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A REVIEW
OF EDUCATIONAL LEGISLATION
1935 AND 1936

BEING CHAPTER VIII OF VOLUME I OF THE
BIENNIAL SURVEY OF EDUCATION IN THE
UNITED STATES : 1934-36



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FOREWORD

Contemporary educational legislation touches numerous phases of education and consequently is of interest to a wide range of educational workers and citizens generally. A survey of educational legislation among the 48 States over a 2-year period involves, as a rule, a study of from one thousand to fifteen hundred enactments. The principal aims of such a survey are (1) to reveal what significant trends or developments are in process, and in what way they may affect the course of public education, and (2) to make available up-to-date legal information bearing upon the respective phases of education.

In recent years educational workers and citizens generally have become increasingly conscious of the vital relationship which exists between the legal organization of public schools and efficiency in their administration. For example, many authorities in education have contended that the local school district as now legally constituted in many States is too small to be financially capable of maintaining adequate school facilities in an efficient manner. In order that this organization, which is said to impair the efficiency of public-school administration, may be changed, it is necessary that legislative action be invoked. Likewise, if additional funds for the support of education are needed, legislative action is necessary to supply them.

Inherent in a State legislature is the power to overcome certain legal obstacles or to set up new legal instruments for improving the administration of public education. Under our system of government, educational authorities are privileged, and apparently are under a corresponding duty, to give professional guidance and direction to legislation which affects the course of public education. This review of recent legislation affecting education is therefore presented in the hope that it will be of service to those who plan, guide, and enact educational legislation.

BESS GOODYKOONTZ,
Assistant Commissioner of Education.

CHAPTER VIII

REVIEW OF EDUCATIONAL LEGISLATION

1935 AND 1936

INTRODUCTION

It is the purpose of this chapter to show some of the more outstanding tendencies and examples of legislation affecting education in the United States during 1935 and 1936. During these years the legislature of every State had one or more legislative sessions, and, in addition, special sessions were called in many States. Moreover, many legislative and constitutional measures affecting education were referred to the people for determination.

A study of recent educational legislation shows in some degree to what extent legislatures have responded to recent educational needs. In fact, new educational exigencies followed by fundamental legislative changes reveal how vitally important the educational prerogative of a State legislature really is. In recent years there has been an increasing awareness of the legal theory that education among the American commonwealths is in no way inherent in local government except insofar as legislatures or the people themselves may choose to make it so.

The three most significant tendencies in legislation affecting education during the 2 years here reviewed are toward:

- (1) Increased State responsibility for the support of public education.
- (2) A strengthening of State instrumentalities of control over education.
- (3) The establishment of minimum State-aid foundation programs of State-wide application.

Some additional and more specific noteworthy trends manifest in educational legislation during the biennium are:

Extension of State control over school budgets, expenditures, and indebtedness.

Wider use of State revenue from non-property tax systems for the support of schools, accompanied by a tendency to depend less on property taxes for State school revenue.

Increased efforts toward economies and efficiency in the business affairs of education.

Extension of provisions for free textbooks for school children.

- Improvement of provisions for health and safety of school children.
- Increased State administrative control over institutions of higher education.
- Extension of legislation to promote the establishment of junior colleges.
- Additional legislative control over the public-school curriculum.
- Improvement of facilities for higher education of Negroes.
- Better salaries for teachers.
- Improvement of facilities for teacher tenure and retirement.
- Better transportation facilities for school children.
- Legislation to facilitate the construction of needed school buildings.
- Continued legislative interest in the reorganization of local school units, including consolidation.

STATE SCHOOL ADMINISTRATION, ORGANIZATION, AND FUNCTIONS

The tendency of legislation for many years has been towards the centralization of administrative control over public education in State authorities. This tendency continued to manifest itself during 1935 and 1936 in a number of States.

Perhaps the most significant changes during the biennium in the organization and functions of the State school administrative organization occurred in Ohio, Rhode Island, and Vermont. The Legislature of *Ohio* vested the administration of its "School Foundation Act" in the Director of Education with the approval of the State Controlling Board. This act includes provisions designed to effect the reorganization of local school districts. County boards are directed to promulgate plans for more efficient school district organization, and, in case the affected boards of education fail to agree on the proposed district reorganization plans, the Director of Education is empowered to order such district consolidation or organization as he shall deem in harmony with principles of economy and efficiency.

The *Vermont* Legislature increased the membership of the State Board of Education from 3 to 5 members, and also increased the term of office of said members from 6 to 10 years. Furthermore, the Vermont Legislature stipulated that the State Board of Education, through the Commissioner of Education acting as the executive officer of the board, shall, as soon as possible, combine the several school districts of the State into supervisory unions each approximating 50 teachers with districts grouped in the interest of convenience and efficiency, subject to certain exceptions.

In 1935 the *Rhode Island* Legislature reorganized and consolidated all boards, commissions, and departments of the State government.

The State Board of Education was abolished and the Director of Education was given general supervision and control of the public schools of the State. The Legislature made it the duty of the Director of Education to "perform the duties heretofore performed by the State Board of Education", enforce the school laws, and prescribe the functions of each division in the Department of Education. A State Budget Director having control of school expenditures was also provided for. (*See State Control over School Expenditures, etc., p. 5.*)

The Legislature of *North Carolina* amended the "Public School Machinery Act" of 1933 and eliminated the Governor as ex officio member and chairman of the State School Commission, and made the Lieutenant Governor ex officio chairman of the Commission, and the State Superintendent of Public Instruction vice chairman. The reorganized State School Commission was authorized to appoint an executive secretary who shall select other employees necessary for the administration of the act. The North Carolina Legislature also created a State Textbook Purchase and Rental Commission of five members. (*See Textbooks, p. 30.*)

The *Utah* Legislature changed the composition and method of selecting the State Board of Education. All ex officio members, except the State Superintendent of Schools, were eliminated from the board, and a new board was created consisting of the State Superintendent of Education and nine other persons, seven of whom shall be selected for 7-year terms by region school conventions (one convention to be held annually in one of the seven judicial districts of the State). The remaining members are to be appointed by the Governor.

In November 1936, the Constitution of *South Dakota* was amended so as to provide for the election of the State and county superintendents of schools on a nonpolitical ballot.

Mississippi reorganized the membership of the State Board for Vocational Education; and *New Jersey* reorganized the membership of its State Board of Examiners. *South Carolina* created a State School Book Commission. (*See Textbooks, p. 30.*)

During the biennium the *Oregon* Legislature placed the work of Americanization under the State Department of Education; and in *North Dakota* the Legislature reestablished the State equalization fund and vested its administration under the Governor, Attorney General, and the State Superintendent of Public Instruction.

For legislative changes affecting State organization and functions with respect to fiscal affairs in the management of schools see *State Control Over School Expenditures, etc.,* which follows.

STATE CONTROL OVER SCHOOL EXPENDITURES, SCHOOL BUDGETS,
BUSINESS EFFICIENCY, ETC.

Recent years have been accompanied by numerous demands for economy and business efficiency in the administration of public schools. These demands have been due, in part at least, to the granting of increased State funds for the support of schools.

The principle that laws should place school management on a modern businesslike basis free from faulty and improper practice has recently won legislative favor in many States. Apparently, legislators are of the opinion that business efficiency is as essential to good public-school management as it is to private enterprises. Legislation designed to promote economy and efficiency in the administration of public-school funds falls into three general classes: (1) Legislation to promote larger and more capable local school administrative units; (2) legislation providing increased State control over local school expenditures; and (3) the development of school budget systems.

During the biennium here reviewed the legislatures of many States enacted noteworthy provisions to promote efficiency in the business affairs of education. Among some of these States are: Alabama, Colorado, Indiana, Louisiana, Mississippi, New Mexico, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia. Some of the noteworthy measures on this subject are summarized here:

The *Alabama* Legislature established a budget system for all county and city school districts and required that said budgets for each ensuing year be submitted to the State Department of Education by July 1. This act provides that after the budget becomes official the actual expenditures may exceed budgeted expenditures only upon the recommendation of the local superintendent, the approval of his board, and the approval of the State Superintendent.

The Legislature of *Louisiana* prohibited any expenditures of public money or credit by municipalities including school districts "without the regulation, supervision, and approval of the State Advisory Board created by the Constitution. "Furthermore the Legislature of that State created a State Bond and Tax Board and stipulated that no municipality or school district "shall have authority to borrow money, incur debt, or to issue bonds, or other evidences of debt, or to levy taxes * * * without the consent, and approval" of the said board.

In *Mississippi* the Legislature prescribed in considerable detail how the school budgets shall be prepared. All school districts were required, on or before July 15 of each year, to prepare and file with

the State Superintendent a budget of school expenditures for the next fiscal year. The budget must show estimated amounts to be expended for teachers' salaries, transportation, tuition, etc., and also show the number of months for which funds will be available for the operation of schools. At the same time county superintendents are required to file with the State Superintendent detailed statements of the school revenues which will be available during the year. This act directs the State Superintendent of Education to prescribe forms for local school budgets and to examine county and district school budgets, approving or disapproving the same. If in his opinion there are insufficient funds to meet the expenditures called for in any budget, he shall return the budget to the district submitting it for revision, and shall require that it be revised by reducing the estimated expenditures. Local school expenditures were restricted to the amounts set forth in the budgets, unless exceptions are made with the approval of the State Superintendent.

In *New Mexico* the Legislature vested in the State Board of Finance supervision and control of the budgets of all State offices and departments, including the department of education and institutions of higher learning. The Board of Finance is authorized to adopt standard supplies and equipment and to require all institutions to purchase in accordance therewith. Furthermore, the Governor and the said Board were empowered to classify all employees in the State Department of Education and in institutions of higher learning and to fix their salaries.

The *Ohio* Legislature (H. B. 466) made it mandatory for all boards of education to transmit to the State Director of Education, not later than August 15 each year, a copy of their budget of expenditures for the next ensuing school year. In this same act the Legislature included designs for county school surveys to promote better school administration. County boards of education were directed and empowered to promulgate and carry into effect plans for developing more efficient district organization.

