1932
17
9

LEGAL AND REGULATORY PROVISIONS AFFECTING SECONDARY EDUCATION

BULLETIN, 1932, No. 17

MONOGRAPH No. 9

UNITED STATES DEPARTMENT OF THE INTERIOR

OFFICE OF EDUCATION

LIBRARY OF THE
UNIVERSITY OF MICHIGAN

NATIONAL SURVEY OF SECONDARY EDUCATION

DIRECTIONAL STAFF

WILLIAM JOHN COOPER, *United States Commissioner of Education, Director.*
LEONARD V. KOOS, *Professor of Secondary Education, The University of Chicago, Associate Director.*
CARL A. JESSEN, *Specialist in Secondary Education, United States Office of Education, Coordinator.*

BOARD OF CONSULTANTS

H. V. CHURCH, *Superintendent, J. Sterling Morton High School*, Cicero, Ill.
ELLWOOD P. CUBBERLEY, *Dean, School of Education, Leland Stanford University*, Stanford University, Calif.
JAMES B. EDMONSON, *Dean, School of Education, University of Michigan*, Ann Arbor, Mich.
CHARLES H. JUDD, *Dean, School of Education, The University of Chicago*, Chicago, Ill.
CHARLES R. MANN, *Director, American Council on Education*, Washington, D.C.
A. B. MEREDITH, *Professor of Education, School of Education, New York University*, New York, N.Y.
JOHN K. NORTON, *Professor of Education, Teachers College, Columbia University*, New York, N.Y.
JOSEPH ROEMER, *Director of Instruction, Junior College Demonstration School, George Peabody College for Teachers*, Nashville, Tenn.
WILLIAM F. RUSSELL, *Dean, Teachers College, Columbia University*, New York, N.Y.

MONOGRAPHS

1. Summary. Leonard V. Koos and Staff. 15 cents.
2. The Horizontal Organization of Secondary Education—A Comparison of Comprehensive and Specialized Schools. Grayson N. Kefauver, Victor H. Noll, and C. Elwood Drake. 20 cents.
3. Part-Time Secondary Schools. Grayson N. Kefauver, Victor H. Noll, and C. Elwood Drake. 10 cents.
4. The Secondary-School Population. Grayson N. Kefauver, Victor H. Noll, and C. Elwood Drake. 10 cents.
5. The Reorganization of Secondary Education. Francis T. Spaulding, O. I. Frederick, and Leonard V. Koos. 40 cents.
6. The Smaller Secondary Schools. Emery N. Ferriss, W. H. Gaumnitz, and P. Roy Brammell. 15 cents.
7. Secondary Education for Negroes. Ambrose Caliver. 10 cents.
8. District Organization and Secondary Education. Fred Engelhardt, William H. Zeigel, jr., William M. Proctor, and Scovel S. Mayo. 15 cents.
9. Legal and Regulatory Provisions Affecting Secondary Education. Ward W. Keesecker and Franklin C. Sewell. 10 cents.
10. Articulation of High School and College. P. Roy Brammell. 10 cents.
11. Administration and Supervision. Fred Engelhardt, William H. Zeigel, jr., and Roy O. Billett. 15 cents.
12. Selection and Appointment of Teachers. W. S. Deffenbaugh and William H. Zeigel, jr. 10 cents.
13. Provisions for Individual Differences, Marking, and Promotion. Roy O. Billett. 40 cents.
14. Programs of Guidance. William C. Reavis. 10 cents.
15. Research in Secondary Schools. William H. Zeigel, jr. 10 cents.
16. Interpreting the Secondary School to the Public. Belmont Farley. 10 cents.
17. The Secondary-School Library. B. Lamar Johnson. 10 cents.
18. Procedures in Curriculum Making. Edwin S. Lide. 10 cents.
19. The Program of Studies. A. K. Loomis, Edwin S. Lide, and B. Lamar Johnson. 15 cents.
20. Instruction in English. Dora V. Smith. 10 cents.
21. Instruction in the Social Studies. William G. Kimmel. 10 cents.
22. Instruction in Science. Wilbur L. Beauchamp. 10 cents.
23. Instruction in Mathematics. Edwin S. Lide. 10 cents.
24. Instruction in Foreign Languages. Helen M. Eddy. 10 cents.
25. Instruction in Music and Art. Anne E. Pierce and Robert S. Hilpert. 10 cents.
26. Nonathletic Extracurriculum Activities. William C. Reavis and George E. Van Dyke. 15 cents.
27. Intramural and Interscholastic Athletics. P. Roy Brammell. 10 cents.
28. Health and Physical Education. P. Roy Brammell. 10 cents.

[Silhouette on cover by WALTER J. GAUMNITZ]

UNITED STATES DEPARTMENT OF THE INTERIOR
HAROLD L. ICKES : SECRETARY

OFFICE OF EDUCATION : WILLIAM JOHN COOPER
COMMISSIONER

LEGAL AND REGULATORY PROVISIONS AFFECTING SECONDARY EDUCATION

BY

WARD W. KEESECKER

ASSISTED BY

FRANKLIN C. SEWELL

BULLETIN, 1932, NO. 17

NATIONAL SURVEY OF SECONDARY EDUCATION

MONOGRAPH NO. 9

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

For sale by the Superintendent of Documents, Washington, D.C. - - - Price 10 cents

NOTE

Ward W. Keesecker, the author of this monograph, is specialist in school legislation of the Office of Education. Franklin C. Sewell is specialist in school law of the NATIONAL SURVEY OF SECONDARY EDUCATION. *William John Cooper, United States Commissioner of Education, is director of the Survey; Leonard V. Koos, professor of secondary education at the University of Chicago, is associate director; and Carl A. Jessen, specialist in secondary education of the Office of Education, is coordinator.*

421527
JUL 11 1935
L
111
A6
1932
9-12

CONTENTS

	Page
LETTER OF TRANSMITTAL	v
CHAPTER I : PURPOSE AND BACKGROUND	1
1. The nature of the problem	1
2. Early legal provisions for secondary education in the United States	3
3. Presentation of the findings	7
CHAPTER II : LOCAL ORGANIZATION FOR CONTROL OF SECONDARY SCHOOLS	8
1. Units authorized to provide high schools	8
2. Common-school district system	9
3. Town and township school systems	13
4. County district system	15
5. Other local systems	15
6. Nature, powers, and duties of local administrative boards for high schools	23
CHAPTER III : GRADES OF SECONDARY INSTRUCTION	29
1. Junior high schools	29
2. Public junior colleges	39
CHAPTER IV : COMPULSORY SCHOOL ATTENDANCE, TUITION, AND TRANSPORTATION	45
1. Laws on compulsory education	45
2. Part-time education	50
3. Laws relating to tuition and transportation of high-school pupils	52
CHAPTER V : STATE ADMINISTRATIVE AND SUPERVISORY CONTROL	69
1. Classification and accrediting of high schools	69
2. Course of study for high schools	75
3. Laws relating to textbooks	84

CONTENTS

CHAPTER VI : REGIONAL ACCREDITING ASSOCIATIONS 89

1. The associations and their functions 89
2. The North Central Association of Colleges and Secondary Schools 96
3. The Northwest Association of Secondary and Higher Schools 97
4. The Association of Colleges and Secondary Schools of the Middle States and Maryland 99
5. The Association of Colleges and Secondary Schools of the Southern States 100
6. The New England College Entrance Certificate Board 102

CHAPTER VII : CONCLUSIONS 104

1. The problem of appraising legal and regulatory provisions 104
2. Simplification of the laws 105
3. High-school districts 105
4. Grades of secondary instruction 107
5. High-school attendance 108
6. The high-school curriculum 110
7. State control 111
8. General implications 113

LETTER OF TRANSMITTAL

DEPARTMENT OF THE INTERIOR,
OFFICE OF EDUCATION,
Washington, D. C., July, 1933.

SIR: Within a period of 30 years the high-school enrollment has increased from a little over 10 per cent of the population of high-school age to more than 50 per cent of that population. This enrollment is so unusual for a secondary school that it has attracted the attention of Europe, where only 8 to 10 per cent attend secondary schools. Many European educators have said that we are educating too many people. I believe, however, that the people of the United States are now getting a new conception of education. They are coming to look upon education as a preparation for citizenship and for daily life rather than for the money return which comes from it. They are looking upon the high school as a place for their boys and girls to profit at a period when they are not yet acceptable to industry.

In order that we may know where we stand in secondary education, the membership of the North Central Association of Colleges and Secondary Schools four years ago took the lead in urging a study. It seemed to them that it was wise for such a study to be made by the Government of the United States rather than by a private foundation, for if such an agency studied secondary education, it might be accused either rightly or wrongly of a bias toward a special interest. When the members of a committee of this association appeared before the Bureau of the Budget in 1928, they received a very courteous hearing. It was impossible, so the Chief of the Budget Bureau thought, to obtain all the money which the commission felt desirable; with the money which was obtained, $225,000, to be expended over a 3-year period, it was found impossible to do all the things that the committee had in mind. It was possible, however, to study those things which pertained strictly to secondary education, that is, its organization; its curriculum, including some of the more

fundamental subjects, and particularly those subjects on which a comparison could be made between the present and earlier periods; its extracurriculum, which is almost entirely new in the past 30 years; the pupil population; and administrative and supervisory problems, personnel, and activities.

The handling of this Survey was intrusted to Dr. Leonard V. Koos, of the University of Chicago. With great skill he has, working on a full-time basis during his free quarters from the University of Chicago and part time during other quarters, brought it to a conclusion.

This manuscript on legal and regulatory provisions was written by Ward W. Keesecker, specialist in school legislation in the Office of Education, who was loaned for part time to the Survey staff. Naturally he discovers that high schools tended to grow up more or less without specific authority from the legislatures. In some cases they were nothing more than extensions of the "common" school system. From such shadowy beginnings the present secondary-school system of the United States, consisting in some States of junior high schools, senior high schools, and junior colleges, has developed. There have been regulations or laws touching almost every phase of secondary education. In addition to State laws and regulations which have been prescribed, the secondary schools have felt the need of regulating themselves. Regulations of this extra-legal type have been made very largely by the regional accrediting associations.

I recommend that this manuscript be printed as a monograph in the National Survey of Secondary Education.

Respectfully submitted.

WM. JOHN COOPER,
Commissioner.

The SECRETARY OF THE INTERIOR.

LEGAL AND REGULATORY PROVISIONS AFFECTING SECONDARY EDUCATION

CHAPTER 1 : PURPOSE AND BACKGROUND

1. THE NATURE OF THE PROBLEM

Purpose.—Legal questions relating to secondary education continue to be prolific. Two influences principally affect this situation, namely, (1) the dynamic and progressive nature of education and (2) vague and chaotic conditions of laws affecting secondary schools. With respect to the first of these influences no valid objections or modifications have been urged (except, perhaps, that education has not been dynamic enough). The second influence challenges the attention of school administrators, legislators, and other friends of education.

The purpose of this monograph has been to study in a comprehensive way the principal statutory and regulatory provisions which affect the organizations and standards of secondary education in the United States. The standards prescribed by educational institutions within the respective States and by regional accrediting associations have also been included in this study. These latter standards, while not having the authority of law, are regarded as exercising indirectly sufficient influence on secondary education to warrant attention in a study of this kind. It is hoped that the study may afford a basis not only for comparison but also possible evaluations of varying types and degrees of present legal and regulatory control of secondary schools in the light of current professional opinion.

The scope.—This monograph is limited in scope to that field of law which substantially affects secondary education. The data here considered are derived for the most part from statutory provisions. Legal influences, however, extend beyond the terms of statutes and are embodied in many regulations by State school officials and court decisions. The treatment in this study of regulatory provisions has not been

so extensive as was contemplated. Documentary and comparative data with respect to regulatory control of secondary schools are incomplete for many States. The regulations, policies, influences, or manifestations of State school officials vary in manner and degree and especially with respect to their inclusion in publications of State departments of education. Hence the problem of determining the extent and type of "legal control" arising from regulations and recommendations embodied in documentary form is laden with uncertainty by reason of want of comparative data. Court decisions affecting the field of secondary education have been considered, but it has been regarded sufficient to give in this monograph only a brief statement of the common law principles embodied in those decisions which directly affect secondary education.

The study is further limited by the fact that it does not deal with laws affecting the financial support of high schools, nor the certification standards prescribed for high-school teachers. Analyses of laws on these phases of secondary education have been omitted here principally because of their treatment in two other surveys conducted by the Office of Education, namely, the National Survey of School Finance and the National Survey of the Education of Teachers.

Sources.—The principal sources of data for this study are (1) State constitutions, (2) State codes and session laws, (3) State school-law manuals, (4) State supreme court reports, (5) regulations and regulatory standards in publications of State departments of education, (6) standards required by regional accrediting associations, (7) previous earlier related studies.

Obviously it is impossible to give in the limited space available a detailed tabulation or enumeration of all the legal and regulatory data bearing on the subject under review and no attempt has been made to do so. This report is limited to comparative summaries of laws and regulations which affect important phases of secondary education, and to principal conclusions based on findings of study and on current professional opinion.

Nature of the study.—The legal provisions affecting secondary schools in the United States are shadowy and variable.

A study of them involves a review of data vast in scope and intricate in character. It involves the study of sources (laws), which are replete with vague, general, or uncertain terms. It may be said that the present laws affecting secondary education embody those laws enacted for elementary education, together with those changes and supplements which relate specifically to high schools. The character and condition of the sources of this study give rise to a number of very real difficulties which persisted throughout the undertaking. Among these difficulties were, first, the problem of defining or circumscribing the scope and limits of the study. A second difficulty arose due to the vague, general, or uncertain terms of school laws. For example, prescriptions relating to "common schools" or "public schools" or "all public schools" presented perplexing problems insofar as they were actually applicable to secondary schools. The chaotic conditions of school laws presented also a third difficulty. These conditions made progress slow and called not only for careful scrutiny of terms and a familiarity with the principles governing the judicial interpretation of statutes but also for independent judgment.

1. *EARLY LEGAL PROVISIONS FOR SECONDARY EDUCATION IN THE UNITED STATES*

Laws relating to secondary schools date from an early period in our colonial history. A brief review of their development may be helpful to the reader.

For more than 250 years secondary schools developed principally as private enterprises. Legally they were neither strictly "private" nor strictly "public." The private schoolmasters kept their schools open and solicited the patronage of the public in order to make their ventures profitable.

The earlier grammar schools and academies, which constituted the first secondary schools in this country, were generally established and supported through private endowments or tuition and were under the management of private persons. However, from the beginning it was customary for the respective governments to incorporate such institutions and to recognize their legal entity and useful functions. The incorporation of a self-perpetuating body of visitors or trustees to

govern a private school and receive gifts for its support, either from the government or from individuals, was without modification the governmental policy during colonial days. Initial government participation in secondary education (beyond the mere granting of charters to academies and grammar schools) took the form of government subsidies (mostly land) for their support. These early charters and subsidies were granted with little or no claim to their supervision and management.

The private academy was the principal institution of secondary education wrought out by the American people under their colonial governments; and it remained the dominant institution of its grade for a century after the independence of America. "It was not until the advent of the high school that we had an unequivocally public secondary school, and it was not until the eighties that this institution eclipsed the private secondary schools numerically and proportionately." [1]

The legal provisions for *public* secondary education reach back to the early years of our national independence. Historically speaking, the legal developments for secondary education in this country did not continue as they originally began. It is manifest from the early legal provisions in a number of State laws that the framers contemplated State systems of consecutive education from the lowest to the highest under direct State control. This idea first found legal expression in 1783 when the New York Legislature provided for placing the whole education system, including institutions of corporate existence, academies, etc., under the control of the State Board of Regents of the University and the Trustees of Columbia College as one body. The following year the Legislature of Georgia placed the administration of *all* public schools, including county academies, under the control of the newly created State university; each county was to have an academy under the control of the university and as a part of it. This idea was vividly expressed in the constitution of Indiana in 1816 as follows: "A general system of education, ascending in regular gradation from township

[1] Koos, Leonard V. Private and Public Secondary Education. University of Chicago Press, 1930.

[district] schools to a State university wherein tuition shall be gratis and equally open to all." This principle, with slight modification, found expression not only in the educational schemes of schoolmen and teachers, but in legislative enactments in a number of other States, among which were Maryland, Michigan, Missouri, Louisiana, and Tennessee. All these legal expressions came to little or nothing, at least for the time being. The rising interest in elementary education turned education into other administrative channels, and the idea of a State system for high schools of consecutive education (outside of New England) was of slow growth, especially prior to the Civil War.

In 1819 the Dartmouth College decision, which held that a self-perpetuating chartered institution is a private and not a public institution, involved significant legal and educational developments. Since that decision the influence of an educational institution came more to be regarded as general currency and could not therefore be treated as strictly private and beyond the reach of public control. Since that decision the granting of governmental subsidies to privately managed institutions began to fall into disfavor, and the movement toward public control of such institutions gained volume and remained a rising tide in our educational systems. Furthermore, the movement for public control was doubtless accentuated by the rapidly spreading doctrine of religious freedom. The legislation specifically relating to secondary education prior to the Civil War commonly constituted special acts framed for special cities without reference to any general enactment or principle. It was through this devious way that a general State policy with reference to high schools was built up. The years between 1836 and 1860 were accompanied by great industrial developments, territorial expansion, and educational awakening; it was a period of important development in general public education and a period of pioneering in secondary education. More rapid developments in public secondary schools appeared in 1870, particularly after the decision in the Kalamazoo case in 1874. Within a century the State system of consecutive education "ascending in a regular gradation from township schools to a State university" proposed in the Indiana State

constitution in 1816 became not only the aim but the characteristic administrative feature of American public education.

It is quite reasonable to suppose that, had the legal developments continued as they originally began, our present laws relating to secondary education would have been much simpler. At present they represent efforts on the part of the legislatures to adjust the systems, originally set up principally for elementary education, to meet the needs of secondary education.

In the Kalamazoo case [2] the Supreme Court of Michigan said:

> Two things are specifically noticeable in these provisions: First, that they contemplated provision by the State for a complete system of instruction, beginning with that of the primary school and ending with that of the university; second, that while the legislature was required to make provision for district schools for at least three months in each year, no restriction was imposed upon its power to establish schools intermediate the common district school and the university, and we find nothing to indicate an intent to limit their discretion as to the class or grade of schools to which the proceeds of school lands might be devoted or as to the range of studies or grade of instruction which might be provided for in the district schools. * * *
>
> Neither in our State policy, in our Constitution, or in our laws do we find the primary school district restricted in the branches of knowledge which their officers may cause to be taught, or the grade of instruction that may be given, if their voters consent in legal form to bear the expense and raising the taxes for the purpose.

This principle having been maintained by the Supreme Court of Michigan in 1874 not only opened the way for increasing free public education in that State but it established a precedence and legal authority soon to be accepted in every State of the Union. Generally it remained for the people of school districts in the various States to increase the grade of instruction of their youth as far as the former desired, subject only to a general limitation of taxation. The courts of other States were called upon to decide similar questions, and the view of the Michigan Supreme Court was sustained. Some of the States having supreme court decisions in line with the Michigan case are: North Carolina, Arkansas, Massachusetts, Kentucky, Washington, Illinois, and Kansas.

[2] Stuart v. School District No. 1 of Kalamazoo, 30 Mich. 69, 1874.

The principle held by the Supreme Court of Michigan has continued to be the dominant principle to this day subject only to certain restrictions chiefly relating to property valuation or ability to maintain high schools without undue burden of taxation or an impairment of the elementary schools.

3. PRESENTATION OF THE FINDINGS

The findings of this study have been incorporated in seven chapters. The second chapter is devoted to a brief analysis of the principal types of local school districts provided for by law and a general review of the various functions which such districts are authorized to perform.

Chapter III deals with the legal provisions which affect the grades or years of secondary instruction and the general organization of junior and senior high schools, including junior colleges.

In Chapter IV is presented an analysis of those features of compulsory school attendance which have a special bearing on attendance at secondary schools, and also a summary of legal provisions relating to pupil tuition and transportation.

Chapter V deals primarily with administrative and supervisory control of secondary education which is exercised through rules and regulatory influences by State school officials. This type of control principally relates to standards of instruction, classification of schools, and methods of procedure. In this chapter is also included an analysis of the statutory provisions relating to textbooks.

Chapter VI presents the standards prescribed by the principal regional accrediting associations. While these standards do not have the binding effect of law, they have been included in this study because of their regulatory influence over secondary schools.

Chapter VII embodies the principal conclusions derived from and supported by the study.

CHAPTER II : LOCAL ORGANIZATION FOR CONTROL OF SECONDARY SCHOOLS

I. UNITS AUTHORIZED TO PROVIDE HIGH SCHOOLS

Perhaps no other phase of educational law in the different States reveals so many varying provisions as those laws which control the administration of high schools. An exclusive study of State laws relating to high schools is likely to give the impression that each State constitutes a separate political division designed to initiate and experiment with various methods. Unfortunately it appears that there has been much experience without adequate experimentation; that is to say, the procedure has not been based on any scientific technique or other reliable basis.

The local organizations for the control and support of secondary schools are in most States the same as those organizations established for the control and support of public schools in general. In order to assist the reader to keep in mind these principal local organizations there is given here a general classification of the types of local systems or districts and the names of the States where such systems are predominant.

I. The "common-school district" or "school district" system:

†Arizona	*†Minnesota	†Oklahoma
Arkansas	*†Mississippi	*†Oregon
*†California	†Missouri	*South Carolina
†Colorado	*†Montana	†South Dakota
†Idaho	*†Nebraska	†Texas
†Illinois [1]	†Nevada	*†Washington
†Iowa [2]	†New York	†Wisconsin
†Kansas	†North Dakota	†Wyoming
†Michigan [2]	†Ohio	

In Arizona, Nevada, and Wyoming the school districts are comparable in size to county-school districts in the States having such systems.

See footnotes on page 9.

II. The "town" and "township" school systems:

Connecticut	*New Hampshire	Vermont
*Indiana [3]	*New Jersey [3]	*West Virginia [4]
*Maine	†Pennsylvania [3]	
*Massachusetts	Rhode Island	

III. The county-school district or "county-unit" system:

*Alabama	†Louisiana	Tennessee
Florida	Maryland	*Utah
Georgia	*†New Mexico	*Virginia
*†Kentucky	North Carolina [5]	

IV. The "State school system":

Delaware	*North Carolina [5]

† Authorizes by law consolidated or larger school districts for secondary schools by dissolving the systems of 2 or more districts and combining their areas under the control of 1 administrative system.

* Authorizes by law the creation of joint or cooperative school areas. The districts composing a joint or cooperative area retain their respective systems but are authorized to cooperate with neighboring districts in order to promote better school facilities than are feasible when existing independently.

[1] Township system for high schools.

[2] Also township systems.

[3] Principally township system.

[4] Known as "magisterial districts." West Virginia adopted county-unit system July 1, 1933; magisterial and independent school districts abolished.

[5] State and county system.

