Methods and Modes of Text-Book Selection

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Methods And Modes Of Text-Book Selection,

being

A thesis presented to the Graduate Faculty
of the Fort Hays Kansas State College in
partial fulfillment of the requirements for
the Degree of Master of Science

by

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Date: July 23, 1941

Approved: Chairman, Graduate Council.
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Methods and Modes Of Text-book Selection

Outline

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Laws and Current Modes in Text-book Adoption in The United States.

Chapter I.
Introduction.

Statement of The Objectives of This Study.

From its earliest beginnings, American Education has leaned heavily upon text-books. The curricula of our present-day public schools reflect very much the influence that text-books wield over them. It is clearly evident that methods of instruction are also thus affected.

Legislators attach great importance to the text-book problem. This problem has elicited much legislative effort in the several states. Much of the text-book legislation deals with the selection, adoption, and use of school books.

The specific objective of this thesis is to locate or determine, if possible, the residence and operation of the legislative authority or function which prescribes the kind and number of text-books used in the public schools of the several States.

The Federal Constitution specifically designates the powers of the Federal government and all powers not so designated to the Federal government are reserved to the states. The interpretation of this one power, i.e., the power to prescribe the kind of text-book material, has led to a number of variations in the operation of the method of selecting text-books in our public schools.

It is obvious from the large amount of legislation upon this particular subject that the several states are deeply concerned with the matter of the child having the best possible tools and equipment.
with which to prepare himself for future worthy citizenship.

Review of Related Research

Only one other closely related study in this field has been found by the writer of this thesis, namely, that by Willard W. Trussler, in 1937 at the Kansas State Teachers' College of Emporia, submitted for his Master's Thesis, entitled "An Analytical Study of Textbook Legislation in the Various States and A Recommended Text-book Law for Kansas." The Study by Trussler attempts to show the necessity for further text-book legislation in Kansas. It is a valuable work and deserves careful consideration on the part of the school fraternity of Kansas. Ward W. Keesecker in 1935 finds that there are some general patterns of text-book legislation in his writing "Legislation Concerning Free Text-Books." He does not, however, show or elucidate the operation of either single states or those following a general pattern as a whole. This present study is not especially concerned with free text-books.

The method used in this study has been as follows:— A request for the school laws of the several states was addressed to each of the various Superintendents of Public Instruction and Commissioners of Education. The school laws of a small number of the states were not available by this method. In these instances the Library Staff of the State Library at Topeka, Kansas, furnished copies of all the missing statutes needed from the remaining states. Upon the receipt of the laws bearing upon the study, each was carefully studied, tabulated, and classified.

A check list was made in duplicate. The first of these was used for the purpose of keeping a record of requests sent to the various officials for copies of the laws and their replies, and the second,
to keep a record of the actual copies received. The requests courteously stated the importance of the problem and the replies were generally of a helpful nature. It was recognized that state offices are frequently called upon to assist in many projects of this kind and therefore the requests were made with the aim of causing as little annoyance as possible. A number of officials went to some length in commenting upon their systems of selection and benefits to the public school children.

All correspondence received from the Superintendents and Commissioners responding was carefully kept and filed. The communications from the several officials contain many valuable comments upon the laws of their particular states.

The Kansas School Code was given especially intensive study. This was found necessary because of the fact that changes have been recently made in the legal appointment of the selecting agency. Likewise the statutes of a number of other states, i.e., Colorado, Alabama, and Arkansas, were given particular study. A careful study of all the several selecting agencies, the manner of their creation, and their operation was made.

An analysis of the selecting agency was made of each state and as far as possible states having agencies of a similar structure and composition were grouped together. This analysis was first brief and later enlarged in order to acquire a progressive knowledge of the variations of the selecting function.

No attempt was made to secure lists of text-books used in any of the several states, although in several instances these were sent by the state official in replying to the request.

The several copies of School Laws and extracts of School Laws of
states not responding with complete copies were filed in the Library of the Fort Hays Kansas State College. The information is complete and text-book laws of all of the forty-eight states have been used in the preparation of this thesis.
Chapter II
Authority of Textbook Selection.

Group A
State Board of Education.

A careful examination and study of text-book legislation reveals that the states of Alabama, California, Connecticut, Georgia, Idaho, Indiana, Kansas, Louisiana, New Mexico, Nevada, South Carolina, Oregon, Texas, Virginia, and West Virginia, constitute a group in which there are similarities in the statutes covering text-book adoption. For example, the legal school unit in selecting text-books in this group of states is the state. A close study of the State Board of Education in California yields information of interest and value to the researcher in text-book adoption. Legally, the State Board of Education exercises wide powers in the selection of text-books in this state. Through exploration and comparison a structural pattern was found in the above mentioned states with characteristics that were similar as well as dissimilar. It is the purpose of the writer to portray this pattern as it unfolds itself, state by state, in this group. Some of the states have more and some have less statutory enactment, but in either case, text-book adoption takes a definite direction.

The first state to be studied in this group is California. The 1939 statute of California pertaining to text-book adoption is given in full since it is perhaps most typical for the group. The sections of the California school law providing the power of adoption and manner of adoption are given in full in the following paragraphs. The structural design of the states enumerated bears resemblance, in some degree, to the general pattern of the California enactment.
The State Board of Education shall adopt and may cause to be published by the superintendent of state printing one or more text-books and teacher's manuals, as it may deem necessary, in each of the studies prescribed for the elementary schools of this state, or it shall adopt and may cause to be published by the superintendent of state printing two or more text-books, and teachers manuals, as it may deem necessary, in each of the studies prescribed for the elementary schools of this state wherein any book is to supplement the basic text used. The studies above mentioned shall not include morals and manners and art, for each of which a teacher's manual may be adopted.

Nothing in this section shall be construed as requiring the state board of education to adopt more than one text-book or teacher's manual in any subject where one such text-book or manual would be sufficient to cover the needs in the subject prescribed; provided, further that nothing in this section shall be construed as prohibiting district boards of school trustees, city boards of education and county libraries from ordering and purchasing such supplementary text-books as may be required.

The term elementary schools as used in this chapter includes all public schools except junior high schools, in which instruction is given in the first to eighth grades inclusive, or in any one or more of such grades.

The state curriculum commission shall recommend to the state board of education, specifications for text-books for uniform use in the schools of the state so that the text-books adopted shall conform to the minimum standard for courses of study adopted as provided by this code.

It is clear, therefore, from the above quotation, that the State Board of Education exercises the power of selection and adoption of text-books in the State of California. Also, that a state curriculum commission makes recommendations to the state board of education. It is further provided, that these recommendations shall conform to the minimum standard for courses of study as provided by the present school code. Before making any adoptions, the State Board of Education must give the curriculum commission a public hearing.

2. Ibid., Section 6.265
would seem to simplify in some degree the work of selection by the State Board of Education. The State Board of Education is appointed by statute and serves ex-officio. The curriculum commission is appointed by the State Board of Education. 4

Text-books may be adopted for a period of four years. There is nothing in the statutes to prohibit the Board from designating a desirable text for an additional term. Text-books cannot be used longer than eight years. The statute makes no provision in the case of a text-book having been revised. 4

It is to be observed that city boards of education and Library Boards may purchase such supplementary text-books as may be required. A written contract for specific and faithful performance on the part of the successful bidder is not required. However, a bond is required to guarantee an adequate supply of books of the standard approved by the board of education. 5

California is one of two states that provide for state publication of text-books. High Schools are exempt from the provisions of the statute, governing selections and adoptions made by the state adopting authority. Junior High Schools are also exempt from the provisions of the legislative mandate. 6

Since there is no definite statutory provision, each Board of such Senior and Junior High Schools is presumed to have authority to make the necessary adoptions. The State adopting authority is also charged by statute with the duty of selecting proper materials for the teaching of thrift, fire prevention, and humane treatment of animals, and effects of narcotics. 7

4. Ibid., page 260. 6. Ibid., page 260. 5. Ibid., page 260. 7. Ibid., page 260.
The State Board of Education must show reasons which prevent the printing of any text-book by the state. The State Board of Education may buy or lease, or do all things necessary for procuring a uniform series of text-books, in the elementary day and evening schools of the state. No officer or teacher named in the California Code, may act as an agent for any author, publisher, or bookseller, to introduce any book, apparatus, or furniture in the common schools of the state either directly or indirectly. 8

A bond running to the state of not less than one thousand dollars nor more than ten thousand dollars is required.