The Legislature of *Rhode Island* created the office of State Budget Director and Comptroller, who shall hold office at the pleasure of the Governor, and who shall supervise all accounts of State departments, including all expenditures for education. The Budget Director may request detailed statement of financial condition of any department, and he shall prepare a consolidated budget report for the Governor to be embodied in an appropriation bill on or before January 1 of each year.

The Legislature of *Virginia* forbade county supervisors or city councils to decrease in any school year the amount appropriated by them for schools, except by the same percentage of reductions as all other appropriations are reduced.

In *West Virginia* the Legislature, "in order that every possible economy * * * may be realized", provided for centralized purchasing of educational supplies through a newly created department of purchases." This act also created a standardization committee to promulgate standards governing the quality, size, and variety of commodities or services to be procured by the different State departments, including educational institutions of the State. Furthermore, the director of the purchasing department was directed to make available the services and facilities of his department to county, school, and other municipal local bodies.

SCHOOL REVENUE

Tax legislation affecting school revenue during the biennium can hardly be characterized as distinctive or regarded as really significant from a Nation-wide point of view. For the most part legislation in this field continued along the same general trends which have been in evidence for many years. For example, the most outstanding tendencies were: (1) To utilize and develop nonproperty tax systems; and (2) to reduce property taxes as a source of State school revenue.

Liquor and sales taxes.—The legislatures of some States expressly allocated receipts from liquor and sales taxes for school revenue. School funds were derived from liquor taxes in Georgia, Idaho, Maryland, Nevada, New Mexico, and South Carolina. Among some of the States which earmarked a portion of receipts from sales taxes for schools are: Arkansas, Idaho, North Dakota, Ohio, Oklahoma, Texas (sale of cigarettes), Utah, Washington, West Virginia, and Wyoming. (Missouri provided that sales tax revenue go to the State general treasury from which one-third is apportioned for education.)

Miscellaneous taxes.—It is also noteworthy that business, service, or occupational tax receipts were in part allocated for school purposes in Florida, Louisiana, South Carolina, Washington, West Virginia, and Wyoming. Furthermore, some of the revenue from mineral or severance taxes in Idaho, North Dakota, and Washington was allocated for school purposes.

A few outstanding examples of legislative changes affecting school revenue in different States are here summarized:

Arkansas levied a retail sales tax and allocated 65 percent of the revenue therefrom to the common school fund.

Florida levied a license tax on persons, firms, and corporations engaged in certain public works, the revenue therefrom to be paid into the county school fund.

Louisiana levied an annual franchise tax on all corporations, \$400,000 of revenue therefrom to be paid to the State University and Agricultural and Mechanical Arts College for improvements.

Michigan repealed the provision for millage levies in aid of the State University and State College of Agriculture, and thereby abolished the remaining vestige of State property tax; the amount of fund lost by repealing said tax to be replaced by funds from the State general fund.

North Dakota enacted a retail sales tax to equalize taxation and to replace in part the property tax; and allocated \$700,000 of the revenue from the sales tax to the newly established State School Equalization Fund, for the first year, and \$1,950,000 for the second year.

Oklahoma repealed its sales tax and corporate and personal income tax laws of 1933 which allocated major revenue therefrom for schools, and re-enacted said tax systems, and provided revenue therefrom shall go to the general fund of the State.

South Carolina Legislature authorized the following appropriations annually for schools: (1) \$893,000 from the income taxes; (2) all of the revenues yielded by the imposition of additional corporation license fees; (3) all the revenue derived from the sale of permits to sell beverages; and (4) after July 1, 1936, 65 percent of all revenue derived from the sale of and/or license of sale of beverages or alcoholic liquors. South Carolina also enacted a personal and corporate net income tax as a "property relief act", the revenue therefrom to be paid into the State general fund. The Legislature appropriated 32 percent of the net money in the general State fund derived from the said income tax for the support of public schools.

Utah authorized the use of the excess of the sales tax in making up deficiencies in the State school funds. (The State constitution provides that \$30 per child shall be raised by the State.)

Washington extended the business and occupational tax enacted in 1933 and added a 2 percent sales tax; approximately 59 percent of the revenue from this act is appropriated to the State current school fund and 4 percent to higher institutions, the remaining going to State general fund and emergency relief. Washington also imposed limitation on the aggregate State and local annual property tax rate for school purposes.

NEW STATE-AID PROGRAMS

The establishment of minimum State-aid education programs financed by State funds constitutes the most outstanding development in school legislation during the 2 years here reviewed.

Increased State responsibility.—Educational legislation during 1935 and 1936 reveals a vigorous and marked extension of the principle that the State should assume increased responsibility for the financial support of education. Among the States in which this

principle won legislative favor are: Alabama, Arkansas, Arizona, New Jersey, North Dakota, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Texas, Virginia, Washington, West Virginia, and Wyoming.

Distribution of school funds, State-aid programs.—The methods of distributing State school funds were altered in many States, and an unusual number of States reorganized their *equalization systems*, or established minimum State-wide education programs, referred to in some States as "foundation" programs. It is obviously impracticable to review here all recent noteworthy legislation in support of public schools. However, because of the current Nation-wide interest in State-supported school programs, examples of legislation establishing such programs are here presented for a few States:

FLORIDA

In order to make more secure a minimum 8 months' school system in the several counties of the State, the Legislature of Florida appropriated annually to the county school fund from the general revenue, a sum equivalent to \$800 for each instruction unit as determined by law, less a credit of whatever amounts accrue to county school funds from the State by existing law. Previously, in order to aid counties in the maintenance of an 8 months' school term there was appropriated to the county school fund the flat sum of \$7,500,000, less a credit of 1 mill constitutional tax, and less other amounts which may have accrued to the county school fund by any existing law, and less also sums derived by the State as interest on State deposits in banks of the State.

MICHIGAN

The Legislature of Michigan, by Chapter 192, 1935, revised the Thatcher-Sias Act of 1933 and provided for the distribution of (1) increased allowances of aid for elementary schools; (2) the direct payment of high-school tuition to receiving district; (3) increased transportation allowances; and (4) the requirement that district boards must levy at least $2\frac{1}{2}$ mills for schools other than for debt service, capital outlay, and school board salaries. This chapter provides for the distribution to schools of \$36,000,000 in 1935-36, \$37,000,000 in 1936-37, and \$38,000,000 annually thereafter from the general fund. The Legislature designated the following total amounts allowed school districts with less than 800 school population, for elementary schools: 1 teacher and fewer than 12 pupils, \$65 per pupil; 2 or more teachers and from 12 to 44 pupils, \$750 for the first 12 pupils, plus \$9 for each additional pupil; 3 or more teachers and from 60 to 120 pupils, \$1,962 for the first 60 pupils, plus \$40 for each additional pupil; 4 or more teachers and from 90 to 160 pupils,

\$3,162 for the first 90 pupils, plus \$40 for each additional pupil; and the gross amount for elementary schools with 5 or more teachers and 150 or more pupils is computed at \$48 per pupil. A similar schedule of State aid was set up applicable to high schools which included larger amounts.

MONTANA

The Montana Legislature set up a State *minimum foundational educational program*, which provides:

- (a) \$500 per elementary teacher classroom unit, plus 12 cents per pupil per day of attendance.
- (b) \$600 per junior and senior high school teacher classroom unit, plus 15 cents per pupil per day of attendance.
- (c) $\frac{1}{2}$ the transportation cost of pupils residing 3 miles or more from school, provided the State board of education shall fix a uniform schedule of transportation rates for pupils, and that State aid be based on such schedule.

This act included detailed stipulations governing "classroom units" in both elementary and secondary schools; a State Public School General Fund was created by this act. Among other noteworthy provisions of this act are:

- (1) Forbade State aid to any school with fewer than 10 pupils (exceptions allowed for isolated cases).
- (2) County superintendents must certify to State Superintendent the total number of classroom units and aggregate days of attendance during last school year, and number of pupils residing 3 or more miles from school together with the cost of their transportation.
- (3) State Superintendent, not later than August 15 each year, shall certify to county superintendents the amounts of school funds to be allotted by the State for pupil transportation and payment of teachers on the classroom unit basis.

NEW JERSEY

The New Jersey Legislature reorganized its system of State aid for education, and created a *minimum foundation program*, which provides a minimum apportionment of State funds to districts of \$13 per elementary pupil and \$22 per high-school pupil. Additional aid was made available to certain districts as equalization aid which shall be the excess, if any, of the cost of maintaining the foundation program over the sum of an equivalent to a computed yield of 4.75 mill tax of such districts. For the purpose of this act the minimum cost of the foundation program shall be determined as follows in elementary school districts employing 1 teacher, \$1,482; 2 or more teachers with not more than 26 pupils, \$82.33 per pupil; 2 or more teachers with from 37 to 260 pupils, \$2,964 for first 36 pupils and \$53 for each additional pupil; and districts with 261 or more pupils, \$57 for each such pupil. A similar schedule was set up governing a State-supported program for high schools.

NORTH DAKOTA

The North Dakota Legislature reestablished the *State equalization fund* in order to insure a State minimum 7 months' common school term, and vested the administration of such fund in the Governor, Attorney General, and the State Superintendent of Public Instruction. Under the revised plan, the first \$500,000 accruing to the State Equalization Fund each year shall be distributed among the elementary schools on the basis of needs as determined by an investigation of financially distressed school districts. The State Superintendent was directed to determine by investigation what districts are unable to pay for the operation of schools for the minimum term or standard after having made the maximum financial effort to do so. In determining whether a school district has made a maximum effort it must appear: (1) That the district has levied the normal maximum tax rate fixed by law; (2) that the revenue from local taxes and from State and county sources have been exhausted; and (3) that such district, under the law cannot issue additional warrants or certificates of indebtedness, or that such obligations, by reason of district's financial condition, would be greatly depreciated in value. This act provided payment of tuition to districts receiving nonresident high-school pupils at the rate of \$1.50 per week out of the equalization fund. Previously such tuition was paid to the district wherein the pupil resided. This act, furthermore, allowed payment of high-school correspondence courses taken with approval of the State Department of Education. After payments to the financially distressed districts and the payment of tuition of nonresident pupils have been made, the remaining amount in the State Equalization Fund shall be distributed among the school districts on the basis of \$125 per year for each grade school teacher unit, and \$150 per year for each high-school teacher unit maintained. The State Superintendent was authorized to fix and define the number of pupils and teachers required to constitute such "teacher-unit." Such "definition shall be framed and formulated with the end in view of effecting efficiency in the schools, and the discouragement of the maintenance of small schools and small classes."