2. COMMON-SCHOOL DISTRICT SYSTEM

In 26 States the local unit for the administration of elementary and secondary schools is usually referred to as the "common-school district" or "school district." Originally these districts were created primarily for elementary education, as their number and size indicate. However, they have been called upon to make provisions for secondary education and, in the absence of statutory provisions to the contrary, their authority to provide such education has not been successfully disputed in any State since the Kalamazoo case in 1874.[1] Since this decision at some time or other the "common-school district" or "school district" in the States where such districts exist have been generally permitted to maintain schools of secondary grade subject only to the will of the electors of the district. By reason of the smallness and financial inability of numerous common-school districts, a number of States having such systems now stipulate certain requirements which must be met before high-school

[1] For the ruling in this case see Ch. I.

grades may be established. These requirements generally relate to valuation, area, or school population. Examples of such requirements are as follows: Arizona requires $1,500,000 assessed valuation and 200 pupils in average daily attendance; California, 100 or more pupils in average daily attendance in elementary schools; Idaho, $500,000 valuation and 6-mile radius; Mississippi, $200,000 valuation, 16 square miles, and 7-month school term with 25 pupils (rural separate districts); Missouri, 200 or more school children (village school districts); Nebraska, all school districts must have $15,000 valuation and 4 sections of land or 150 or more school children; North Dakota, all common-school districts must have four or more schools and 60 or more persons of school age; New Mexico, 20 or more eighth-grade graduates or high school established with average daily attendance of 8 or more pupils; South Carolina, all school districts must have not less than 9 nor more than 49 square miles; Wisconsin, $1,250,000 valuation.

It is among the common-school districts that we find the widest variation in size and wealth of administrative units and consequently the widest difference in their ability to maintain adequate facilities for secondary schools. The number of school districts ranges from 266 in Nevada to more than 12,000 in Illinois. The average area of common-school districts for each State ranges from 4.6 square miles in Illinois to an average of 400 in Nevada. The average for all the 26 common-school district States is approximately 19 square miles. It is hardly necessary to say that the wealth and ability to support secondary schools in these districts vary to a still greater degree.

All the common-school district States provide by statutory provisions for the union or consolidation of school districts, though these provisions are practically all permissive.

The number of school districts, the average area, and number of board members in common-school district States are shown in Table 1, Part I, which also contains some comparative data on distribution of responsibility with respect to school costs. These tables were prepared from information secured by the American school systems and the statistical divisions of the Office of Education.

TABLE 1.—*Local administrative units or divisions provided for by law for the control and support of high schools (also elementary schools) in the various States*

PART I.—STATES HAVING THE COMMON-SCHOOL DISTRICT SYSTEM

State	Number of administrative units	Average area of unit in square miles	Average population per square mile	Total number of school board members	Per cent of school receipts from taxation and appropriations (high and elementary schools)			Total current cost (elementary and secondary)	
					State	County	District	Per capita of population [1]	Per pupil in average daily attendance [2]
1	2	3	4	5	6	7	8	9	10
Arizona	500	228	3.8	1,485	17.4	38.4	44.2	$24.89	$119.58
Arkansas	3,193	16	35.3	19,159	35.6	2.9	63.5	7.63	36.24
California	3,589	43	36.5	11,204	25.1	36.9	38.0	25.88	133.30
Colorado	2,041	59	10.0	6,199	.1	26.5	73.4	23.65	115.71
Idaho	1,418	59	5.3	4,560	.6	27.9	71.5	23.20	94.36
Illinois [3]	12,070	[3] 5	136.2	38,635	4.5	0	95.5	20.09	105.44
Iowa [4]	4,870	11	214.8	21,181	3.3	0	96.7	20.53	101.12
Kansas	8,747	9	23.0	26,580	.1	0	99.9	20.62	92.81
Michigan [4]	6,965	8	84.2	22,500	19.9	0	80.1	24.45	114.76
Minnesota	7,773	10	31.7	26,115	17.3	5.0	77.7	20.11	101.29
Mississippi	5,560	8	43.4	18,322	32.9	23.1	44.0	8.65	36.13
Missouri	8,764	8	52.8	29,310	10.7	4.2	85.1	15.41	74.56
Montana	2,439	60	3.7	7,630	3.7	43.2	53.1	25.41	114.80
Nebraska	7,244	11	17.9	22,873	.7	0	99.3	19.68	96.58
Nevada	266	413	.8	847	13.2	58.6	28.2	30.28	143.55
New York	9,467	5	264.2	[5] 15,000	28.6	0	71.4	28.45	149.84
North Dakota	2,228	31	9.7	6,992	2.8	7.8	89.4	24.15	100.59
Ohio	2,043	20	163.1	10,938	3.6	32.4	64.0	21.83	105.65
Oklahoma	4,933	14	34.5	15,017	5.9	8.5	85.6	12.88	61.97
Oregon	2,234	43	10.0	6,678	0	18.5	81.5	20.52	109.05
South Carolina	1,792	17	57.0	5,384	26.9	27.0	46.1	8.74	39.98
South Dakota	3,433	22	9.0	11,021	.5	0	99.5	22.06	103.11
Texas	7,932	33	22.2	28,414	35.9	0	64.1	13.42	58.99
Washington	1,792	37	23.4	5,400	26.2	16.1	57.7	21.45	106.22
Wisconsin	7,662	7	53.2	24,679	16.2	8.6	75.2	18.26	95.31
Wyoming	400	244	2.3	1,330	1.3	25.7	73.0	28.69	129.57
Average	4,390	18	33.0	15,094	17.3	10.4	72.3	20.80	101.06
Continental United States average	2,654	23	41.3	11,951	16.7	10.6	72.7	18.79	91.05
State system: Delaware [6]	15	131	121.3	65	81.1	0	11.9	21.31	98.62

[1] Includes current expense, interest, and capital outlay.
[2] Includes current expense and interest.
[3] Township system for high schools.
[4] Partly township system.
[5] Estimated by Office of Education.
[6] Delaware does not belong to this classification, but is included here for convenience.

TABLE 1.—*Local administrative units or divisions provided for by law for the control and support of high schools (also elementary schools) in the various States*—Continued

PART II.—STATES HAVING THE TOWN OR TOWNSHIP SYSTEMS

State	Number of administrative units	Average area of unit in square miles	Average population per square mile	Total number of school board members	Per cent of school receipts from taxation and appropriations (high and elementary schools)			Total current cost (elementary and secondary)	
					State	County	District	Per capita of population	Per pupil in average daily attendance
1	2	3	4	5	6	7	8	9	10
Connecticut	161	30	333.4	1,168	7.5	.....	92.5	$22.01	$108.83
Indiana [3]	1,292	28	537.8	2,700	1.7	.....	98.3	19.45	91.66
Maine	518	58	26.7	1,600	29.0	.....	71.0	13.99	74.44
Massachusetts	355	23	51.5	1,600	9.0	.....	91.0	20.23	109.57
New Hampshire	244	37	644.3	834	8.8	.....	91.2	14.87	96.50
New Jersey [3]	552	14	89.8	4,218	21.0	0.8	78.2	28.82	139.14
Pennsylvania [3]	2,587	17	44.5	13,567	14.0	.....	86.0	19.03	92.75
Rhode Island	39	27	528.6	201	8.3	.....	91.7	19.13	105.17
Vermont	94	97	39.4	835	12.4	.....	87.6	15.72	87.03
West Virginia [7]	450	53	72.0	1,379	7.7	.....	92.3	16.32	73.96
Average	629	28	178.9	2,810	12.0	.2	87.8	20.49	101.03
Continental United States average	2,654	23	41.3	11,951	16.7	10.6	72.7	18.79	91.05

PART III.—STATES HAVING THE COUNTY-UNIT SYSTEM

Alabama	112	547	51.6	566	43.7	29.7	26.6	$8.13	$37.91
Florida	67	818	26.8	201	21.6	29.6	48.8	12.62	63.82
Georgia	272	215	49.5	1,360	36.5	30.1	33.4	6.39	31.89
Kentucky	384	104	65.1	2,121	26.3	29.0	44.7	8.77	47.12
Louisiana	66	688	46.3	600	25.2	54.5	20.3	10.32	52.82
Maryland	24	414	164.1	101	17.3	34.3	[8] 48.4	15.01	87.19
New Mexico	98	1,250	3.5	490	3.5	74.7	21.8	16.04	82.38
North Carolina	200	244	65.0	[4] 900	1.4	61.2	37.4	11.76	48.25
Tennessee	194	215	62.8	1,160	23.7	35.6	40.7	8.66	43.59
Utah	40	2,055	6.2	205	32.1	67.9	0	22.85	80.18
Virginia	125	322	60.2	650	28.5	31.5	40.0	9.66	45.66
Average	145	377	38.0	760	22.8	37.9	37.3	10.19	49.18
Continental United States average	2,654	23	41.3	11,951	16.7	10.6	72.7	18.79	91.05

[3] Township system for high schools.
[4] Estimated by Office of Education.
[7] "Magisterial district." County-unit system after July 1, 1933.
[8] Local support for Baltimore City only.

3. "TOWN" AND "TOWNSHIP" SCHOOL SYSTEMS

Town system.—The Massachusetts towns were the first administrative units for public secondary education in the United States. In 1647 the Massachusetts Bay Colony directed all towns of 100 families to set up a "grammar school . . . to instruct youth so farr as they shall be fited for ye university. . . ." By this law the Latin grammar school became the preparatory school of the university. The Latin grammar school together with the academy which came a little later were the two main types of secondary schools in the United States prior to 1821, when the first American public high school at Boston was established. The law of 1647 marked the origin of the town system for high schools not only in Massachusetts but in a number of other States. The town system for the administration of high and elementary schools remains to this day in all the New England States—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. The town system embraces not only the town or city proper but the usual population and natural boundaries, and may and frequently does include more than one town or village. Its average area for the six New England States is approximately 45 square miles. The town unit of school administration is generally managed by a central body elected by the people, usually referred to as the "town school committee." The school committee has complete autonomy in school affairs similar to the autonomy exercised by county boards of education in the strong county-unit States. In all the town-unit States any town is authorized to establish schools of secondary grade. In Connecticut, Rhode Island, and Vermont there are no legal provisions specifically authorizing separate boards or units or union or consolidated districts for the administration of either elementary or secondary schools.

Township system.—The township system of schools is found chiefly in New Jersey, Pennsylvania, Indiana, and West Virginia, known here as a "magisterial district." (In 1933 West Virginia adopted the county-unit system.) The township system is an adaptation of the New England town system instituted by the early Westward migration of New England-

ers. The township school administration is vested in an elective body generally referred to as the "township school trustees." In these States the township is the principal unit for the maintenance and control of both elementary and secondary schools outside of cities and independent districts. All these States provide for joint union or consolidated school districts within the township, particularly for the maintenance of high schools. In Illinois, Michigan, and South Dakota a number of township systems exist principally for the maintenance of high schools, Illinois and Michigan each having approximately 200 township high-school districts, and South Dakota approximately 100 of such districts (usually referred to as "consolidated districts").

Difference between "town" and "township" systems.—The "town" system in New England differs from the "township" systems Westward in that the former is usually an irregular area and more adapted to natural boundaries and population centers. The town system may and usually does include a town, and often several towns. It is generally a larger unit (averaging approximately 45 square miles) than the township unit in the West and resembles the county-unit system, except that the latter embraces a larger territory. The township district includes 36 square miles or less, generally less, as it usually contains independent village and other districts. Furthermore, the town system has more local self-government in the management of schools, while the township system is under the general control of the county superintendent. The township, as it is generally found, appears less well adapted for educational purposes, particularly secondary education, than the town system. The township system is often weakened by so many towns and villages within its boundaries which have separate and independent school systems; hence it lacks that unity and singleness of character which marks the town system.

The number of units for the control and support of secondary and elementary schools in the "town" and "township" States are indicated in Part II of Table 1, which also contains some comparative data on distribution of responsibility with respect to school costs.

4. COUNTY DISTRICT SYSTEMS

In 11 States (12 States since July 1, 1933, when West Virginia adopted the county-unit system) the county is the paramount unit for the administration of both elementary and secondary education. These States are: Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, New Mexico, North Carolina, Tennessee, Utah, and Virginia. The county systems, also, in Mississippi and South Carolina have been developed to the extent that the functions of the county board are notably significant in the administration of elementary and secondary schools. A number of other States in which the local school district is the principal unit for the administration of schools also make provisions for county high-school systems independent of elementary schools. Among these States are: Arizona, California, Colorado, Idaho, Indiana, Iowa, Kansas, Michigan,[2] Montana, Nebraska, Nevada, North Dakota,[3] Oklahoma, Oregon, Texas, South Dakota, Washington, and Wisconsin.

States other than county-unit States in which the county is an important unit for school support are: Arizona, California, Colorado, Idaho, Montana, Nevada, Ohio, and Wyoming.

Data showing number, size, and distribution of responsibility for school costs are contained in Part III of Table 1.

5. OTHER LOCAL SYSTEMS

Independent-school districts, cities, etc.—By "independent-school districts" is meant those districts which by reason of population or wealth have been granted substantial exemption by the legislature from the control of the general school system of the county or township in which they may be located. There are approximately 7,300 independent-school districts in the United States. Apparently they exist in every State in the Union, unless Florida be an exception; they will be nonexistent in West Virginia after June 1933. In the New England States, where the town system prevails, all districts are independent and similar in many respects to the county districts in the strong county-unit States. Both

[2] County agricultural high schools.
[3] Agricultural and vocational education.

the town districts and the "incorporated" school districts in Vermont are independent-school corporations.

Fewer independent-school districts are found in county-unit States. Of course, in these States the county district may be regarded as an independent district. Florida and West Virginia appear to be the only States which have not granted cities exemption from county control. Delaware and Maryland have only one independent district each—Wilmington and Baltimore, respectively.[4] Louisiana has two independent districts; Utah, 5; Virginia, 25; Alabama, 45 (all chartered cities); Tennessee, 64 (mostly chartered districts); New Mexico, 60 city and rural independent districts; Kentucky, 67; Georgia, 111; North Carolina, 185 (all special chartered districts).

Among the common-school district and township district States the number of independent districts, cities, etc., range from 14 in Nevada to more than 1,000 in Texas. The independence granted to cities and districts in these States vary in degree and generally result from two different methods of legislative prerogative—first, by special charters granted from time to time to particular cities, and, second, by general laws applicable to cities or districts of certain populations or amounts of wealth. The first of these is the more general method by which independent districts were formerly created. It is commonly found in most of the States outside of New England and Florida. The second method, that of creating independent-school districts by general law applicable to certain cities and districts, is of later development and less general. Among the States where this method is commonly found are Illinois, Indiana, Iowa, Kansas, Michigan, Mississippi, Montana, Nebraska, Pennsylvania, Texas, and Washington.

Consolidated-school districts.—Connecticut, Delaware, Maryland, Rhode Island, Tennessee, Vermont, and Virginia are the only States which apparently do not expressly provide by law for the consolidation (or union) of school districts. It will be observed that all these are among the town district and the county district States.

[4] Delaware is the only State having a State system. (Since 1931 North Carolina may be regarded as having a State and county system.)

A half or more of the States expressly provide by law for the consolidation of school districts for the maintenance of high schools independently of elementary schools. Among these States are: Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan,[5] Minnesota, Mississippi,[5] Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington, Wisconsin, and Wyoming. In the remaining States which provide for consolidation of districts for general school purposes it is generally implied that such consolidation may be for either elementary or secondary education or both. It is noteworthy that five of the county-unit States provide for district consolidation. Of these, Kentucky, New Mexico, and North Carolina are included in the foregoing list. Florida provides for the consolidation of special-tax school districts and Georgia for the consolidation of municipal and county districts.

Requirements for consolidation of school districts.—The only requirement common to all the States which provide for consolidation of school districts is that the districts proposed to be consolidated must be contiguous or adjacent territory. The next most frequent requirement of these States is that a majority consent ~~of the~~ electors is required. This is the case in practically all the States which provide for consolidation of districts. An exception is noted in South Carolina, where the county school board may consolidate upon petition of one-third of the electors. Massachusetts requires, in addition to the consent of the electors, the consent of the State board of education. Other requirements which have to do with size, valuation, or population of territory are found to exist in certain States. Examples of these are as follows: Arizona requires that the territory proposed to be made into a union high-school district have an average daily attendance of 200 pupils and valuation of $1,500,000; Indiana requires $750,000 valuation and 8 pupils eligible for high school (joint township high school district); Iowa requires not less than 16

[5] Agricultural high-school districts.

sections of land; Mississippi requires 10 square miles; Missouri requires 50 square miles and 200 children of school age, provided the district does not include a city with 500 children of school age; Nebraska, 25 square miles; New Mexico, average daily attendance of 200 or more pupils; Oklahoma, 25 square miles and $200,000 valuation, or less than 25 square miles if $500,000 valuation or more; South Dakota, 25 square miles and not containing a town of more than 500 population.

Procedure for consolidation of districts.—In most of the States the usual procedure for the consolidation of districts is by petition in the respective territories to be united. For an election to decide on the question the proportion of petitioners necessary ranges from 10 per cent of the electors in Arkansas and Nebraska to 50 per cent in California, Idaho, Illinois, Michigan (agricultural high-school districts), Montana, and Nevada. Generally a majority vote of those voting in the respective territories decides the question.

Control of consolidated school districts.—Combined or consolidated school districts are generally under the control of local administrative boards composed of representatives elected at large in the territory consolidated. This system is provided for by law in the following States: Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington, Wisconsin, and Wyoming.

Examples of other systems of control are: Indiana provides for a joint board comprised of the board members of the districts united; Maine, the school committees of the towns combined; Massachusetts, the union high-school committee, composed of one member elected by and from the school committee of each constituent town; South Carolina, joint control by the school boards of the districts consolidated.

Where the States provide for the union of territory lying within two or more counties, it is more often provided that the control of such districts shall be vested in a joint board. Examples of such arrangements are: Alabama provides

that consolidated districts lying in two or more counties shall be under the control of a board appointed by the county board of education of one of the counties as agreed by the boards of the several districts; Mississippi, by a board appointed by the county board of education of the county in which the school is located; North Carolina, by the school board of the district in which the school is located; Oregon, by the respective school boards if not more than two districts unite, by five members elected at large if in more than two districts; South Carolina, by the board of trustees of the district wherein the school is located, together with the chairmen of the cooperating districts.

Schools in two or more counties.—A number of the States which provide for the consolidation of school districts within a single county also expressly provide for the consolidation of adjacent school districts which lie in two or more counties. Among States having such provisions are: Alabama, Arkansas, California, Colorado, Idaho, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, Oklahoma, Oregon, South Carolina, Virginia, and Washington. It is quite probable that in other States adjacent school districts in two or more counties may unite for high-school purposes under the general terms of the laws which authorize the union of contiguous or adjacent school districts.

Joint or cooperative areas, or districts, for promoting school facilities.—Under this heading is a comparative summary of those laws which authorize local school districts, without changing or dissolving their district systems, to join or otherwise cooperate with adjacent school districts for the purpose of promoting economy and efficiency in providing school facilities. Under these legal provisions the two or more districts composing the joint or cooperative school area retain their respective systems and are encouraged to develop, through cooperation with neighboring districts, more and better school facilities than would be practicable when operating independently.

The laws considered here differ from those found in most States which provide for consolidated or larger school districts by dissolving the systems of two or more districts and

combining their areas under the control of one administrative system.

Financial support of cooperative school areas.—Apparently most of the State laws which authorize the formation of joint or cooperative school areas or districts do not contain specific provisions for the financial support of their educational programs. Provisions expressly relating to their support are found in Colorado, Kentucky, Massachusetts, Mississippi, Montana, Oregon, and Utah. School levies are authorized in three of these States. Union high-school districts in Colorado may levy from 1 to 3 mills; joint high-school districts in Kentucky may levy 5 mills; and union high-school districts in Oregon are expressly authorized to levy taxes for high schools without express limitations.

In the other States mentioned the laws in general expressly or impliedly authorize joint support of cooperative school areas or districts. The support authorized is generally prorated among the uniting districts according to wealth, school population, number of teachers, etc., of the respective component districts, or as may be otherwise agreed upon by the said districts. Further examples of express provisions are: In Montana the expenses of joint school systems are borne jointly by the component systems, based on number of classroom hours expended by the teachers in each of the school systems; and in the union districts of Massachusetts each town pays for the erection and maintenance of a permanent schoolhouse and for the support of the school, including transportation of pupils, in accordance to its proportion of the county tax, unless otherwise agreed.

Laws authorizing joint or cooperative school areas or districts are found in no fewer than 20 States. The principal features of these laws are set forth in the following summary:

LEGAL AND REGULATORY PROVISIONS

Name of cooperative area, how established, and administered

Names of cooperative areas	How established	Administrative board
ALABAMA		
Consolidated school district (territory in 2 or more counties).	By county board of education with consent of school trustees of the respective districts.	By county board of education of one of the counties as agreed by boards of the several districts.
CALIFORNIA		
Union (or joint union high-school district composed of 2 or more high-school districts).	By majority vote at election called by county superintendent upon petition of majority of electors in each of component districts.	School trustees, 3 members elected at large for 3 years with overlapping terms; and county board of education.
COLORADO		
Union high-school district...	By majority vote of electors..	District board in which building is located and 1 member from each adjoining district appointed by county superintendent.
INDIANA		
Joint school district.....	By joint act of boards of trustees of 2 or more adjoining districts upon petition.	Board of school trustees of the corporation in which school is established.
Joint city and township (any city of fifth class).	By majority vote of each school corporation in an election called by petition of 25 per cent of voters or respective districts.	Joint board consisting of trustees of city and trustees of township.
Joint city and township (any city not exceeding 6,000 population).	By contract of respective city and township trustees.	Do.
Joint township high-school district.	By township trustees of respective townships upon petition of one-third of heads of families.	Township trustees of adjoining townships.
KENTUCKY		
Joint high-school district (2 or more adjacent counties).	By contract between county boards of education.	Boards of education of such counties.
MAINE		
Union high-school district (2 or more adjoining districts).	Upon written recommendation of school committee and concurrent action of said towns.	School committees of such towns which constitute a joint union.

Name of cooperative area, how established, and administered—Continued

Names of cooperative areas	How established	Administrative board
	MASSACHUSETTS	
Union high-school district (2 or more towns).	By majority vote in each town with the approval of the Department of Education.	High-school committee; 1 member elected by and from the school committee of each constituent town.
	MISSISSIPPI	
Line school districts (territory in 2 or more counties).	By school boards of respective counties upon report of respective county superintendents.	Respective county superintendents and a board of trustees appointed by said superintendents.
	MINNESOTA	
Joint school district (district in 2 or more counties).	By concurrent action of the board of county commissioners of each county upon petition of majority of the voting freeholders.	By component school boards (implied).
	MONTANA	
Joint school systems (any county high-school district and any school district in which such high school is located).	By agreement of respective school boards.	The respective boards of education.
	NEW HAMPSHIRE	
Joint school district (adjoining districts in the same or different towns).	By contract of the districts...	School committees of adjoining districts.
	NEW MEXICO	
Union high-school district (2 or more districts with combined average daily attendance of 200 or more).	By majority vote at election called by board of county commissioners upon petition of governing authorities of school districts and petition of 50 per cent of total voters.	Union high-school board; 1 member delegated from each component district board. If even number, 1 director at large, appointed by combined members of all the boards.
	NORTH CAROLINA	
Joint school districts in 2 or more counties.	By majority consent of electors in each county.	Board of 5 trustees selected by respective county superintendents.
	OHIO	
Union district (2 or more districts for high-school purposes).	By majority consent of full membership of each board.	High-school committee; 2 members from each board creating the district, elected by majority vote of said boards.