In the state of Connecticut the State Board of Education exercises the authority of adopting and selecting text-books. There are no special qualifications designated by statute for membership on this board. Three members are appointed each biennium by the governor when the general assembly is in session. 9

There is a further legal provision that local boards of education "shall prescribe...subject to the control of the state board of education the text-books to be used." 10 Books may not be changed oftener than once in five years.

Text-books may not be changed except by a two-thirds vote of all the members of the Board (subject to the State Board of Education.) This would seem to indicate that the State Board of Education approves multiple lists, thus giving local boards some power of choice in the matter of prescribing text-books for school use.

8. Ibid., page 260.
10. Ibid., Section 101.
The Connecticut statutes are silent on the matters of contracts for publishing, and bonds to guarantee performance of the contract. The books are furnished entirely by commercial publishers.

Georgia Statutory Provisions.

The State Board of Education is empowered to prescribe by regulation the use of text-books in both elementary schools and high schools in the state of Georgia. The State Board of Education is composed of eleven members. The Governor of the state of Georgia appoints one member from each of the ten congressional districts, and these members, with himself, constitute the State Board of Education. No professional requirements for membership are made. The chief educational officer of the state is not a member. The State Superintendent has the power to call a meeting of the Board at any time whenever a majority of the members make a written request for a meeting.

The State Board of Education must select a committee of educators actually engaged in public school work in the state to examine text-books and make recommendations to the State Board of Education. The committee or committees may not exceed five in number. The sub-committees serve at the pleasure of the State Board and receive such compensation as the Board sees fit to fix. 11

The Board may enter upon such contracts for publishing of text-books as it sees fit. There is no legal provision regarding Bonds and there is no state publication of text-books. Books are furnished free to all pupils of the public schools. 12

12. Ibid. Sections 3 and 5.
Nevada Statutory Provisions.

The members of the Board of Education in the State of Nevada are ex-officio members of the text-book commission. In addition to the members of the board of education there are four appointive members. The appointments are made by the governor. The appointed members of the commission must be persons actively engaged in school work. The governor is ex-officio president and the superintendent of public instruction is ex-officio secretary of the commission. The presence of at least four members of the commission is necessary to transact business. The secretary at the request of, or with the consent of, any three members may call special meetings of the text-book commission. The statutory time of meeting of the commission is on the 15th day of January every four years since 1925. 13

The Commission advertises for bids setting out the time of meeting and adoption and specifies that adoptions will be made for a four-year period beginning with the first of the following September.

It is the duty of the text-book commission to meet at the time and place specified in the notices before sent out. It is the duty of the commission to make alterations and adoptions of text-books and supplementary books which will be of greatest value to the educational interests of the state. A quorum of the commission must be present in order to transact any business.

The commission may exercise discretion in the matter of adoption and refuse to accept any offerings, and call for new offerings for adoption. The committee must take action on new proposals submitted within 50 days from the time of the rejection of the first proposals. 14


14. Ibid., Section 5803
The Commission is required by law to make contracts with publishers to furnish text-books for the schools of the state of Nevada. Books may be purchased by the state or individual districts. The prices of such books are determined in the contracts. 15

The publishers of books adopted and selected must furnish bonds for the faithful performance of the contract. The state of Nevada does not publish text-books. 16

New Mexico.

The State Board of Education is the Adopting and Selecting authority in the state of New Mexico. At every regular session of the legislature, the governor, with the consent of the senate, appoints two or three qualified persons, as members of the State Board of Education to succeed those members whose terms have expired. The governor is the president of the board and the superintendent is the secretary.

The state board shall adopt a system of school books for use in the first eight grades of the public schools of the state and in the name of the state make contracts with the publishers of the adopted text-books. The board has power to make regulations governing contracts awarded. The text-books are adopted for a period of six years.

School districts having junior high schools approved by the State Board of Education are not governed by the selections made by the text-book selecting authority. The statute makes no requirement regarding bonds of publishers, but the Board probably acts under implied powers given it under Section 20. 17

15. Supra. Ibid.
16. Supra. Ibid.
The legislation concerning the selection and adoption of text-books in New Mexico is fairly brief, but the board may exercise a wide latitude of authority under general powers given it.


In the month of June, every four years since 1927, the State Board of Education of the state of Oregon must appoint a State board of text-book commissioners, consisting of five citizens of recognized scholarship and professional standing who shall have been active in teaching or supervision for the past five years before being appointed to the commission. These commissioners may be appointed only from those districts coming within the jurisdiction of the adopting body. Two members may not be chosen from the same county. The term of appointment is for four years.

The text-book commissioners must adopt text-books for use in all the public schools of the state for six years except as provided by law. The commission may not change more than one-third of the text-books for the elementary and high school grades at any biennial meeting. This one-third of text-books which may be changed are to be designated by the State Superintendent of Public Instruction. All contracts with publishers remain in force until the commission makes a new adoption to replace the text in use.

The Board must meet in a public place, and in selecting text-books the votes upon each book must be viva voce. The votes of the members are recorded in the minutes of the board. The adoption must provide for text-books for all the different branches of study listed and required by the State Department of Education in its course of study for all grades. A choice of text-book cannot be made with less than
three favorable votes. 18

Upon the report of the State Board of text-book commissioners the State Board of Education must enter as soon as practicable into a contract (written) with the publishers. One copy of the contract must be furnished to the governor, one to the state superintendent, and one to the publisher. The publishers must furnish bond for the performance of the contract.

West Virginia Statutory Provisions.

The West Virginia Board of Education is the selecting agency for text-books in the State of West Virginia. It is appointed by the governor with the exception of the Superintendent of schools, who is a member ex-officio. The appointment of the other six members is by and with the advice and consent of the Senate. The appointments are to be made from the two dominant political parties, and not more than four may be from one political party.

The law makes no educational or professional requirements for appointment to the Board of Education. The chief educational officer is automatically a member of the Board.

The State Board of Education adopts text-books for uniform and exclusive use in the public schools of the State, except as otherwise provided.

Upon written request or other notification, the State Board shall ask for samples of the various text-books under consideration, to be furnished by publishers of such text-books in the United States.

Prices and samples of books on all subjects taught in the state are requested. 19

The bids are opened by the State Board of Education in executive session. The books are considered upon qualities of subject matter, printing, binding, general suitableness, and prices. The Board is limited to select one or only one series of text-book for each grade. Bids submitted must be made a matter of public record. The affirmative votes of five members of the board are necessary for adoption of any text-book. Not more than thirty per cent of the subjects required by law to be taught may be changed at any one adoption period. Contracts and bonds are executed upon the adoption of any text-book. Provisions are made to protect the pupil from unfair price discrimination.