OHIO

The Ohio Legislature completely revised the bases for the apportionment of the State's public-school fund. This act is known as the *School Foundation Act* (H. B. 466). Its administration was vested in the Director of Education with the approval of the State Controlling Board. Under this law the State will pay approximately one-half of the total annual cost of public elementary and secondary education in the State. Provision is made whereby the State will

pay to school districts the following amounts on per pupil in average daily attendance basis: (1) Part-time, continuation, and evening schools, 20 cents per day; (2) regular day schools, grades 1-8, inclusive, 17 cents per day; (3) kindergarten classes for children under 5 years or over, 8½ cents per day. Additional aid was provided for districts in which a 3-mill levy, plus income from all other sources (local and State) are insufficient for the maintenance of schools upon the minimum cost of the foundation program; and the amount of the additional State aid shall be the difference between the minimum cost of the foundation program and the amount of funds available without such additional aid. The Legislature defined in detail the minimum operation cost of the *foundation program*, based on average daily attendance for a term not to exceed 180 days. It must be established to the satisfaction of the Director of Education and the State Controlling Board that the amount to be allowed per pupil shall be such as will enable the school to operate at a reasonable level of educational efficiency. In no case may the schedule of operating costs set up by the Director of Education be less than \$1,150 per annum for each 1-teacher elementary school and \$2,400 per annum for each 2-teacher elementary school. The foundation program includes provision for paying the cost of approved pupil transportation and tuition. This new Ohio law includes noteworthy provisions designed to effect the reorganization of local school districts. (See *School Administration, District*.) This act also stipulates that State aid may be withheld from any district which fails to comply with its provisions, including the plans for the reorganization of districts. It is furthermore provided that no district shall participate in the State Public School Fund if the total annual salary paid to its teachers is less than 75 percent of the total cost of the foundation program of said district, exclusive of transportation and tuition costs.

OKLAHOMA

The Oklahoma Legislature appropriated \$8,200,000 per annum, most of which goes to school districts as primary aid to supplement funds for teachers' salaries. The basis of the apportionment of these funds is a State salary schedule set up by the State Board of Education. (See *Teachers' Salaries*.) The Legislature stipulated a method of determining the number of teachers needed in each district on the basis of so many pupils in average daily attendance per square mile. In addition to the primary State aid for teachers' salaries above indicated the Oklahoma Legislature provided supplemental aid to districts where a 10-mill levy and other revenue, including the primary State aid, will not maintain the minimum school for the minimum term. But in order for any school district to

receive supplemental aid it must show affirmatively to the State Board of Education that the proportion of its teachers to pupils is proper, that the schedule of teachers' salaries is reasonable, and that the school budget is commensurate with the actual needs of the district. Primary and supplemental State aid may be withheld from any school if the average daily attendance falls below 18 and if the school district fails to meet the standards established by the State Board of Education. The Legislature by this act stipulated that all State funds and revenue (other than those mentioned in sec. 3, art. II, of the State Constitution) shall hereafter be paid into the general State fund and be used to defray the expenses of State government. In so doing the act said:

It is * * * not the intention of the Legislature to repeal any law the revenue from which has been levied and paid into the fund for * * * the common schools, but it is the intention * * * that such revenue shall hereafter be paid into the general revenue fund * * * and thereafter appropriated by law for such uses and purposes as may be provided by law.

TEXAS

Texas increased its "Rural Aid Law" appropriation to \$10,000,000 for the biennium, which is \$4,000,000 more than for the previous 2 years. The Legislature stipulated that no school shall receive aid under this appropriation if its average daily attendance is less than 65 percent (formerly 70 percent) of the school census, and that teachers in State-aided schools shall have a minimum of 2 years' college training or the equivalent. This act provided for an increase in the supervisory staff of the State Department of Education from 16 to 24 members.

VERMONT

Vermont reorganized the State-aid system for education and provided that State aid shall be on the basis of district valuation and the number of "equated" pupils. This act defined "equated pupil" as a theoretical number of pupils determined by Mort's tables which equalizes the variations in size of schools, and the difference in costs between elementary and secondary schools. The funds allotted for the minimum State program may be used only for legitimate items of current expense, including transportation, advanced instruction, supervision, and rural teachers' salaries. In order to be eligible for State aid, towns must comply with law relative to teachers' salaries, appointment of superintendents, detailed financial reports to State Department, and the raising of 75 cents on each \$100 of valuation.

LOCAL SCHOOL ADMINISTRATION, CONSOLIDATION, ETC.

Noteworthy legislative enactments designed to effect the organization and consolidation of local units of school administration oc-

curred during the biennium in a few States. The Legislatures of California, Ohio, and Vermont furnished examples of enactments of this character.

The *California* Legislature provided that every elementary school district and high-school district, or every elementary, high-school, and junior college district having coterminous boundaries and under the jurisdiction of governing boards with the same personnel, shall be governed by one board of five members. This act stipulated that unified districts shall take-over all obligations, funds, and property of districts becoming a part thereof (except bonded indebtedness).

The *Ohio* School Foundation Act of 1935 included provisions designed to effect the reorganization of local school districts. This act stipulates that each year each county board of education shall make a survey of the county school district to determine the number of teachers and other educational employees and the number of transportation routes necessary. The county boards of education are directed to promulgate plans for more efficient district organization and to prescribe the transfers of territory, elimination of school districts, or the creation of new districts which will provide more economical and efficient systems of county schools. If the boards of education fail to agree on the proposed plan, the proposition shall be transmitted to the State Director of Education who shall order such transfer of territory or the creation of such new school districts as he shall deem in harmony with principles of economy, efficiency, and convenience. The Director of Education is also vested with full power to make the county surveys and to prescribe the alteration in case any county fails to do so.

The *Vermont* Legislature stipulated that the State Board of Education through the Commissioner of Education, acting as the executive officer of the board, shall, as soon as possible, combine the several school districts of the State into supervisory unions each approximating 50 teachers with districts grouped in the interest of convenience and efficiency, subject to certain exceptions.

A number of other States enacted measures also designed to facilitate district consolidation or to restrict the continuance of especially small districts. Among such States are Illinois, Iowa, Maine, Oregon, New Mexico, and Texas.

HIGHER EDUCATION

GENERAL ADMINISTRATION AND FINANCE

The increased legislative control over institutions of higher learning manifested during the depression continued, though in somewhat modified manner, during the 2 years under review. Only a few examples can be noted here.

The Legislature of *Georgia* declared the "Regents of the University System of Georgia" to be a governmental agency of the State and that all property held by said corporation is property of the State and subject to all limitations and restrictions imposed upon all other property of the State. This act required that tuition, matriculation fees, and proceeds of the sale of personalty shall be reported and remitted to the secretary-treasurer of the Board of Regents who shall transmit the same to the State treasurer, provided, however, that the dormitory rentals, mess hall charges, proceeds of athletic contests, and other similar revenues shall remain with the institution originating the same and shall not be paid into the State treasury. However, all such receipts shall be reported to the secretary-treasurer of the Board of Regents and be audited by the State auditor, whose reports shall be available to the Governor and the General Assembly.

Perhaps one of the most outstanding legislative enactments within the biennium enhancing State control over the administration of institutions of higher learning occurred in *New Mexico*. The Legislature of that State vested in the State Board of Finance supervision and control of the budgets of all State offices, departments, and institutions, including department of education and institutions of higher learning, subject to review by the Governor. The act requires all said departments to file their budgets with said State Board of Finance. The State board is empowered to supervise all purchases by the various government departments, and is authorized to adopt standard stationery, office supplies, and other equipment, and to prohibit the making of purchases other than in accordance with standards adopted by the same.

New Mexico empowered the Governor, with the approval of the State Board of Finance, to classify all employees in the State Department of Education and in the institutions of higher learning, and to fix their salaries within limitations, and to transfer employees temporarily from one office, department, or institution to another.

The *Rhode Island* Legislature reorganized and consolidated all boards, commissions, and departments of the State government. The State Board of Education was abolished, and the State College and the College of Education were placed under a State Board of Regents consisting of 10 members, namely, the Governor, Lieutenant Governor, the Chief Justice of the Supreme Court, the Director of Education, and the State Budget Director and Comptroller, *ex officio*, and 2 alumni members of the State College, 1 alumni member of the College of Education, and 2 qualified electors from the first and second Congressional districts, respectively, appointed by the Governor.

The *West Virginia* Legislature, as an economy measure, centralized the purchasing of supplies and commodities, printing, contractual services for State institutions, including educational institutions, in a State "Department of Purchases" and created a committee to promulgate standards governing the quality, size, and variety of commodities or services procured by the different institutions. The Legislature of *South Carolina* required all State institutions, including educational institutions, to purchase all materials, furnishings, and supplies after obtaining three competitive bids from within the State where practical when such purchases exceed \$200.

The tendency to reduce or eliminate millage taxes for the support of higher institutions of learning is still in evidence. For example, in 1935 the Legislature of *Michigan* repealed the provisions for millage levies in aid to the State University and the State College of Agriculture, and thereby abolished the remaining vestige of State property tax in that State. The amount of funds lost to the said State educational institutions by the repeal of the said taxes is replaced by other proposals known as "mill-tax yardsticks", which extend a definite amount from the general fund based upon assessed valuations of property upon which the mill tax was formerly levied.