Name of cooperative area, how established, and administered—Continued

Names of cooperative areas	How established	Administrative board
OREGON		
Union high-school district (2 or more contiguous districts within 1 or more counties).	By majority vote in the several districts, at election called upon petition of 100 or more legal voters in any of said districts.	If 2 districts form a union, the members of the 2 boards shall be ex-officio members of the high-school board. If more than 2 districts, there shall be a board of 5 members selected at large through the district.
SOUTH CAROLINA		
Joint school district (district formed in 2 or more counties).	By joint action of the board of education of the respective counties.	High-school board of trustees consisting of board of trustees of district wherein high school is located and the chairman of each of the cooperating districts.
UTAH		
Joint school district (2 or more school districts).	By agreement of respective boards of education.	The boards of education of the uniting districts.
VIRGINIA		
Adjoining counties may establish and maintain high schools.	By agreement of respective boards of education.	The boards of education of the uniting districts.
WASHINGTON		
Union high-school district (2 or more contiguous districts united to maintain a high school).	By majority vote in each district at election called by county superintendent when he approves plan, upon petition of 5 or more heads of families in respective districts.	Boards of directors of the combined districts. In a union consisting of 3 or more districts, the board of directors shall consist of the chairmen of the component boards.

6. NATURE, POWERS, AND DUTIES OF LOCAL ADMINISTRATIVE BOARDS FOR HIGH SCHOOLS

Legal nature of school districts.—School districts are generally referred to as corporate bodies, but they are not complete corporations. It is more accurate in law to designate them as quasi-corporations. This designation has arisen because, first, school districts are restricted to educational functions; second, legislatures retain practically unlimited control over them. School districts are State agencies created by legislative prerogative. They are under the power that created them and are engaged in a function in which the State is the paramount authority. Below are a

few excerpts which are examples of numerous State supreme court opinions concerning State functions in education:

> School corporations in this State are a part of the education system of the State. . . . Such corporations are but agents of the State for the sole purpose of administering the State system of public education. . . . Such subdivisions, then as counties, townships, and school corporations, are instrumentalities of government, and exercise authority given by law.[6]

> Because of the limited number of its powers, conferred exclusively by statute on it as a public body, within defined territorial limits, said district must rank within those public bodies termed public quasi-corporations. This designation distinguishes it, . . . from municipal corporations proper, such as cities or towns acting under charters, or incorporating statutes, and which are invested with more powers and endowed with special functions relating to the particular or local interest of the municipality, and to this end are granted a larger measure of corporate life.[7]

The Supreme Court of Michigan held that education belongs to the State, that it is no part of the local self-government inherent in the township or municipality except in so far as the legislature may choose to make it such.[8] "Every school district of whatever size is a State institution. . . . A school tax is a State tax."[9] The extent of legislative authority concerning school districts has been sounded by the Supreme Court of the United States in the following language:

> They may be created, their powers may be restricted or enlarged, or altogether withdrawn at the will of the legislature; the authority of the legislature, when restricting or withdrawing such powers, is subject only to the fundamental condition that the collective and individual rights of the people of a municipality shall not thereby be destroyed.[10]

Without further citing or quoting authorities it may be said that (1) State legislatures have absolute power to control public schools unless limited by constitutional provisions; (2) the constitutions of the respective States generally turn the whole subject of education over to the legislature; (3) the control of education is in no way inherent in the local self-government except as the legislatures have chosen to make

[6] Freel v. School City of Crawfordsville, 142 Ind. 21, 41 N. E. 312.
[7] Eakle v. Board of Education of Henry (1924), 97 W. Va. 434, 125 S. E. 165.
[8] Attorney General v. Board of Education, 99 Mich. 405.
[9] Supreme Court of Kentucky, Louisville v. Board of Education, 157 S. W. 379.
[10] Atkins v. Kansas, 191 U. S. 207, 1903.

it so; and (4) public education is a separate article or field distinct from local government.[11]

Powers of district boards.—As a general principle school districts can exercise only such powers as are expressly given by statute and those necessarily implied by reason of the powers expressly granted. "School districts are quasi-corporations of the most limited powers known to the laws. They have no powers derived from usage, their existence extending back but a few years. They have the powers expressly granted them, and such implied powers as are necessary to enable them to perform their duties, and no more." [12]

It is customary for statutes of the various States either expressly or by necessary implication to confer the following powers and duties on school districts in general: (1) To possess a corporate name; (2) to enter into contract; (3) to sue and be sued in its corporate name; (4) to make rules and regulations for the management of schools, teachers, and pupils; (5) to acquire and hold real and personal property; (6) to repair school property; (7) to sell real and personal property when necessary for school purposes; (8) to exercise the right of eminent domain; (9) to receive gifts, grants, and bequests; (10) to employ and discharge teachers and other school employees; (11) to levy taxes for school purposes; and (12) to exercise, in general, those powers usually exercised by public corporations and do those things necessary for the attainment of the ends for which the corporation was organized.

For the purpose of carrying out educational functions school boards are, by necessary implications, vested with considerable discretionary authority; and courts will not, as a rule, interfere with the sound exercise of that discretion, unless its abuse is clearly shown.

Duties of school boards to provide high-school education.—An examination of State statutes relating to education discloses the fundamental principle that legislatures have made it the legal duty of school districts to provide and promote the facilities for high schools free to all qualified youth who desire to utilize them. State laws either by express provisions or by

[11] MacQueen v. Port Huron, 160 N. W. 637; and Kansas City v. Fee, 160 S. W. 537.

[12] Harris v. School District, 28 N. H. 58, 1853; also Herald v. Board of Education, 65 W. Va. 765, 65 S. E. 102.

implications clearly shown have charged school districts with this duty. The obligatory nature of this duty of districts has been set forth by the Supreme Court of Nebraska in the following manner:

> When provision is made by law for free high-school education, children should not be deprived of that right by the contumacy of electors or officers of a school district. The right of the legislature to provide free instruction includes the power to create a remedy when electors and school officers disregard their obligations to the public. The best results of a free government can only be obtained by an enlightened citizenship. This is recognized by the constitutional provision which requires the legislature to provide "for the free instruction in the common schools of all persons between the ages of 5 and 21 years." This command of the supreme law is not defeated by the provision that "all municipal corporations may be vested with authority to assess and collect taxes." The electors and school board in District 42, Richardson County, can not within their jurisdiction put an end to the free instruction required by the constitution on the ground that the sole power to levy taxes for school purposes has been committed to them as a "municipal corporation."[13]

"School authorities may be compelled by mandamus to perform their duty toward providing school facilities.[14]

The decisions cited above support the contention that legislative requirements of school districts can not be vitiated or defeated by caprice or opinion by the people who happen to live in a particular school district.

The functions of school districts are vested in administrative bodies generally referred to as "school boards," "boards of education," "school committees," etc. The powers and duties of members of these bodies are of two types—mandatory and permissive. These duties may be further classified as follows: (*a*) Duties relating to the school plant, such as those concerning matters of school site, buildings, gardens, playgrounds, disposal of school property, contracts, rental of buildings, flag display, etc.; (*b*) duties relating to business and clerical procedure, such as the organization of the board, the regular and special meetings, purchase of supplies and equipment, the school census, settlement of claims, teachers' contracts, reports, budgetary procedure, etc.; (*c*) duties relating to the management of the school, such as the

[13] Wilkinson *v.* Lord, 85 Nebr. 136, 144.
[14] State ex rel. *v.* Meador, 284 S. W. 890, 891.

making of rules for the government of the directors, officers, teachers, pupils, course of study, and rules necessary for their enforcement.

In short, it may be said that local administrative school boards bear the final responsibility for the conduct of schools. They are not or need not be "rubber-stamp" officials.

Powers and duties of local school superintendents.—A county superintendent is a school official whose powers and duties are most generally derived from statutory provisions and he can exercise only such powers as are specifically granted or are incidentally necessary to carry the same into effect. A classification of States according to county supervisory control of high schools is quite similar to a classification of county supervision of elementary schools. The greatest amount of county supervision of high schools is found in the 12 county-unit States, unless Florida, Georgia, and New Mexico are exceptions. Between the county-unit States and the States with little or no county supervisory control of high schools are Mississippi and South Carolina with their semi-county-unit systems, and the States of Arizona, California, Montana, and Ohio, where county supervisory control of high schools arises principally by reason of the authority given by law to county superintendents concerning school funds. New York, Delaware, Nevada, and the six New England States have no county superintendents. In New York each county is divided into supervisory districts and the superintendent of each district exercises the supervisory control over high schools not exercised by the State. In Delaware the supervision of high schools is exercised directly from the State department of education. In Nevada there is neither State nor county supervision of high schools and the high schools of that State are under the complete supervisory control of the respective high-school principals. The high schools in New England are under the local supervisory control of the town or union school superintendents. In the remaining 22 States there is no substantial amount of county supervisory control of high schools. The extent of control exercised by county superintendents in these States arises principally by reason of the authority given them concerning

school funds. In practically all these States the county superintendents are required to make the apportionment of State and county funds and in a number of States they are required to prepare or approve the budgets of the school districts within their respective counties.

The authority of district or city school superintendents is generally subordinate to the school board or board of education of their district or city. The duties of district or city superintendents are not as a rule as fully specified by law as are those of county superintendents. Their duties are generally regarded as executive in character, though they are vested with considerable discretionary authority. For example, where a school board has ordered the superintendent to see that the best methods of instruction are adopted it necessarily conferred upon the superintendent the authority, if authority had otherwise been wanting, to order and promulgate such additional rules as the best interest of the school may seem to require. District and city superintendents are also bound to carry out those duties imposed upon them by statute or by State regulation.

CHAPTER III : GRADES OF SECONDARY INSTRUCTION

1. JUNIOR HIGH SCHOOLS

The general situation.—The traditional or regular high school in all States comprises four years or grades of instruction. In Georgia, Louisiana, Maryland, North Carolina, South Carolina, Texas, and Virginia the traditional high school comprises grades 8 to 11, inclusive. In the remaining States the traditional high school comprises grades 9 to 12, inclusive.

Within the last generation the traditional high school has undergone considerable reorganization. Furthermore, it has been considerably extended both below and above the traditional four grades. Practically all States, now by special or general law, permit school districts generally to establish and maintain junior high schools which may embrace one or two years of the traditional elementary-school grades next preceding the regular high school. Approximately half of the States have legislation specifically authorizing the establishment of junior high schools. These States are: Alabama, Arkansas, California, Florida, Georgia, Indiana, Kansas, Maine, Maryland, Michigan, Minnesota, Montana, Nevada, New Hampshire, Mississippi, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

Generally the laws in these States recognize the junior high school movement; they express legislative sanction. They are permissive rather than mandatory. In most States the right of school districts in general to establish and maintain grades usually embraced by junior high schools existed prior to legislation specifically relating to the subject. The laws did, however, remove doubts from the minds of progressive educators as to the authority of school districts to establish junior high schools or to reorganize their traditional high-school systems by establishing a new and separate high-school division extending downward and embracing one

or more years of instruction immediately preceding the regular 4-year high school.

Generally it may be said that in the States having no specific junior high school legislation the maintenance of such school systems is legally permissive, and junior high schools have developed in large numbers in the absence of laws specifically authorizing their establishment. Apparently the decision in the famous Kalamazoo case and subsequent decisions in agreement with it have been regarded as sufficient legal authority to enable school districts in general to establish junior high schools.

Effect of legislation on junior and reorganized high schools.—While the authority of school districts to establish junior high schools has been widely accepted even in the absence of specific legislative authority, information clearly indicates that the establishment of such schools has been promoted by specific legislation therefor. (See Tables 2 and 3.) The 24 States which have laws specifically authorizing or recognizing junior high schools have a total of 3,609 junior and reorganized high schools, which is 31 per cent of the total number of their high schools; while the remaining 24 States whose laws are silent on the subject have a total of 2,003 junior and reorganized high schools, which is 20 per cent of the total number of their high schools.

There are, however, a number of States whose laws are silent on the subject of the junior high school which have a higher percentage of such schools than many other States whose laws specifically authorize or recognize their establishment. Six of the twenty-four States having laws specifically authorizing or recognizing junior high schools have more than 50 per cent of their high schools reorganized, including separate and combined junior and senior high schools; these States are: Alabama, Arkansas, Florida, Michigan, Vermont, and West Virginia. Three of the twenty-four States whose laws are silent on the subject have more than 50 per cent of their high schools on a reorganized basis; these States are: Massachusetts, Rhode Island, and Utah.

TABLE 2.—*Number of different types of high schools for white pupils in States having laws which authorize or recognize junior high schools* [1]

State	Number of reorganized high schools				Number of regular high schools	Total number of all high schools	Per cent of all high schools which are reorganized
	Separate junior high schools	Junior high with senior high	Senior high schools	Total number reorganized high schools			
1	2	3	4	5	6	7	8
*Alabama	46	268	8	322	25	347	92.8
Arkansas	29	187	5	221	127	348	63.5
*California	109	44	38	191	283	474	40.3
*Florida	71	87	8	166	72	283	69.7
Georgia	14	21	6	41	373	414	9.9
*Indiana	39	325	18	382	430	812	47.0
Kansas	84	44	37	165	559	724	22.8
*Maine	19	17	11	47	170	217	21.7
*Maryland	13	8	1	22	145	167	13.2
*Michigan	90	269	38	397	304	701	56.6
Minnesota	38	48	18	104	459	563	18.5
*Montana	6	10	5	21	179	200	10.5
Nevada	2	2	2	6	28	34	17.6
New Hampshire	16	19	10	45	60	105	42.9
*New Jersey	49	16	16	83	131	214	38.8
North Carolina	10	10	4	24	734	758	3.2
Ohio	113	268	39	420	818	1,238	33.9
Oklahoma	30	52	22	124	656	780	15.9
Pennsylvania	147	123	44	416	751	1,167	35.6
*Tennessee	24	11	4	39	506	545	7.2
*Vermont	4	45	2	51	34	85	60.0
Virginia	7	12	4	29	407	436	6.7
West Virginia	98	89	13	200	138	338	59.2
*Wisconsin	39	39	15	93	391	484	19.2
Total	1,097	2,014	368	3,609	7,780	11,434	31.5

*Has more specific legal provisions for junior high schools.

[1] This table was prepared by the author from data obtained from a questionnaire of the Survey.

TABLE 3.—*Number of different types of high schools for white pupils in States whose laws are silent as to junior high schools* [1]

State	Number of reorganized high schools				Number of regular high schools	Total number of all high schools	Per cent of all high schools which are reorganized
	Separate junior high schools	Junior high with senior high	Senior high schools	Total number reorganized high schools			
1	2	3	4	5	6	7	8
Arizona	2	13	2	17	40	57	29.8
Colorado	25	61	12	98	130	228	43.0
Connecticut	20	15	6	41	67	108	38.0
Delaware	2	9	.....	11	17	28	39.3
*Idaho	8	7	5	20	152	172	11.6
*Illinois	49	23	19	91	898	989	9.2
Iowa	45	184	28	260	699	959	27.1
Kentucky	17	118	4	139	484	623	22.3
*Louisiana	2	0	1	3	332	335	.9
Massachusetts	144	42	54	240	131	371	64.7
Mississippi	53	125	5	183	426	609	30.0
*Missouri	31	85	17	135	841	974	13.9
*Nebraska	19	49	14	82	516	598	13.7
*New Mexico	3	11	2	16	104	120	13.3
New York	108	120	19	247	696	943	26.2
*North Dakota	3	28	3	34	374	408	8.3
*Oregon	20	3	13	36	248	284	12.7
Rhode Island	10	3	6	19	14	33	57.6
*South Carolina	4	3	2	9	295	304	3.0
*South Dakota	4	10	4	18	316	334	5.4
*Texas	60	54	32	146	943	1,089	13.4
Utah	47	15	14	76	37	113	67.3
*Washington	26	23	11	60	286	346	17.3
Wyoming	2	18	2	22	72	94	23.4
Total	704	1,019	275	2,003	8,118	10,119	19.9

*Has laws whose general provisions for high schools appear unfavorable to the development of junior high schools.

[1] This table was prepared by the author from data obtained from a questionnaire of the Survey.

The Utah law does not specifically authorize junior high schools, but the following provision is, apparently, sufficient authority for the establishment of such schools: "The board of education shall have the power and authority . . . to establish, locate, and maintain kindergartens, common schools, consisting of primary and grammar grades, high schools. . . ." The State course of study for junior high schools applies to all schools having grades 7, 8, and 9, outside of cities of first and second classes, which cities are permitted by law to formulate their own courses of study. The State course of study for junior high schools is general

in scope and flexible in character, but instruction in the ninth grade must meet the general standards for the first year of the high school.

No law makes the establishment of junior high schools mandatory nor requires a departure from the traditional 4-year plan, unless the laws of Alabama and Florida are exceptions. Section 126 of the School Law of Alabama reads:

> The public schools of the county shall include elementary schools, that is, grades 1 to 6, inclusive; junior high schools, that is, grades 7 to 9, inclusive; and senior high schools, that is, grades 10 to 11, inclusive.

Section 178 of the School Laws of the State of Florida reads:

> The first six grades shall be known as elementary grades, the seventh and eighth grades shall be known as grammar school grades, the ninth and tenth grades shall be known as junior high school grades, and the eleventh and twelfth grades shall be known as senior high school grades; provided that, subject to the approval of the State board of education, grades 7 to 12, inclusive, may be organized so that grades 7, 8, and 9 shall consititute junior high school grades, and grades 10, 11, and 12 shall constitute senior high school grades.

In this connection it is noted that Alabama and Florida have a higher percentage of junior and reorganized high schools than any other States (92 per cent and 70 per cent, respectively).

A few junior high school laws apparently place certain limitations on the establishment of the junior high school. For example, in California and Indiana the laws seem to limit the establishment of junior high schools to districts which have regular high schools. The Indiana law provides for the reorganization of the traditional high school rather than for the creation of separate junior high schools. The restrictions included in the 1931 junior high school legislation in Montana is not likely to promote the development of junior high schools. The law in that State prescribes the following steps in order to establish junior high schools: (1) Junior high school petition signed by 20 per cent or more of the voters; (2) approval by the State superintendent of public instruction; and (3) a majority vote of the electors.

The junior high school laws in Arkansas, Georgia, Kansas, Minnesota, Nevada, New Hampshire, North Carolina, Ohio,

Oklahoma, Pennsylvania, Virginia, and West Virginia, simply authorize or recognize junior high schools or the reorganization of regular high schools into junior and senior high schools combined; they generally specify, however, that the junior high school shall embrace three grades beyond the sixth. The laws in California, Indiana, Maine, Maryland, Michigan, Montana, New Jersey, Tennessee, Vermont, and Wisconsin are more specific. Data in Tables 2 and 3 tend to show that these laws have promoted more junior and reorganized high schools than the laws which simply authorize the establishment of junior high schools or recognizing their existence. The 12 States which have more specific provisions have 1,814 junior and reorganized high schools—an average of approximately 40 per cent of all their high schools; while the 12 States whose laws simply authorize or recognize such schools have 1,795 junior or reorganized high schools, which is approximately 26 per cent of all their high schools.

Among the 24 States whose laws are silent on junior high schools it may be noted that 12 of these States have only 650 junior and reorganized high schools—an average of approximately 11 per cent of all high schools in these 12 States; while in the remaining 12 States whose laws are silent on the subject, there are 1,353 junior and reorganized high schools—an average of approximately 32 per cent of all the high schools in these States. The 12 States which have less than 20 per cent of junior and reorganized high schools and whose laws are silent as to such schools and the percentages are: Idaho, 11.6; Illinois, 9.2; Louisiana, 0.9; Missouri, 13.9; Nebraska, 13.7; New Mexico, 13.3; North Dakota, 8.3; Oregon, 12.7; South Carolina, 3; South Dakota, 5.4; Texas, 13.4; and Washington, 17.3. It may be well to indicate the nature of the legal provisions in these States, which are, apparently, unfavorable for the development of junior and reorganized high schools.

The law of Idaho authorizes the State board of education to grade and classify the high schools of the State into grades and classes, known as 2-, 3-, and 4-year high schools. In Illinois, the numerous small common-school districts and the legal provisions for the creation of township and community high-school districts by consent of the electors have favored

the traditional 4-year high schools rather than the junior and reorganized systems. The Louisiana school law enumerates the types of schools which may be established. Junior high schools are not mentioned, and the implication is that they are unauthorized; few, if any, such schools have been established in that State. The Louisiana State Board of Education, in Bulletin, 1929, No. 16, Louisiana High-School Standards, has set up standard curriculums for the traditional high school only, embracing grades 8 to 11, inclusive, and states that the junior high school as employed in that State signifies two years of the regular high school and does not embrace a part of the traditional elementary school. The law of Missouri defines the high school as including "not lower than the ninth nor higher than the twelfth grade"; and the law in Nebraska provides that "all grades above the eighth grade shall be deemed high-school grades." The New Mexico law authorizes any school district having 20 or more eighth-grade graduates to establish and maintain a high school. By initiative measure (in 1921) North Dakota made specific provision for the traditional 8-year elementary system. The school law in Oregon stipulates that "the course of study for high schools . . . shall embrace a period of four years above the eighth grade." In South Carolina the legal provisions for the formation of high-school districts and the regulations of the State board of education are not conducive to the development of junior and reorganized high schools. The South Carolina State board has ruled that "graduates of a new high school will be eligible for State high-school diplomas when such high school has been organized and operated as a recognized or State high school of four scholastic years, provided they meet other requirements." In South Dakota the law specifically authorizes school boards to establish a uniform course of instruction in the grades to and including the eighth and to establish a high school with courses of study from the ninth to the twelfth grade, inclusive. The Texas law defines high schools as schools maintaining two or more years of work above the seventh grade. (The seventh grade is the last of the traditional elementary school grades in that State.)

In 1916 the attorney general of the State of Washington ruled that: "Grouping of the first six grades into an elementary school and the seventh, eighth, and ninth grades into a junior high school, and the tenth, eleventh, and twelfth grades into a senior high school is inconsistent with the numerous provisions of the school code." (School Law of Washington, 1923, p. 140.) Notwithstanding this ruling, information shows that Washington has about 60 junior and reorganized high schools (17 per cent of all high schools).