Publishers are required to place in at least three different places in each county, two weeks before the beginning of school, a sufficient number of books to supply the demand. The dealer is allowed ten per cent of the cash proceeds for handling the books. An exchange plan is used which extends for the period of one year. 20

Kansas Statutory Provisions.

Section 918 of the Kansas School Code creates advisory Committees for elementary schools, Junior High Schools and High Schools. The Advisory Committees are designated by the State Board of Education and a majority of the membership must be supervisors, principals, superintendents, or teachers. The membership of the committees must consist of at least five and not more than seven. There must be two persons on each committee not currently in teaching. It is the duty of these


20. Ibid., Article 1, Section 10.
committees to submit at least two texts for each text to be adopted and at least one must be a book which may be printed by the state printer. The committee must furnish an abstract stating its reasons for the two texts submitted. 21

The State Board of Education is enlarged in membership, the state printer and the state business manager being added for the purpose of making text-book adoptions. They are ex-officio members of the Board. The State Board of Education is required to announce the subject or subjects for which texts will be adopted seven months prior to the actual adoption. 22

The adoption of all books to be printed by the state must be made on or before the 1st day of December preceding September of the following year, when they are to be used by the pupils. 23

The State Board may have written or compiled the manuscripts of text-books to be used. All text-books adopted for use in the public schools, grades one to eight inclusive, must be printed in the state owned printing plant.

The State Board of Education approves supplementary texts for the first, second, third and fourth grades, History, geography, science and literature readers for any grade in addition to the books adopted or published under the provisions of the laws and these shall be supplementary to those legally provided. 24


22. Ibid., Section 19

23. Ibid., Section 920.

24. Ibid., Section 925.
No supplementary book may be used as a substitute or in lieu of the adopted text. The State School Book Commission shall issue an order requiring the exclusive use of the adopted texts in the State of Kansas. Adoptions may be made for high schools by following the same general procedure as that prescribed for elementary schools. 25

South Carolina Statutory Provisions.

In the State of South Carolina the statute provides that the State Board of Education is the adopting authority. The Board is established by law and consists of seven members appointed by the governor, one from each congressional district, who hold office for a period of four years. The Governor is by law ex-officio chairman, and the State Superintendent is Secretary of the Board. The Secretary must keep all records and minutes of the Board. 26

The Board is non-professional, no legal professional requirements being made of the appointees of the governor. The Chief Educational Officer of the State is a member of the Board by law. No school district in the State is exempt from the regulations relating to text-books by the State Board. The period of adoption is for an indefinite period. No provisions are made for supplementary text-books; a written contract is required as well as bonds for the guarantee of the performance of the contract. State Publication of books is not permitted.

The Statute is quite long to constitute only one section, but it covers the main points in the adoption of text-books. Changes which might appear necessary from time to time could be made with ease by amending the particular sub-sections that might prove inadequate. The compactness, clarity, and comparative simplicity of this statute are much in its favor.

25. Ibid., Section 925

The State Board of Education constitutes a board of commissioners for the selection of a series of text-books in the State of Indiana. The Indiana statute specifically enumerates the subjects for which books shall be chosen: Spelling, reading (including Primer), arithmetic, geography, English grammar, physiology, History of the United States, domestic science, industrial arts, and a graded series of writing books. No book may contain anything partisan or sectarian in nature. Text-books selected must be fully equal in size and quality as to matter, style of binding, and mechanical execution, to text-books now in general use.

The Board of Commissioners advertise for twenty-one days in two daily papers published in the state that the board will receive proposals at a time and place designated in the notice on the following:— (1) From book publishers, for furnishing books to the school trustees of the state of Indiana for use in the common schools for a period of five years. The bidders are required to state the price at which each book will be furnished. (2) From authors of school text-books, who have manuscripts of books not published for prices at which they will sell the Manuscript and copyright. (3) From persons who are willing to attempt the compilation of a book or series of books. Any and all bids by publishers must be accompanied by a bond in the penal sum of fifty thousand dollars. To guarantee the performance of the contract, the sureties of the bond must be in residence in the State of Indiana.

If the Board finds that books can be furnished at less cost by purchasing manuscripts and publishing such manuscripts, it is empowered to do so. The entire series for prescribed subjects may be published in a similar manner. 28

As soon as the Board has entered into a contract for furnishing of books for use in the public schools it is the duty of the governor to issue his proclamation announcing this fact to the people of the state.

The members of the State Board are selected from persons professionally in education and are appointed and ex-officio members. The chief educational officer is a member and no school districts are exempt from the regulations of the Board. Written contracts and Bonds are required and State Publication may be permitted.

The State Board of education has the same general authority to select text-books for High Schools as it has for elementary schools. The price of books must be printed on the cover. The sections relating to High School Texts are similar to those for elementary books. Elective books must be chosen for Sociology, Physics, Chemistry, Agriculture, and Agricultural Botany. 29


Among other powers the State Board of Education is authorized to "prescribe and enforce the use of a uniform series of text-books in the common schools," in the state of Arizona. No text-books may be changed except at a regular meeting of the Board or at a special meeting, in which case each county school superintendent must be notified at least

28. Ibid., Section 868
29. Ibid., Section 876.
60 days prior to the meeting. Upon the adoption of a text it may not be changed again for a period of five years.

The power of selection is in the State Board of Education. The Chief Educational Officer is a member by law. There are no professional requirements of the remaining members appointed to the board.

The regulations of the Board apply equally to all of the school districts in the state. Adoptions are for a period of five years and written contracts and bonds are required. The statute in the case of Arizona is brief but in its practical operation is almost identical with that of the state of South Carolina. A wide latitude of power is implied in the enactment. State publication of text-books is not permitted in Arizona. 51

Idaho Statutory Provisions.

In the state of Idaho the State Board of Education acquires the resources of the University Board of Regents for the purpose of preparing a minimum course of study for the public schools of the State of Idaho.

The course of study for elementary schools must be so drawn that the fundamentals of the course may be completed in the minimum legal school term of seven months. Schools having terms longer than seven months shall be provided with supplementary or additional material. Pupils who attend school for shorter terms may be credited with work done in the home, farm, or other phases of every day economic life. 32

30. Department of Public Instruction. Arizona School Code, Phoenix, Arizona. (Typewritten copy of statutes applicable from State Library, Topeka, Kansas. Chapter 55, Article 1, Section 54-102)

31. Ibid., subtitle (6)

The Boards of Trustees of independent Class A and joint independent class A schools are authorized and directed to adopt a course of study other than the state courses. If they so elect, examinations, tests, and qualifications necessary for pupils to enter various elementary grades and high school are prescribed. 

Boards of trustees coming within this statute are authorized to adopt text-books for their systems of schools and may enter into contracts directly with the publishers of text-books. The State Board has general authority to adopt and select text-books with the exceptions pointed out. The board is composed of persons professionally engaged in education. The members are appointed by the governor. The chief educational officer is a member of the selecting authority. The length of the period of adoption is not determined in the statute.

The State Board of Education is empowered to make such plans, rules, and regulations for the adoption of text-books as to the Board seem best and proper.

Certain local Boards are responsible for selection of suitable supplementary books and other materials. State printing of text-books is not permitted. There is no reference to written contracts in the statutes and bonds guaranteeing performance are not required.

33. Ibid., Sections 32-615-616.

34. Ibid., Same sections.


The State Board of Education selects text-books and educational appliances for use in the public schools of the State of Virginia. It is allowed its own discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively. No text-book may be changed until it has been in use for a period of three years. 36

The State Board of Education has authority to execute contracts with publishers. The publisher must list the lowest wholesale price that the adopted texts sell for at any place in the United States. A retail price is established to patrons which shall not be more than 15% added to the wholesale price. 37

The State Board of Education may direct that the adopted books be sold direct to local boards of education. The discretionary powers of the State Board of Education are wide. The duties and restrictions are not set out in minute detail as in some of the other states.

