report of all the investments of the School Fund Commission to the governor, who later places this report before the legislature. He is also required to publish quarterly a statement of the amount of funds on hand, the amount of each fund invested during the quarter, and a full description of the bonds brought for each fund, date of scch

258. Ibid. Sec. 2305.
259. Ibid. Sec. 2306.
260. Ibid. Sec. 2307.
bonds. amount, rate of interest, when payable, number of
coupons attached, when bought, from whom purchased and
the price or rate paid for each. 261

All record books of the board are kept in the office
of the State Superintendent. These records are open for
inspection by the citizens of Kansas during office hours. 262

In the investment of the state permanent school, agri-
cultural, state normal and state university funds the com-
missioners are authorized to draw their orders on the state
treasurer, payable out of the funds invested for the pur-
chase price of the bond, bonds, or warrants which orders
previous to their delivery are registered in the state
treasurer's office in a book provided for that purpose. 263

All moneys belonging to the State School Fund are held by
the state treasurer, and are subject to the order of the
Board of School Fund Commissioners. The state treasurer
is also the custodian of all bonds, notes, mortgages, and
evidences of debt arising out of the management and invest-
ment of the State School Fund Commission. 264

The state treasurer is asked to keep in a separate book
an account of all school moneys received by him. He is al-
so asked to distinguish between the perpetual fund and the
annual fund for the disbursement, and to make a report to

261. Ibid.
262. Ibid. Sec. 2308.
263. Ibid. Sec. 2309.
264. Ibid. Sec. 2310.
the State Superintendent on the first day of February and first day of August of each year. This report must state the amount of money in his hands belonging to the permanent school fund subject to investments on the 1st day of March and on the 25 day of July of each year. Besides this he must also report to the State Superintendent the amount of the money in the treasury belonging to the annual school fund and subject to disbursements on the semi-annual dividends. 265

Collection of all moneys due to the permanent school fund as made by the State School Fund Commission. If any such moneys remain unpaid for more than thirty days after they become due the commissioners notify the attorney-general of the fact. It then becomes his duty to collect these dues by civil action, to be brought and prosecuted in the name of the State. 266

It is the duty of the State Superintendent and the County Superintendents whenever they, or either one of them have knowledge of the existence of an estate of a person who had died without heir or bona fide will to notify the county attorney of the county in which the estate or any part of it is located, and to notify the attorney-general in like manner. This property then becomes a part of the permanent school fund. 267

265. Ibid. Sec. 2303.
266. Ibid. Sec. 2311.
267. Ibid. Sec. 1201.
Kansas State Aid Law

In 1937 the Kansas legislature enacted the Kansas State Aid Law, known as "Senate Bill No. 125." Among its provisions are:

Section 1: "There is hereby created in the state treasury a fund to be known as the State School Aid Fund to be made up by all moneys credited to it as authorized by law. No additional direct or ad valorem tax shall be laid on real or personal property for the purpose of creating or maintaining such State School Aid Fund." 268

Section 2: "The State School Fund shall be distributed as follows:

1. To each one-teacher elementary school district the difference between the amount of a three-mill school tax levied upon the assessed valuation of the tangible property of the district, if less than $675, and $675 if the district had an average daily attendance of twelve or more pupils during the year next preceding: Provided, That if the average daily attendance was fewer than twelve pupils, the amount paid shall be the fractional part of the difference between the amount of a three-mill school tax levied upon the assessed valuation of the tangible property of the district, if less than $675, and $675, that the average daily attendance of twelve.