The 1931 Tennessee law relating to junior and senior high schools includes authority and detailed procedure for the development and maintenance of junior and other reorganized high schools in that State. The provisions of the law as to types or plans of high-school organization are unusually simple, complete, and somewhat flexible. The law provides the following five plans for high-school organization: (1) 6-3 plan, (2) 6-3-3 plan, (3) 6-4 plan, (4) 6-4-2 plan, (5) 8-4 plan. It does not specifically provide for a 6-6 plan of organization. The provisions affecting the standards for each of the different plans of high schools are specifically prescribed. Below is a copy of the Tennessee law in full:

Law of Tennessee relating to junior and senior high schools.—There shall be two types of high schools known as (1) junior high schools and (2) senior high schools.

Junior High Schools

All junior high schools established from and after the passage of this act shall be organized in accord with one of the following forms:

Form I: Junior high schools of Form I are hereby defined as 2-year high schools in which are taught two years of high-school work—corresponding to grades 9 and 10 of the high-school course.

Form II: Junior high schools of Form II are hereby defined as 3-year high schools or schools in which are taught three grades—those corresponding to grades 7 and 8 of the elementary school, and the ninth grade, or first year of high school.

Form III: Junior high schools of Form III are hereby defined as 4-year high schools or schools in which are taught four grades—those corresponding to grades 7 and 8 of the elementary school, and grades 9 and 10, or the first and second years of the high school.

Senior High Schools

Senior high schools are hereby defined as (1) schools in which are taught four grades (9, 10, 11, and 12), or (2) high schools in which are

taught three grades (10, 11, and 12). As used in this act the terms "junior high school" and "senior high school" apply to the organization of school units separate and distinct from the elementary school and from each other, and when established shall be operated as such.

County and city boards of education are hereby authorized and empowered to establish and maintain junior and senior high schools when in the judgment of said boards the system of public schools over which they exercise lawful control will, by the employment of this type of school organization, better serve the educational needs of the pupils enrolled therein.

County boards of education shall be, and the same are, hereby authorized to defray the legitimate cost of operating junior high schools herein authorized out of the county elementary funds and county high-school funds jointly; provided, that the total cost of operation of any junior high school of Form I shall be paid out of the high-school fund; that one-third of the total cost of the operation of any junior high school of Form II shall be paid out of the high-school fund; and that one-half of the total cost of the operation of any junior high school of Form III shall be paid out of the high-school fund.

In the distribution of State elementary- and high-school funds among the counties of the State and in the distribution of State and county elementary- and high-school funds among city and county school systems in accordance with the laws now operative, or which may be operative, the enrollment and average daily attendance in any junior high school of Form I shall be counted as enrollment and average daily attendance in the high school; the first and second grades of any junior high school of Form II or of Form III established, organized, and operated under the provisions of this act shall be counted as enrollment and average daily attendance in the elementary school; and the enrollment and average daily attendance in the third grade of any junior high school of Form II and the enrollment and average daily attendance of the third and fourth grades of any junior high school of Form III as authorized by this act shall be counted as enrollment and average daily attendance in the high school.

There shall be maintained in each county of the State one senior high school, which shall give at least one full course of study approved by the State board of education. The county board of education may establish additional high schools; provided, that no junior high school of Form I may be established and maintained with fewer than 30 pupils in average daily attendance; and that no junior high school of Form II may be established and maintained with fewer than 50 pupils in average daily attendance—15 of whom shall have completed the eighth grade or its equivalent; and that no junior high school of Form III shall be established and maintained with fewer than 75 pupils in average daily attendance—30 of whom shall have completed the eighth grade or its equivalent; and that no senior high school shall be established and maintained with fewer than 75 pupils in average daily attendance;

provided, that nothing in this act shall be construed as abolishing any high schools now established.

The course of study to be taught in every high school authorized by this act shall be adopted by the board of education on the recommendation of the superintendent of schools; provided, that said course or courses shall be in accord with those adopted by the State board of education. In every junior high school of Form I there shall be at least one teacher who shall devote all of his time to the teaching of high-school subjects; in every junior high school of Form II there shall be at least two teachers who shall devote all of their time to the teaching of junior high school subjects, with an additional teacher for every additional 25 pupils or major fraction thereof; and in every junior high school of Form III there shall be at least three teachers who shall devote all of their time to the teaching of the subjects in the junior high school course of study; and in every senior high school there shall be at least three teachers who shall devote all of their time to the teaching of high-school subjects.

Junior high schools sharing in the State and county high-school funds shall be open without tuition to all children of the county; provided, that only those who have completed the eight grades of the elementary school or their equivalent shall be admitted to junior high schools of Form I; and that those who have completed the six grades of the elementary school or their equivalent shall be admitted to junior high schools of Form II or of Form III; senior high schools of four grades shall be open to all children of the county who have completed the eight grades of the elementary school or their equivalent; and senior high schools of three grades shall be open to all children of the county who have completed the ninth grade or its equivalent in a junior high school; provided that separate schools shall be maintained for white pupils and negro pupils.

All teachers in any type of high school provided in this act shall be qualified by education or otherwise for giving instruction in the subjects of the course of study, and no person shall be employed to teach any subject or subjects in said schools who does not hold a certificate issued by the State commissioners of education authorizing him or her to teach said subjects.

Rules and regulations for the classification and grading of high schools provided for by this act shall be made by the State board of education; and the course of study for all high schools shall be prescribed by the State board of education and shall include the Constitution of the United States.

The term of high schools provided for in this act shall be at least 9 months, or 36 weeks, in which time shall be completed 1 year of the adopted course of study. No high school shall be approved, or its graduates given diplomas or statements of credits by the State commissioner of education, or the average daily attendance of its students be counted in the distribution of the State and county high-school fund, that does not meet the provisions of this act as to number and

qualifications of teachers, number of students, school term, course of study, and such other conditions as may be prescribed by the State board of education under the provisions of this act.

Upon the completion of a junior high school course of study, pupils shall be given certificates of promotion to the next grade of the school system, and on completion of a course of study in a senior high school, as provided in this act, pupils shall be given diplomas of high-school graduation.

The county board of education shall collect tuition from high-school pupils from other States at the same rate as the average cost per pupil in the school or schools attended, and said tuition thus collected shall be paid into the hands of the county trustee to be placed to the credit of the county high-school fund of said county.

By agreement between two boards of education, high-school pupils residing in one county may be admitted to the high schools of the other county; provided that the pro rata share of high-school funds of such pupils shall be transferred to the trustee of the county wherein they attend. The superintendents shall keep a complete account of all funds thus collected and include the name of such pupils and the amounts paid by each in his quarterly report to the county court.

The county board of education shall have the power to make contracts with the proper authorities of private schools, or with city boards of education, whereby the county high school may be taught in said private or city schools; provided that the high-school branches be taught free of charge to all pupils of the county entitled thereto; provided further, that the authority of the State commissioner, county superintendent, and all public-school officers shall be as full and ample in such schools as in other county high schools; and provided further, that no teacher shall be employed in teaching the said high-school branches unless said teacher have a teacher's certificate of such grade as may be prescribed for said services, and unless the employment of said teacher shall be approved by the county board of education.—CHAPTER No. 71, PUBLIC ACTS OF TENNESSEE, 1931.

8. PUBLIC JUNIOR COLLEGES

Junior colleges with specific legislative authorization.—Public junior colleges are now found in approximately half of the States. A number of laws authorizing junior colleges provide for their establishment and maintenance in connection with high schools; and such colleges are regarded by many as an advanced part of secondary education. In California and Nebraska the laws specifically provide that junior colleges shall be a part of the secondary-school system. In 1928 the Louisiana State Department of Education recommended that "The junior college should organize and operate as a part of

the senior high school of the community in which it is located, with one principal and one staff of teachers. The work is secondary in character and is for adolescent youth, and there is every reason to place them together in one organization." The three general methods by which junior colleges have been established are: (1) By general laws specifically authorizing certain districts to establish junior colleges; (2) by special legislative acts applicable to a particular city or district; (3) by general law without specific legislative authority.

Fourteen States have statutes which specifically authorize cities or school districts under certain conditions to establish public junior colleges or schools of higher grade than the regular high school. These States are: [1] Arizona, California, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Pennsylvania, Texas, and Wisconsin. The statutes in a few of these States restrict the establishment of public junior colleges to districts having certain wealth, population, or school enrollment. The following conditions or restrictions are here noted: Arizona and Nebraska limit the establishment of junior colleges to districts having $5,000,000 or more valuation and 200 high-school pupils in average daily attendance. High-school districts in California in order to establish junior colleges must have sufficient valuation to yield, at a tax rate not to exceed 2 mills, an amount which, when added to State aid for junior colleges, will be deemed adequate for a junior college in the proposed area.

In Mississippi and North Dakota junior colleges are restricted to districts containing municipalities of not less than 10,000 population. The establishment of junior colleges in Wisconsin is limited to cities, and in Michigan to districts, having more than 14,000 population. Among the highest restrictions are those of Texas, where the establishment of junior colleges is limited to districts having $12,000,000 or more valuation and 400 or more pupils enrolled in high school. California and Texas require the approval of the State board of education, while Iowa, Missouri, and Nebraska require the approval of the State superintendent of public instruction

[1] In 1917 Montana authorized certain high-school districts to establish junior colleges and normal training courses in high schools. No junior colleges were established under this law. This law was repealed in 1931.

in order to establish junior colleges. A majority consent of the electors in districts proposing the establishment of junior colleges is required in Arizona, California, Iowa, Kansas, Louisiana, Michigan, Texas, and Wisconsin. In Minnesota, North Dakota, and Nebraska, 75 per cent, 66⅔ per cent, and 60 per cent, respectively, of the electors are required.

The legal provisions for public junior colleges in Pennsylvania warrant separate explanation. In 1927 Pennsylvania authorized public-school districts to lease property to any university or college of the commonwealth, approved by the State Council of Education, for the purpose of conducting and maintaining therein university or collegiate courses. Under this authority three semipublic junior colleges have been developed, one at Johnstown, one at Erie, and one at Uniontown. Buildings and equipment are furnished at public expense and the instruction and control are in the hands of the University of Pittsburgh. These three institutions are referred to by Professor Eells as "hybrids—private institutions operated in public-school plants." [2]

It may be noted here that in New York the State Board of Regents has jurisdiction over all higher institutions, including junior colleges, and the University of the State of New York has adopted regulations for the registration of such colleges. Any county in New York having more than 500,000 population and adjacent to a city of more than 2,000,000 may, upon approval of the State Board of Regents, establish a "university, college, academy, . . . or other institution or association for the promotion of science, literature, art, history, or other department or knowledge."

Legislation authorizing the establishment of junior colleges generally provides for their maintenance through local taxation. Substantial State aid is provided for by law in California, Mississippi, and Texas.

Junior colleges without specific legislative authorization.—In 1930 the North Carolina Supreme Court sustained the authority of the board of education of Asheville to maintain a junior college from the public-school funds. When the junior college was established Asheville was a special-charter school district and not subject to the limitations of the general

[1] Eells, Walter Crosby. The Junior College, Boston, Houghton Mifflin Co., 1930, p. 147.

school law. The legislature of 1929, by special act, changed the control and management of the schools of Asheville from the city board of commissioners to the city board of education which continued to maintain the junior college. In upholding the authority of the board of education to maintain the college the court said:

> The defendants [the board of education], as the successors of the board of commissioners of the city of Asheville, have the same powers and are under the same legal duties as said board with respect to the public schools. . . . We find no statute making the operation of said college mandatory. It is within the discretion of the defendants. The exercise of such discretion by defendants is not subject to judicial review.[8]

Other States which have maintained junior colleges without specific legislative authorization are Arkansas, Florida, Illinois, and Washington. In 1931 Superintendent Blair, of Illinois, wrote of that State: "It was ruled very early that there was no upper limit to the age of pupils who might be educated at public expense. Whenever boards of education so desire, they have given a year of post-graduate work in the high school for students who could not go away to college. The adding of two years was just an extension of this practice. The matter has never been passed upon by the courts."

In Colorado, Georgia, Idaho, North Dakota, Oklahoma, Tennessee, Utah, and West Virginia public junior colleges have been established by special legislative acts.

In the remaining 20 States it appears that few, if any, public junior colleges are maintained.

The Nebraska junior-college law.—The 1931 junior-college law of Nebraska is the most recent and complete initial enactment on the subject and embodies many features found in the laws of a number of other States. For these reasons there is given below a brief digest of the principal provisions of this law:

(*a*) *Where established.*—Junior colleges may be established in school districts having average daily attendance of 200 or more in high school, and an assessed valuation of $5,000,000 or more.

[8] Claxton, J. A., and V. T. Smith. Public Junior College Legislation in United States. College of Education Bulletin No. 61, University of Illinois, 1932. p. 21.

(*b*) *How established.*—Upon petition of 500 or more electors in any district asking for a junior-college district, together with a petition signed by a majority of the members of the board of education of the proposed junior-college district, the county superintendent having charge over the territory to be included in the proposed district shall transmit the same to the State superintendent of public instruction for approval. If the proposal is approved by the State superintendent the question shall be submitted for determination at an election to be called by the said county superintendent. If 60 per cent of the votes cast in such election favor the establishment of a junior-college district the same shall be established.

(*c*) *How controlled.*—The board of education of the school district in which a junior college is located shall constitute the junior college board and shall have the management and control of the said college. The junior college board may prescribe junior college courses of study, including not more than 2 years of work in advance of an accredited 4-year high school.

Junior colleges may provide courses of instruction designed to prepare for higher institutions of learning; courses of instruction designed to prepare for agricultural and industrial, commercial, home-making, and other vocations; and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community. The junior college board shall adopt regulations governing the organization of such courses of study and shall prescribe requirements for graduation from such junior college courses; provided, that the minimum requirements for graduation from such junior college courses of study shall be at least 60 credit hours of work . . . The State superintendent of public instruction shall prepare and publish from time to time standards and other regulations for the accreditment of such junior colleges, provide adequate inspection for junior colleges, and recommend for accrediting all such courses of study offered by junior colleges as may meet the standards and regulations as determined.

(*d*) *How supported.*—Provision is made for the maintenance of junior colleges by a junior college district levy based upon amounts estimated by the junior college board, provided that the levy for such purpose shall not exceed 2 mills. The junior college board is authorized to prescribe uniform tuition fees not to exceed $108 per year per

pupil. The junior college district may, upon petition of one-third of the qualified electors and upon approval of 60 per cent of the votes cast in an election on the question, borrow money and issue bonds for purchasing junior college sites, erecting buildings, and furnishing equipment. State funds for junior colleges is specifically prohibited.

Tendencies of and conclusions concerning junior college legislation.—The principal tendencies of junior college legislation are:

(1) To restrict their establishment to cities or districts which can adequately support such institutions, taking into consideration population, wealth, etc.

(2) To provide for their establishment and maintenance under the approval and regulation of State authority. Initial junior college legislation in Texas in 1929 and in Nebraska and North Dakota in 1931, and amendments to junior college laws in Arizona and California in 1931, are notable examples of these tendencies. State regulation of junior colleges is specifically provided for by statute in Arizona, California, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Dakota, New York, Pennsylvania, and Texas.

(3) Legislation authorizing the establishment of junior colleges generally provides for their maintenance through local taxation. Substantial State aid is provided for by law in California, Mississippi, and Texas.

(4) Apparently, junior college legislation tends to standardize junior colleges rather than to promote their establishment.

(5) Recent legislation and regulations of State departments seem to recognize the junior college as a part of secondary education.

CHAPTER IV: COMPULSORY SCHOOL ATTENDANCE, TUITION, AND TRANSPORTATION

I. LAWS ON COMPULSORY EDUCATION

Scope of this section.—Obviously there can be given here only a summary of those provisions of compulsory education laws which affect high-school attendance in a material way. Hence the treatment in this portion of the chapter is limited to a showing of the maximum school attendance ages, years of attendance required, and exemptions from these requirements by reason of educational attainments.

It is important to note that the period between the minimum and maximum compulsory attendance ages is 9 or more years in 32 of the States. (See Table 4.) At the normal rate of promotion of one grade per year this would result in sufficient attendance in these States to complete the usual junior high school course or the first year of the traditional 4-year high school. (See columns 4 and 5 of Table 4.) The average period of school attendance required in all States is 8.65 years. One State, Ohio, requires school attendance from 6 to 18 years of age, a total of 12 years. Another State, Nevada, requires 11 years. The years of attendance required in other States are as follows:

Eight States require 10 years: Delaware, Idaho, Maine, Maryland, New Mexico, North Dakota, Oklahoma, and Utah.

Twenty States and the District of Columbia require 9 years: Connecticut, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Rhode Island, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming.

Twelve States require 8 years: Alabama, Arizona, Arkansas California, Colorado, Minnesota, Montana, New Hampshire, Pennsylvania, Vermont, Virginia, and Washington.

Two States require 7 years: Louisiana and North Carolina.

Four States require 6 years: Georgia, Oregon, South Carolina, and Texas.

TABLE 4.—*Principal provisions of compulsory education laws affecting attendance in secondary schools*

State	Ages attendance required	Number of years attendance required	Years attendance normally required in secondary school		Ages attendance required in part-time, continuation, or evening school [1]
			Junior high school (or above sixth grade)	Traditional 4-year high school	
1	2	3	4	5	6
Alabama	8-16	8	2	0	
Arizona	8-16	8	2	0	14-16.
Arkansas	7-15	8	2	0	
California	8-16	8	2	0	14-21.[3]
Colorado	8-16	8	2	0	14-16.
Connecticut	7-16	9	3	1	14-16.
Delaware	7-17	10	4	2	14-16.
Florida	7-16	9	3	1	14-16.
Georgia	8-14	6	0	0	
Idaho	8-18	10	4	2	
Illinois	7-16	9	3	1	14-18.
Indiana	7-16	9	3	1	14-16.
Iowa	7-16	9	3	1	14-16.
Kansas	7-16	9	3	1	
Kentucky	7-16	9	3	1	14-16.
Louisiana	7-14	7	1	1	
Maine	7-17	10	4	4	
Maryland	7-16	10	4	3	
Massachusetts	7-16	9	3	1	14-16.[3]
Michigan	7-16	9	3	1	Under 17.
Minnesota	8-16	8	2	0	
Mississippi	7-16	9	3	1	
Missouri	7-14	9	3	1	14-16.
Montana	8-16	8	2	1	14-18.
Nebraska	7-16	9	3	1	14-16.
Nevada	7-18	11	5	3	14-18.
New Hampshire	8-16	8	2	0	16-21 if illiterate.
New Jersey	7-16	9	3	1	14-16.
New Mexico	6-16	10	4	2	14-16.
New York	7-17	9	3	1	14-18.[4]
North Carolina	7-14	7	1	0	
North Dakota	7-17	10	4	2	
Ohio	6-18	12	6	4	Under 18.
Oklahoma	6-18	10	4	2	16-18.
Oregon	8-16	8	2	0	14-18.

[1] Ages given in this column apply to certain minors where part-time, continuation, or evening school is established. In some States establishment of such school is permissive, and in some establishment is mandatory under certain conditions.

[2] Unless they can speak, read, or write English to degree of proficiency equal to that required for completion of sixth grade. (7496, Code.)

[3] 14-16 in continuation schools; 16-21 in evening schools, if sixth grade not completed. Local school committees may arrange classes for adults unable to speak or write English.

[4] Illiterates between 16 and 21 years must attend evening school where established.

TABLE 4.—*Principal provisions of compulsory education laws affecting attendance in secondary schools*—Continued

State	Ages attendance required	Number of years attendance required	Years attendance normally required in secondary school		Ages attendance required in part-time, continuation, or evening school
			Junior high school (or above sixth grade)	Traditional 4-year high school	
1	2	3	4	5	6
Pennsylvania	8–16	8	2	0	14–16.
Rhode Island	7–16	9	3	1	16–21 if illiterate.
South Carolina	8–14	6	0	0	
South Dakota	8–17	9	3	1	16–21 for illiterate.
Tennessee	7–16	9	3	1	14–16.
Texas	8–14	6	0	0	
Utah	8–16	10	4	2	16–18; 16–36 if illiterate.
Vermont	8–16	8	2	0	
Virginia	7–15	8	2	1	
Washington	8–16	8	2	0	14–18.
West Virginia	7–16	9	3	1	14–16.
Wisconsin	7–16	9	3	1	14–18.
Wyoming	7–16	9	3	1	

The maximum compulsory attendance age.—The average maximum compulsory age for regular school attendance is 16 years. Five States require attendance until 18 years of age: Idaho, Ohio, Oklahoma, Utah, and Nevada. Four other States require attendance until 17: Delaware, North Dakota, South Dakota, and Maine.

The following 31 States require attendance until 16 years of age: Alabama, Arizona, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Arkansas, Oregon, and Virginia require attendance until 15; and the remaining 5 States require attendance until 14: Georgia, Louisiana, North Carolina, South Carolina, and Texas.

Exemptions from compulsory attendance laws by reason of educational attainments.—The provisions for exemption from

school attendance on the ground of educational attainments are of especial interest with respect to high-school attendance. The extent to which these exemptions relate to secondary education is indicated by the following brief summary of the minimum amount of education necessary to exempt from school attendance children who are within the compulsory attendance ages.[1]

Four States require completion of high-school course: New York, Nebraska,[2] Nevada, and Ohio.

Thirty-four States and the District of Columbia require completion of elementary-school course: Alabama, Arizona, Arkansas, California,[3] Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan,[3] Minnesota, Mississippi, Missouri, New Hampshire, North Dakota, Oklahoma,[3] Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah,[3] Virginia, Washington,[3] West Virginia, Wisconsin,[3] and Wyoming.

Six States do not specify amount necessary: Massachusetts, New Jersey, New Mexico, North Carolina, Pennsylvania, and South Carolina.

Exemptions for employment permits.—Many students fail to attend high school due to the fact that low educational requirements for labor permits prevail in many States. It appears that the following States require completion of the eighth grade before employment permits will be issued: California, Delaware, Illinois, Indiana, Kansas, Maine, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey,[4] New York,[4] North Dakota, Oregon,[5] Rhode Island, Vermont, and Washington. Alabama, Maryland, and Ohio require the completion of the seventh grade.

Labor permits are granted upon completion of the sixth grade in the following States: Connecticut, Iowa, Louisiana,

[1] For a complete analysis of compulsory education, including exemptions, see Office of Education Bulletin, 1928, No. 20, Laws Relating to Compulsory Education, by Ward W. Keesecker.

[2] Where high schools or schools of equal grade are maintained.

[3] Completion of high-school course is required where part-time or continuation schools are provided, except that in Oklahoma and Michigan 2 years of the high-school course are required.

[4] If under 15, otherwise completion of sixth grade.

[5] Ruling of Industrial Welfare Board.

Massachusetts, Michigan, Pennsylvania, and West Virginia. In the following 11 States it appears that completion of the fifth grade or ability to read and write is all that is required for employment permits: Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Kentucky, New Hampshire, North Carolina, Oklahoma, and South Dakota.

The remaining 9 States, Mississippi, Nevada, New Mexico, South Carolina, Tennessee, Texas, Virginia, Utah, and Wisconsin, do not seem to have educational requirements in order to secure labor permits; Utah and Wisconsin, however, do not issue labor permits to children under 16 years of age.