The *Washington* State Legislature extended its business and occupational tax enacted in 1933 and provided that approximately 4 percent of receipts therefrom shall be used to aid in the maintenance of State higher institutions. The Legislature limited to 2 mills the aggregate annual rate of levy on real and personal property for the support of the State University.

In 1935 *Louisiana* levied an annual franchise tax on all corporations and provided that \$400,000 of the annual receipts therefrom shall be paid to the State University and Agricultural and Mechanical College for improvements and expansion as authorized by law.

The *Nevada* Legislature provided an additional \$24,000 annually for the next 2 years for the State University derived from receipts from a license and stamp tax on liquor.

In 1935 the *Massachusetts* Legislature increased appropriations for the State teachers colleges approximately \$100,000 in excess of what was appropriated in 1934; also made a similar increase in the appropriation for the Massachusetts State College. Increased appropriations are noted for English-speaking classes for adults, university extension courses, Division of Immigration and Americanization, public libraries, Division of the Blind, and for the Teacher Retirement Board. The salary of the State Commissioner of Education was increased from \$7,500 to \$9,000 per annum. Slight reductions were made in other lines of educational service.

The tendency for many years to change the name of State normal schools to State "colleges" is still in evidence. This occurred in

Maryland. In this connection it is interesting to note that in California the Legislature changed the designation of "State teachers colleges" to "State colleges" and authorized the said colleges to offer courses in liberal arts appropriate for teaching as a secondary function, and provided that students not candidates for a teaching credential may not be required to take more than 6 units of pedagogy.

JUNIOR COLLEGES

Legislation to enable the further development and control of junior colleges was enacted in several States during the past 2 years. Initial laws on this subject were enacted in Mississippi and South Carolina. The *Mississippi* act simply authorized any municipality or county which has organized or which may hereafter organize a junior college under the laws of the State to purchase lands or buildings for such college on the installment plan and to provide for a tax levy to pay for the same. The *South Carolina Junior College Act* embodies somewhat detailed prescriptions governing the establishment and maintenance standards of such colleges. The South Carolina Legislature authorized independent or special school districts, upon a three-fourths vote of the electors, to establish and maintain junior college courses to consist of not more than 2 years' work beyond a 4-year high-school course, and legalized any such junior college already established in said districts. School districts whose limits are co-extensive with the limits of any city of 5,000 inhabitants or more may, when authorized by a majority vote of the electors, establish or discontinue a junior college. The Legislature also vested the State Department of Education with the same supervision and control of said colleges as it now has over other departments of the public school system; limited the establishment of junior colleges to districts with more than \$1,000,000 assessed valuation and which maintain an accredited high school; and required the approval of the State Department of Education which shall send a representative to visit the district applying for establishment of such college and who shall make report to the department.

The *Michigan* Legislature authorized school districts not maintaining a junior college to pay, upon majority vote of the electors, the tuition cost, in whole or in part, for the education of resident pupils who attend a legally established junior college in another school district. The Legislature also authorized any county in which a collegiate institution is maintained by a school district to contribute to said district as much as \$50 annually per unit of membership, provided fees charged by the institution are uniform throughout the county.

The Legislatures of Arizona, California, and Texas amended their respective junior college legislation. *Arizona* provided State aid to any public county junior college in the amount of one-half the cost of maintenance up to \$15,000 per year with the qualifications that the school buildings and equipment be approved by the superintendent of public instruction, that it have not fewer than 100 pupils in average daily attendance; that no part of the money be used for construction or repair of buildings, or the purchase of grounds or equipment; and that a budget for 2 years be submitted to the Legislature through the superintendent of public instruction for his certification of eligibility.

California provided that the total amount in the junior college fund shall equal \$90 for each unit of average daily attendance plus \$2,000 for each junior college maintained during the preceding school year; and eliminated the provision that each junior college district shall annually be apportioned \$100 per unit of average daily attendance during the preceding school year. California also authorized junior college districts to charge an annual tuition fee to each pupil for whose education the district is not entitled to receive funds from any other source, such tuition to be determined by the board but not in excess of the net cost per pupil to the district.

The *Texas* Legislature amended its provisions for the establishment of junior colleges by authorizing two or more school districts to establish a junior college when they have a combined taxable wealth of not less than \$9,500,000 (instead of \$12,000,000), and when they have a scholastic population of 7,000 and not fewer than 400 students (was 500) for a period of 4 years in the classified high-school of said districts.

HIGHER EDUCATION FOR NEGROES

Recent years have manifested a definite tendency toward the improvement of facilities for the higher education of Negroes. A few noteworthy legislative enactments in this direction occurred in the 2 years here reviewed in Kentucky, Maryland, Oklahoma, and Pennsylvania.

The Legislature of *Kentucky* provided for the payment by the State of the cost of obtaining college courses of instruction by any persons (Negro) who must (by reason of Section 187 of Constitution) go out of the State to get such courses for the reason that there is no Negro institution in the State which offers such courses (especially applicable for Negroes). Cost of such instruction shall not exceed \$175 per school year of 9 months.

The *Oklahoma* Legislature provided for the payment by the State of tuition, fees, and transfer of qualified and morally satisfactory

Negro youth who have completed 2 years of college work to enable them to pursue courses of study in higher institutions outside the State which courses are similar to those offered at the University of Oklahoma or other State-supported institutions. This measure was enacted by reason of Article XIII, Section 3, of the State Constitution which forbids the education of white and Colored youth together and thereby prevents Negro youth from pursuing the desired courses in the State institutions. The administration of this act was vested in the State Board of Education. The *Maryland* Legislature created a Commission on Higher Education for Negroes and provided scholarships for higher education of Negroes in institutions in other States for the same reason. The Legislature also provided for the purchase of Princess Ann Academy by the University of Maryland for \$100,000.

The Legislature of *Pennsylvania* stipulated that there shall be no distinction because of race, creed, or color in accommodations provided in public libraries, kindergartens, primary and secondary schools, academies, colleges and universities, extension courses, and all educational institutions.

CURRICULA IN HIGHER EDUCATIONAL INSTITUTIONS

Although legislative prescriptions governing the curricula in public institutions of higher learning have been seriously questioned in recent years, prescriptions of this nature are still in evidence. Legislative developments in this direction occurred in Florida, Kansas, Texas, and Wisconsin.

The *Florida* Legislature required all higher State educational institutions to give instruction in nature study and the conservation of natural resources, including the study of fish and game, soil fertility and erosion, forests and minerals, and required all students in such institutions preparing to be teachers to take such course of instruction.

The Legislature of *Kansas* directed all colleges or universities organized under the Morrill Act (land-grant colleges) to establish courses of military training and tactics compulsory for male students in their first and second years. *Texas* created a department of public safety, and directed the State University and all other State-supported educational institutions to cooperate with the said department. *Wisconsin* required all teachers colleges and the State University to offer instruction in Cooperative Marketing, and required instruction in such courses for certification to teach economics, social studies, and agriculture.

SCHOLARSHIPS IN HIGHER INSTITUTIONS

A few noteworthy legislative measures in regard to scholarships in higher institutions of learning occurred recently in Illinois, Indiana, Louisiana, Michigan, New York, and Virginia.

Illinois awarded the following normal school and college scholarships: 1 to each 4-year high school with fewer than 500 students; 2 to each said school with from 500 to 1,000 students; and 3 to each said school with more than 1,000 students. Each scholarship entitles the holder thereof to gratuitous instruction in any State normal school or teachers college for 4 years. The Legislature stipulated the procedure for selecting students entitled to said scholarships. In *Indiana* the two State Teachers Colleges were authorized to award two scholarships annually to each county; and the State University and Purdue University were each directed to award annually at least two scholarships to each county.

The Legislature of *Louisiana* directed the State University and Agriculture and Mechanical College to give annually to each senator and representative a scholarship in the academic department for a student to be named by each said senator and representative from among the citizens of his district; such scholarships shall continue until each student so named has graduated unless his scholarship has ceased for other reasons.

The Legislatures of *Maine*, *Michigan*, and *West Virginia* enacted laws to permit children of World War veterans to attend public higher institutions without the payment of tuition charges; and *New York* established 40 annual State scholarships of \$200 each for such children. Apparently similar measures were enacted in a few other States.

The *Virginia* Legislature made certain restrictions upon the granting of scholarships in State educational institutions and prohibited the remission of special fees and charges in such institutions in certain designated cases.

MISCELLANEOUS MEASURES RELATING TO HIGHER EDUCATION

Some of the recent unclassified legislative enactments affecting higher education may be of interest here. The Legislature of *Alaska* established the University of Alaska in accordance with the provisions of the Act of Congress approved March 4, 1915; *Colorado* authorized State educational institutions to contract for the erection of dormitories and refectories on a self-liquidating basis; *Florida* granted women admission as students to the School of Pharmacy of the State University; *Hawaii* reorganized the Board of Regents of

the Territorial University; *Maine* removed the student age limitation governing admission to normal schools; *Massachusetts* authorized State teachers colleges to grant master's degrees in education; *New York* granted to the members of the teaching and administrative staffs of the New York City Board of Higher Education the same protection of tenure which is provided for corresponding staffs of the City Board of Education; *North Dakota* made provision for a high-school education by correspondence free of cost, under the direction of one of the State institutions of higher learning to be designated by the State Board of Administration.

The Legislatures of *Massachusetts*, *Michigan*, and *Vermont* required teachers in higher institutions to subscribe to an oath of allegiance to Federal and State Constitutions.

TEACHER TRAINING AND CERTIFICATION

During the depression it was customary for many States to modify, extend, or renew the validity of teachers' certificates without requiring additional school attendance or teaching experience since the last extension. This practice continued during the 2 years here considered and legislative provisions of this character were enacted in *Arkansas*, *Nevada*, *New York* (applicable to New York City), *South Carolina*, and *Tennessee*. *Colorado* reduced attendance formerly required at an institution of higher learning for the renewal of a teacher's certificate from 10 to 4 weeks. *Oregon* increased the professional requirements for elementary teachers. The Legislature of that State stipulated that teacher-training courses for elementary teachers must include one term of professional training in addition to the standard 2-year normal course, and that after January 1, 1941, such preparation shall consist of a standard 3-year elementary teacher-training course.