268. Kansas State Aid Law, 1937, Senate Bill No. 125, Sec. 1.
2. To each elementary school employing two or more teachers if the average daily attendance during the school year next preceding was twenty-five pupils or less, the sum of $0.75, less the amount obtained by multiplying the assessed tangible property valuation of the district by three mills: if the average daily attendance during the school year next preceding in excess of twenty-five pupils, the amount obtained by multiplying the average daily attendance during the school year next preceding, by twenty-seven dollars and then deducting therefrom the amount obtained by multiplying the assessed tangible property valuation of the district by three mills: Provided, That whenever the term "elementary school" is used in this act, it shall mean any public school district in the State offering instructions in grades one to eight, but no State Aid shall be granted to any school district of the State under the provisions of this act after June 30, 1939.\textsuperscript{269}

Section 3: "The State Superintendent of Public Instruction shall distribute the annual allotments from the State School Aid Fund as provided in Section 1 of this act for the support of elementary schools to those districts of the State which have made the required three-mill levy as provided in Section 5 of this act, and from which the proper reports have been received by the State Super-\textsuperscript{269} Ibid. Sec. 2.
intend the intendent of Public Instruction. Such distribution shall be made twice in each year, as follows: One half on the first day of October, and one half on the first day of April. Such amount shall be apportioned to the counties as will be required to pay the State Aid provided for under Section 2, of this act. County superintendents shall furnish to the State Superintendent of Public Instruction whatever reports he may require for the enforcement of the provisions of this act not later than August 1st of each year. The State Superintendent shall on or before September 15, in each year, certify to the state auditor the amount of the annual allotment due from the State School Aid fund to each school district for the current school year, and at such time shall also certify to the county treasurer and county superintendent of each county with school districts entitled to aid under this act in such current school year, the amount of aid allotted to the school districts in such county. 270

Section 4: "The auditor of the State shall draw his warrant on the treasurer of the State payable to the county treasurer of the several counties of the State having districts entitled to aid as herein provided, for the total allotments due the school districts in such county upon duly itemized and verified vouchers of the State Superintendent of Public Instruction." 271

270: Ibid. Sec. 3.
271: Ibid. Sec. 4.
Section 5: "Upon receipt of such county apportionments, the county treasurer of each county shall apportion the same to the general fund or the several school districts in said county as shown by said certificate of the State Superintendent, and thereupon such funds so apportioned to a school district shall be subject to withdrawal by the several school district treasurers. No school district shall be entitled to aid from the State fund provided herein unless such district shall have maintained a school for eight months the preceding year, or was unable to maintain a school for eight months because of insufficient funds. No school district shall be entitled to aid if such school district has not made a local school tax levy of at least three mills for its general fund."  

A report on the State Aid Law for Kansas would be incomplete without some mention of the work of State Superintendent W. T. Markham, who for four years stumped the State to preach the philosophy of State Aid, Equalization and new tax support. When Superintendent Markham began his missionary work the cause was not a popular one, but as the logic of his case became evident, popular thinking gave him support as evidenced by constructive legislative acts in the 1937 legislature.

272. Ibid. Sec. 5.
The national spotlight which was thrown on Kansas in the spring and summer of 1936 because of the Landon campaign for president resulted, in the main, in wholesome publicity for the cause of State Aid. As was to be expected in a political fight, gross errors of fact appeared on both sides, but when the battle subsided, people realized that Kansas was forty-eighth on the list of states in respect to State Aid to schools and that we were behind the times in not using newer forms of tax-support for education.

The national criticism of Kansas was influential in convincing both parties that educational planks should be placed in the state platforms. The educational planks of the Kansas Democratic Platform of 1936 were as follows:

"To provide equal educational opportunities for every boy and girl, we favor an adequate State Equalization Fund to be raised by taxes other than direct taxes. We favor such reorganization as will effectively broaden the tax-base, thereby reducing the local property tax rate without impairing the efficiency of the schools.

We further favor the removal from partisan politics of the offices of State and county superintendents, and the revision of school laws so as to remove conflicting sections and provide needed changes in existing boards.
and commissions to make them applicable to present-day needs. We favor a fair and adequate wage for teachers. 273

After the State Aid Bill was passed in the 1937 legislature, means for financing this measure other than by direct taxes had to be provided. This was done to some extent by the enactment of the "sales tax law."