Other exemptions from school attendance.—Twenty-two States have provisions for exemptions on account of distance from school under certain conditions:[6] Alabama, California, Florida, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin. The distance required to exempt varies in different States.

Eighteen States have provisions for exemption from school attendance for poverty reasons under certain conditions:[7] Arkansas, Colorado,[8] Connecticut, Florida, Idaho,[9] Louisiana, Montana,[8] Nebraska,[8] Nevada,[8] North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and West Virginia.

Fourteen States have indefinite provisions relating to exemptions (for reasons satisfactory to local school authorities, etc.): Arizona, Delaware, Georgia, Florida, Illinois, Indiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, Rhode Island, South Carolina, and West Virginia.

Seven States provide by legislation, subject to certain limitations, exemptions from school attendance in order to attend or comply with church observances: Illinois, Iowa, Michigan, Minnesota, Oregon, South Dakota, and West Virginia.

---

[6] Where free transportation is provided exemption is generally denied.

[7] Where clothes, or books, or other articles necessary to attend school are furnished, exemption is generally denied.

[8] If child is over 14 years old.

[9] If child is 15 years old.

2. PART-TIME EDUCATION

In a few States the establishment of part-time classes is specifically authorized and in more than half of the States their establishment is mandatory under certain conditions. Their establishment is generally mandatory upon towns and districts having a certain number of minors subject to provisions of compulsory school attendance who are by reason of lawful employment unable to attend during the regular day school. Where minors are employed or for some reason are not attending regular day school and where part-time or continuation schools are provided, attendance therein is compulsory unless excuse for physical or mental disability or for educational attainments is secured. The amount of attendance required in part-time continuation or evening schools in the different States ranges from 4 to 8 hours per week and generally extends over the same age-period as for the regular public school. A summary of the principal provisions for part-time education for each of the States is shown in Table 5.

TABLE 5.—*Summary of laws requiring attendance at part-time or continuation schools*

State	Kind of school	When establishment required and ages affected	Education necessary to excuse from attendance
1	2	3	4
Arizona	Part time	Where 15 or more employment certificates are issued to minors 14 to 16.	Completion of grammar-school course.
California	Continuation	High-school districts having 50 or more under 18 not high-school graduates and not attending regular day school.	Completion of 4-year high school or equivalent.
Connecticut	do	Required in districts with 10,000 or more population.	Completion of eighth grade.
Delaware	Part time	Where 15 or more between 12 and 16 hold employment certificates.	None mentioned.
Florida	do	Where 15 or more under 16 are lawfully employed and where Federal funds are provided.	Do.
Illinois	Part time or continuation.	Establishment not required; optional where 20 or more between 14 and 18 are not in regular school attendance.[1]	Completion of 4-year high-school course.
Indiana	Part time	Establishment optional [2]	Completion of eighth grade.

[1] Attendance compulsory where such schools are maintained.
[2] If such schools are maintained, attendance may be required by local school boards.

TABLE 5.—*Summary of laws requiring attendance at part-time or continuation schools*—Continued

State	Kind of school	When establishment required and ages affected	Education necessary to excuse from attendance
1	2	3	4
Iowa	Part time	Required in districts with 12,000 or more population; permitted in smaller districts.	None mentioned.
Kentucky	Continuation	Establishment optional [1]	Completion of eighth grade.
Massachusetts	do	Where 200 or more between 14 and 16 are employed; optional elsewhere.	None mentioned.
Michigan	Part time	Required in districts with 5,000 or more population and 50 or more under 17 not attending all-day school.	Completion of 2 years of 4-year high-school course or equivalent.
Missouri	do	Establishment optional; where established, attendance required if under 18 and not attending regular school.	Completion of eighth grade.
Nebraska	do	Where 15 or more between 14 and 16 are employed.	Graduation from high school.
Nevada	do	Where 15 or more between 14 and 18 are employed.[3]	Completion of eighth grade.[4]
New Jersey	Continuation	Where 20 or more between 14 and 16 have been granted age and schooling (employment) certificates.	None mentioned.
New Mexico	Part time	Where 15 or more employment certificates have been issued to children 14 to 16.[5]	Do.
New York	Part time or continuation.	Required in districts with 200 minors 14 to 18 not attending regular school; establishment optional elsewhere.	Completion of 4-year secondary course.
Ohio	Part time	Establishment optional [1]	Completion of course given in part-time school or high-school course.
Oklahoma	do	Where 20 or more 16 to 18 are employed.	Completion of 2 years of high school.
Oregon	do	Where 15 or more between 14 and 18 are employed.[6]	Completion of eighth grade.
Pennsylvania	Continuation	Compulsory where 20 or more children are eligible to attend.	Completion of sixth grade.
Tennessee	Part time	Establishment optional [1]	None mentioned.
Utah	do	Where 15 or more children would be subject to attendance.	Completion of work of senior high school.
Washington	do	Establishment optional [1]	Completion of 4-year high-school course or equivalent.
West Virginia	do	Compulsory in cities with 10,000 or more population; also where 50 or more 14–16 are not in regular school attendance.	Completion of eighth grade.
Wisconsin	do	Compulsory in towns with more than 5,000 population. Applicable to minors 14–18.	Completion of 4-year high school or equivalent.

[1] Attendance compulsory where such schools are maintained.
[2] Unless excused by State board of education.
[4] In addition to excuse for a specific reason by the local board of education.
[6] Unless excused by State superintendent of public instruction.

3. LAWS RELATING TO TUITION AND TRANSPORTATION OF HIGH-SCHOOL PUPILS

The problems.—The current problem of providing high-school facilities for all pupils who desire them includes the problems of providing transportation for those who live beyond a reasonable distance from an approved high school, and the payment of high-school tuition for nonresident pupils. This subject has received treatment in Monograph No. 8 of the Survey dealing with District Organization and Secondary Education. However, the legal provisions for pupil tuition and pupil transportation so vitally affect attendance in secondary schools that it seems desirable to consider briefly those provisions and to include also in this study a digest of laws on the subject.

Tuition for nonresidents.—Practically all States permit school districts to enter into agreements with adjoining districts for the instruction of nonresident pupils. Such provisions are generally designed to promote school economy or convenience, especially with respect to pupils living in districts which are unable to provide schools of suitable grade or where such schools are by reason of distance inconvenient for the attendance of certain pupils. Provisions of this kind are frequently especially applicable to high-school instruction.

Apparently all States, under certain conditions, authorize school districts to admit nonresident pupils to public schools. In a few States school districts are required to admit such pupils, provided they can be accommodated without prejudice to resident pupils. The tuition fees generally charged by such districts are uniformly paid from public funds (unless New Mexico and South Carolina are exceptions) when arrangements have been made therefor by the respective or appropriate school officials having authority over the matter. It is customary to provide that the amount of tuition shall be based on the average cost per pupil in average daily attendance, subject to express limitation in certain cases.

District funds.—In the following 32 States local school districts which do not maintain high schools are required by legislative provision to levy sufficient tax to pay the tuition of resident pupils who attend approved high schools in other

districts or counties: Arizona, Colorado,[10] Connecticut, Idaho, Illinois,[11] Indiana, Iowa, Kansas,[11] Kentucky, Louisiana,[12] Maine,[12] Maryland,[12] Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington,[11] West Virginia, Wisconsin, and Wyoming.

County funds.—The following States authorize counties wherein certain children are without access to high schools to levy sufficient tax to pay the tuition of such pupils who attend approved high schools in other districts or counties: Alabama, California, Florida, Georgia, Kentucky, Louisiana, Maryland, Montana, Nebraska, Nevada, North Carolina, Oregon, South Carolina, and Tennessee.

State funds.—The following States provide State aid to districts specifically for the payment of tuition of nonresident pupils attending approved high schools:

Connecticut, Missouri, and New York, not to exceed $50 per pupil per year.

Minnesota, $7 per pupil per month.

Texas, State reimbursement of district, if district levies 5 mills.

Vermont, not to exceed $60 per pupil per year.

Virginia, districts not maintaining high school but paying tuition of high-school pupils are permitted to share in State high-school fund.

In Arkansas nonresident pupils are provided for by the respective county boards of education and in Delaware by the State board of education. The districts in these States share in State apportionment on the basis of school population and enrollment, respectively.

In a number of other States the average daily attendance constitutes a basis for the distribution of the general State school funds to counties and districts; some of these States are: Arizona, California, Florida, Illinois, Maine (aggregate attendance), Montana, New Jersey (aggregate days' attendance), South Carolina (school enrollment), Tennessee, and Washington (aggregate attendance). Presumably in these States some State aid is allowed for nonresident pupils.

[10] Apparently under present constitution non-high-school districts may be not compelled to pay tuition of their pupils attending high school in another district.

[11] Levied by the county on the non-high-school district.

[12] County funds are also provided.

Transportation of school pupils to adjoining districts.—In a few States it appears that certain school districts are authorized to close their schools and transport their children to adjacent districts and at the same time retain their local identity, paying the transportation and tuition of such pupils and receiving State aid. For example, in Kansas, Montana, Nebraska, and Illinois, school districts having a small number of school children (fewer than 12 in Kansas, 5 in Montana and Nebraska, 6 in Illinois) may, when they deem it for the best interests of the pupils, close their schools and pay for the transportation of such pupils to another district. The towns of Massachusetts with less than 500 population which do not maintain high schools must provide transportation of high-school pupils to another town. In a number of other States school districts, under certain conditions and for the purpose of convenience or economy, are authorized to transport certain pupils to adjoining districts. Some of these States are: Arkansas, California, Connecticut, Florida, Idaho, Iowa, Kentucky, Michigan, Minnesota, Mississippi, New York, Oklahoma, and South Dakota.

Digest of laws on transportation and tuition.—Because of the current interest in the subjects of high-school tuition and transportation an abstract by States of the principal legal provisions is included here.

Alabama

Transportation.—The county board of education, where necessary, may provide transportation of pupils to and from consolidated schools.

Tuition.—City and county boards of education have authority to reach agreements whereby children in the city may attend the schools in the county and children in the county may attend schools in the city. In case of disagreement the issue is settled by the State board of education. Other nonresident pupils are admitted on terms prescribed by the local board of education.

Arizona

Transportation.—Boards of school trustees are authorized to provide transportation for any child or children when they deem it for the best interest of the district.

Tuition.—Tuition of nonresident pupils attending a high school is charged against the school district in which said nonresident pupil resides and the amount is levied and collected in the same manner as other school taxes.

Arkansas

Transportation.—Boards of school directors of any district may provide transportation to and from school when necessary.

Buses are not to be used to transport pupils in another district without the consent of the county board of education.

Tuition.—The county board of education shall have power, upon the petition of any person residing in any particular school district, to transfer the children or wards of such person to a district in the same county or to a district in an adjoining county for school purposes. (Transfer fee, $2.)

California

Transportation.—School boards may provide for transportation to and from high schools of pupils, except for pupils living within city limits. Cost shall be deemed part of cost of maintenance.

Upon approval of county superintendent transportation not to exceed $10 per pupil per month may be paid by the county for pupils attending high school in this or any adjoining State.

Tuition.—A pupil residing in one district may attend in another district upon terms agreed by the high-school boards of the two districts and if in another county upon the payment of a tuition by his county to the other county.

Pupils may attend high school in an adjoining State. The tuition may be paid by his resident county and raised by a county high-school tuition tax levied by the board of supervisors, on the approval of the county superintendent.

Colorado

Transportation.—Any school district may, by a majority vote of electors, transport children to and from school.

Where transportation is not feasible the high-school directors may pay the board of school children in lieu of transportation.

The board of directors of consolidated districts which contain two or more school districts of the first class, may transport pupils living 1 or more miles from any school building, whenever it deems it best to do so.

Tuition.—A pupil residing in one district may attend school in another district with the consent of the directors of the respective school districts and upon the payment of a reasonable tuition by the district in which the pupil resides.

Connecticut

Transportation.—A town not maintaining a high school must pay transportation of pupils to an approved school. A town maintaining a high school may authorize the high-school committee to provide transportation to and from school of any pupil or pay whole or part of the necessary cost thereof

Tuition.—Any town or incorporated school district not maintaining a high school shall pay tuition fee of any child residing in such district and attending a high school designated by the school committee of the town and approved by the State board of education.

Delaware

Transportation.—The school budget act for the biennium ending June 30, 1931, authorized 6.3 per cent of the total said budget for the transportation of pupils.

Tuition.—The State board of education has authority to govern the admission of pupils from the schools of one district to the schools of another district:

"For the more convenient administration of high-school attendance in the State and for the convenience and accommodation of high-school pupils of any section the State board of education is hereby empowered and directed, whenever and wherever they deem advisable to divide the State, or any section thereof, into high-school attendance districts and to prescribe rules and regulations governing the attendance therein.

"In case a pupil transfers from one school to another in Delaware (*a*) he shall be counted as enrolled in the school in which he attends the largest number of days; (*b*) if he attends the same number of days in each of two or more schools he shall be counted as enrolled in the school which he attended last."

District of Columbia

Transportation.—Transportation is provided for pupils attending schools for tubercular children and for pupils attending schools for crippled children.

Tuition.—Pupils not resident of the District and who do not pay taxes in the District in excess of the tuition charge or whose parents do not reside or are not engaged in public duties therein or pay taxes in the District of Columbia in excess of the tuition charge are required to pay a tuition fixed by the board of education.

Florida

Transportation.—Children between 10 and 16 years of age residing more than 3 miles from school are exempt from school attendance unless transportation is provided.

Tuition.—A pupil in one district may attend school in a special tax district upon consent of the trustees of the district. If in another county, upon the payment by his county school board of a pro rata share of expense estimated by trustees of such school.

(A State board rule recommends that county boards of education adopt a regulation requiring pupils from other States or counties to pay a specified tuition fee to the teacher, to be paid to the county superintendent and reported by the latter to the county board.)

County boards of public instruction of counties bordering on adjacent States may make arrangement with school authorities of adjoining counties in such States whereby pupils residing in such Florida counties may enter the schools of said adjoining counties. The county board shall pay such tuition as the respective school authorities may agree upon, and they may make arrangement for the transportation of such pupils.

Georgia

Transportation.—Whenever the county board of education or local district trustees deem it for the best interest of the school, they shall provide transportation of pupils and teachers to and from said school.

Tuition.—The tuition of nonresident pupils attending school in local-tax district is fixed by board of trustees in said district.

For pupils attending school in one county and residing in another, the county of residence shall reimburse other county in the ratio of attendance from the other county to the whole attendance.

Idaho

Transportation.—By majority vote of electors any common or joint common-school district not included in a high-school district may furnish transportation for high-school students residing within the district and attending the nearest high school.

Independent and joint independent district trustees may provide transportation to pupils of the district attending the nearest accredited high school.

Tuition.—All districts which do not maintain a 4-year high school shall pay tuition for pupils who desire to attend in another district. The tuition shall not exceed the actual average cost per capita of instruction and operation of said high school during the next preceding year.

Illinois

Transportation.—The board of education of any consolidated school district or community consolidated school district shall provide free transportation for pupils residing at a distance from any school maintained within such consolidated or community consolidated school district.

In districts having a population of fewer than 1,000 the board of directors may provide free transportation for pupils and may permit pupils to attend schools in other districts and furnish said pupils with transportation.

Whenever the number of children between the ages of 6 and 16 years in any district school shall be fewer than 6 it shall be lawful for the directors of such district to arrange for the transportation of pupils and when necessary provide free transportation for them to a neighboring school.

Tuition.—Upon the approval of the county superintendent any high-school pupil may attend a recognized high school more convenient in

some district other than the high-school district or non-high-school district in which he resides and the district in which said pupil resides shall pay the tuition of such pupil, provided said tuition shall not exceed the per capita cost of maintaining the high school attended.

School directors are authorized to admit nonresident pupils when it can be done without prejudice to the rights of resident pupils, and to fix the rate of tuition of such pupils.

Indiana

Transportation.—School trustees are empowered at their discretion to transport high-school pupils.

Tuition.—Transfers: Whenever a child can be better accommodated in another school corporation than in his residence or in a high school in an adjoining State, the school trustees shall grant an order of transfer upon application of the parent.

Tuition shall be paid for transferred pupils by the school trustees from a special or tuition fund in an amount equal to the per capita cost of education in the corporation to which the child is transferred.

Iowa

Transportation.—When there will be a saving of expense and also an advantage to children, the board may provide for the transportation for any child to or from school in the same or in another corporation and the expense shall be paid from the general fund.

Every consolidated school corporation shall provide transportation to and from school for every child living within said corporation and more than a mile from school; however, a vehicle is not required to leave any public highway and the board shall designate the routes.

In districts where schools have been closed for lack of pupils, transportation shall be provided for any child residing more than 2 miles from the nearest school.

Tuition.—Where resident corporation offers no 4-year high-school course, the pupil may attend any public high school or county high school in the State that will accept him.

The resident corporation shall pay from the general fund to the corporation in which pupil attends a tuition fee not to exceed $12 per month during the term he so attends, not exceeding four school years, and not exceeding the average cost of tuition in such high school.

Nonresident pupils and those sojourning temporarily in any school corporation may attend school therein upon such terms as the board may determine.

Kansas

Transportation.—School boards may provide transportation for pupils living in the district 2 or more miles from the school attended; they shall do so for pupils living 3 or more miles from school or in lieu thereof shall allow parents of said pupils a sum not less than 15 cents

per day for the transportation of their pupils; provided, 25 cents per school day shall be allowed parents or guardians of pupils living 5 or more miles from school.

Consolidated districts shall provide transportation to pupils who live 3 miles from school or in lieu thereof allow parents of pupils transported by own transportation an amount not to exceed 5 cents per mile, one way, per pupil and not to exceed $1 per pupil per day; provided, transportation privileges shall not apply to community high-school districts in counties of more than 8,000 population.

Tuition.—When a community is remote from a high school already in operation the county commissioners shall pay tuition not exceeding $2 a week or fraction thereof to a convenient high school within the county or in a county adjacent thereto.

When a county high school can accommodate more pupils than apply for admission vacancies may be filled by applicants from other counties upon payment of a tuition prescribed by the board of trustees.

Pupils residing in a school district not maintaining a high school with a 4-year accredited course may attend any accredited high school in said county or adjoining county. Tuition shall be paid by a special tax levy in said county. Tuition rate is $3 per week or fraction thereof.

Kentucky

Transportation.—Board of education shall pay the cost of transportation to and from schools for pupils for whom it makes no provision within the county or city of their residence or in an adjacent county, city, or district within 4 miles of their homes.

Consolidated districts have power to provide transportation by local taxation or out of county funds or otherwise.

Tuition.—Where pupil does not live within walking distance of a school in the district the school board may, by tuition contract, arrange for said pupil to attend in another district.

Pupils residing outside of city limits are admitted to public schools upon payment of tuition as the board may require.

Students may attend the most convenient high school in the county and the county in which he resides shall pay the tuition of said students.

Louisiana

Transportation.—Parish school boards may provide transportation for pupils living more than 2 miles from a school of suitable grades.

Tuition.—Children for whom adequate schools of suitable grade have not been provided may attend schools in an adjoining parish. The superintendent of the resident parish shall settle monthly for said instruction based upon per capita cost of instruction in the children's home parish.

Pupils may attend a city school if the parish of residence does not provide adequate schools of suitable grade. Parish superintendent shall settle monthly for said instructions on basis of per capita cost of

instruction in the schools which operate under the jurisdiction of the parish school board.

Maine

Transportation.—Any town may raise and appropriate a sum for the payment of conveyance or board of pupils attending secondary schools; provided, that for children residing on islands within the towns and cities, transportation shall be paid over regular lines.

Tuition.—Any youth who resides with parents or guardian in any town which does not maintain a standard secondary school may attend any approved secondary school to which he may gain entrance whose courses are approved by the State superintendent and the tuition shall be paid by the town in which he resides, said tuition not to exceed $125 annually per pupil.

Maryland

Transportation.—When average daily attendance in any school for two consecutive terms is fewer than 12 pupils said school may be closed by the county board of education and transportation provided for the pupils.

When schools are consolidated the county board shall pay, when necessary, for the transportation of pupils to and from such consolidated schools.

Tuition.—When county boards of education fail to make joint arrangement for each high-school pupil attending in an adjoining county, the board of the residence county is required to pay 60 per cent of the average cost per high-school pupil of all the counties of Maryland for the preceding year.

Massachusetts

Transportation.—Where a town of fewer than 500 does not maintain a high school a pupil may attend a high school in another town and the school committee shall provide funds for transportation up to 40 cents per day of actual attendance. If the school is more than 3 miles from his residence the town may be required to pay up to 80 cents per day of attendance.

Where towns form a union high-school district, transportation may be furnished when necessary.

Children living on islands may be provided transportation to school by the State board of education in cases where local authorities are not required by law to provide such transportation.

Transportation is furnished children living more than 2 miles from school. If the distance exceeds 3 miles but is less than 3 miles to some other school, transportation shall be furnished by the school committee to the other school.

When in the judgment of the department of education it is expedient that a pupil should board in the town of attendance, the town of residence may pay toward such board, in lieu of transportation, such sum as the committee may fix.

Tuition.—If a town of fewer than 500 does not maintain a high school it shall pay the tuition of resident pupils attending a high school in another town.

Whenever in the judgment of the department of education it is expedient that a pupil should board in the town of attendance, the town of residence may pay toward such board, in lieu of transportation, such sum as the committee may fix.

Michigan

Transportation.—In rural agricultural school districts the board of education shall provide transportation to pupils living more than 1 mile from school. In case fewer than 6 pupils reside on or near any one route, pupils may be boarded by consent of parents at some convenient place if cost is less than cost of transportation.

Tuition.—Where the district does not maintain a high school the district board is required to levy a tax sufficient to pay tuition to any high school approved by the State superintendent for pupils who desire to attend. Tuition is not to exceed the per capita cost per year of school attended but in no case exceed $60 per pupil per year unless the voters appropriate a larger sum.

The district board of a district maintaining a high school may pay tuition of its eighth-grade graduates to some other legal high school if in the judgment of said board the educational interests of such eighth-grade graduates will be better served.

Minnesota

Transportation.—A school board may provide free transportation to and from school at the expense of the district for pupils residing more than one-half mile from school.

Any school district transporting pupils of the district may transport pupils residing outside the district but attending school within the district upon such pupil presenting himself on one of the regular routes traveled in the transportation of pupils.

To receive State aid a consolidated school district shall arrange for transportation or board of pupils living 2 miles or more from school.

Tuition.—For the tuition of nonresident high-school pupils, the State shall pay to the school district furnishing such high-school instruction at the rate of $7 per school month, or major part thereof, for each nonresident pupil for not exceeding 10 months in a school year.

Mississippi

Transportation.—Trustees of a consolidated school, with the county superintendent, are authorized to provide transportation to and from schools attended for pupils residing in the district but living a distance of 2 miles or more from school.

On petition of a majority of patrons the county superintendent and trustees may provide transportation to any other school of such grades as they may designate and pay necessary tuition and other expenses.

Tuition.—Children residing in any district may attend school in another district with the consent of the trustees of both districts and of the county superintendent or county superintendents. Tuition is paid by the resident district or by the resident district and county as provided by law.