The Board is non-professional in its composition. The chief educational officer is a member of the Board. Written Contracts and Bonds are required. State Publication of text-books is not permitted.

Louisiana Statutory Provisions.

The State Board of Education prepares courses of Study, rules, by-laws, and regulations for the public schools of Louisiana which are enforced by the parish superintendents. The Board exercises control over adoption, distribution, and use of text-books.

37. Ibid., Section 618.
The State Board adopts lists of basal text-books. Uniform use of text-books is enforced from the lists of the adopted texts. Contracts with publishers must be awarded on a competitive basis. Each contract is so drawn that it may be terminated by either party upon a notice of ninety days.

The State Board makes all rules and regulations concerning the procedure for announcement of bids, examining books, and awarding contracts.

The selecting authority can hardly be called professional. It is composed of both appointive and elective members. The chief educational officer is a member of the Board. State publication of text-books is not permitted. 38

The selecting authority in Louisiana has adopted the plan of delegating part of its power to a committee selected by the State Superintendent of Education. The State Board has always asked this committee to submit recommendations for the choice of text-books. The superintendent of education usually chooses members of the state department of education and a group of school people from different parts of the state who are especially well qualified in the elementary, high school, and other educational fields. 39 A typical adoption procedure is explained as having taken place as follows:

The committee is divided into two groups on the basis of their special interest and knowledge of the text-books offered. One group was delegated to make a study of books for the elementary grades and the other to select books for the high school grades.


Ibid., page 15.
merit was considered first regardless of price. As soon as each member was ready to vote upon the four or five offerings for a particular subject the group was called together and each member voted for the books of his choice. Those receiving the least number of votes were eliminated by agreement and after discussion and further examination, a second vote was taken. This process continued until a majority of the members agreed upon a selection. The procedure is varied from time to time in order to give any members of the group opportunity to further examine books entitled to more consideration.

Whenever a book of equal quality could be secured for a lower price it was accepted in lieu of the book in use.

When the call for bids was sent to the publishers emphasis was placed on the fact that more consideration than usual would be given to price and the mechanical make-up or manufacture of the books.

Economy is one of the primary purposes in the Louisiana method of adoption.

Texas Statutory Provisions.

The Texas text-book commission was abolished by Articles 2859 and 2840 of the Public School Laws of the State of Texas. The authority of the State Board of Education was enlarged to absorb this additional function.

The State Board of Education of the State of Texas consists of nine members to be appointed by the governor by and with the advice of the Senate. Qualifications for membership of the State Board of Education require an age of thirty years and no member may be professionally

40. Ibid., pp. 16-17
engaged as an educator at the time of his appointment. He must be qualified to vote.

The State Board of Education must appoint a Text-book Committee which is composed of five members. Each one of these appointees must be an experienced and active educator engaged in teaching in the public schools in Texas, and it is the duty of the Committee to examine the books submitted for adoption and make their recommendations to the State Board of Education relative to the teachable value of the books submitted respectively.

The method of advertising for bids and adoption for use are in accord with the general type form of this group of states. Supplementary texts are provided for and a vote of at least six members of the Committee is necessary for adoption. The Committee must submit a multiple list of choices for each subject from which the State Board of Education makes a final choice. Changes may be made at any time the Board of Education feels it is the best policy and for the best interests of the public schools of the state. The usual forms for contracts and bonds are provided for, and there is a statutory provision for the purpose of securing the minimum prices upon the text-books.

Alabama Statutory Provisions.

In the State Of Alabama the State Board of Education is directed by law to appoint a text-book committee. Thus indirectly whether used or not the State Board of Education has the power to determine the kind of text-books to be used. The State Superintendent is ex-officio

42. Ibid., Section 5, (f)
chairman of the text-book committee. The text-book committee has no power or authority beyond selection of text-books and methods as prescribed by law.

A text-book purchasing Board is established under section 427. The text-book purchasing board must notify the Text-book Committee of the subjects for which purchases will be made. The text-book purchasing board makes adoptions and selects the books to be used, but it must make its selections from lists recommended by the text-book committee.

The Alabama Code is comprehensive and treats many details specifically. There are seven sections that deal with the procedure of selecting text-books. The control of selection by the State Board is indirect.

The members of the text-book committee must be well known educators, engaged in school work. The selections must apply to all districts alike, and the period of adoption is for six years. There is no provision for supplementary texts. State publication of texts is not permitted and contracts and bonds are required.


In the State of North Carolina recommendations are made by a text-book commission whose duty it is to examine books submitted for adoption. The time for meeting and examination is specified by law. The recommendations of the commission are made to the Board of Education, who in turn make final adoptions and selections.

The law requires that the membership of the Commission must be chosen from those who are engaged in the educational profession. The appointments are made by the governor. The chief Educational Officer of the state is a member ex-officio of the Commission. All High School Districts and common School Districts are subject to the jurisdiction of the State Board of Education and must use the texts adopted.

Two basal texts are adopted for the first three grades and one basal book or series on all other subjects contained in the outlined course of study for the elementary grades where a basal book or books are recommended for use. The adoptions are made for a period of five years for High School texts. Elementary subjects are indeterminate, 1-5 years. Supplemental texts are approved by the Board of Education.

The amount of legislation relating to text-books is brief and the State Board of Education proceeds under rather wide limits of authority.

Three basal books may be adopted on the subject of North Carolina History and the State Board of Education may by rules and regulations prescribe the manner of use of such books in the schools of the state.

Section 320, p. 61 ff.
Group B.
The Text-book Commission.

As an advance is made in the exploration of text-book adoption one comes in contact with a second apparent characteristic. The text-book commission will appear to be the focal center which attracts attention, in a second group of states. The method of portraying the pattern state by state will be followed as in Group I.

In the group of states providing for text-book commissions, we find Arkansas, Florida, Kentucky, Mississippi, Montana, Oklahoma, Tennessee, and Utah. In the further continuance of the method followed in group I, the statute of the state of Tennessee, is given in the following quotation.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, that there is hereby created a State Text-book Authority to be composed of three members, to wit, the Governor of the State, the Commissioner of Education, and a third member who shall be appointed by the Governor within ninety days after the effective date of this Act. The term of the person so appointed by the Governor shall be for five years. Such Text-book Authority shall have full power and authority to adopt such texts as may be deemed desirable for use by them in both the elementary and high schools of this State.

The Authority shall have full power to advertise for bids upon such text-books, to make such reasonable rules and regulations in connection therewith as they may deem fit and proper, to require such deposit or other evidence of good faith from prospective bidders as in their judgment they may deem fit and proper, to require such deposit for successful contractors to provide for the penalty of the bond in connection therewith and to employ such aides and assistants in the examination of books as may seem desirable to the Authority.

The Authority shall have the power to make contracts with publishers of text-books for such bids as they may deem fit and proper, not to exceed five years in duration. Meetings of said Text-book Authority shall be held upon the call of the chairman thereof. The Governor shall be ex-officio chairman of such text-book Authority.

Section 3. Be it further enacted, that after an adoption has
been duly made by said Text-book Authority, no teacher or principal in any of the public schools of this State shall use or permit to be used in his or her school any text-books upon any subject other than the text-books adopted by the Authority. Any teacher or principal violating the provisions of this section shall be punished by a fine of not less than $10.00 nor more than $50.00. 44

The foregoing statute is easily comprehended. The number of members and method and manner of appointment are definitely provided for. The statute also fixes the length of term of service for the members of the Text-book Authority.