Senate Bill No. 522 of the 1937 Kansas legislature provided for a sales tax on the privilege of selling tangible personal property at retail, for the privilege of providing entertainment and amusement and for the privilege of engaging in the furnishing of certain services, and providing for the ascertainment, collection and distribution thereof, providing for reimbursement to the retailer by the consumer insofar as administration and enforcement of this act. 274

An act relating to distribution and use of sales tax funds reads as follows: "There shall be transferred out of said retail sales tax fund first, a sum not to exceed $2,400,000 per annum, beginning July 1, 1937, for social welfare purposes and a sum not to exceed $200,000 per annum beginning July 1, 1937, for additional social welfare purposes for use with the crippled children commission in lieu of funds raised by ad valorem tax, under such regulations as are

the State board of social welfare may prescribe, and second
the sum of $50,000 on the first day of July, 1937 and the
sum of $60,000 on the first day of July, 1938, and a like
amount on the first day of July each year thereafter, to
the general fund of the State for appropriation to the em-
ployment service account, and third, the sum of $2,500,000
to the State School Aid Fund, and fourth, on March 1, 1938,
the state treasurer shall credit the sum of $250,000 to the
emergency social welfare fund; and all of the balance, if
any, to the county treasurers of the several counties of
the State annually on June 30 of each year as hereinafter
provided. On the twentieth day of September of each year,
beginning September, 1937, and on the twentieth day of Ap-
ril of each year, beginning April, 1938, the State treasurer
shall credit to the State School Aid Fund, the sum of
$1,250,000, or as much thereof as is available, and if the
balance of said fund is insufficient to cover such payment
the deficit in such payment shall be added to the subse-
quent semiannual payments when money is available, until
paid. Provided, however, That any unused balance in the
State Aid School Fund on May 15 of each year shall be trans-
ferred by the State treasurer to the retail sales tax fund.
On the fifteenth day of June of each year, beginning June,
1938, the State treasurer shall apportion and pay to the
several county treasurers of the State all of the balance in said retail sales tax fund as of close of business on June 2 next preceding as follows: Fifty percent of such residue to the counties on the basis of population as reported in the last preceding annual enumeration by the State board of agriculture and fifty percent of the residue due to the counties on the basis of the equalized tangible assessed valuation for the preceding year. On receipt of these funds from the State treasurer, the county treasurer shall divide such funds among all the tangible property tax levying political subdivisions of the county.\textsuperscript{275}

Kansas schools derive their income from the following sources:

a. Taxes levied on real and personal property, with certain limitations and restrictions. Such taxes are the main dependence of the schools.

b. A tax levied on intangibles. The rate is low and the income therefrom, while a help, is not large.

c. Income from the State School Fund. This is less than \$1 annually per census pupil.

d. Income from fines and from the dog tax. As a rule, the income from this source would not keep any school system open more than one or two days a year.

\textsuperscript{275} Kansas, Laws of Special Session, 1933, Chap. 80, Sec. 1.
Aid for elementary schools, set up for two years only, was provided by the 1937 legislature, and makes possible a minimum amount per annum to each school unit.

Kansas needs a State system of school aid extending from the first grade through the secondary school to supplement the efforts of local school districts that are unable to provide adequate educational opportunities due to poverty of local resources.
Chapter VI
CONCLUSIONS AND RECOMMENDATIONS

The office of State Superintendent is one of vital importance when one considers that the educational interests of the State are under his supervision and management, subject, however, to the limitations and restrictions of law. He is the chief executive officer in the State Educational system. It is his duty to direct the activities of all the other persons employed in the department; to originate plans for promoting the welfare of the schools and to provide for their execution; to give official advice to county and city superintendents and school officers; to explain the meaning and application of the school law; to represent the educational interests of the State in public addresses and in written articles; to give encouragement and assistance to the teachers in all public schools; to keep himself informed regarding prevailing conditions in Kansas and to become familiar with progressive movements in other states; to recommend to the legislatures needed changes in the school laws; and to convince the members of the legislature and the people that the proposed changes are desirable. Besides this, the laws specify a great number of duties which the State Superintendent must perform.
He is *ex officio* one of the three members of the State Commission which has charge of the investment of the State School Fund; he is also *ex officio* a member of the State Board of Education and as the representative of the public school he is more directly concerned than any other member in the adoption and publication of textbooks. As member and chairman of the State Board he has great responsibility concerning all the important work of this body.