Missouri

Transportation.—Transportation may be furnished by a district to pupils living more than one-half mile from school upon two-thirds majority vote of taxpayers in district at election called by board of directors upon petition of 10 taxpayers of district.

State aid of $3 per month per pupil is provided for transportation of pupils living more than 2 miles from school.

Tuition.—Where pupils attend high school in another district the board of the residence district makes necessary arrangements with board of the district of attendance.

Free high-school tuition is provided all rural pupils; the State pays $50 per student and the local district pays the remainder.

Montana

Transportation.—Trustees of any district, when they deem it for the best interests of the district, may furnish transportation for pupils from their homes to schools, or board, rent, and tuition while attending a school.

Tuition.—Trustees of any district, when they deem it for the best interests of pupils, may close their schools and send pupils to another district and pay for their transportation and tuition.

Nebraska

Transportation.—Where there are fewer than five children between 7 and 16 years, inclusive, the board may use school funds for board and transportation and other expenses of said pupils attending in another district as arranged with the board of said other district.

All consolidated schools are required to furnish transportation for rural pupils.

Board of education of a city or a board of trustees of a high-school district, by a two-third vote of entire board is empowered to provide transportation to pupils.

Board of trustees of a high-school district by a two-third vote is empowered to contract with board of another district for instruction of pupils in first district and make provision for transportation of said pupils.

Tuition.—County high-school board of regents may admit pupils from without the county upon payment of tuition as board may prescribe.

Counties where county high school is not maintained furnish $3 per week or fraction thereof as tuition for pupils attending approved school.

Child remote from local school may attend a more convenient high school in an adjoining State and resident county pays the tuition.

Nevada

Transportation.—The board of trustees or board of education of each city, town, and district may use money from the county fund for the transportation of pupils to and from school.

Tuition.—No provision is made for tuition, but some counties provide county high schools; and counties not providing county high schools provide aid to establish approved high schools which admit all eligible pupils of said counties.

New Hampshire

Transportation.—The school board may furnish transportation to high-school students when it finds this desirable and shall furnish it when directed by the commissioner of education.

Tuition.—Any district not maintaining a high school or school of corresponding grade shall pay for the tuition of any child who with parents or guardians resides in said district and who attends an approved high school or academy in another district in this State.

New Jersey

Transportation.—Whenever in any district there shall be children living remote from the schoolhouse, the board of education of such district may make rules and contract for transportation of such children to and from school.

Tuition.—A child living remote from school in residence district may attend in an adjoining district with the consent of the county superintendent and the residence district shall pay the tuition charged by the other district.

A child who has completed the course of studies in the residence district may, with the consent of the board of education, attend school of a higher grade in another district and the board of education of the resident district shall pay the tuition charged.

New Mexico

Transportation.—No budget allowance for the transportation of pupils shall be made in any school district unless there are at least eight pupils of school age whom it is necessary to transport and no budget allowance shall be made for transportation of pupils residing within 3 miles of the school building.

Tuition.—A tuition, not greater than the average cost per capita, is charged for nonresident pupils. When nonresident pupils, their parents or guardians pay a school tax in the State the amount of such tax shall be credited on their tuition up to the amount of such tuition.

New York

Transportation.—Whenever a district contracts with another district for the education of the pupils residing in said district or whenever pupils reside remote from the schoolhouse the inhabitant voters of said district may authorize transportation of such pupils.

The commissioner of education has power in any central district to require said district to furnish transportation to such pupils as in his judgment require it.

Tuition.—Any district may decide by majority vote to contract for the education of all or part of the children of said district in another district.

The State appropriates to each district maintaining an approved academic department $50 per year for each nonresident pupil attending school in said district from a district not maintaining an academic department.

North Carolina

Transportation.—Upon the consolidation of two or more school districts into one by the county board of education the said board is empowered to make provisions for the transportation of pupils in the consolidated district that reside too far from the schoolhouse to attend without transportation.

Tuition.—The county board of education may permit children residing in a district having not more than 6 months' term to attend any school in the county for the full term of such school without payment of tuition; provided, sufficient space is available in the school to be attended.

North Dakota

Transportation.—If child resides 2 miles from school the board of education, except in consolidated schools, may pay the family whose child or children attend school a sum per day in proportion to the distance from school ranging from 5 cents per day for those living 2¼ miles from school to 50 cents per day to those living 5¾ to 6 miles from school, and 5 cents per one fourth miles per day beyond 6 miles; provided, the board at its option may (1) furnish vehicular transportation by public conveyance to such family, or (2) furnish such family the equivalent of such payment in lodging or tuition at some other public school if acceptable to the family.

Tuition.—A school district not having a full 4-year high-school course pays the tuition of pupils residing in said district attending a standard high school to complete such part of the course as is not offered by the resident district.

The attended district may charge not to exceed $2 per week for the time such nonresident pupil is in attendance.

Ohio

Transportation.—Pupils attending a high school maintained in a centralized rural school district are entitled to transportation. The board of education of any other district may provide transportation to a high school within or without the school district when deemed advisable by the county board of education.

Tuition.—Tuition of pupils residing in a district not maintaining a high school and attending in another district is paid by the district of residence.

District paying tuition of students in another district may furnish cost of said child's room and board or part of said cost, provided such amount is less than the cost of transportation and such action is approved by the county board of education.

Oklahoma

Transportation.—Transportation may be provided in union graded districts if so voted by 60 percent of voters present at the school meeting.

In consolidated districts the board may provide transportation to pupils residing 2 or more miles from school.

Tuition.—The district board may admit scholars from adjoining districts and base tuition upon previous year's prorata expenses per pupil in the district, and the resident district shall make provision for transfer fee in their annual estimate for tax levying.

Oregon

Transportation.—The school board may provide transportation to pupils residing more than 1 mile from school in the local district when authorized by a majority vote of the legal voters of said district.

District school boards of first and second classes may provide transportation for pupils when deemed advisable by the board.

A district board may, instead of providing transportation, furnish board and lodging for any pupil when, in the judgment of the board, it may be done at equal or less expense.

Tuition.—In counties in which there is no county high school, the county court levies a tax on all property not in a high-school district. Amounts so raised are used to defray tuition of pupils residing in a district in which there is no high school and attending a high school in another district.

Pennsylvania

Transportation.—The board of school directors in any district may, out of funds of the district, provide free transportation of pupils to and from school.

Tuition.—Pupils residing in a district in which no high school is maintained may attend the nearest and most conveniently located high school.

In districts in which the course terminates before the end of the twelfth year, pupils may attend the nearest or most conveniently located high school; provided pupils obtain permission of the school district in which the school is located.

Pupils attend the high schools in the other districts under the conditions stated above at the expense of the school board of the district in which they reside.

Rhode Island

Transportation.—The school committee shall provide suitable transportation to and from schools for pupils who reside so far from any public school as to make their regular attendance impracticable.

Tuition.—The school committee of any town not maintaining a high school shall make provision, at the expense of the town, for the free attendance of its children at some high school or academy approved by the State board of education. The rate of tuition shall not exceed the average cost per capita of maintaining said high school or academy.

South Carolina

Transportation.—The county board of education of each county shall designate official routes for the transportation of pupils to and from the public schools to be approved by the State department of education.

There shall be paid for transportation out of the State funds appropriated for the 6-0-1 school law the sum of $350,000 to the appropriation to the counties of the State on the basis of per pupil per mile of transportation on official routes.

Tuition.—Whenever pupils are transferred to a school district which has a special tax for the support of schools, the pupils may be required to pay, as tuition, an amount not exceeding the per capita portion of operation and maintenance cost of the school to which the transfer is made. (Per 1924 School Law.)

South Dakota

Transportation.—The board of education of a consolidated school district is authorized to provide transportation of pupils and it shall be the duty of the board to provide and maintain means of transportation for all pupils living more than 2½ miles from the school.

Tuition.—A pupil may attend any public high school or State educational institution of the State or an adjoining State furnishing a higher course of study than offered by the home district. The school district in which the pupil is enrolled shall be compensated by the school board of his home district. The tuition shall be the per capita cost per month of schooling a high-school student as determined by the county superintendent, not to exceed $15 per month per pupil.

When a pupil resides more than 10 miles from a high school in his district the school board shall make arrangements for the schooling of

said pupil at a nearer high school in another district or an adjoining State, if a nearer school exists.

Tennessee

Transportation.—The county board provides transportation for pupils who reside too far from the school to attend without such transportation and when the number of pupils justify and the same is paid for out of the public high-school funds for the transportation of pupils.

Tuition.—The county board of education collects tuition from pupils from other States at the same rate as the average cost per pupil in said high school.

Texas

Transportation.—Trustees of any district may make provision for the transportation of pupils.

Tuition.—A State appropriation has been made to reimburse any district for the payment of tuition for its nonresident high-school students, provided a local tax of not less than 50 cents for school purposes is levied in the district.

Utah

Transportation.—The minimum uniform educational program outlined provides for the transportation to and from school of all pupils living more than 2½ miles from school.

Tuition.—Law appears to be silent on the subject.

Vermont

Transportation.—A school district may provide transportation for its pupils attending high-school grades.

Tuition.—Each school district shall maintain a high school or furnish higher instruction for pupils at a high school within or without the State; said district shall pay the tuition of such pupils to an amount not to exceed $60 per school year per pupil.

Virginia

Transportation.—The school board shall provide transportation of pupils whenever such procedure will contribute to the efficiency of the school system.

Tuition.—Any county not actually conducting a high school, but paying tuition for its high-school pupils in high schools in other counties or cities out of the public funds, shall be permitted to share in the State high-school fund.

A county or city school board is authorized to charge tuition for its resident students attending high school, provided the money derived from taxation and other sources is not sufficient to operate both elementary and high schools free of tuition.

Washington

Transportation.—The board of directors are authorized to furnish transportation to pupils.

A school district can not lawfully pay for the board of a pupil instead of furnishing transportation of such pupil.

Tuition.—Tuition of pupils from a non-high-school district attending a high school in another district is paid by the non-high-school district.

West Virginia

Transportation.—The board of education has authority to provide at public expense for the transportation of pupils to and from school.

Tuition.—Boards of education in districts not maintaining a high school or assisting in the maintenance of a county high school must pay the tuition fee of all pupils in the district attending a public high school in other districts of counties or other schools of high-school grade within the county.

Wisconsin

Transportation.—The school district meeting may authorize the board to provide transportation for all children of school age residing in the district.

When in the judgment of the board and the parents it is to the advantage of the district and the child, the board may provide board and lodging in lieu of transportation and pay not exceeding $2 per week for same. The district is reimbursed $1 per week for child so boarded.

Tuition.—Pupils residing in a non-high-school district may attend a high school in another district and the tuition shall be paid by the residence district.

Wyoming

Transportation.—District boards are authorized to provide transportation to pupils.

Tuition.—Districts which do not maintain a 4-year high school shall pay tuition for pupils of such district who have completed the course offered therein and who desire to attend high school in another district.

CHAPTER V : STATE ADMINISTRATIVE AND SUPERVISORY CONTROL

1. CLASSIFICATION AND ACCREDITING OF SECONDARY SCHOOLS

Early in this study it was planned to deal with State regulatory and recommendatory standards along with State laws on the various phases of secondary education. It was revealed, however, that the functions of State control by legislation and the functions of State control by regulation were different in many respects and warranted separate treatment. The fields of control embraced by regulation do not as a general rule represent the same fields of control exercised by general legislation. Legislatures have confined their control principally to the general framework of the machinery for the administration of education. Legislatures have been primarily concerned about units of administration and support, sources of school money and general schemes for distribution thereof, school attendance, general functions of local and State school officers, and the like; while rules and regulations of State superintendents and State boards of education have been concerned principally with standards of instruction, classification, and methods of procedure.

General supervision or inspection of high schools by State school officials is provided for by law in approximately 30 States. It is noted, however, that in all the States, unless Colorado and Nevada are exceptions, under the general terms of the laws relating to the duties of State school officials varying degrees of State supervision or inspection of high schools are found. It is extremely difficult to determine the extent, degree or type of State control by a study of laws or published regulations. It is true that while standards prescribed by the State may vary in regidity and flexibility, the actual degree of supervision or inspection is often more determined by policies or programs of State departments concerning State administrative procedure for the promotion, standardization, and classification of high schools.

In all these States the supervision or inspection by State authorities is principally for the purpose of standardizing and classifying high schools for accrediting.

The principal bases for accrediting high schools which have been prescribed either by law or regulation in the different States are summarized in Table 6. An examination of this table is likely to give the impression that there exists a considerable similarity as to the nature and degree of the various State standards. In connection with the similarity of State departments of education standards it may be of interest to note the similarity of standards prescribed by regional accrediting associations dealt with in Chapter VI.

Laws which empower State departments of education to classify and accredit high schools seem to embody one or more of three general objectives: (1) Systematic arrangement of secondary schools, (2) State aid, and (3) accrediting the work done in secondary schools as a basis for entrance of students to higher institutions.

The definition of "classification" contained in the Texas Directory of Classified and Accredited High Schools, 1929, may be regarded as a general definition of classification in the majority of the States. On page 33 of that directory it is stated:

> By classification is meant: Establishing educational standards, encouraging schools to attain these standards, and certifying those that have attained them. Its purpose is to grade, correlate, and unify the schools into an effective system and to facilitate the transfer of students from one school to another. Classification depends upon the physical conditions under which school work is done.

In practically all the States the State department of education acts as the principal classifying and accrediting agency. California, Georgia, Kentucky, Mississippi, and Nebraska are exceptions. In California, high schools are accredited by the State university; in Georgia by an accrediting commission, composed of representatives of the State department of education and all of the colleges; in Kentucky by the Association of Kentucky Colleges; in Mississippi by the State high-school accrediting commission; and in Nebraska by the State university on the basis of reports from the State department of education. In Illinois,

Michigan, Wisconsin, and Wyoming the respective State universities also prepare lists of accredited high schools. See Table 8 for data on credits in different subjects for admission to colleges of liberal arts of State universities.

TABLE 6.—*Principal features of State standards for accrediting 4-year high schools*

State	Accredited by State department of education [1]	Length of recitation in minutes	Length of school year in days	Number of units required for graduation	Minimum number of teachers	Maximum number of classes per teacher	Textbooks prescribed by State authorities	Junior high schools recognized in State standards
1	2	3	4	5	6	7	8	9
Alabama	X	40	175	16	3	7	X	X
Arizona	X	40		15	3	6		
Arkansas	X	45	180	16	3	6		X
California	[1] X	40	160	(2)				X
Colorado	[1] X	40	180	15	[3] 3	6		
Connecticut	X	40	152	15½	3		X	X
Delaware	X	60	180	16			X	X
Florida	[4] X	45	160	16	2	5		X
Georgia	(5)		175	16	[3] 3	6		
Idaho	[6] X	40	172	16	3	6		
Illinois	(7)	40	180	16	[3] 3	6		X
Indiana	X	40	160	16	3	7	X	X
Iowa	X	40	180	(8)		6		
Kansas	X	40	180	15	3	7	X	X
Kentucky	X(9)	45	170	16	4	6	X	X
Louisiana	X	45	180	16	2		X	X
Maine	X	40	180	15	2	7		X
Maryland	X	40–45	180	16	2			X
Massachusetts	[10] X							X
Michigan	[11] X	45	180	15	[3] 3	6		X
Minnesota	X	40	180	16	[3] 3			X
Mississippi	(12)	45	160	16	3	6	X	
Missouri	X	40	180	16	3	6		X
Montana	X	40	170	15	2	5	X	
Nebraska	(13)			15	2			X

[1] State university.

[2] 170 credits; for entrance to the university candidate must have at least 15 standard units from school accredited by the university.

[3] May include principal or superintendent provided he teaches major portion of time.

[4] Standards for Florida are the same as those set up by the Southern Association.

[5] By the Accrediting Commission, 1931–32, of which the secretary of the department of education is a member. "The commission represents all the colleges, the high schools, and the State in approving a list of schools for certifying to the higher institutions." (See Subjects and Units Required by State Departments for Graduation.)

[6] High-school supervision is conducted under the joint sponsorship of the State board of education and the public institutions of higher education of Idaho. The purpose of the supervision is to provide a basis for classification and accrediting in accordance with the standards adopted by the State board of education.

[7] State board of education and university have separate lists. The State board has some schools on its list which are not on the university's list.

[8] Graduation requirements are based on rules and regulations adopted by the State board of education for admission to the State higher institutions.

[9] Accredited by the Association of Kentucky Colleges; the data on this line are taken from the accrediting rules of that association.

[10] Accredits for certification to State normal schools.

[11] Accredited by State department and State university.

[12] By State high-school accrediting commission.

[13] The State department inspects high schools, and the State university accredits high schools on basis of State department's reports of inspectors.

TABLE 6.—*Principal features of State standards for accrediting 4-year high schools*—Continued

State	Accredited by State department of education	Length of recitation in minutes	Length of school year in days	Number of units required for graduation	Minimum number of teachers	Maximum number of classes per teacher	Textbooks prescribed by State authorities	Junior high schools recognized in State standards
1	2	3	4	5	6	7	8	9
Nevada	(14)							
New Hampshire	X	40				8		
New Jersey	[15] X	40	180	[15] 15	4	5		
New Mexico	X	40	180	15			X	X
New York	X	45	180	15				X
North Carolina	X	45	160	16	3		X	X
North Dakota	X	40	180	15	7	7		X
Ohio	X	40	180	16	3	6		X
Oklahoma	X	45	176	16	3	6	X	
Oregon	X	40	180	15	3		X	
Pennsylvania	X	40	180	16	3	6		X
Rhode Island	X		190		3			
South Carolina	X	45	180	16	3	4	X	
South Dakota	X	40	170	15	3	6		
Tennessee	X	40	180	16	3	7	X	X
Texas	X	45	170	16	3	6	X	X
Utah	X	45	175	16		6	X	X
Vermont	X	40	180	(16)	3	8		X
Virginia	X	[17] 60	180	16	[3] 3	6	X	X
Washington	X	45	180	16	3			X
West Virginia	X	40	180	16	3	6		X
Wisconsin	[11] X	40	180	16	2	8		X
Wyoming	[11] X	40	180	16	3	6		X

[3] May include principal or superintendent provided he teaches major portion of time.
[11] Accredited by State department and State University.
[14] "The State Department has no method or program for accrediting the secondary schools of this State. There are no private secondary schools in Nevada and our State university accepts students from every high school in the State." (Letter from State Superintendent Walter W. Anderson, Jan. 15, 1932.)
[15] There seems to be no requirements for general high-school graduation, except that the State adopted the standards of the Middle States Association.
[16] Not less than 76 nor more than 85 credits; 72 "should be earned from prepared subjects."
[17] Except in vocational classes where 45-minute periods are permissive upon approval of the State supervisor of secondary education.

In Colorado there is little or no State supervision or inspection of high schools and no particular subjects are required for graduation. The high schools, however, must offer a well-balanced program which includes subjects to meet the needs of the community in so far as possible, and must include such courses as may prepare the pupil for entrance to the university if he so desires. The high schools are visited by representatives of the Bureau of High School Visitation of the State University and are accredited by that bureau.

The primary function of this bureau is to procure from the high schools of the State information which will serve as a basis for recommendations to be made to the University's Committee on High-School Relations and to the North Central Association of Colleges and Secondary Schools' Commission on Secondary Schools relative to the placing and retaining of high schools of the State on the accredited lists of the university and of the association. This information is gained through visits made to the high school by the high-school visitor and through annual reports made by the high schools concerned. The bureau also attempts insofar as possible, through lectures, conferences with teachers and administrators, and correspondence to stimulate progress in secondary education and to suggest procedures which will assist high schools to attain and maintain the standards and regulations governing accrediting by the university and by the association.—(UNIVERSITY OF COLORADO BULLETIN: EXTENSION DIVISION, ANNUAL REPORT NUMBER, JULY 1, 1930, TO JUNE 30, 1931. p. 31.)

With respect to Colorado it appears that the high-school system is less an integral part (legally) of the State system of free common schools than is usual among the American commonwealths. Seemingly, the legal significance of the Kalamazoo case has had less influence in this State. In this connection it is observed that the constitution of the State of Colorado, Article IX, provides:

The general assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors to be elected by the qualified electors of the district. Said directors *shall have control of instruction in the public schools of the respective districts.*

Under this constitutional provision the State legislature and State department of education have been regarded as having power only to make plans for improving secondary schools; they can not compel anything which will infringe upon or usurp the power of the local boards. High-School Opportunities in Colorado,[1] reports for Colorado as follows:

Returns from 54 of the 63 counties of the State show also that (1) at least three-fourths of the districts are without high schools; (2) 16 per cent of the boards in such districts do not pay any outside high-school tuition; (3) the boards in 13 per cent of all districts in the State do not pay outside high-school tuition; and (4) this refusal is confined to boards of directors in third-class districts only.

In Nevada an unusual degree of State supervision of elementary schools prevails, but little or no State supervision

[1] Published by Colorado State Teachers College, 1927, p. 76.

of high schools exists in law or actual practice. The local high-school systems enjoy well-nigh complete independence from State control. "The State Department has no method or program for accrediting the secondary schools of this State. There are no private secondary schools in Nevada and our State university accepts students from every high school in the State." (Letter from Superintendent Anderson, January 15, 1932.)

Two principal factors govern the relation of the State to local secondary-school officials, namely, equalization of high-school opportunities and the encouragement of progress. Dean Edmonson in 1929 summarized 16 major aims of State high-school leadership as well as inspection.[2] These aims and the order of their importance as ranked by State high-school supervisors are as follows:

(1) To instruct school authorities concerning ideals, standards, and good practices in school organization and management.

(2) To raise the level of instruction in high-school subjects.

(3) To improve the quality and increase the use of school libraries.

(4) To develop a feeling of professional leadership and responsibility on the part of the principals of larger schools.

(5) To secure the employment of more college graduates as teachers in high schools.

(6) To develop more attention to the supervision of classroom instruction.

(7) To restrict the range of subjects offered in the smaller high schools.

(8) To cause communities to provide modern school buildings.

(9) To develop an interest in the training of pupils in effective habits of study.

(10) To improve the quality of the care and upkeep of school buildings.

(11) To educate school boards relative to their duties and responsibilities.

(12) To enforce high standards for graduation from high schools.

(13) To introduce a thorough system of pupil records in the high schools.

(14) To bring about closer articulation between approved 4-year high schools and the smaller neighboring 2- and 3-year high schools.

(15) To bring about a better understanding of college requirements.

(16) To enforce State laws relative to high-school matters.

[2] Edmonson, J. B. The Extent to Which Standardization is Aiding Articulation of Units in the Public-School System. Address before the National Association of High-School Supervisors, Cleveland, Ohio, 1929.

Hill, in State High-School Standardization (1930),[3] found the following eight trends in State high-school standardization:

(1) The broader purposes of leadership are being emphasized rather than the narrower aims of inspection.

(2) Minor administrative features are being stabilized.

(3) Elementary school standards are being correlated with high-school standards.