The powers of the Text-book Authority are clearly defined and quite broad. The governor is in a position to wield a considerable influence over the board.

Meetings of the Text-book Authority are called by the governor, who is the ex-officio chairman of the Text-book Authority.

The Text-book Authority has full power in the matter of fixing bond, contracts, and use of text-books. The foregoing quotation furnishes a comprehensive view of the powers of the Text-book Authority.

Arkansas Statutory Provisions.

The selecting and adopting authority in the State of Arkansas is known as the State Text-book Commission. Section 11694 provides:

The Governor shall select four teachers and three businessmen one of whom shall be a lawyer, who with himself and the State Commissioner shall constitute the State Text-book Commission.

The statute provides that the governor and the Commissioner of Education are members ex-officio of the text-book commission.


The Commission must make a selecting and adoption of a uniform series of text-books which are suitable for the needs of the public schools in the state.

Drawing and public school music may be offered in schools and such schools may choose suitable text-books for teaching these two subjects. The statute further provides that the provisions of selecting and adoption shall not apply to Junior and Senior High Schools.

The books adopted must be used to the exclusion of all others. However, supplementary texts may be used. Supplementary texts must not be used to the exclusion of adopted texts.

Upon the adoption of a series of text-books the publishers to whom contracts shall have been awarded are notified and it is the duty of the Attorney General to prepare such contracts. The amount of Bond is determined by the commission but may not be in excess of $80,000.00

Florida Statutory Provisions.

The State Board of Education upon the recommendation of the State Superintendent, select and appoint a Text-book rating Committee. This is done each year in which new text-books are to be adopted.

The Committee is composed of seven members and each member must be actively engaged in teaching or in supervision of teaching in the public elementary schools, high schools, and teacher training institutions of the State, and representing the major fields and levels in which

46. Ibid., Section 11695.
47. Ibid., Section 11712
48. Ibid., Section 11704.
changes in text-books are to be made. The State Superintendent and a
member of his department whom he shall designate shall be additional
and ex-officio members of the committee. The committee serves and remains
until it has made recommendations and the recommendations have been acted
upon by the State Text-book Purchasing Board and is then discontinued.

The law enumerates the duties of the Rating Committee as follows:-

(1) Respond to the call of the State Superintendent. (2) Organize.
(3) Make its own rules. (4) Grade and Rate Text-books. (5) Report
to the text-book Purchasing Board.

The Board of Commissioners of State Institutions of the State of
Florida constitute the State Text-book Purchasing Board. This Board
performs all duties in connection with the purchase and contranting of
new books. It is the duty of the State Superintendent to act as sec-
retary and executive officer of the State Text-book Purchasing Board
in all matters relating to adoption or purchase of text-books.

The usual provisions for safeguarding of contracts common to
this group of states are incorporated in the enactment.

**Kentucky Statutory Provisions.**

The state of Kentucky has a text-book commission. The state
Board of Education must appoint eight members to the text-book com-
mission. The appointees must have graduated from a standard four year
Senior college and must be actually engaged in educational work. The
Superintendent is ex-officio secretary of the Commission. A member of the

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49. *Department of Education. Courses of Study and Instructional Aids.*
Tallahassee: 191 p. Chapter VII. Article 2, Section 707.

50. *Ibid.,* Article 2, Section 709.
Commission may not be a member of the Board of Education. Not more than two books for any subject and grade shall be from the same person firm, or corporation.

The period of adoption is five years and not more than one-third of the books used in any one year may be changed in any one adoption period of five years.

There is a provision that the board of education of any independent school unit embracing a city of the first, second, third, or fourth class, may adopt a basal text or a complete series of basal texts to be used, from the uniform list for use outside of cities of the first, second, third, or fourth class. This may be done upon the recommendation of its superintendent and a majority vote of the entire board of education. No text-book may be used which has not been previously approved by the text-book commission.

There are no legal provisions for contracts but bonds for performance are required. Not more than 33 1/3 percent of the books used may be changed at any one adoption period.

52. Ibid., 4421a-38
53. Ibid., 4421a-41.
Mississippi Statutory Provisions.

The governor of the State of Mississippi must appoint eight members to the text-book commission. One must be from the state at large and one from each congressional district. Not more than one may be appointed from each congressional district. The state superintendent of education is ex-officio a member of the board of education, making a total of nine members. The members of the Commission must be educators of known character and ability in their profession, engaged in public school work in the state of Mississippi for a period of at least five years prior to their appointment to the commission. Each member must maintain his citizenship for a period of at least two years in the district from which he is appointed prior to his appointment.

The Commission must select and adopt a uniform series of textbooks for use in the public schools of the state. The common branches are divided into five groups by law. Groups are adopted for periods of five years and not more than one group is adopted at any one adoption period except in case of emergency.

The trustees of any separate school district may choose books supplemental to those prescribed by the school-book commission, and may make additions to the curriculum prescribed by the commission.

The basis of selection is the merit of each book as to subject matter, printing, binding, material, mechanical qualities, and general suitability for the purpose intended as well as the price.


55. Ibid., Section 6789.
The attorney general prepares the contracts and the successful bidders are required to furnish bond for faithful performance of their contracts. The state does not print or publish text-books.


The Text-book Commission of the State of Montana is organized similarly to the Text-book Authority of Tennessee, with a membership of seven. Five of the membership must be persons actively engaged in public school work of the state or in state educational institutions at the time of appointment. The governor nominates and appoints the membership and by this statute is not required to ask the advice and consent of the senate.

The commission at its meeting organizes by taking the constitutional oath of office and electing from among its members a president and secretary and formulating rules for the transaction of its business.

The same general provisions are contained in the remaining sections as those found in the other states of this group.

Oklahoma Statutory Provisions.

The selecting Authority in Oklahoma is known as the Text-book Commission. It is quite similar to the provision made in the Tennessee statute with the following addition. The Oklahoma Commission is composed of seven members who must be citizens of the state of Oklahoma, and three of this number must be actively engaged as educators in the state of Oklahoma.


56. Ibid., Chapter III, Section 1188.
The chief Executive has the privilege of sitting in all of the meetings of the Commission but is not entitled to vote in the adoption of text-books. The State Superintendent of Public Instruction is a member of the Commission and votes on all matters of business coming before it and is Secretary of the Commission. The Governor is Authorized to appoint six members of the Board of Education and they together with the Superintendent of Public Instruction shall constitute the Text-book Commission of the State of Oklahoma. The appointments are made for a term of five years.

All votes upon adoptions must be by Yea and Nay and are recorded upon the Journal of the Commission. No text-book can be adopted unless it receives four votes of the commission.

Adoptions are made for all grades up to and including the twelfth grade.

The remaining provisions of the text-book selecting statutes are very similar to the Tennessee type.

Utah Statutory Provisions.

The State Text-book commission of the state of Utah is composed of the superintendent of public instruction, the president of the University of Utah, the president of the Utah State Agricultural college and the dean of the state school of education, and five other citizens of the state who are legal residents. The law requires the appointment to the commission of three superintendents of schools for terms of four years.


58. Ibid., Section 571-574.
The text-book commission meets subject to call of the state superintendent. He must issue the call at least three months prior to the expiration of any contract for the supply and use of text-books in the district schools and the high schools.

In this state the Commission performs all work and duties relating to the selecting, adoption, and purchase of text-books. The usual procedures of contracts, bonds, proposals to furnish text-books are provided for by statute.


60. Ibid. Chapter 15. 75-15-4 ff.
Group C.

County Text-book Commission.