Never before in the history of the State of Kansas has the State Superintendent had so great an opportunity to lead the educational forces of the State in putting into effect a progressive and constructive educational program as at the present time.

There has been a remarkable growth in the educational system of Kansas since the office has been inaugurated. In 1860 the territorial population had reached 107,006 with 7,000 of school age; school expenses amounted to $20,000 annually. From that humble beginning, with a school census of only 7,000, and but one person in the office of the State Superintendent until today with almost two million population and 417,004 children in school; 18,108 teachers, superintendents, and principals employed; 8,682 organized districts; and 24 in the State Department of Education;
with the annual expenditures increasing from $20,000 to $23,441,990.09, one can mark the educational progress of seventy-five years as wonderful and inspiring in many ways.

Originally the length of the school term was placed at three months; later, in 1863, at five; then six; then seven; and finally in 1883, at eight, as the minimum term. A rule of the State Board now requires a nine months term for all accredited high schools.

The growth and development of the one-room rural school has been rather slow, but none the less marked. From the three R's, as commonly considered, the number of studies has increased to six, then eight, and finally twelve branches. The Social Studies program now, however, combines some of these branches into an interesting pattern of correlated subjects suited to the needs of present day living.

In many cases school buildings and equipment have been greatly improved from the original small box-type school house. It is a long step from the dugout, or sod house of the West, with little equipment, bare walls and unimproved grounds, to the modern school building found in many parts of the State. Single desks, slate blackboards, international dictionaries, maps, charts and globes, well chosen libraries, concrete walks, sufficient playgrounds, and appropriate play apparatus are being installed throughout the State.
Well planned architecture is also playing an important part in the Kansas educational program.

High-school development in Kansas has been more marked than that of the rural schools in recent years. From a few small stragling high schools the number has increased to 744 on the accredited list, each offering four-year courses, meeting the requirements generally made of high schools by the most progressive colleges and universities.

Consensus of opinion is tending towards giving more power to the State Superintendent. It would be well, if he were made an ex officio member of all Boards of Education dealing with State and private institutions, thus making out of the State one integral system of education with him supervising all.

The legislative session of 1937 will go down in Kansas history as marking the greatest gains in constructive school legislation that the State has seen in many years. These gains were due to the coordinated and cooperative efforts of State Superintendent W. T. Markham and a number of groups interested in the improvement of the schools of Kansas.

One of the first acts of the legislative committee was to set up a legislative platform. The School Equalization
or "The State Aid Bill" was passed. It provided for the equalization of costs of public schools through the use of State funds, to the end that every child in the State may be enabled to attend a school which will meet certain minimum standards and which will be supported by a school tax levy common to all school districts in the State.

To provide for the support of the schools by the use of other types of taxes in addition to property tax, the same legislature provided for a sales tax which was promptly enacted into law.

The "Textbook Act" was also passed during the 1887 session of the Kansas legislature. The chief provisions of this act are that it transfers the duties and the responsibilities of the State School Book Commission to the State Board of Education and abolishes the State School Book Commission as an official body. The membership of the State Board of Education was increased by adding to the membership, the State printer and the State business manager. This act also provides for a textbook advisory committee to be appointed by the State Board of Education.

Lastly, Senate Bill No. 65 became effective July 1, 1887. The chief gain in connection with this act is the fact that the number of certifying agencies authorized to issue teachers certificates has been reduced from 197 to 4, namely, the
State Board of Education and the three State Teachers Colleges.

Recommendations

The 1937 session of the Kansas Legislature has given more consideration in behalf of the Kansas schools than any previous Legislature. State Aid has become a reality. However, the law is temporary, and therefore becomes a challenge to all who are interested in education, to begin a vigorous campaign for a permanent and improved program for the support of education in our State. There are also other problems to be solved:

First: A plan whereby the state may definitely be re-districted, thus providing an area and valuation sufficient in each district to be economically and educationally efficient. This can be accomplished by raising the minimum attendance required for partial participation in the State Aid program.

Second: A permanent State Aid program for raising revenue from indirect sources sufficient to create an annual equilization fund large enough to guarantee an equality of educational opportunity to every boy and girl in Kansas irrespective of his place of residence.
Third: A plan providing for the removal from partisan politics the office of both state and county superintendent, and providing for the election of said superintendents by state and county boards of education.