(4) More than one classification of State high school is being provided.

(5) Suggested curricula for small schools are being set up, one which, when adopted by the local unit, becomes relatively fixed.

(6) "Adequate" or "required" or "suitable" library requirements are being changed to a specific number of volumes, or amount of money invested in the library.

(7) "Adequate" laboratory apparatus is being changed to a specific list.

(8) Standards are being set up for junior high schools and 6-year high schools.

8. COURSES OF STUDY FOR HIGH SCHOOLS

Different methods of control.—Two principal methods of State control of the high-school curriculum are in operation: (1) Direct prescriptions of certain subjects by the legislature and (2) direct control through State school officials. By reason of this dual system the legal status of the high-school curriculum is considerably involved.

Legislative prescriptions.—The subjects required to be taught in "public schools" and "common schools" by legislation in the different States and the number of States so requiring are indicated in Table 7. Practically in no case is there statutory prescription of the amount of time to be given to the required subjects. While the term "public schools" includes high schools, it is not always clear whether these subjects are required in high schools; and judging from practice they are not in many cases. Many of these subjects were required before high schools were widely established. There is no agreement as to what is required by law to be taught in high school, nor is there any agreement as to what

[3] Hill, Henry H. State High-School Standardization, in Bulletin of the Bureau of School Service, Vol. II, No. 3, March, 1930, College of Education, University of Kentucky, Lexington, Ky.

should be required by law. Patty reported 87 different subjects prescribed by statutes in the different States;[4] Troxel reported 43;[5] and Lide reported 13 subjects required in high schools in two or more States.[6]

The statutes of most States provide that the course of study in public high schools shall be approved or may be prescribed by the State department of education or the State superintendent of public instruction. It is at this point that there is found considerable overlapping and uncertainty as to authority with respect to the subjects required in high school. For example, practically all the States—apparently 46—empower State departments or State superintendents to approve or prescribe high-school subjects; while 20 or more States authorize local school authorities to prescribe or approve the course of study; and 10 States (according to Troxel) authorize county school authorities to prescribe courses of study. Hence it appears that in many States the power granted to district and county school authorities to prescribe courses of study for high schools is subject to the approval of the State authorities in practically all States. This legal situation has left the way open for State control of the public high-school curriculum by State school officials rather than State control by legislative enactments. Legislative prescriptions as to courses of study seem to have more application to elementary schools than to high schools; while State control of the high-school curriculum by regulation of State school officials is the predominant policy.

[4] Patty, W. W. Legal Basis of the Public Secondary Education Program of the United States, 1927. p. 227.

[5] Troxel, O. L. State Control of Secondary Education, 1928. p. 50.

[6] Lide, E. S. The Legal Basis of Public-School Organization and Support. Unpublished doctor's dissertation.

TABLE 7.—*Character and extent of legislative control of public-school and common-school curriculums, 1930*

Subject	Number of States	Subject	Number of States
Nature of alcoholic drinks	48	Drawing	13
Physiology and hygiene	39	Bible	13
History (United States)	38	Prevention of communicable diseases	12
Constitution (United States)	38	Composition	12
Reading	36	Language	11
Arithmetic	36	Music	9
Geography	35	Manual training	7
Writing	34	Domestic science	7
Spelling	34	Thrift	5
Grammar	32	Safety	4
Physical training	29	Hygiene and sanitation	4
Citizenship	26	Elementary science	4
History (State)	22	Algebra	3
Civil government	22	Preservation of birds and game	2
Morals	21	Industrial work	2
Humane treatment of animals	20	Spanish	1
Health	17	Forestry	1
Agriculture	14		

With respect to high-school subjects it is apparently especially desirable that legislative enactment should indicate ideals to be attained rather than the subjects to be taught and the time to be given to the same.

The authority for State control of the high-school curriculum by State school officials is subject to the general constitutional prohibition in every State that no subject shall be taught or used as propaganda or in a partisan manner, and provided also that it is not sectarian or prejudicial to race or color.

Subjects prescribed by State officials.—By reason of the general authority vested in State school officials with respect to State courses of study it is appropriate to note here the extent and the character of State administrative requirements which affect high-school courses of study. Hence there is presented here a digest of the subjects and units required by the different State departments of education for graduating from 4-year accredited high schools. This digest is based upon a study of such publications and circulars from

State departments of education as were available in the Office of Education in 1931.

The subjects and units required by State departments of education for graduation from 4-year accredited high schools are as follows: [7]

ALABAMA. No particular subjects are specified for graduation, but the State department of education lists the subjects and units in each that will be accredited by institutions of higher learning of the State. Sixteen units are required for graduation.

ARIZONA. *Required:* English, 3 units; social science, 2 (must include 1 year in American history, one-half year in civics and constitutions); laboratory science, 1. *Electives*, 9. Total, 15 units.

ARKANSAS. *Required:* English, 4 units; history, 1. Additional group requirements: One group of 3 units; three groups of 2 units each. Group requirements may be in mathematics, science, social science, languages, commercial subjects, manual arts, fine arts, normal training subjects, agriculture, and home economics. (Subject elective according to group requirement.) Total, 16 units.

CALIFORNIA. *Required:* English, 30 credits; laboratory science, 10; United States history and civics, 10; physical education, 10 (unless exempt); a major of 30 credits to be elected from a number of subjects listed. *Electives*, 80. Total, 170 credits.

COLORADO. No particular subjects are specified for graduation, but the schools must offer a well-balanced program which includes subjects to meet the needs of the community in so far as possible, and include such courses as may prepare the pupil for entrance to the university if he so desires.

CONNECTICUT. No particular subjects are specified for graduation.

DELAWARE. *Required:* Subjects and units required vary according to curriculum pursued. The curriculums authorized and subjects and units required therein are as follows:

(*a*) Academic: English, 4 units; general science, 1; mathematics, 3; Latin, 2; United States history, 1; foreign language, 2; civics and economics, 1; total, 14 units.

(*b*) Scientific: English, 4 units; general science, 1; mathematics, 2; biology, 1; foreign language, 2; United States history, 1; civics and economics, 1; science III or IV, 1; total, 13 units.

(*c*) General: English, 4 units; general science, 1; United States history, 1; civics and economics, 1; total, 7 units.

(*d*) Vocational agriculture: English, 4 units; general science, 1; vocational agriculture, 3; biology, 1; civics and economics, 1; United States history, 1; total, 11 units.

(*e*) Vocational home economics: English, 4 units; general science, 1; vocational home economics, 3; biology, 1; civics and home economics, 1; United States history, 1; total, 11 units.

[7] Exceptions are provided for vocational and special courses.

(f) Commercial: English, 4 units; general science, 1; commercial, 5; civics and home economics, 1; bookkeeping, 1; United States history, 1; total, 13 units.

Electives vary according to curriculum pursued. Total required for graduation, 16 units.

FLORIDA. *Required:* English, 4 units; mathematics, 1; social studies, 2 (1 of which shall be in American history and civics); science, 1 (general science in ninth grade or biology in tenth or eleventh grade); home economics (girls), 1. *Electives*, boys, 8; girls, 7. Total, 16 units.

GEORGIA. *Required:* English, 4 units; mathematics, 2; social science, 1; history, 2. *Electives*, 7. Total, 16 units. ("The program of studies must include sufficient unit courses to meet the entrance requirements of 15 units used by the higher institutions of learning of the State. . . . Sixteen units should be required for graduation of each high-school pupil.")

IDAHO. *Required:* English, 3 (4 units if pupil is not taking Latin or a modern language); mathematics and algebra, 2; science, 2; social science and history, 2 (includes American history and government). *Electives*, 7. Total, 16 units.

ILLINOIS. *Required:* English, 4 (3 permitted in large high schools); science, 1, or physiology one-half (either must include 40 lessons in physiology); history, 1 (American history or American history and civics). *Electives*, 10 to 11½. Total, 15 units.

INDIANA. *Required:* English, 3 units; social studies, 3; mathematics, 1; science, 1; health, 1. *Electives*, 7. Total 16 units.

IOWA. *Required:* English, 3 units; algebra, 1; geometry, 1; social science and history, 1½. *Electives*, 8½. Total, 15 units.

KANSAS. *Required:* English, 3 units; social science, 2 (includes one-half unit of Federal Constitution). *Electives*, 10. Total, 15 units.

KENTUCKY. No particular subjects are specified, but State department of education urges that college entrance requirements be kept in mind at least for those who contemplate entering college (minimum entrance requirements to the State university are: English, 3 units; algebra, 1; plane geometry, 1); also suggests the subjects and units recommended by the Southern Association of Colleges and Secondary Schools. Sixteen units are required for graduation.

LOUISIANA. *Required:* English, 4 units; arithmetic, one-half; algebra, 1; geometry, 1; foreign language or vocational subjects, 2; science, 2; history, 2. *Electives*, 3½. Total, 16 units.

MAINE. *Required:* English, 4 units; mathematics, 1; social science and history, 1. *Electives*, 9. Total, 15 units.

MARYLAND. *Required:* English, 4 units; mathematics, 1; science, 2; social science, 1; required special subject, 1. *Electives*, 7. Total, 16 units.

MASSACHUSETTS. No particular subjects are specified for graduation by the State department of education. "It is recommended that in an approved 4-year high-school course there shall be at least 3 units of English, 2 of mathematics, 3 of social studies—including 1 unit of

American history, 1 of economics and civics—and 1 of some laboratory science." (High-School Manual, 1928.)

MICHIGAN. No particular subjects are specified for graduation. State department of education recommends for approved 4-year high schools at least 3 units of English, 2 of mathematics, 3 of social studies (including 1 unit of American history and 1 of economics and civics), and 1 of some laboratory science. "The program of studies must include sufficient units to enable the student to meet the entrance requirements of the University of Michigan." (Standards of High Schools Accredited by the University of Michigan.)

MINNESOTA. *Required:* English, 4 units; plus a minimum of 1 "credit course in history and government of the United States which shall be taken in the eleventh and twelfth year or both, and which shall provide specifically for the study of the Declaration of Independence and the Federal Constitution"; and a minimum of "six credit courses chosen from the fields of social studies, science, mathematics, foreign language." (Standards of Elementary and Secondary Schools, 1929.)

MISSISSIPPI. *Required:* English, 4 units; algebra, one-half; geometry, 1; history, 2. *Electives*, 7½. Total, 15 units.

MISSOURI. *Required:* English, 3 units; mathematics or algebra, 1; science, 1; social studies, 3 (includes citizenship, 1, American history, 1, social studies elective, 1); physical education, 1. *Electives*, 7. Total, 16 units.

MONTANA. *Required:* English, 3 units; American history and government, 1 (a 2-unit course in American history and problems of American democracy required in the eleventh and twelfth grades may be substituted for this requirement). *Electives*, 11. Total, 15 units.

NEBRASKA. *Required:* No specific subjects are required by the State department of education for graduation. The Nebraska statutes provide that the State university shall prescribe a course of study precedent to admission, and that "the course of study for the high-school grades shall be the Nebraska High-School Manual issued jointly by the University of Nebraska and the State superintendent of public instruction." The university committee on accredited schools accredits on the basis of reports of inspection made by officials of the State university. Subjects required by the university authorities are: English, 2 units; algebra, 1; geometry, 1; language, 1. *Electives*, 11. Total, 16 units.

NEVADA. No particular subjects are specified for graduation. "The State department has no method or program for accrediting the secondary schools of this State. There are no private secondary schools in Nevada and our State university accepts students from every high school in the State." (Letter from State Superintendent Walter W. Anderson, January 15, 1932.)

NEW HAMPSHIRE. No particular subjects are specified for graduation. The law requires the State board of education to approve high schools and all academies which desire its approval, provided such schools meet the standards prescribed by the State board. State

approved high schools are required to teach such subjects as are required for admission to higher institutions, and the latter accepts graduates from said high schools on trial.

NEW JERSEY. *Required:* English, 4 units; mathematics or algebra, 1; science, 1; social science and history, 1; and 1 additional unit of history, science, or mathematics. (These 8 units are required for graduation of high-school students who expect to enter State normal schools or teachers colleges.) There seems to be no requirement for general high-school graduation, except that the State adopted the standards of the Middle States Association for accrediting high schools. *Electives*, 7. Total, 15 units.

NEW MEXICO. *Required:* English, 3 units; mathematics, 2 (required, except where student has selected a definite vocational objective in home-making, commercial work, industrial pursuit, or agriculture, and the local schools may require it in these courses); physiology and hygiene, one-half; social science and history, 1. *Electives*, 8½. Total, 15 units.

NEW YORK. *Required:* English, 3 units; American history, 2; science or mathematics, 2; 3 units in some academic, classical, vocational, or technical subject. The remaining units required for graduation provide for elective courses, except that instruction in civics and physiology and hygiene is required by statute (the last is covered by courses in biology or general science). Total number required, 15 units.

NORTH CAROLINA. *Required:* English, 4 units; mathematics, 2; foreign language, 2; science, 2; social science (including history and civics), 2. (The units specified are required for graduation "with some exceptions.") *Electives*, 4. Total, 16 units.

NORTH DAKOTA. *Required:* English, 3½ units (including one-half unit of composition); mathematics, 1; science, 1; social science and history, 1; physical education, 1 (required by law for graduation). *Electives*, 7½. Total, 15 units.

OHIO. *Required:* English, 3 units; algebra, 1 (other mathematical subject may be substituted if accompanied by evidence that it is to the pupil's best interests); science, 1; social science and history, 2. *Electives*, 9. Total, 16 units.

OKLAHOMA. *Required:* English, 3 units; mathematics, 1; science, 1; history, 1; and a major consisting of 3 units of one subject or two minors consisting of 2 units in each of two subjects. Total, *elective* and *required*, 16 units.

OREGON. *Required:* English, 3 units. No pupil will be graduated "who has not earned 1 credit in American history and one-half credit in civics."

PENNSYLVANIA. *Required:* English, 3 units; mathematics, 1; science, 1; social science and history, 2. *Electives*, 9. Total, 16 units.

RHODE ISLAND. No particular subjects are required for graduation.

SOUTH CAROLINA. *Required:* English, 4 units; "1 major, 3 units; 1 minor, 2 units; another minor, 2 units." *Electives*, 5. Total, 16 units.

SOUTH DAKOTA. *Required:* English, 4 units; mathematics or algebra, 1; science, 1; American history, ½; American government, ½. *Electives*, 8. Total, 15 units.

TENNESSEE. *Required:* English, 4 units; algebra, 2; geometry, 1; science, 1; history, 1. *Electives*, 7. Total, 16 units.

TEXAS. *Required:* English, 4 units; foreign language, 2; science, 2; American history or civics, 1 or ½ unit of each. (Eighteen hours of instruction is required in Federal and State Constitutions and may be included within American history or civics.) *Electives*, 7. Total, 16 units.

UTAH. *Required:* English, 3 units; mathematics and science, 3 (must be at least 1 of each); social science, 1; history, 1. *Electives*, 8. Total, 16 units.

VERMONT. No particular subjects are specified for graduation. The number of credits required for completion of the 4-year course "should not be less than 76 and not more than 85, of which 72 should be earned from prepared [or recommended] subjects."

VIRGINIA. *Required:* English 4, units; mathematics, 2; science, 1; social science and history, 2. *Electives*, 7. Total, 16 units.

WASHINGTON. No particular subjects are specified for graduation. "Sixteen units or 32 credits are required for graduation from a fully accredited high school. The sixteenth unit may be in such subjects as spelling, penmanship, music, debating, physical training, and other extra school activities possessing educational value, according as principals and superintendents may determine (State Board, 1925)." (Guide Book for School Officers, p. 74. 1930.)

WEST VIRGINIA. *Required:* English, 3 units; social studies, 3; science, 1; mathematics, 1; health and physical education, ½. (The total number of units required for graduation is not given.)

WISCONSIN. *Required:* English, 3 units; science, 1; social science, 1; history, 1. *Electives*, 10. Total, 16 units.

WYOMING. No particular subjects are specified for graduation, but the program of studies in every 4-year high school shall offer: Three units of English, 2 of foreign language, 2 of mathematics, 3 of social studies, 2 of natural science, and 3 units of vocational or prevocational subjects.

Subjects prescribed by institutions.—Originally secondary education was primarily controlled by universities. University determination of secondary-school standards has continued, but in a rapidly diminishing degree. At present more than 40 State departments of education exercise major control over secondary schools. In fact, the shift of control from universities to State departments of education has been well-nigh complete in this country. This is particularly the case insofar as direct, legal, and administrative authority is concerned. Of course, the indirect influence exercised by the

admission requirements of colleges and universities still remains a determining factor in shaping secondary-school standards. The trend toward State department control has been accompanied by a broadening conception of State administration emphasizing State leadership and guidance rather than mere State inspection. Table 8, reproduced from Office of Education Bulletin, 1930, No. 24, page 5, indicates the nature and extent of control now generally exercised by college and university entrance requirements.

TABLE 8.—*Requirements for admission to the college of liberal arts of State universities*

State	Total units required	English	Mathematics	Algebra	Geometry	Foreign language	Latin	Science	Social science	History and civics	History	Additional units	Electives
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Alabama	15	3	2								1		9
Arizona	15	3		1	1	2		1		1			6
Arkansas	15	3	2								1		9
California	15	3	2			2		1			1		6
Colorado	15	3	2			2		[1] 2			2		4
Delaware	15	3	2			2		1			1		6
Florida	16	3	2				2	1			1		7
Georgia	15	3	2½			3 or 4					2		4½ or 3½
Idaho	15	3	2			2		2	2				4
Illinois	15	3	2			2							[2] 8
Indiana	16	3	2			2		1			1		5
Iowa	15	3	2						1½			(3)	4
Kansas	15	3		1	1			1			1		8
Kentucky	15	3	2										10
Louisiana	16	3	2½			2					1		7½
Maine	15	3	2			4					1		5
Maryland	15	3	2					1			1		8
Michigan	15	3	2			2		1					7
Minnesota	15	[4] 4	2										[5] 9 or 10
Mississippi	15	3	2½								2		7½
Missouri	15	3	2			2		[6] 1					6
Montana	15	3									1	(7)	5
Nebraska	15	3	(8)			(8)		1			[9] 1		5
Nevada	15	3	2									5	5
New Hampshire	15	3	2					1	1				8

[1] Including 1 unit of physics or of chemistry.
[2] Not to exceed 4 in commercial and vocational subjects.
[3] 4½ units of group electives.
[4] English 3, if accompanied by 4 units of foreign language.
[5] Not to exceed 4 in vocational subjects.
[6] Laboratory science.
[7] 6 units of group electives.
[8] Mathematics and foreign language, 5.
[9] European history.

TABLE 8.—*Requirements for admission to the college of liberal arts of State universities*—Continued

State	Total units required	English	Mathematics	Algebra	Geometry	Foreign language	Latin	Science	Social science	History and civics	History	Additional units	Electives
1	2	3	4	5	6	7	8	9	10	11	12	13	14
New Jersey	15	3		2	1	2						[10] 1	6
New Mexico	15	3										4 or 6	[5] 8 or 6
North Carolina	15	3 or 4	2½ or 3			4					1		4½
North Dakota	15	3	1										[7] 5
Ohio	15	3	2			4		[11] 2		1			3
Oklahoma	15	3	2										10
Oregon	15	3		1	1	2		1	1			1	5
South Carolina	15	3	3				(12)	1			2		3 or 4
South Dakota	15	3		1	1			1		1			8
Tennessee	15	3	2½			4							[13] 5½
Texas	15	3	3			2			1		1		5
Utah	15	3	2								1		9
Vermont	15	3		1½	1	2					1		6½
Virginia	15	3	2½								1		8½
Washington	[14] 12	2			1	2							7
West Virginia	15	4		1	1							5	4
Wisconsin	15	3	2									(13)	8
Wyoming	15	3										5	[13] 7
Outlying parts of the United States													
Hawaii	15	3		1								6	5
Puerto Rico [15]													
Philippine Islands	15	5	2					[11] 1	1				6

[5] Not to exceed 4 in vocational subjects
[7] 6 units of group electives.
[10] Solid geometry and plane trigonometry, or third year of foreign language.
[11] Chemistry or physics, 1; biology, 1.
[12] 3 or 2 in modern language.
[13] Not to exceed 3 in vocational subjects.
[14] When work is done entirely in 10th, 11th, and 12th grades.
[15] 2 units in 1 foreign language, or science, or history.
[16] Graduation from an accredited high school with not less than 17 year-units.

3. LAWS RELATING TO TEXTBOOKS

Free textbooks.—Another important method of State control of the high-school courses of study arises from State laws which relate to textbooks for public schools. More than half of the States now have laws which either require or authorize free textbooks for high schools and for the selection of high-school textbooks by State authorities. The general character of these laws and the States in which they exist are shown in Tables 9 and 10.

TABLE 9.—*Principal provisions of laws requiring free textbooks*

State	Unit paying the cost	Applicable to—	
		Elementary grades	High-school grades
1	2	3	4
Arizona	State	X	
California	do[1]	X	X
Connecticut	Town or city	X	X
Delaware	State	X	X
District of Columbia	Federal and District	X	X
Florida	State	X	
Maine	Town or city	X	X
Louisiana	State	X	X
Maryland	do	X	X
Massachusetts	Town or city	X	X
Montana	District	X	X
Nebraska	do	X	X
Nevada	do	X	X
Kentucky	State	X	
New Hampshire	Town or city	X	X
New Jersey	do	X	X
Oklahoma	State	X	(2)
Oregon	District	X	
Pennsylvania	do	X	X
Rhode Island	Town or city	X	X
New Mexico	State	X	
South Dakota	County	X	X
Texas	State	X	X
Utah	County	X	X
Vermont	Town or city	X	(3)
Wyoming	District	X	X

[1] Elementary textbooks printed by State printing office.
[2] Grades 1 to 6, inclusive.
[3] May furnish for high schools.

TABLE 10.—*Principal provisions of laws authorizing free textbooks*

State	Unit paying the cost	Applicable to—	
		Elementary grades	High-school grades
1	2	3	4
Alabama	County or district	[1] X	X
Arkansas	District	X	[2] X
Colorado	do	X	
Georgia	County or district [3]	X	X
Idaho	District	X	
Illinois	do	X	
Iowa	do	X	
Kansas	do [4]	X	X
Michigan	do	X	
Minnesota	do	X	
Mississippi	County or district	X	
Missouri	District [5]	X	X
New York	do	X	X
North Carolina	County or district	X	
North Dakota	District	X	
Ohio	do	X	X
Virginia	County or city	X	X
Washington	District	X	
West Virginia	do	X	X
Wisconsin	do	X	X

[1] Free textbooks for grades 1 to 6, inclusive, required in any county having between 105,000 and 300,000 population.
[2] Implied.
[3] State board of education may provide (1931.)
[4] Books printed by State printing office; sold at cost to local districts.
[5] State subsidy.

State adoption of textbooks.—In 25 States textbooks for elementary public schools are selected either by the State board of education or a specially created textbook commission. The States and the titles of the boards making the selection and the periods for which selected are as shown in Tables 11, 12, and 13.