A third group of states employ another type of text-book selection. In this group of states the county text-book commission is typical of the group. This is a departure from the two preceding groups in which the state was the legal unit for selection of text-books.

In this group Missouri, Iowa, South Dakota, Wisconsin, and Maryland are found. The statute of Missouri is taken as typical of this group. It is given in full in the following quotation.

Section 9481. There is hereby created a county school text-book commission, which shall be the county board of education in all counties in which such a board exists. In counties where there is no county board of education the school text-book commission shall consist of the county superintendent of schools and two teachers, who shall be selected in the same manner and at the same time as the two members of the county commissioner of schools: Provided, that no person shall be appointed to serve on the said commission who has been in the employ, as a travelling salesman or otherwise, in this state, of any publisher of school text-books within the period of two years prior to this article. Vacancies on the commission, resulting from death, resignation, removal from the county, disqualification or otherwise, shall be filled as prescribed by law. A majority of the commission shall constitute a quorum for the transaction of all business of the commission.

Section 9483. Said commission shall adopt from the authorized state list, as herein after provided, a uniform series of text-books for use in the schools of all the districts of the county, except that in cities having more than one thousand children of school age, as shown by the last enumeration, and in towns having high schools affiliated with the state university, the board of directors of said cities and said town may select from the aforesaid list such books as in their opinion are best suited to the local conditions, and may contract for the same.

Section 9488. During the month of April, 1907, and thereafter annually during the month of January, it shall be the duty of the State Superintendent to furnish each county superintendent with a list of publishers who shall have conformed to the requirements hereinbefore set forth relating to sample books, prices and bond.
Section 9490. The county text-book commissions are hereby empowered to adopt text-books for all subjects that may be taught in the public schools of their respective counties and to enter into contract for the same for a period of five years in the manner hereinafter provided. All books adopted by the county commission shall be used exclusively in the schools of the county, except in such towns and cities as are exempt in section 9483; and further, except that all books introduced into the public schools since May 1, 1905, either through the action of boards of directors or on the recommendation of county superintendents or county boards of education, may be continued in use for a period of five years from the date of the introduction of said books; provided, that the publishers of said books shall comply with all the requirements of sections 9484 and 9485 prior to August 1, 1907.

Section 9491. Said Commissions shall make no changes until they shall have advertised for bids for at least two successive weeks in one or more county papers, and the adoption of such books shall not be made until the expiration of at least fourteen days from the date at which such advertisement first appeared. Such advertisement shall specify subjects in which changes will be considered and the probable number of books of each kind required.

The foregoing statute is clear and needs no further comment.

It is easily understood by the average student or any one interested in the question of text-book adoption.

The text-book selection procedure in the state of Iowa differs slightly from that of other states in this group. Section 4446 provides that:—"Every school corporation is authorized and empowered to adopt text-books for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools of the state."

County superintendents' offices are depositories for samples of text-books of companies or individuals desiring to furnish text-books to the schools. Lists of books published by the various publishers must also be deposited in the office of the county superintendent. The lists are available for inspection to teachers and other school officers interested.

One third of the school directors in any county may petition and ask for an election upon the question of adopting uniform text-books for the entire county, if such petition is filed thirty days before the regular school elections. Immediately upon filing the petition the county superintendent must notify the other members of the board of education in writing, and within fifteen days after filing the petition the board of education must meet and provide for submitting to the electors at the next regular election the question of county uniformity of school text-books.

The general legal provisions with reference to contracts, bonds, and sale of text-books, are the same as for the other states in this particular group.


63. Ibid., Section 4446 ff.
Maryland Statutory Provisions.

Section 150 of the Annotated Code of Maryland, confers the power of text-book selection on the public school Commissioners of the city of Baltimore in addition to all of the county boards of Education.

The county superintendent is delegated to prepare lists of text-books and supplementary readers and materials of instruction by section 144. The power to select is in the hands of the County Boards of Education.

The text-book procedure is almost identical with that of the state of Missouri.

South Dakota, Statutory Provisions.

Sections 15-1701 South Dakota Code of 1939 provides for a selecting authority of text-books known as the county text-book committee. This committee is composed of the chairman of the board of county Commissioners, the county auditor, a rural teacher, and a rural school board member. The county superintendent is the chairman and the county auditor is the secretary.

The remaining sections relating to selection and adoption of text-books follow the same general form as those of other states in this group. There are provisions for free text-books in some cases, a prescribed form for holding meetings, and limitations on the prices of books.

Boards of Education of independent districts maintaining a four year high School course may adopt and purchase all text-books for any such independent district for a period of time determined by the board. Such text-books may be furnished free and paid for from the school funds of such districts.

This latter provision constitutes an exception to the general plan prescribed by the statute.


66. Ibid., Section 15-1701 ff.
Wisconsin Statutory Provisions.

School districts within the counties in the state of Wisconsin are entitled to one vote at any annual county school board convention. It is necessary that a majority of school districts vote in favor of a convention before one may be called. A convention having been determined, the convention must immediately elect a county board of education of not less than three nor more than five persons. Elections are for five year periods. At any time by a majority vote the said convention may discontinue the board of education.

Members of the County Board must meet eligibility requirements. They must not be directly interested in the purchase of any text, etc. Provisions are made relating to the organization of the board and the adoption of text-books.

County boards meet every fifth year to select and adopt a series of text-books covering all branches of study required to be taught below the ninth grade. The books so selected are used in all school districts except those maintaining high schools and graded schools of the first class.

No state listings are made, the office of the county superintendent being the depository for samples of text-books, manuscripts, etc. Contracts, bonds, and a prescribed course of action for failure to perform the conditions of the several contracts are included in the enactment. Home study courses and material come under the provisions of the Wisconsin statute. The Enactments of Wisconsin follow closely the general form for this group of states.

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68. Ibid., Section 40.24 ff.
Group D

Local District Control.

In a fourth group of states the local districts are the legal selecting unit. In this group the state has delegated the legislative authority to the local school boards. This group resembles very much some of the earliest forms of colonial government. It is very typical of the town meeting.

The enactments are in almost every case brief and the selecting authorities proceed under wide powers. The group of states found in this series are; Colorado, Massachusetts, Michigan, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, Vermont, New York.

The Colorado statute is given in full as being representative of this group, in the following quotation:

Section 171. Every school board, unless otherwise especially provided by law, shall have power, and it shall be their duty:—

...To enforce the rules and general regulations of the state superintendent, to fix the course of study the exercises and the kind of text-books to be used; Provided that but one kind of text-book of the same grade or branch of study shall be used in the same department of a school, and that after the adoption of any book, it shall not be changed in less than four years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped. 69.

The foregoing quotation constitutes the entire amount of text-book legislation for the state of Colorado. The selection of books is entirely in the hands of local boards. There are no specific regulations for the provision of contracts and bonds or depositories of books from text-book publishers.

Massachusetts Statutory Provisions.

The Massachusetts statute is very similar to the Colorado statute and is in effect the same in operation as statutes of other states in this group.

The committee is directed to purchase text-books at the expense of the town and other school supplies subject to the rules and regulations they themselves prescribe. The committee is a local one and operates under a wide latitude of authority. There are no restrictions as to contracts or state lists whatever.

Michigan Statutory Provisions

Among other powers and duties the board of education (local) must employ a superintendent of schools for the township. The superintendent so employed makes the adoption of the text-books under the following legal authority: "To recommend to the board the best methods of arranging the course of study and the proper text-books to be used." This brief sentence constitutes the entire statutory provisions relating to text-books. It operates in accordance with the principles of the statutes governing in other states of this group.