The *Ohio* Legislature revised its provisions governing the certification of teachers and designated the following grades of certificates: Temporary, Provisional, Professional, and Permanent, each of which may be issued in each of the following types: (1) Kindergarten-primary; (2) Elementary; (3) High school; (4) Special; (5) Elementary principal; (6) High-school principal; (7) Supervisor (8) Superintendent; (9) Vocational. This act provides that the Director of Education shall establish standards and courses of study for the preparation of teachers; shall provide for the inspection of institutions desiring to prepare teachers, shall approve such institutions as maintain satisfactory training procedures, and shall properly certificate the graduates of such approved courses and institutions. The Legislature abolished certification based on examination, and required for provisional certificate 2 years of college training for

types (1) and (2) and graduation from a 4-year college for all other types. Most of the legislative prescriptions for different types of certificates were repealed and more power was vested in the State Director of Education and the State Board of School Examiners.

Michigan enacted a new law governing teacher certification. This law authorizes and requires the State Board of Education to prescribe requirements and issue certificates for teaching to graduates of the teacher-training departments of all educational institutions of the State, as said State Board of Education shall determine. In regard to this act the Michigan State Superintendent of Public Instruction issued the following statement: "The new law accomplishes a reform in the control of the certification of teachers which has been advocated by professional leaders and organizations for many years. (In *News of the Week*, Department of Public Instruction, May 22, 1935.)

The *New Jersey* Legislature provided for a new State Board of Examiners with fewer ex-officio members and a larger percentage of membership appointed by the State Board of Education upon their nomination by the Commissioner, the appointed members to hold office for 2 years instead of 1 year; effective July 1, 1936.

Minnesota authorized school boards of independent school districts in order to encourage further preparation and education of teachers to stipulate in their teachers' contracts the salary such teacher may receive, conditioned upon attendance at summer schools.

Arkansas authorized any county or district board of education which desires to cooperate with any public teacher-training institution to enter into contract with said institution for the operation and maintenance of a public school, grades 1 to 12 or any part thereof, to be used for training-school purposes by said institution.

Missouri increased from \$170,000 to \$300,000 the State appropriation for the ensuing biennium for teacher-training courses in connection with high schools in cities having more than 70,000 population.

Other recent legislative enactments during the biennium pertaining to teacher-training and certification are as follows: *Alaska* provided for the certification of teachers in private schools; *Maine* removed the student minimum enrollment age of 17 years formerly required for entrance to normal schools; *New Jersey* permitted 20 percent, instead of 10 percent, of normal school tuition money to be used as a loan fund to aid needy students; *New Mexico* repealed the 1-year residence requirement for teachers' certificates and permitted the granting of 1 year temporary certificates to persons meeting other requirements, and required 6 semester or 9 semester hours of work in *New Mexico* institutions of higher learning for a regular teacher's certificate; *Texas* stipulated that teachers in State-aided schools shall

have a minimum of 2 years of college training or the equivalent and a State teacher's certificate of certain prescribed standard; *Vermont* repealed the provision which permitted school directors to grant teachers' certificates to high-school graduates by examination; *Wisconsin* stipulated higher qualifications for teachers of industrial arts and for supervisory teachers, and required teachers in economic, social science, and agriculture to have completed a course in cooperative marketing. The Legislature of *Wisconsin* also authorized counties to borrow money to establish joint county normal school buildings. The Legislature of *South Dakota* required State institutions of higher education to accept State teachers' certificates in fulfillment of all college-entrance requirements and also required that college credit (not to exceed 36 semester hours) be given to holders of certain types of certificates.

TEACHERS' SALARIES

It is doubtless encouraging to teachers to note that during the past 2 years legislatures in many States have found it possible to restore in a certain degree reductions in salaries imposed during the depression. In 1935 *Delaware* restored one-half of the salary reductions imposed in 1933. *Hawaii* authorized uniform restoration of a fixed percentage, not to exceed 11 percent, in the salary schedule for all classified positions and educational employees. The Legislature of *Indiana* provided for an increase of \$2.50 per month for each year's experience up to and including the fourth year, and also a similar increase based on each 18 weeks' of training above the required 72 weeks until 144 weeks' training has been earned. *Minnesota* authorized salary increases for summer school attendance. *Iowa* raised the flat minimum teacher's salary from \$40 to \$50 per month. *New Jersey* extended the \$70 per month minimum salary for teachers until July 1, 1937, and limited salary reductions to persons whose contract salary is more than \$1,000 per annum. In *North Carolina* the Legislature removed the minimum and maximum statutory limitations on the salaries of county and city school superintendents to be paid from State funds and provided that said salaries shall be in accordance with a schedule set up by the State Board of Education. *Oregon* provided for the minimum teacher's salary of \$75 per month which had been suspended in 1933. *Vermont* increased the minimum salary for teachers with the lowest grade of certificates, and also the minimum salary of union school superintendents; and *Wisconsin* raised the minimum salary of supervising teachers from \$1,000 to \$1,200.

In contrast with the legislative tendency above reported, the Legislature of *Maryland* made reductions in the salaries of county teachers and school officials.

The Legislatures of at least two States, Oklahoma and South Carolina, enacted laws which provided State-wide salary schedules in connection with State aid programs. The Legislature of *Oklahoma* provided from State funds a minimum monthly salary schedule for teachers based upon the teacher's certificate or training as follows:

Elementary certificate on—	Salary
Examination.....	\$50
40 hours' college work.....	65
2 years' college work.....	75
3 years' college work.....	80
Bachelor's degree.....	90
Master's degree.....	100

The *South Carolina* Legislature stipulated that in the State-aid-for-schools program the maximum annual salaries of teachers paid from State funds shall not exceed the following respective amounts:

- (1) Teachers holding first-grade certificate, \$588; provided, that in no school shall the average salary exceed \$315 per annum for teachers in this class.
- (2) Teachers holding second-grade certificates, \$350; provided, that in no school shall the average salary exceed \$315 per annum for teachers in this class.
- (3) Teachers holding third-grade certificates, \$210; provided, that in no school shall the average salary exceed \$175 per annum, for all teachers in this class.

TEACHER EMPLOYMENT, TENURE, LOYALTY OATHS, ETC.

The employment and tenure status of teachers has been of vital concern for many years, and during the biennium there was an unusual amount of legislation on these subjects. Legislation pertaining to these subjects vary from outright tenure provisions to specifications in teachers' contracts, teachers' oaths, restrictions against religious or political discussion, residence, etc.

In recent years there has been an unusual amount of legislation requiring loyalty oaths of teachers which is often regarded as an infringement upon academic freedom. Legislation of this character was enacted during the past biennium in Arizona, Georgia, Massachusetts, Michigan, New Jersey, and Vermont; Congress forbade teachers in the *District of Columbia* to "teach or advocate Communism"; and *South Dakota* forbade school districts to employ an alien who has not declared his intention to become an American citizen. *Alaska* forbade any school board member to inquire into the religious or political affiliations of any applicant for a teaching position.

The Legislatures of *California* and *New Jersey* required school boards in dismissing teachers because of abolition of position to observe seniority of service. *New Jersey* forbade discrimination in

dismissals on account of residence, age, sex, marriage, race, religion, or political affiliation. The Legislature of *New Mexico* repealed its 1-year residence requirement for teachers' certificates; *Nevada*, however, required 80 percent of its teachers to be residents of the State.

The Legislature of *South Carolina* gave every teacher freedom to choose her residence and boarding place and forbade interference by any school trustee in this respect. *Kentucky*, *Nevada*, and *West Virginia* provided additional restrictions against the practice of nepotism by school officials; *Oklahoma* made it unlawful for any person to give or agree to give any gratuity in consideration that he or any other person shall be employed as a teacher in the public schools; and *Pennsylvania* forbade any board of school directors to demand or accept any gift from any teacher within its employ; *Idaho* prohibited teachers or school employees from selling anything to pupils or parents. The *Arkansas* Legislature provided that no teacher may be appointed for the next ensuing year until the annual school elections have been held and the new directors are present on the board.

In *Mississippi* the Legislature provided that in special consolidated school districts having five "supervisors' districts" the school principals shall be elected prior to the teachers and on the recommendation of the superintendent with the approval of the trustees of each school, and that thereafter the district superintendent, the principal, and trustees of each school shall agree upon a list of teachers for each school to be nominated by the district superintendent to the county board of education; and the county board shall elect only such teachers as are nominated in the said manner.

Legislation in *North Carolina* affecting the employment of teachers included the following provisions: (1) Each county board of education shall appoint biennially a committee of from three to five persons for each school district, which committee shall select the teachers and principals for said district subject to approval of the county superintendent and the county board of education; (2) county and city boards of education shall give written notice to any teacher, principal, or superintendent within 30 days after close of school term, who have not been re-elected for the next ensuing year; (3) all city school superintendents shall be appointed for 2 years instead of 1 year; (4) the State School Commission may make provision for sick leave with pay for any teacher not exceeding 5 days per year.

The *Virginia* Legislature authorized the State Board of Education in its discretion to pay 80 percent of the salary of teachers absent on account of illness or quarantine and to deduct 3 percent from the State teachers' salary fund for this purpose.

Legislation which may adversely affect the employment status of teachers occurred in *Delaware*. The Legislature of that State repealed its law which required that boards give to teachers whose services are to be discontinued at the end of the year a notice in writing by March 15 and the reasons for terminating their employment, and provided instead that notice be given by May 1—no statement about reasons required.