Fourth: A uniform and equitable system of tuition and transportation.

Fifth: A program whereby the principles of the Barnes Law may become applicable throughout the entire state.

Sixth: A program should be initiated that would provide for more adequate training of teachers, thus qualifying them for better teaching in the schools of Kansas.

While the provisions of this program may be stated in various ways, it is hoped that the essential elements enumerated may be crystallized into law and thus further vitalize the guarantee of our constitution, as set forth in Article I, Section 8, wherein Kansas accepted responsibility for the education within its borders by stating, "That the legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of higher learning."
### TABLE I

<table>
<thead>
<tr>
<th>States</th>
<th>Year of State's admission</th>
<th>Year of first provision for office</th>
<th>Year when office first made separate</th>
<th>Year from which office has been separate and continuous</th>
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<td>1917</td>
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### TABLE II

Constitutional provisions made for the office of State Superintendent of Public Instruction at various intervals*

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<th>Between 1889 and 1892</th>
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<td>Illinois</td>
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<td>Virginia</td>
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<td></td>
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<tr>
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<td>Nebraska</td>
</tr>
<tr>
<td></td>
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<td>Colorado</td>
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1. These states have at present only statutory provision for the office. All others named in the table have constitutional provision.
TABLE III
Methods of selecting the chief State school offician in 1923

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<th>Methods</th>
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</tr>
<tr>
<td>Arkansas</td>
<td>&quot;</td>
</tr>
<tr>
<td>California</td>
<td>&quot;</td>
</tr>
<tr>
<td>Colorado</td>
<td>&quot;</td>
</tr>
<tr>
<td>Connecticut</td>
<td>&quot;</td>
</tr>
<tr>
<td>Delaware</td>
<td>State board</td>
</tr>
<tr>
<td>Florida</td>
<td>People</td>
</tr>
<tr>
<td>Georgia</td>
<td>&quot;</td>
</tr>
<tr>
<td>Idaho</td>
<td>&quot;</td>
</tr>
<tr>
<td>Illinois</td>
<td>&quot;</td>
</tr>
<tr>
<td>Indiana</td>
<td>&quot;</td>
</tr>
<tr>
<td>Iowa</td>
<td>&quot;</td>
</tr>
<tr>
<td>Kansas</td>
<td>&quot;</td>
</tr>
<tr>
<td>Kentucky</td>
<td>&quot;</td>
</tr>
<tr>
<td>Louisiana</td>
<td>&quot;</td>
</tr>
<tr>
<td>Maine</td>
<td>Governor</td>
</tr>
<tr>
<td>Maryland</td>
<td>State board</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Governor</td>
</tr>
<tr>
<td>Michigan</td>
<td>People</td>
</tr>
<tr>
<td>Minnesota</td>
<td>State board</td>
</tr>
<tr>
<td>Mississippi</td>
<td>People</td>
</tr>
<tr>
<td>Missouri</td>
<td>&quot;</td>
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<tr>
<td>Montana</td>
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<td>People</td>
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<tr>
<td>Ohio</td>
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<tr>
<td>Wyoming</td>
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1. Idaho and Wyoming each have also a commissioner of education, who is appointed by the State board of education.
TABLE IV
Salaries of chief State school officials in 1923*

<table>
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<th>Salary</th>
<th>States</th>
<th>Salary</th>
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TABLE V

Legal length in years of term of office of the chief State school official in 1923*

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<th>Years</th>
<th>States</th>
<th>Years</th>
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<td>Montana</td>
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<td>Wyoming</td>
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#Indefinite Term.
### COMPARATIVE SUMMARY