Section 403 of the Code of Public Instruction of the state of Washington provides that there shall be a text-book commission in each school district. This commission is appointed by the board of school directors of the district. The commission consists of five,


persons as follows:— the city superintendent, or principal of the high
school who shall be ex-officio chairman of the commission, and two
members of the city boards of school directors of the district to be
designated by such board, and one of whom shall be ex-officio secretary
of the commission, and two lawfully qualified teachers engaged in
actual teaching in the district appointed by the directors of the district.

The text-book commission adopts for an indeterminate length of time.

The remaining legislation follows the usual provisions of statutes
of the states of this group.

In a communication under date of December 16, 1940, Stanley F.
Atwood, State Superintendent of instruction for the State of Washing-
ton says:— "Districts select and buy their own text-books and most
of them furnish them free."

Text-books are not printed by the state nor purchased by a
state agency.

North Dakota Statutory Provisions.

The school boards of the State of North Dakota are empowered to
select adopt and contract for all books and supplies needed for the
school or schools under their charge. The procedure followed is one
quite generally used in some of the other states in regard to fur-
nishing lists to the state superintendent, bonds, etc. The North
Dakota law follows the general direction of states studied in this group.

72. Department of Education, 1923 Code of Public Instruction, Olympia:
Frank M. Lamborn. 431 p. Section 403.

73. Thompson, Arthur E. General School Laws. Bismarck, North Dakota,
Department of Public Instruction. 275 p. Chapter 56, Article 1, Section
565.
New Jersey Statutory Provisions.

The selection of text-books is vested in local boards of education in New Jersey. This is covered by Section 18:7-57 of the Revised Statutes of this state. It provides in part as follows:

"A board may:
(c) Select the text-books and provide the text-books and other necessary school supplies..."

This brief enactment covers the entire field of selecting, adopting, contracting, and use of books in the public schools in the state of New Jersey.

Ohio Statutory Provisions.

In Ohio the adoption of text-books is provided for as follows:

At a regular meeting, held between the first Monday in February and the first Monday in August, each board of education shall determine by a majority vote of all members elected the studies to be pursued and which of the text-books filed shall be used in the schools under its control.

Adopted books may not be changed for a period of five years (section 7713). This is a local selection and control. The procedure prescribed is slightly different from some of the other states of this group but follows the general direction of the pattern.


The Pennsylvania provisions are as follows:

The boards of school directors of each school district in the state shall purchase all necessary furniture equipment, text-books and school supplies.

Section 403 requires the board to take action upon the following

74. Section 18:757, Revised Statutes of New Jersey. In a letter from Ernest A. Harding, Assistant Commissioner of Education, Trenton, New Jersey.

questions: Fixing the length of school term, adopting text-books, and appointing or dismissing district superintendents and others.

This state, as will be seen by the above, provides for local adoption of text-books to be used.

Rhode Island Statutory Provisions.

The Rhode Island Statutes provide that the school committee shall choose text-books and make rules governing the use of them. The school committee also prescribes the course of study to be followed in the schools. Local control is the corner stone of all matters of government relating to the school system in this state.

Vermont Statutory Provisions

The Board of directors select and provide the text-books and other materials needed in the elementary schools and for those students who are taking the first two years of junior or senior high school work in the town districts. This is a further use of local control over the selection of text-books.

New York Statutory Provisions.

In the state of New York the people at their annual meeting adopt the text-books for the common schools (rural schools). The school boards adopt for other districts.

The legal provisions are substantially as follows: In the different cities and union free school districts the boards of education or other officials performing the functions of a board designate the text-book to be used in the schools under their jurisdiction.

76. General Laws of Rhode Island. Chapter 178, Section 25. (Copy furnished by State Library Staff of the State Library at Topeka, Kansas.

In the common schools as cited above the people at their annual school elections select the books.

In the large cities and union free school districts of the state, boards of education or other school authorities select the books.

This is the only state in this entire study that has any provision for selection of text-books as a result of a popular vote of the electorate.


Public Laws, Chapter 117, section 14, provides:

They (the school board) shall purchase at the expense of the city or town in which the district is situated, text-books and other supplies required for use in the public schools and shall loan the same to the pupils of such schools free of charge, subject to such regulations for their care and custody as the board may prescribe; and shall sell such books at cost to pupils of the school wishing to purchase them for their own use.

He (the superintendent) shall select and purchase text-books and all other scholastic apparatus and supplies in accordance with the regulations of the school board and the State Board and see that the same are suitably distributed to the schools, accurately accounted for and economically used.

Since 1919 all superintendents of schools in New Hampshire have been employed upon the local recommendation by the State Board of Education. A degree of uniformity is secured through this procedure.


Group E.

Local Electorate.

The type of text-book selection which prevails in the group for final consideration, is a kind of dual or joint control.

The text-book adoptions in these states are made through two bodies. One is usually a committee of local authorities and the other a state Board of Education or its equivalent for purposes of text-book adoption.

In this group of states there are Illinois, Delaware, Maine, Minnesota, Wyoming, and Nebraska.

The first state to be considered in this group will be Delaware. 2650. Section 8 provides: "The State Board of Education shall prescribe rules and regulations: (f) Governing the choice of text-books to be used in all public elementary schools and all public high schools of the State, and prescribing an open list of text-books from which the Boards Of Education of the Special School Districts shall select the text-books for their districts, fixing with the respective publishers the price at which their respective text-books shall be sold to the schools of the state. Provided that when a text-book has been added to this open list, it may not be dropped before four years from the date of its being placed on the list."

From the foregoing quotation it will be seen that the State Board of Education makes rules and regulations governing the choice of textbooks to be used in the public elementary schools and high schools as well, of the schools of Delaware. The Special School Districts must select the text-books for their districts from open lists approved by the State Board of Education. Price control is also achieved by this enactment.

Contracts, and depositories are entirely in the hands of local boards. No book may be dropped from the open list prescribed by the state board before four years from the date of its being placed on the list.


In the state of Illinois, publishers file lists of books, prices, and submit bonds to the state superintendent of instruction. The state superintendent of public instruction must send a copy of any list and bond to the school authorities in each district in the State. Annually additional lists then in force in the office of the State Superintendent of Public Instruction are published and sent to the several school authorities.

The publisher must guarantee to furnish for five years any of the books listed in the statement submitted by him and that he will keep prices in Illinois the same as elsewhere in the United States. Text-books offered for sale and use must be equal in quality to those submitted to the state superintendent. If new or supplementary material is prepared relating to the books listed, the publisher must furnish it under the same conditions as the book originally adopted.

Boards of education must adopt such text-books listed under the provisions of this act as are needful for use in the public schools and upon adoption must make a record in its proceedings and within thirty days must file a copy of such record in the office of the State Superintendent of public instruction. Text-books adopted by the several boards may not be changed within five years and the adopted books must be used exclusively in all the public high schools and elementary schools of the state. Supplementary or abridged editions of such books may be used when necessary.

Maine Statutory Provisions.

The Maine Statutes provide that the Superintending school committee shall approve uniform systems of text-books, and perform such other functions as may be specified by law. No text-book thus approved may be changed for three years unless by a vote of the committee.

The superintending committee is elected locally and each municipality is privileged to select its own texts.

Minnesota Statutory Provisions.

In Minnesota the state High School Board must periodically prepare and amend a list of books, suitable for school libraries.