A number of States enacted legislation to improve the tenure rights of teachers. The outstanding enactment of this character occurred in *Louisiana*. The Legislature of that State provided a system of teacher tenure with the following principal features: (1) Probationary period of 3 years during which dismissal may be made only upon written recommendation accompanied by valid reasons therefor by the parish school superintendent; (2) the parish school board shall give written notice to any teacher found unsatisfactory at end of probationary period that he has been discharged or dismissed, and in the absence of such notice such probationary teacher shall automatically become a regular and permanent teacher; (3) all teachers who have already served satisfactorily for more than 3 consecutive years shall be declared regular and permanent teachers; (4) no permanent teacher shall be removed except upon written and signed charges of willful neglect of duty, or of incompetency, or dishonesty, and then only if found guilty after a hearing by the school board, which hearing may be public or private at the option of the teacher; and (5) said teacher shall be furnished, at least 15 days in advance of hearing, a copy of the written charges against him, and the teacher may employ counsel to assist him at the hearing. The teacher also has the right to appeal to the court of appropriate jurisdiction.

The Legislature of *California* extended its provisions for the exchange of California teachers with teachers of foreign countries so as to provide also exchange with teachers of any State or Territory of the United States. It also extended the period of exchange from 1 to 2 years, and stipulated that acceptance of such exchange provisions shall not affect any tenure or retirement rights. California authorized any school district having an average daily attendance of 850 or more to establish a civil service system for its noncertificated employees.

The Legislature of the *Territory of Hawaii* authorized the Department of Public Instruction to grant a year's leave of absence with part pay to teachers who have completed 8 or more years of service, and also provided that the tenure rights of teachers may not extend to intercept the provisions for compulsory retirement at the age of 65. Furthermore, the Hawaii Legislature directed that special con-

sideration be given to teachers on leave of absence, or who were dropped under economy programs, when filling vacancies.

The teacher-tenure law of *New Jersey* was clarified by a legislative stipulation that the services of teachers and principals shall be during good behavior and efficiency "after employment for 3 consecutive academic years together with employment at the beginning of the next succeeding academic year."

The *New York* Legislature authorized any board of education to appoint a committee for the purpose of trying a case of charges preferred against a teacher or officer, the report of said committee to be subject to action by the board; and limited to 1 year the probationary period of teachers who have rendered satisfactory service as substitutes for 2 years. The *New York* Commissioner of Education was prohibited by law from interfering, except for cause, with the tenure rights of employees in the teaching examination and supervisory service in a city of 400,000 or more population where such persons have completed their probationary periods and received permanent appointments.

TEACHER RETIREMENT

The problems of establishing and developing teacher-retirement systems have received prolific attention in recent years. During the biennium, legislation was enacted in approximately one-half of the States which for the most part tended to improve teacher-retirement systems. The outstanding recent legal developments occurred in Louisiana, Missouri, Texas, and Utah. In November 1936, the electors of *Missouri* and *Texas* ratified amendments to their State constitutions which expressly empowered their respective State Legislatures to establish State-wide retirement systems for teachers.

The Legislatures of *Utah* and *Louisiana* in 1935 and 1936, respectively, enacted provisions for the establishment of State-wide retirement systems for teachers, each under State administrative boards of seven members. The Utah State retirement board was directed to adopt mortality tables and to establish and maintain, under the direction of competent actuarial advice, a complete system of records and accounts, and provided that the State retirement fund shall be designated as follows:

- (1) An annuity fund, 90 percent of contributions by teachers.
- (2) A disability fund, 10 percent of contributions by teachers.
- (3) A reserve fund, gifts and receipts from various sources.
- (4) An accrued liability fund, transfers from annuity and disability funds, etc., under certain conditions.
- (5) An expense fund, appropriations by State for "operation" of system.

Each member of the retirement system pays to the annuity fund such proportion of his salary as actuarial data may determine necessary,

which shall be credited to the individual account of each member; payments to the disability fund go into the common fund. Any teacher who has served for 30 years (20 in State) or who is 60 years of age if a woman, and 65 if a man, may retire. Teachers' benefits vary according to length of service, salary, etc. Teachers in any city retirement system whose funds have been transferred to State retirement system shall receive annuities according to such (former) city system. The *Utah* Legislature also strengthened the existing retirement systems of cities of the first and second classes.

The *Louisiana* act made membership in the State retirement system compulsory for all new teachers, but left it optional with teachers already in service. Under the terms of the State system, retirement is optional at 60 years of age and compulsory at 70, unless retained for not more than 2 years on the approval of the State Retirement Board. Upon retirement a teacher shall receive: (a) An annuity—actuarial equivalent of accumulated contributions; (b) a pension equal to annuity allowable at 60 years of age; (c) if teacher has a "prior service certificate" (showing teaching service prior to establishment of retirement system) in effect he shall receive an additional pension equal to annuity which would have been provided at age of 60 "by twice the contributions which he would have made during prior service had the system been in operation and he contributed thereunder." Provision is made for disability retirement after 10 years' service, which shall consist of an annuity plus a pension equal to 75 percent of the pension that would have been payable upon retirement at 60 years of age.

Legislation was enacted in *Alabama*, *Mississippi*, and *New Mexico*, which authorized local authorities to retire aged teachers. *Mississippi* authorized the trustees of any separate or consolidated school district to retire on part pay teachers who have taught 40 years (in district); provided no retired teacher shall receive more than \$500 per annum, and provided that not more than 3 percent of the total school budget be expended in payment of retired teachers; such retirement sums shall be paid from local school district levy. The *New Mexico* act authorized the Board of County Commissioners to retire needy teachers with 35 years' service (in State); the retirement allowance not to exceed half of their annual salary for preceding 5 years and not more than \$1,200 per year, such retirement sums to be raised by local property taxes. The *Alabama* act, is limited to counties with 75,000 to 100,000 population and to incapacitated teachers; boards of education in such counties are authorized to retire any disabled teacher who has taught in such county 21 years or more and the amount of pension shall be half of salary received during said period but not to exceed \$600 per annum, and shall be paid out of the regular school fund.

California made substantial changes in its State teachers' retirement law. Among some of the changes are: (1) Increased the teachers' contributions to the Public School Teachers Permanent Fund from \$12 to \$24 per year; (2) required each school district to contribute to said fund \$12 annually per teacher; (3) increased the annual retirement salary for 30 years' service from \$500 to \$600 per year with proportionate increases to those retired on account of disability. Furthermore, teachers employed after July 1, 1935, who are subject to the Retirement Law, were required to deposit 4 percent of their monthly salary, less \$2, in an annuity deposit fund which is administered by the Teachers Retirement Salary Fund Board. Upon retirement the accrued annuity with interest is added to the retirement salary provided for in the act.

The *Illinois* Legislature increased the monthly teachers' contributions to the State Teachers' Pension and Retirement Fund from \$1 to \$2 for teachers having less than 10 years' service; from \$2 to \$4 for teachers with between 10 and 15 years' service; and from \$4 to \$6 for teachers who have taught more than 15 years; and provided that the total amount of pension and annuity of teachers retired on account of the said funds may be as much as \$500 (previously \$400) per annum. *Illinois* also increased the levy for retirement fund, the teachers' contribution for the same, and teacher annuities in cities having more than 500,000 population.

Noteworthy amendatory legislation occurred in many other States. *Kentucky* revised certain sections of the teacher-retirement act for independent cities of the first and second classes so as to extend the provisions of the said act to independent cities of the third class. The Legislatures of *Connecticut* and *Indiana* extended the time within which teachers may become members of retirement system. *Maine* provided that teachers who are 55 years of age and who have fulfilled the required service and who are without work, needy, and dependent, may receive half of the amount of their pension till they are 60 years of age when they will receive the full amount. *Massachusetts* permitted teachers who become disabled before attaining the age of 60 to retire after 15 years of service, instead of 20, as previously required, and stipulated that annual pensions in such cases shall not be less than \$400; *Massachusetts* also permitted teachers on leave of absence to make contributions to retirement fund. *New Jersey* changed the rate of contribution to pension fund by employees of boards of education in counties of first class, from 2 percent to 3 percent of salaries of said employees. *New York* forbade reduction in the retirement salary of persons (including teachers) who are members of the State employees' retirement system even though such employees have had a reduction in salary since 1932. *North Dakota*

provided that teachers who were honorably discharged from the United States armed service in the World War shall have the time of such service counted as "teaching service", under the provisions of the teacher-retirement system. *Ohio* authorized reinstatement in the retirement system members who have withdrawn their accumulated deductions, provided such members repay the amount of such deductions, and interest at 4 percent. *Pennsylvania* provided for a State annuity of not less than \$20 per month for teachers and superintendents 62 years of age and who have taught in the public schools for 20 years (15 years if separated by reason of disability) and who separated from the public-school service prior to the establishment of the retirement system; *Pennsylvania* also permitted school employees to elect to contribute to the Teachers' Retirement System on the basis of their 1932-33 salaries, and required the State and the school districts to contribute on an equivalent basis. The Legislature of *Oregon* created an interim commission of three representatives and two senators to study plans for a teachers' retirement fund and to recommend legislation to the 1937 Legislature.

TEXTBOOKS

Practically every biennial period reveals some legislation to extend free textbook systems for public-school children. During the 2 years here reviewed more States than usual enacted legislation in behalf of free textbooks or to provide textbooks at a reduced cost.

Noteworthy legislation for the *extension* of the usual free textbook systems was enacted in *Florida*, *Georgia*, *Ohio*, and *Tennessee*. *Florida* extended the provision of its free textbook system so as to provide at State expense free textbooks for use of all pupils of the public elementary and high schools of the State. (Previously free textbooks at State expense was limited to pupils of the first six grades.) The *Georgia* Legislature stipulated that revenue derived from the license and excise taxes on malt beverages shall be used for the purpose of furnishing free textbooks to children attending the common schools. The Legislature of *Ohio* made it mandatory (instead of permissive) for school districts to furnish free textbooks but permitted districts to limit the furnishing of free textbooks to grades 1 to 4, inclusive, for the school year 1935-36 and to grades 1 to 8, inclusive, for the school year 1936-37. It is provided, however, that any district may limit its purchase of free books to six subjects per year, the cost of which shall not exceed 25 percent of the entire cost of the free textbook system for the district. In *Tennessee* the Legislature authorized county courts to levy a tax for purchasing and distributing without cost to pupils in elementary and high schools all textbooks required of said pupils by the "curriculum" presented by the school boards of the various counties.