Showing advance made by public schools since the organization of the State*

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of school districts</th>
<th>Number of teachers</th>
<th>Length of school term in weeks</th>
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</thead>
<tbody>
<tr>
<td>1862</td>
<td>534</td>
<td>319</td>
<td>12.8</td>
</tr>
<tr>
<td>1867</td>
<td>1,172</td>
<td>1,205</td>
<td>17.6</td>
</tr>
<tr>
<td>1872</td>
<td>3,419</td>
<td>3,795</td>
<td>21.6</td>
</tr>
<tr>
<td>1877</td>
<td>4,865</td>
<td>6,063</td>
<td>21.2</td>
</tr>
<tr>
<td>1882</td>
<td>6,435</td>
<td>8,250</td>
<td>22.3</td>
</tr>
<tr>
<td>1887</td>
<td>8,330</td>
<td>10,450</td>
<td>22.3</td>
</tr>
<tr>
<td>1892</td>
<td>9,193</td>
<td>11,680</td>
<td>23.4</td>
</tr>
<tr>
<td>1897</td>
<td>9,150</td>
<td>11,613</td>
<td>23.2</td>
</tr>
<tr>
<td>1902</td>
<td>8,990</td>
<td>11,709</td>
<td>25.1</td>
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<tr>
<td>1907</td>
<td>8,675</td>
<td>12,743</td>
<td>26.0</td>
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<tr>
<td>1912</td>
<td>8,717</td>
<td>14,103</td>
<td>31.0</td>
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<tr>
<td>1917</td>
<td>8,755</td>
<td>15,909</td>
<td>31.9</td>
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<tr>
<td>1922</td>
<td>8,704</td>
<td>17,560</td>
<td>33.0</td>
</tr>
<tr>
<td>1927</td>
<td>8,542</td>
<td>19,633</td>
<td>35.0</td>
</tr>
<tr>
<td>1932</td>
<td>8,528</td>
<td>19,917</td>
<td>32.5</td>
</tr>
<tr>
<td>1937**</td>
<td>8,662</td>
<td>19,336</td>
<td>33.0</td>
</tr>
</tbody>
</table>

** Markham, W. T., Cir. 322-M, 1935, p. 1.
Summary of the various kinds of legal eligibility requirements for holding the office of State Superintendent of Public Instruction*

1. Requiring no legal qualifications (seventeen states.)

2. Requiring qualifications of age or residence only. (eleven states)

3. Requiring professional qualifications of one of the following types:
   (a) School experience only. (two states)
   (b) Either college graduation or school experience only. (three states)
   (c) College graduation and school experience only. (four states)
   (d) Highest grade of state certificate only. (two states)
   (e) Highest grade of state certificate, plus school experience only. (one state)
   (f) College graduation, graduate work, and school experience only. (one state)
   (g) Unclassified. (five states)

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Powers and duties of the State Superintendent of Public Instruction as defined in State ex rel., v. Wooster. 111 K. p. 280

1. The State Superintendent of Public Instruction cannot refuse to approve the vouchers of those employed by the State Board of Education for the purpose of administering the federal and state vocational education funds, where the employees have performed the duties required of them by law.

2. The State Superintendent of Public Instruction does not have the power to refuse state certificates to teachers or certificates to institute conductors and instructors, or to reject applications for such certificates or for the renewal thereof, and does not have power to make rules and regulations concerning the issuance of such certificates.

3. The State Superintendent of Public Instruction does not have authority to rank and accredit schools and colleges in this state.

4. The State Board of Education may meet at any time that it deems necessary, without being called together by its chairman, the State Superintendent of Public Instruction.
Miscellaneous Functions of the State Superintendent*  

Shall have general supervision over the schools in all states.


Shall visit schools (Nebr., S. Dak., and Wis.)

Shall visit schools (Mo., N. Y., and Ohio)

Shall visit and inspect schools upon request (Me)

Shall inspect schools (Iowa, Md., Miss., Okla., Pa., and Utah.)

May combine or dissolve towns for purposes of supervision (Me and R. I.)

Shall supervise normal training classes of high schools (Mich. and Wis.)

May appoint county school examiners (Tenn.)

May call meeting of the State high school inspectors. (Ohio)

BIBLIOGRAPHY
BIBLIOGRAPHY

Books


A valuable source containing a full account of the history of the state and showing its growth from an uninhabited territory to a wealthy and important state; of its early settlement; its rapid increase in population and the marvelous development of its great natural resources. Also a supplementary history and description of its counties, cities, towns, and villages, their advantages, industries, manufactures, and commerce; to which are added biographical sketches and portraits of prominent men and early settlers.