Upon receiving from any district a certified statement, approved

82. Ibid., Section 6.

83. Maine statute clipped from larger work enclosed in letter to Dr. Robert T. McGrath. Section 70 (g)

by the county superintendent, showing the purchase of books specified and included in the list prepared, the appointment of a librarian for each library, and the making of proper provisions for the care of the library, a requisition is furnished to that district by the state superintendent of public instruction on the state auditor for one half the purchase price and ten dollars for any subsequent year for each separate school for which a library is so furnished. From these libraries or public libraries with which the boards may have contracted the text-books are distributed. The books may be furnished free or sold under certain restrictions. Books selected by the boards must have been listed with the state superintendent of public instruction. Actual copies of the texts offered for adoption must be deposited with the State Superintendent of public instruction. The power of adoption and selection is essentially in the hands of the local boards.

Wyoming Statutory Provisions.

The Wyoming statute provides that the commissioner of education through the State Board of Education, shall publish lists of approved text-books, with prices for the use of public schools of the state. From this list superintendents, teachers, and trustees may select such books as are most suitable for the schools over which they preside. The ultimate power of selection is in the hands of the school boards called trustees in this enactment. The power may be exercised by consenting to purchase or denying the selection of superintendents or teachers in the choices they have made. This is another illustration of local control of selection subject to a general approval of many texts by the state authority.

Nebraska Statutory Provisions.

District school boards and boards of trustees in high school districts, and boards of education in cities of the first and second class and in cities of the metropolitan class are authorized to purchase all books necessary for the schools of the respective districts and are further empowered to enter directly into contracts with the publishers of texts for their purchase.

The State Superintendent of public instruction must furnish to each school district printed lists of prices of text-books which have been submitted to him. He must also file one copy of these lists as a part of the records of his office.

The authority to adopt and select is implied in the statute and is not specific. In the absence of any other provisions the law directing the several boards to make purchases directly from publishers is the governing authority.

### Table I. Types of Adopting Authority.

<table>
<thead>
<tr>
<th>Name of Adopting Authority</th>
<th>State Board of Education</th>
<th>State Text-book Commission</th>
<th>County Text-book Commission</th>
<th>Local Board of Education</th>
<th>Local Electorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Tennessee</td>
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<td>Colorado</td>
<td>Illinois</td>
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</tr>
<tr>
<td>Connecticut</td>
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<td>Iowa</td>
<td>Mass</td>
<td>Delaware</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>Florida</td>
<td>Maryland</td>
<td>Michigan</td>
<td>Maine</td>
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<tr>
<td>Nevada</td>
<td>Kentucky</td>
<td>S. Dakota</td>
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<td>Minnesota</td>
<td></td>
</tr>
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<td>Mississippi</td>
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<td>Washington</td>
<td>Wyoming</td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Virginia</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>Utah</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>S. Carolina</td>
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<td></td>
<td></td>
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<tr>
<td>N. Carolina</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above table indicates the distribution of states, according to the types of selecting authority as follows:—In column "A" are found those states in which the State Board of Education is the selecting authority. In column "B" are found those states in which a text-book commission exercises the power of selection. States having County units of selecting authority are shown in column "C". Column "D" shows those states in which the local Board of Education is the selecting authority. States having local electorate control of selection are shown in column "E".
Table II shows the composition and functions of the text-book selecting authorities of the several states. In the column designated "Type" are found the qualifications of the members of the several boards. In states where professional requirements are made they are so designated by the word prof. Similarly where no qualifications are required the designation lay is used. The characterization ex-officio applies to those members who hold their office on the selecting authority by virtue of the fact that they are elected to various state offices usually connected with the department of education. Those designated as appointive are not required to meet professional standards.

The column under Grades explains the extent of the selecting authority's jurisdiction.

The column under selected explains the manner of acquiring membership upon the Board or Selecting Authority.
<table>
<thead>
<tr>
<th>States</th>
<th>Type</th>
<th>Grades</th>
<th>Selected</th>
</tr>
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<tr>
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<td>Appointed</td>
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<tr>
<td>Arizona</td>
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<td>1 - 8</td>
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<tr>
<td>Arkansas</td>
<td>ex. off &amp; app.</td>
<td>1 - 8</td>
<td>Appointed</td>
</tr>
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<td>lay</td>
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<td>lay, app.</td>
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<td>1 - 12</td>
<td>Elected</td>
</tr>
<tr>
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<td>1 - 8</td>
<td>Appointed</td>
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<td>1 - 12</td>
<td>Appointed</td>
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<td>Appointed</td>
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<td>lay</td>
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<td>Elected</td>
</tr>
<tr>
<td>Indiana</td>
<td>app &amp; ex off.</td>
<td>1 - 8</td>
<td>Appointed</td>
</tr>
<tr>
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<td>lay</td>
<td>1 - 12</td>
<td>Elected</td>
</tr>
<tr>
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<td>lay &amp; prof</td>
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<td>1 - 12</td>
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<tr>
<td>Louisiana</td>
<td>app &amp; elect.</td>
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<td>1 - 12</td>
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<td>Appointed</td>
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<td>1 - 12</td>
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<td>1 - 12</td>
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<td>1 - 12</td>
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<td>Wyoming</td>
<td>lay</td>
<td>1 - 12</td>
<td>Elected</td>
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</table>
Chapter III
Summary and Conclusions

The statutes of the several states reveal that there are a number of definite structural types of text-book selecting authorities in the United States. These may be briefly designated as follows:

1. Wherein the power of text-book selection is vested in the State Board of Education.

2. The Text-book Commission which is a separate body from the State Board of Education.

3. The County Text-book Commission which is a separate body from the State Board of Education.

4. Local District Boards. This type provides for a selecting authority in each school district.

5. Joint Control. In this group we find a division of authority in text-book selection. A state agency usually approves text-books and local boards are required to make selections from this list.

The States which are found in group "A" have many legislative provisions connected with the function of selecting text-books. It appears that legislators have attempted to provide a legal structure which would safeguard the interests of the school child, in every possible way. It also requires considerable legal machinery to establish a governmental function of state proportions.

Members of the selecting authority in the states of this group may or may not have professional qualifications. There is no uniformity to be observed in the laws of this group affecting qualifications of members of the selecting authorities.
In group "B" we find those states whose selecting authorities operate under a text-book commission. There is no uniformity to be found among these states in the manner in which the text-book commission is created. In some cases elective state officials become members ex-officio of the text-book commission. In other states of the same group the text-book commission may be appointed by the governor. A third method of creating a state text-book commission may combine both ex-officio and appointive members.

The amount of legislation in states of Group "C" is much smaller than that in Groups "A" and "B". To illustrate, the Missouri statute provides all the necessary legal machinery for adoption of text-books, including procedures, bids, bonds and other contract safeguards in sixteen sections of moderate length. This is a characteristic of this group.

The district school boards exercise the power of text-book selection in group "C". In the case of the state of Colorado this authority is given to the local boards in one small paragraph under a blanket delegation of many powers to the said boards. This gives the local boards of education wide powers and enables them to act much more rapidly in the matter of adopting a text-book than would be the case in an adoption by a state authority.

In the group where joint authority is exercised the procedure requires more time as there are more technicalities to be observed. The legislation found in this group is a very good illustration of government by checks and balances. The state must keep an approved list available for use of all the district boards in the state.
It would seem that the people in the states in which there is local school board control, were jealous of their rights as citizens to vote on all questions. However, nothing can be found to indicate that this is the case. Neither can there be found any causes for the development and growth of any of the other forms of text-book selecting authority. It is probable that in each case the several states took such measures as they felt would be sufficient to meet the needs of their educational program.

The writer has no recommendations to make concerning text-book legislation. It is probable that further research would show that there has been and now is a gradual change taking place in legislation affecting text-book selection in order to meet the needs of current demands. The writer has made this study in the hope that it might be a point of departure for a further study of text-book problems.
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