The latest, and perhaps most interesting, legislative developments in behalf of reducing the expense of school books authorized school authorities to establish textbook rental systems. Legislation of this type occurred in Indiana and North Carolina in 1935 and in South Carolina in 1936. The *North Carolina* Legislature created a State Textbook Purchasing and Rental Commission of five members consisting of the State Superintendent of Public Instruction, the Attorney General, the Director of the Division of Purchasing and Control, and two members appointed by the Governor. This commission was charged with the duty of promulgating rules necessary to:

1. Acquire textbooks for use in public schools.
2. Provide a system of textbook distribution under a rental system.
3. Provide a uniform rental charge, not to exceed one-third of the cost of the books (must be furnished free to indigent children).
4. Adopt a system of accounting of all books and provide for an annual audit of the textbook commission.
5. Prohibit the interchange of books between white and colored schools.

The Legislature appropriated \$1,500,000 to inaugurate the State Textbook Rental System.

The *Indiana* Legislature provided that school districts, upon petition of 51 percent of the voters thereof shall adopt and provide textbooks sufficient in number for all resident pupils; and by separate act school districts were authorized to rent textbooks to pupils at an annual rental not to exceed 25 percent of the retail price of the books.

The Legislature of *South Carolina* created a State School Book Commission composed of the Governor, the State Superintendent of Education, the Director of the Division of Textbooks (established by same act), one member of the State Board of Education, and three county superintendents of education. This commission was authorized and directed to provide all textbooks for use in the public schools on a *rental system* whereby pupils pay an annual rental in an amount to be fixed by the commission and in its discretion graduated as to grades and to be sufficient to pay all costs of administration of the system and the purchase of books. The rentals shall be paid by or for each pupil at the opening of the school term. This act does not abrogate the power of "school districts or counties as now have or hereafter may have the right to set up rental or free textbook systems", but permits said districts to abandon their local textbook systems and to become a part of the State rental system.¹ Under this act the new textbook commission is authorized to adopt textbooks for a period of 3 years. Furthermore, this act authorizes the School Book Commission to rent or buy outright the books to be used in the

¹ The State rental system does not apply to any school district or county which before August 1, 1936, elected not to come under the provisions of this act.

State and to borrow money and issue negotiable notes and pledge books purchased and rentals collected for the discharge of rental or purchase contracts. "The full faith and taxing power of the State are pledged for the payment of said notes." Moreover, it is stipulated that after 3 years of operation the School Book Commission is directed to waive rentals for as many of the grammar school grades as available funds will permit, and after 5 years or earlier if funds are available, the Commission shall waive rentals for as many of the high-school grades as funds will permit, to the end that textbooks shall be supplied to all school children of the State without charge at the earliest possible date.

Legislation especially designed to reduce the cost of textbooks appeared in Louisiana and New Mexico. *Louisiana* required that all textbooks furnished free to pupils which, whenever possible, be printed and bound within the State under contracts let by the State Printing Board. The State Board of Education was directed to adopt for a minimum period of 4 years such books for which the authors, publishers, or owners of copyrights shall agree to grant to the State publishing rights or the leasing of plates for State printing thereof. In case the State Board is unable to acquire publishing rights it is directed to have textbooks written on its own initiative. Under this law pupils are to receive at public expense not only textbooks but also school supplies, including library books, paper, pens, ink, pencils, etc.

Legislation in *New Mexico* authorized the State Board of Education to receive and expend monies in connection with the sale and distribution of textbooks in order that books be made available to the children at the lowest possible cost.

Legislation affecting the period of adoption of textbooks occurred in Louisiana, Nevada, and North Dakota. *Louisiana* changed the period for which textbooks may be adopted from 6 to 4 years, and *North Dakota* stipulated that the change of basic textbooks used in public schools shall not be oftener than once in 5 years instead of 3 years, as was previously provided for. The *Nevada* Legislature postponed the adoption of textbooks 1 year—from 1935 until 1936.

Legislation was enacted in Nevada which granted school districts the option as to whether they shall provide free textbooks. Previously the law required that local districts furnish books and supplies without cost to pupils.

CURRICULUM

The problem of determining what subjects shall be taught in the public schools continues to receive considerable legislative attention. During the 2 years here considered more States than usual enacted

legislation affecting the curriculum in public schools. Laws were enacted in Alaska, California, Connecticut, Indiana, North Carolina, South Carolina, and Wyoming designed to promote the teaching of the effects of alcohol and narcotics upon the human system. Legislation in Illinois, Massachusetts, and New York required the display of the American flag in public schools; and in Massachusetts school children were required to salute the flag and recite the "Pledge of Allegiance" thereto.

The Legislatures of Connecticut and Indiana required instruction in constitutional government. The *Connecticut* act requires that the history, constitution, and government of the United States be a required course of study for a period equivalent to 1 year in the curriculum of all high schools. The *Indiana* law stipulates that the State requirement for graduation from a "commissioned" high school shall include one unit of work devoted to the State and National constitutions, and that such course shall cover the historical, political, and philosophical aspects of the subject.

The Legislature of *Florida* enacted several measures affecting public-school curriculum. In that State all high schools and colleges are now required to give instruction in nature study and conservation of natural resources, including the study of fish and game, soil fertility and erosion, forest and minerals; and all students in high schools and teachers colleges are required to take such courses of instruction. Nature study is prescribed as a fundamental requirement of promotion in at least two of the elementary grades of the public schools. The State Superintendent of Public Instruction is directed to prepare or designate a textbook or suitable subject matter for use in public schools in aid of the teaching of conservation of natural resources. Provision was made by the appropriation of \$7,500 for the establishment of a Forestry Department in the State University. The Legislature of Florida also required the State Board of Education to prescribe and require the teaching of State history in such grades of the public schools as the said board in its discretion shall determine.

Other legislation enacted during the biennium affecting the subject matter taught in public schools is here mentioned: *Kansas* directed all colleges or universities organized under the Morrill Act to establish courses of military training and tactics compulsory for male students in their first and second years. *North Dakota* enlarged the curriculum offerings to high-school students in small schools by permitting them to take by correspondence at public expense approved courses which are not offered by the local high school. *Utah* authorized the Land Board or Industrial Commission to loan \$30,000 to State Agricultural College to be used for experi-

mentation and for teaching forestry, range and wild life management, and such other uses as the college may determine. *Wisconsin* required instruction in public schools concerning conservation of material resources; *Wisconsin* also required that all public schools, colleges, and universities offer instruction in cooperative marketing, and required instruction in such courses for certification to teach economics, social studies, and agriculture. *Wisconsin* furthermore required all public and private elementary and high schools to give at least 15 minutes each week to instruction on the true and comparative vitamin content and food and health values of dairy products and their importance for human diet.

TUITION AND TRANSPORTATION

Tuition.—Apparently all States have made some legal provisions for free public elementary and secondary school facilities for all children. However, the realization of this goal has not been fully attained in every State, especially for many children classed as "nonresidents" or for those children residing in districts which do not maintain adequate school facilities, particularly of secondary level, or for children who reside a remote distance from a school of suitable grade. During the biennium many legislatures gave favorable consideration to the educational problems of such children. Legislation to provide public funds for the payment of school tuition under varying conditions was enacted in California, Idaho, Illinois, Kentucky, Maine, Michigan, Minnesota, Missouri, Montana, New Jersey, North Dakota, Ohio, Rhode Island, Texas, Virginia, and Wisconsin.

There is a tendency to provide for the payment of nonresident tuition charges out of State funds. A few examples of legislative provisions to this effect are here mentioned: The Legislature of *New Jersey* in its minimum foundation program provided a minimum apportionment of State funds to districts, \$13 per elementary pupil and \$22 per high-school pupil, and stipulated that the said amounts shall be allowed to school boards sending pupils to other districts. *North Dakota* provided payment of tuition to districts receiving nonresident high-school pupils at the rate of \$1.50 per week out of the State equalization fund. Previously such aid was to be paid by the district wherein the pupil resided. *North Dakota* also allowed State aid in payment of approved high-school correspondence courses, not to exceed \$40,000. *Ohio* provided that the cost of tuition shall be included in its newly established "school foundation" program. *Rhode Island* stipulated that in the administration of the State equalization aid the Director of Education shall apportion such amounts as will provide \$100 per capita for each

high-school pupil, including pupils in non-high-school towns who attend high school in adjacent towns.

The Legislatures of *Maine*, and *Texas* provided that if any local district fails to pay the tuition of its children attending school in another district the State Superintendent of Schools may pay the tuition and deduct the amount from the home district's share of the State apportionment.

Transportation.—During the past 2 years legislation was enacted in many States which tended to extend transportation facilities for public-school children. Among States enacting such legislation are: Connecticut, Delaware, Illinois, Michigan, Minnesota, Montana, Nebraska, Ohio, Pennsylvania, South Carolina, South Dakota, and Vermont.

A few examples of such legislation to provide transportation facilities for school children are here given: *Ohio* provided that the cost of maintaining approved pupil transportation, (and tuition) shall be included in its newly established School Foundation program; and made it the duty of the Director of Education to prescribe means and methods of transportation and to recommend costs thereof, taking into consideration scarcity of population; etc. *Pennsylvania* appropriated \$2,500,000 to subsidize during the biennium the transportation of school pupils. *South Carolina* directed the State Superintendent of Education and the Comptroller General to expend \$234,000 for the transportation of pupils for the fiscal year 1934-35. *South Dakota* authorized boards of education to close small schools and pay a transportation fee in lieu thereof provided expenditures for closings shall not exceed \$150 per family in each school closed. *Vermont* eliminated the provision of its school law which forbade transportation of pupils who resided within 2 miles from school.

The Legislatures of *Louisiana*, *Massachusetts*, and *New York* authorized school boards under certain conditions to extend to pupils attending private schools transportation facilities similar to those provided for public-school children.