The book has been issued to serve as a guide for superintendents and teachers employed to instruct in the schools of Kansas--public, private, and parochial.

Grover, A. C., Catholic Mission Annals, St. Marys, College Print Shop, 1925. 325 p.

This book gave some valuable information on the early Jesuit mission schools in Kansas.

A valuable source which gives an account of the Public School System, an explanation of its practical operations, a review of its auxiliary teachers' associations, sketches of the several public educational institutions, and denominational schools.


This source is primarily a teachers' manual rather than a compilation of selections for pupils' use.


This book has valuable suggestions and has been issued to assist teachers in the solution of the many perplexing problems relating to the selection, organization and presentation of subject matter.


This is a yearbook of the Kansas Educators Club, whose purpose is to advance Kansas educationally.
Fre©tis, Noble L., History of Kansas, Winfield, E. P.
Greer Publisher, 1889. 379 p.

A brief history of Kansas. Events have been arranged, as nearly as possible, in chronological order.


A brief history of the state of Kansas, within a convenient compass stating the material occurrences and events in the rise of a great Free State from a wilderness.


This source gives a comprehensive study of the fundamental factors involved in the successful administration of the public school system in the United States.


A brief account of the logic and spirit of "The first actual national conflict between slave holding and free-labor immigrants."


This is a yearbook of the Kansas Educators Club, whose purpose is to advance Kansas educationally.
Wilder, Daniel W., Annals of Kansas. Topeka, Kansas

Notations of major events in Kansas listed in
chronological order.

Articles in Encyclopedia

Mack, William, Public Schools. (In the Cyclopedia of Law
and Procedure. New York, The American Law Book Com-
pany, 1910, XXXV, 817.)

A source treating on the administration, super-
vision, and means of support for the public schools
in the United States.

Monroe, Paul, State Superintendent. (In the Cyclopedia of
Education. New York, Macmillan Company, 1913, V, 463.)

This article enumerates the powers, methods of
selection, and tenure of the state superintendents of
public instruction in the various states of the Union.

Ryan, Daniel J., Ohio. (In the Encyclopædia Americana.
Chicago & New York, American Corporation, 1929, XX,
620.)

A source dealing with the adoption of the second
constitution of the State of Ohio.
Articles in Magazines

Ackley, Clarence, Contribution of the Courts to the Cause of School Administration. (In the American School Board Journal. vol. 30, p. 15-16, June, 1935.)

This is the first of an important series of articles outlining the legal foundation of the principles of modern school administration.


A valuable discourse on the personal abilities and qualities of those engaged in constructive supervision and school administration.

Committee of the National Council of Education. The Business and Professional Aspect of Educational Administration. (In School and Society. vol. 23, p. 33. July, 1938.)

This article summarizes the necessity for an adequate business procedure in connection with the administration of a successful system.


This article shows the limited degree of education possessed by the legislators of South Dakota.

This article gives a very comprehensive history of the administration, supervision, and financing of the early schools in New England.


The editor extended an invitation to both the Republican and Democratic nominee for this office to submit statements of their candidacies.


Printed announcement of the qualifications, and formal statement of Wm. T. Markham, candidate for State Superintendent of Public Instruction.


An authentic and complete report of the Kansas State Teachers Association November 30, 1935.
Pinet, F. L., Educational Gains in the 1937 Legislature.
(In the Kansas Teacher and Western School Journal.
vol. 45, p. 5. May, 1937.)

An authentic report of the school laws passed at this particular session of the legislature.

Kansas Publications

General laws for the territory of Kansas.

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General laws for the territory of Kansas.

Kansas. Laws, statutes, etc. General statutes of Kansas 1884, containing a compilation of all the laws of a general nature including the session laws of 1883. Based upon the General Statutes of 1863 and Daseker's compiled Laws of 1885. Thoroughly annotated to and including Kansas Reports, Volume 40. Published by the authority of the Legislature. Topeka, Geo. W. Crane, 1889, 1170 p.

This is a valuable source on early laws in the state of Kansas.
Kansas. Laws, statutes, etc. General statutes of Kansas (annotated) 1935; containing all statutory laws of a general nature in force, including acts passed at the regular session of 1935, duly arranged, numbered, annotated and indexed, with headings, history, notes, cross references and tables inserted, as required by law. Compiled, edited and indexed by Franklin Corrick-Published under authority of chapter 297, laws 1935. Topeka, The Kansas State Printing Plant, W. C. Austin, state printer, 1935. 2705 p.

Very valuable as a source book on the laws of Kansas. It has been used as a basis of information throughout the preparation of this thesis.


This compilation includes all sections of the statutes relating to the common schools of the State, including the acts of 1937. Decisions of the supreme court are cited immediately in connection with sections of statutes upon which they bear.


This compilation includes all sections of the statutes relating to the common schools of the state, including the acts of 1933. Decisions of the supreme court are cited immediately in connection with sections of statutes upon which they bear.
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This was a valuable source of information.


This is an excellent source enumerating the various state institutions of instructors and administrators employed, also a list of statehouse employees.

This is a valuable source of the First and Second Biennial Reports, of the State Historical Society, together with a statement of the collections of the society from its organization, in 1875, to January, 1881.


This source gives in brief form comments on various activities within the state department of education, also statistical tables dealing with many phases of public school work within the state. A valuable source.


This is a valuable source, giving general information, statistics, and progress made in the field of education during the period covered by the report.

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Kansas. State Superintendent of Public Instruction.
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State Superintendent of Public Instruction.) Topeka,
This is a valuable source, giving general infor-
mation, statistics, and progress made in the field of
education during the period covered by the report.

Kansas. State Superintendent of Public Instruction.
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June 30, 1927, and June 30, 1928. (Geo. A. Allen
State Superintendent of Public Instruction.) Topeka,
This is a valuable source, giving general infor-
mation, statistics, and progress made in the field of
education during the period covered by the report.

Kansas. State Superintendent of Public Instruction.
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June 30, 1929, and June 30, 1930. (Geo. A. Allen
State Superintendent of Public Instruction.) Topeka,
This is a valuable source, giving general infor-
mation, statistics, and progress made in the field of
education during the period covered by the report.
Kansas. State Superintendent of Public Instruction.
Twenty-ninth Biennial Report for the Years ending
June 30, 1933 and June 30, 1934. (W. T. Markham
State Superintendent of Public Instruction.) Topeka,
This is a valuable source, giving general information, statistics, and progress made in the field
of education during the period covered by the report.

Kansas. State Superintendent of Public Instruction.
Twenty-eighth biennial Report for the Years ending
June 30, 1931 and June 30, 1932. (W. T. Markham
State Superintendent of Public Instruction.) Topeka,
This is a valuable source, giving general information, statistics, and progress made in the field
of education during the period covered by the report.

Kansas. State Superintendent of Public Instruction.
Thirtieth Biennial Report for the Years ending June 30,
1935 and June 30, 1936. (W. T. Markham, State Super-
intendent of Public Instruction.) Topeka, State Print-
This is a valuable source, giving general information, statistics, and progress made in the field of
education during the period covered by the report.
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This is an excellent source and has presented to the interested public a cross-section study of the status quo of education in the various states.


A valuable source setting forth the conditions of the employment of the chief school officers in all the states of the Union.


This source gives information relating to rural school supervision with the main objective to secure a standard of rural school teaching.

This source furnishes information which the Bureau of Education has collected in order to promote desirable unity and to assist school systems considering fundamental changes in organization.


General source of information, items or statistics for the country as a whole with a comparative summary of items of attendance of pupils, number of teachers, receipts, and expenditures.

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Hare, Mae, Correspondence. Topeka, Kansas, July 3, 1936.

This letter states nature of the work done by the state rural school supervisors; also their qualifications.

Harlham, W. T., Correspondence. Topeka, Kansas, July 17, 1936.

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A useful source for general information.

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The purpose of this summary is to afford school officials, members of the legislatures, and others interested in the progress of education, data concerning the public schools in advance of the biennial report.