SCHOOL HEALTH AND SAFETY

During the biennium an unusual amount of legislation was enacted designed to protect the health and safety of children attending school. Legislation of this general purpose occurred in varying forms in approximately three-fourths of the States. Laws intended to assure care on the part of operators of motor vehicles on the highways when passing school buses were enacted in *Alabama*, *Mississippi*, *Nevada*, and *New Hampshire*. In a number of States

measures were enacted governing the construction, inspection, or operation of school buses. Among the States enacting legislation of this character are: California, Indiana, Mississippi, New York, North Carolina, North Dakota, Ohio, Oklahoma, and Virginia. A few examples of legislation of this nature follow:

Indiana required the State Director of Public Safety to inspect school buses and required drivers of said buses to furnish a certificate of health and physical fitness and that they be of good moral character. A committee was directed to prescribe regulations for the construction of buses. School buses must be equipped with safety glass and fire extinguishers. *Mississippi* made it the duty of school superintendents to select safety councils of suitable persons not less than 14 years of age from the student body who shall be assigned to duty on each school bus to act as safety counsel and traffic aide to said children. Bus driver and safety council member before crossing any railroad track were required to ascertain that no locomotive is approaching. The new law in *Ohio* requires school bus drivers to give satisfactory and sufficient bond, to be 21 years of age and of good moral character and physically qualified, and to pass a physical examination.

The *Virginia Legislature* stipulated that "no person shall drive any school bus" unless he has had a reasonable amount of experience in driving motor vehicles, and has satisfactorily passed a rigid examination pertaining to his ability to operate a school bus with safety. The State Division of Motor Vehicles was directed to adopt rules for the examination of school bus drivers.

Legislation which provides that school bus operators carry liability insurance may reasonably be construed as intended to afford financial protection or compensation in case of accidents. Measures of this character were enacted in *Florida*, *New Jersey*, and *Vermont*. In *North Carolina* the Legislature provided State compensation for school children killed or injured while riding in a school bus in amount not exceeding \$600 for each child killed or injured; and *Florida* authorized school boards to insure children against accidents while being transported to and from school.

The Legislatures of *Alaska*, *South Carolina*, and *Virginia* enacted legislation designed to promote safety in the construction of school buildings; fire drills were required in *Connecticut*; and *California* required every public and private school to be equipped with a first-aid kit.

Measures designed to promote the health of undernourished school children were enacted in *New York*, *Pennsylvania*, and *Vermont* by authorizing the distribution of milk through the public schools for such children; and the State of *Washington* authorized school boards

to furnish milk free to school children under 14 years who are in need of the same. In *Illinois*, *North Carolina*, and *Vermont* school boards were authorized to provide hot lunches for school children.

The Legislature of *Wisconsin* required public and private schools to give at least 15 minutes' instruction each week concerning the true and comparative vitamin content and food and health values of dairy products and their importance for human diet; and directed the State Superintendent of Education to prescribe the course of study for such instruction.

The Legislature of *Vermont* authorized boards of school directors to expend annually not to exceed 3 percent of the annual school budget for "such health service activities as may be necessary to provide for the improvement of the physical efficiency of school children of indigent parents. Expenditures for this purpose may include the purchase of milk for * * * undernourished children, the purchase of ingredients for hot lunches, also expenditures for glasses, dental service, the removal of tonsils, and other health services which are approved by the town health officer and the teacher or public health nurse."

SCHOOL BUILDINGS

Recent legislation enacted in many States affect the construction and maintenance of public-school buildings. Some of the States which enacted laws to authorize and facilitate the construction of school buildings are: *Alabama* (*Alaska*), *California*, *Colorado*, *Delaware*, *Illinois*, *Indiana*, *Mississippi*, *Missouri*, *Nebraska*, *New York*, *North Carolina*, *South Dakota*, and *Virginia*.

The *Virginia* Legislature enacted several measures of interest. In 1936 the Legislature of that State authorized the issuance of bonds by county school boards for the purpose of providing funds for school building improvements, including the purchase of sites for buildings, and the furnishing and equipment of school buildings. The time of said bonds shall not exceed 30 years and the rate of interest shall not exceed 6 percent. By another act the *Virginia* Legislature also authorized the State Board of Education to loan from the State Library Fund as much as \$50,000 for any one school building project. Previously this amount was allowed only in certain cases. This act also provided for payment of principal in annual installments during periods from 5 to 30 years. Previously the payment of such loan was to be made in 15 annual installments. Furthermore, the *Virginia* Legislature authorized the State Board of Education to require such changes in public-school buildings as may be necessary for safety against fire and panic hazards, and to withhold from any county, city, or town failing to meet such requirements certain State school funds.

The Legislatures of *Vermont* and *South Carolina* provided for State systems of insurance to cover all public-school buildings. A *Montana* act required all school boards to pay into the State treasury insurance premiums on their school buildings. The law provides that when the State Insurance Fund exceeds \$1,000,000 the premiums shall cease until the said fund is less than \$700,000. The Legislature of *South Carolina* stipulated that the cost of its school building insurance system shall be paid by the Sinking Fund Commission.

PRIVATE SCHOOLS

During the past 2 years several measures were enacted into law designed to secure minimum standards or to regulate certain activities of privately controlled educational institutions.

The Legislature of *Connecticut* stipulated that no person, school, association, or corporation which has heretofore been granted authority to confer any standard academic, professional, or graduate degree and which has not prior to July 1, 1935, exercised such authority, shall confer any such degree until it shall be determined by the State Board of Education that its organization and equipment are such that it is fully competent to meet the degree standards set and maintained by similar institutions.

The *New York* Legislature made further restrictions against the use of the name of "college" or "university" and stipulated that no individual or association shall advertise or transact business under "any name, title, or descriptive material indicating or tending to imply that said individual, association, * * * conducts, carries on, or is a school of law, medicine, dentistry, pharmacy, veterinary medicine, nursing, optometry, chiropody, architecture, or engineering, unless the right to do so shall have been granted by the board of regents of the University of New York in writing under seal."

The *New York* Legislature also stipulated that "no educational corporation or association that holds itself out to the public to be nonsectarian and exempt from taxation * * * shall deny the use of its facilities to any person, otherwise qualified, by reason of his race, color, or religion."

The *Oklahoma* Legislature prohibited any business college or other school giving resident instruction and having its domicile outside of the State, or agent of such school, to canvass prospective students in Oklahoma for the purpose of selling scholarships or tuition in such college or school until such school or its agent shall have filed with the Secretary of State a surety bond of \$2,000 conditioned that such school will faithfully perform all contracts made in soliciting students, and until such school or agent shall obtain from the Superintendent of Public Instruction a license to solicit

prospective students in the State. This act stipulates that no license shall be granted until application therefor sets forth the name of the college, the number of instructors employed, the courses of study and subjects given, and any other information which may be required by the State Superintendent of Public Instruction.

The *Oregon* Legislature stipulated that no private institution of learning shall "confer or offer" any degree upon any person without first having submitted the requirements for such degree to the State Board of Education and having obtained its approval of such requirements (not applicable to institutions which have conferred degrees for 15 years, or to schools which are in good standing of the Northwest Association of Secondary and Higher Schools). Under this act the State Board of Education may inspect private schools and institutions and if they fail to keep up the required standard the said board "shall revoke its approval to confer degrees", but such revocation shall be subject to the right of review by the circuit court of the county in which the school is located.

In *California* the Legislature provided that private non-degree-conferring schools and educational institutions which grant diplomas and certificates may incorporate under the civil code provisions applicable to the incorporation of degree-conferring institutions.

Wisconsin required both public and private schools to include in their course of study at least 15 minutes per week of instruction on the true and comparative vitamin content and food and health values of dairy products and their importance for human diet.

The Legislatures of *Massachusetts* and *Vermont* required teachers in private schools to take an oath of loyalty to the Federal and State Constitutions.

The *Alaska* Legislature provided for certification of teachers in private and denominational schools, for the examination of eighth-grade pupils in private schools, and for monthly attendance reports and annual reports from such schools to the Territorial Commissioner of Education.

VOCATIONAL EDUCATION

At least two enactments affecting vocational education have recently occurred which should be mentioned; one is a State act, the other a Federal one.

In 1935 the Legislature of *New York* stipulated that vocational schools which may be established by boards of education shall be of secondary grade and be conducted in accordance with the rules of the Board of Regents and to include certain specified courses of training. This act also provided that boards of education may employ qualified persons for the vocational educational guidance of minors

and may establish a guidance bureau as part of the school system. Boards of education of each city and school district having a population of 100,000 or more *shall* establish a guidance bureau. In this act boards of education maintaining any kind of vocational school were directed to appoint a supervisory board of 5 members representing the local trades, industries, and occupations. Furthermore, the Board of Regents was directed to appoint a supervisory council on apprentice training of 5 members representing the trades, industries, and the industrial occupations of the State, such council to make studies and surveys.

In 1936 the United States Congress enacted what is known as the "George-Deen Act" to further aid vocational education in the several States and Territories. This act becomes effective July 1, 1937. It takes the place of the George-Ellzey Act, which became operative July 1, 1934, under which an annual appropriation of \$3,000,000 was authorized for the further development of vocational education for a period of 3 years ending June 30, 1937.

The new Federal act authorizes an annual appropriation of \$12,000,000 for vocational education—\$4,000,000 for vocational education in agriculture, and an equal amount for vocational education in trade and industry and also in home economics. The act also authorizes an annual appropriation of (1) \$1,200,000 for vocational training in distributive occupations—retailing, wholesaling, etc.; (2) \$1,000,000 for training of teachers of vocational education in agriculture, trade and industry, and home economics.

The George-Deen Act differs from the George-Ellzey Act in four principal ways: (1) It increases by \$9,090,397 the sum authorized for vocational education in the three fields—agriculture, trade and industry, and home economics—and by \$1,054,000 the sum authorized for training teachers in these fields; (2) it requires States and Territories participating in the grants to match only 50 percent of these grants for the first 5 years in which the act is operative, this percentage being increased by 10 percent each year thereafter until it reaches 100 percent in 1947; (3) it authorizes funds to be used in programs providing training for the distributive occupations; and (4) it extends the benefits of vocational education to the District of Columbia.