TABLE 11.—*State adoption of textbooks*

State	Title of State agency which adopts textbooks	Period of adoption (years)	Elementary grades	High-school grades
1	2	3	4	5
Alabama	Textbook commission	6	X	(1)
Arizona	Board of education	5	X	(1)
Arkansas	Textbook commission	6	X	
California	Board of education [2]	4	X	[3] X
Delaware	do	4	[3] X	[3] X
District of Columbia	do		X	X
Florida	Textbook commission	8	X	X
Georgia	Board of education	5	X	(1)
Idaho	do	(2)	X	[3] X
Indiana	do	5	X	X
Kansas	Schoolbook commission	(4)	X	X
Kentucky	Textbook commission	5	X	[3] X
Louisiana	Board of education	6	X	X
Mississippi	Textbook commission	5	X	X
Montana	do	6	X	X
Nevada	do	4	X	
New Mexico	Board of education	6	X	X
North Carolina	do	1-5	X	[3] X
Oklahoma	Textbook commission	5	X	X
Oregon	do	6	X	X
South Carolina	Board of education	(5)	X	[3] X
Tennessee	Textbook commission	5	X	[3] X
Texas	Board of education	6	X	[3] X
Utah	Textbook commission	6	X	[3] X
Virginia	Board of education	5	X	[3] X
West Virginia	do	5	X	

[1] May adopt for high schools.
[2] The State board of education is directed to appoint a curriculum commission which in practice selects books and has them printed and published by the State printing office. The books are distributed on requisition of teachers.
[3] It appears that the States of California, Delaware, Idaho, Kentucky, North Carolina, South Carolina, Tennessee, Texas, Utah, and Virginia adopt a multiple list of 2 or more high-school textbooks for each subject, and permit counties and cities to select from the adopted list.
[4] Independent Class A school districts may adopt (subject to State regulation).
[5] State board of education determines.
[6] Books printed by State printing office; sold at cost to local districts or pupils.

County adoption of textbooks.—County adoption of elementary textbooks is found in five States. The States and the titles of the boards making the selection and the periods for which selected are as shown in Table 12.

TABLE 12.—*County adoption of textbooks*

State	Title of county agency which adopts textbooks	Period of adoption (years)	Elementary grades	High-school grades
1	2	3	4	5
Maryland	County school commissioners	3	X	(1)
Missouri	County textbook commission	5	X	X
South Dakota	Specially appointed county textbook committee.[2]		X	X
Washington	County board of education [3]		X	X
Wisconsin	do		X	X

[1] County school committee may adopt high-school textbooks.
Independent districts maintaining 4-year high school may adopt and purchase textbooks
District commission in district of first class.

District adoption of textbooks.—In the remaining 18 States in which there is neither county nor State adoption the textbooks are selected either by the district trustees or by the city and local school districts. The States and the boards selecting and the periods for which selected are as shown in Table 13.

TABLE 13.—*District adoption of textbooks*

State	Title of district agency which adopts textbooks	Period of adoption (years)	Elementary grades	High-school grades
1	2	3	4	5
Colorado	District board of directors	4	X	X
Connecticut	City or town school committee [1]	5	X	X
Illinois	Board of school directors	5		
Iowa	do.[2]	5	X	X
Maine	City or town school committee	[3] 3	X	X
Massachusetts	do		X	X
Michigan	District school board	5	X	X
Minnesota	do	5	X	X
Nebraska	do	Indefinite.	X	X
New Hampshire	City or town school board	Not stated.	X	X
New Jersey	City or township board of education	Indefinite.	X	X
New York	Local school authorities		X	X
North Dakota	District school board	3	X	X
Ohio	City, village, or township board [4]	5	X	X
Pennsylvania	City or township school board	5	X	X
Rhode Island	City or town school committee	3	X	X
Vermont	City or town school board		X	X
Wyoming	City or district school directors	5	X	X

[1] State board of education may select.
[2] When authorized by vote of qualified directors; county adoption is permissive in Iowa upon majority vote.
[3] Unless by vote of the people.
[4] From list filed by publishers with State director of education.

CHAPTER VI. REGIONAL ACCREDITING ASSOCIATIONS

1. THE ASSOCIATIONS AND THEIR FUNCTIONS

Several regional accrediting agencies influence standards in secondary education in the United States. None of the standards advocated by the various agencies has the binding effect of law or regulation, yet their influence toward standardizing secondary education is significant.

Consideration can be given here to those five regional accrediting agencies only which appear to exercise a significant influence in affecting uniformity and standardization of secondary schools. These agencies are:

(1) North Central Association of Colleges and Secondary Schools.

(2) Middle States Association of Colleges and Secondary Schools.

(3) Association of Colleges and Secondary Schools of the Southern States.

(4) Northwest Association of Secondary and Higher Schools.

(5) New England College Entrance Certificate Board.

These agencies have a common purpose. The following are examples of their stated objectives insofar as they relate to secondary schools:

(1) North Central Association: "To establish closer relations between the colleges and the secondary schools of the North Central States."

(2) Middle States Association: "The object of the association shall be to consider the qualifications of candidates for admission to college and the methods of admission; the course of study to be pursued in the colleges and schools, including their order, number, etc.; the relative number of required and elective studies in the various classes; the kind and character of degrees conferred; methods of organization, government, etc.; the relations of the colleges to the State and to the general educational system of the State and country; and any and all other questions affecting the welfare of the colleges and schools, or calculated to secure their proper advancement.

(3) Southern Association: ". . . to establish helpful relations between the secondary school and the institutions of higher education

within the territory of the association, and to consider all subjects that tend to the promotion of interests common to colleges and secondary schools."

(4) Northwest Association: "To foster close cooperation between the secondary and higher schools of the Northwest, in the promotion of both their individual and common interests."

(5) The New England College Entrance Certificate Board: "To determine the schools in New England that shall be entitled to send pupils on certificate to the colleges comprising the board."

There have been no valid objections to the high purpose of these accrediting agencies which have in mind the improvement of educational practices in the various States. However, there is discernible an apprehension on the part of some students of the subject that we have arrived at a point of diminishing returns from these regional agencies due to slowing up of local initiative and experimentation which often result from uniformity of standards. It is observed that some of the regional accrediting standards have been crystallized into law in some States. It has been suggested that other methods could be applied which include greater freedom for experimentation in education. This freedom has been vigorously championed by Dr. F. J. Kelly in the following language:

> For any agency to demand uniformity in educational practice all over the country, and thus stifle experimentation, can not but impede progress. In a field so rapidly changing and so full of uncertainties as is education, anything which tends to halt progress and hold practice at the point it has now reached, must prove hurtful in the long run. What is needed is not uniformity, but many differing practices. For any group to think that it has found to-day the best ultimate educational practice is a sign of senility.[1]

In the New England States secondary schools are allowed considerable local autonomy. Educational workers in these States seem to have favored the application of moral rather than specific regulatory or mandatory force upon educational institutions.

With respect to the extent of detail and fixity of standards prescribed by regional accrediting associations it may be of interest to quote here, at least in part, the following criteria

[1] The Influence of Standardizing Agencies in Education. University of Minnesota, 1928, p. 6.

set forth by Doctor Troxel [2] as a basis for judging high-school standards:

1. The standards shall be inclusive, i.e., all important elements necessary for a good high school shall be the subjects of standards. This implies the omission of nonessentials.

2. The standards shall be objective. They shall be so stated that the "personal equation" of the person making the rating shall be of small effect. Two persons rating the same school with a set of objective standards will get very nearly the same rating.

3. The standards shall be fairly easy of application. A set of standards so constructed as to be difficult of application would be ineffective.

4. Standards should be clear and concise. They should be so stated as not to be subject to misinterpretation. Sufficient explanations to insure clarity should be appended.

5. For effective control purposes, it is necessary that they be high enough to challenge the effort of the school and low enough to be attainable. This will ordinarily mean standards for more than one class of high schools.

6. Standards should provide for a scale of rating rather than one deadline with a "pass" and a "fail" the only possibilities.

"As judged by these criteria," says Doctor Troxel, "few of the standards for classification found in the various States would be found satisfactory. They would show deficiencies all along the line, but chiefly with respect to the first two criteria."

In order to assist the reader in obtaining a comparative idea of the various standards prescribed by the five regional associations, there is given in Table 14 a comparative summary of such standards. The principal standards promulgated by the five regional accrediting associations considered in this study are also given separately for each association. In view of this table, the summary statements, and also quotations from authorities given here, this subject will not be represented in the concluding chapter. It is impractical to give in tabular form all the provisions embodied in regional association standards. For more complete information as to regulatory requirements and their interpretation, and also the policies of the associations the reader is referred to their respective recent proceedings. The information given here is based on data available in 1932.

[2] Troxel, O. L. State Control of Secondary Education. Baltimore, Warwick and York (Inc.), 1928, p. 11.

TABLE 14.—*Principal standards prescribed for secondary schools by regional accrediting associations*

Names of regional associations and State members	Definition of high-school unit	Length of school year	Length of class period	Pupil load	Student records	Building plant	Equipment	Units required
1	2	3	4	5	6	7	8	9
(1) *North Central Association*								
Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, Wyoming.	Unit represents course of study covering academic year and equivalent to 120 60-minute hours' classwork.[1]	36 weeks	40 minutes	4 unit courses of study as defined in column.[2]	Accurate and complete record of attendance.	Location, construction, and equipment must insure hygienic conditions and efficiency of instruction.	Library and laboratory equipment must be adequate to needs of instruction.	15 (11 units for 3-year high school).
(2) *Middle States Association*								
Delaware, Maryland, New Jersey, New York, Pennsylvania, District of Columbia.	A year's work in 1 subject requiring approximately one-fourth of student's time and not less than 160 60-minute hours of prepared classroom work.	do	do	Approximately 4 unit courses of study.	do	do	do	15.

(3) *Southern Association*								
Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.	do			Approximately 4 unit courses of study (more than 20 periods per week discouraged).	(3)	do	do	16.
(4) *Northwest Association*								
Idaho, Montana, Nevada, Oregon, Utah, Washington.	Same as North Central Association.	36 weeks		4 unit courses of study.[4]	Accurate and up-to-date records of attendance and scholarship.	do	do	15 (11 units for 3-year high schools).
(5) *New England College Entrance Certificate Board*	The standards or requirements of this board do not lend themselves to tabulation as given for the 4 other regional agencies which accredit high schools on the basis of definite standards specifically required or recommended and inspected. The New England College Entrance Certificate Board works on a different basis. Under its plan the principal conditions for accrediting a high school are: (1) Satisfactory evidence as to curriculum, teachers, and equipment; (2) ability to prepare students for college according to 1 of the recognized plans for entering a college represented on the board; (3) have a pupil candidate for entrance at 1 of the colleges represented on the board; (4) school must send on examination two satisfactory students within 3 years preceding application to 1 or more colleges represented on the board. Under the New England arrangement the retention of a high school on the accredited list depends principally on the number of candidates for college entrance (must be 2 candidates in 3 years) and the students' success in college.							
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.								

[1] 2 hours or periods of laboratory work regarded equivalent to 1 hour or period of classroom work.
[2] Academic subjects include English, mathematics, languages, natural and social sciences.
[3] Accredited school must report annually to association; schools having 12 or more teachers must report once in 3 years.
[4] If more than 15 per cent of pupils exceed this load, satisfactory explanation must be made.

TABLE 14.—*Principal standards prescribed for secondary schools by regional accrediting associations*—Continued

Names of regional associations and State members	Program of study	Size of high-school staff	Teaching load	Teachers' salaries	Qualifications of teachers	General spirit and efficiency
1	10	11	12	13	14	15
(1) *North Central Association*						
Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, Wyoming.	Recommends vocational subjects where local conditions render such instruction feasible.[3]	5 full-time teachers, 4 of whom must be full-time teachers of academic subjects.	Not to exceed 30 pupils per teacher.[4]	Must be sufficient to command and retain teachers whose qualifications are such as required by the association.	Graduation from approved 4-year college; 15 semester hours in professional subjects must teach in fields of major specialization in college; 80 per cent of teachers must meet these requirements.	Efficiency of instruction, habits of thought and study, intellectual and moral tone of school are paramount factors.
(2) *Middle States Association*						
Delaware, Maryland, New Jersey, New York, Pennsylvania, District of Columbia.	Recommends English, mathematics, languages, arts, physical education, natural and social sciences; also vocational education where local conditions permit.	Number must be adequate to instructional needs; must not be less than 4 full-time teachers.	Should not exceed 5 periods daily (if 6 periods or more) 150 pupils per teacher daily must justify.[4]	Salary schedule must be sufficient to secure teachers with qualifications required by the association.	Graduation from approved 4-year college. Consideration given teachers with other preparation who have shown ability through successful teaching provided that three-fourths must be graduates of approved colleges.	Do.

(3) *Southern Association*						
Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.	Recommends vocational subjects where local conditions warrant.	do	Not more than 750 pupils per week nor more than 6 daily recitations (recommends against 6).[6]	Recommends $900 as minimum salary.	75 per cent of teachers of any accredited high school must hold bachelor's degree from approved college; all beginning teachers must have 12 semester hours in education.	Do.
(4) *Northwest Association*						
Idaho, Montana, Nevada, Oregon, Utah, Washington.	Same as North Central Association.	do	Must not exceed ratio of 30 pupils per teacher, 6 classes per day, 160 pupils per day.[5 7]		Same as North Central Association.	Do.

[5] Academic subjects include English, mathematics, languages, natural and social sciences.
[5] Principals, vice principals, study-hall teachers, vocational advisers, librarians, and other supervisory officials may be counted as teachers for such portion of time as they devote to management of school.
[6] 2 periods of laboratory or study-room supervision counted as equivalent to 1 recitation period.
[7] Recommends (*a*) 1 teacher to 25 in average daily attendance; (*b*) 5 recitations per day; and (*c*) not more than 150 pupils per day.

2. THE NORTH CENTRAL ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS

The standards prescribed by this association are:

A. Buildings

Standard 1.—The location and construction of the buildings; the lighting, heating, and ventilation of the rooms; the nature of the lavatories, corridors, closets, water supply, school furniture, apparatus, and methods of cleaning shall be such as to insure hygienic conditions for both pupils and teachers.

B. Library and Laboratories

Standard 2.—The library and laboratory facilities must be adequate to meet the needs of instruction in all courses offered. The library should be classified and catalogued, and an annual inventory should be made of laboratory and shop equipment.

C. Records

Standard 3.—Accurate and complete records of attendance and scholarship must be kept in such form as to be conveniently used and safely preserved.

D. Requirements for Graduation

Standard 4.—Three-year high schools must require a minimum of 11 units for graduation. Other high schools must require a minimum of 15 units for graduation; these units to be earned in grades 9, 10, 11, and 12. The school year shall consist of a minimum of 36 weeks. The minimum length of a recitation period shall be 40 minutes, exclusive of all time used in changing classes or teachers.

A unit course of study in a secondary school is defined as a course covering an academic year that shall include in the aggregate not less than the equivalent of one hundred and twenty 60-minute hours of classroom work—2 hours of shop or laboratory work being equivalent to 1 hour of prepared classroom work.

E. Instruction and Spirit

Standard 5.—The efficiency of instruction, the acquired habits of thought and study, the general intellectual and moral tone of a school, and the cooperative attitude of the community are paramount factors, and therefore only schools that rank well in these particulars, as evidenced by rigid, thoroughgoing, sympathetic inspection, shall be considered eligible for the list.

F. Salaries

Standard 6.—No school shall hereafter be accredited whose salary schedule is not sufficient to command and retain teachers whose qualifications are such as required by this association. The interpretation of this requirement shall be a matter of special responsibility for the State committee.

G. Preparation of Teachers

Standard 7.—All schools accredited by the association shall maintain the following standards respecting teachers:

The minimum attainments of a teacher of any academic subject, of the supervisors of teachers of such subjects, of the superintendent, and of the principal shall be equivalent to graduation from a college belonging to the North Central Association of Colleges and Secondary Schools.

3. THE NORTHWEST ASSOCIATION OF SECONDARY AND HIGHER SCHOOLS

The standards prescribed by this association are:

Standard 1—Buildings.—The location and construction of the buildings, the lighting, heating, and ventilation of the rooms, the nature of the lavatories, corridors, closets, water supply, school furniture, apparatus, and methods of cleaning shall be such as to insure hygienic conditions for both pupils and teachers.

Standard 2—Laboratory and library.—The laboratory and library facilities shall be adequate to the needs of instruction in the subjects taught and be properly inventoried.

Standard 3—Records.—Up-to-date records of attendance and scholarship shall be kept accurately and preserved safely.

Standard 4—Graduation units.—The association will accredit high schools organized on the 10-12 or 9-12 grade plan. Three-year high schools shall indicate what provision is made in the city system for junior high school organization. The minimum graduation requirements of 3 and 4 year high schools shall be 11 and 15 units, respectively.

(A unit course of study in a secondary school is defined as a course covering an academic year of not less than 36 weeks that shall include in the aggregate not less than the equivalent of one hundred and twenty 60-minute hours of classroom work, 2 hours of manual training or laboratory work being equivalent to 1 hour of classroom work.)

Standard 5—School atmosphere.—The efficiency of instruction, the acquired habits of thought and study, the general intellectual and moral tone of a school are paramount factors, and therefore only schools which rank well in these particulars, as evidenced by rigid, thoroughgoing, sympathetic inspection, shall be considered eligible for the list.

Standard 6—Number of teachers.—The association will decline to consider any school whose teaching force consists of fewer than four teachers of academic subjects, exclusive of the superintendent. The association recommends the introduction of the so-called vocational subjects, such as agriculture, manual training, household arts, and commercial subjects into schools where local conditions render such instruction feasible, but the commission will hold that a sufficient number of qualified teachers must be added to provide adequately for such instruction.

Standard 7—Preparation of teachers.—All teachers of one or more academic subjects must satisfy the following requirements:

(*a*) Graduation (bachelor or equivalent degree) from a college or university approved by the Northwest Association of Colleges and Secondary Schools, by a similar accrediting association, or by the educational authorities of the State in which the college is located.

(*b*) The minimum professional training of teachers of any academic subject shall be at least 12 (15 hours after September, 1929) semester hours in education. This should include special study of the subject matter and pedagogy of the subject to be taught. Such requirements shall not be construed as retroactive. (For the succeeding year the commission will interpret courses in education as the same courses are interpreted by the colleges or universities offering them.)

(*c*) All teachers of academic subjects in accredited schools and all new teachers of academic subjects in accredited schools must teach in the fields of their major or minor specialization in college preparation.

These requirements apply to no teacher already employed in a Northwest Association high school so long as the teacher remains in the same city system.

All academic teachers new to a school in any given year are required to conform to the standard. In case of violation the school will be warned and will be dropped the following year unless correction is made.

A school applying for the first time may be accredited if at least 80 per cent of the teachers of academic subjects fully meet the standard; the remaining 20 per cent must all have been employed in the school not fewer than two years immediately preceding the time of application.

The term "academic subjects" includes work of the following departments: English, laboratory science, mathematics, foreign language, and social science.

Standard 8—The teacher load.—No school showing an excessive teacher load shall be accredited. The association recommends that (1) the average daily attendance for October divided by the number of full-time teachers should give a quotient not greater than 25; (2) the number of daily classes taught per teacher should not exceed 5; (3) the total number of students instructed by any teacher of academic subjects should not exceed 150 per day. The following are maximums and, if exceeded in any particular, constitute violations of this standard:

(1) Teacher-pupil ratio 1–30.
(2) Six classes per teacher per day.
(3) One hundred and sixty student-hours per day for any academic teacher.

In determining teacher-pupil ratio the following may be included under the term "teachers" for such time as they give to high-school work or management: Principals, vice principals, study-hall teachers, vocational advisors, librarians, and supervising teachers.

Standard 9—The pupil load.—The normal pupil load shall be four unit courses yearly, exclusive of music, drawing, physical training, typewriting, and student activities. Where more than 15 per cent of the pupils enrolled exceed this normal load, satisfactory explanation of the policy of the school in this regard must be made.

The association is conservative, believing that such policy will eventually work to the highest interests of all. It aims to accredit only those schools which possess organization, teaching force, standards of scholarship, equipment, and esprit de corps of such character as will unhesitatingly commend them to any educator, college, or university in the Northwest territory.

4. THE ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS OF THE MIDDLE STATES AND MARYLAND

The standards prescribed by this association are:

A. Organization and Administration

Standard 1.—A school to be accredited shall require for graduation the completion of a 4-year secondary-school course covering 15 units. A unit is defined as a year's work in one subject requiring approximately one-fourth of the student's time. It includes in the aggregate not less than one hundred and twenty 60-minute hours of prepared classroom work. The minimum length of a recitation period shall be 40 minutes, exclusive of time used in the changing of classes or teachers. The association recommends a school year consisting of at least 36 weeks. Exceptions to this standard will be allowed only under the conditions cited in standard 2.

Standard 2.—The efficiency of instruction, the acquired habits of thought and study, and the general intellectual and moral level of a school are paramount factors in determining its standing; therefore only schools which rank high in these qualities, as shown through systematic, competent, sympathetic inspection, or by achievement of their graduates in higher institutions, shall be considered eligible for the accredited list. Exceptions to other standards, especially standard 1, length of school year and unit value, and standard 5, teaching load, will be made only when the school submits positive evidence that its work is efficient and satisfactory.

Standard 3.—The association will hold that a sufficient number of qualified teachers must be provided to care adequately for all instruction offered. No school, hereafter, will be placed on the list of accredited secondary schools until positive evidence is presented that for at least three years immediately preceding the application, a staff equivalent to four full-time teachers has been maintained.

B. PREPARATION OF TEACHERS

Standard 4.—The standard of preparation for a teacher of academic subjects shall be the completion of a 4-year course in a college approved by the association or in a college of equal rank. Due consideration shall be given to teachers with other than this preparation who have demonstrated their ability through successful experience, provided that at least three-fourths of the teachers of academic subjects meet the standards of preparation.

Teachers should have had professional training or should have had successful teaching experience.

A school to be accredited shall have a salary schedule which is sufficient to secure teachers with the foregoing qualifications.

C. THE TEACHING LOAD

Standard 5.—The number of daily periods of classroom instruction for a teacher should not exceed five. A school requiring of any teacher more than 6 teaching periods a day or a daily teaching load of more than 150 pupil-periods must justify under standard 2 the deviation from this standard.

In interpreting this standard a double period of laboratory work or of study-room supervision may be counted as the equivalent of one period of teaching.

Standard 6.—No school with an excessive number of pupils per teacher based on average attendance shall be accredited. The association recommends 30 as a maximum.

D. PROGRAM OF STUDIES

Standard 7.—The association recommends that every accredited school offer units of work in English, mathematics, foreign languages, social and natural sciences, practical and fine arts, and physical education. Vocational subjects should be offered where local conditions permit.

E. PHYSICAL EQUIPMENT

Standard 8.—The location, construction, and care of school buildings, and the equipment shall be such as to insure hygienic conditions for both pupils and teachers.

Standard 9.—The laboratory and the library facilities shall be adequate to the needs of instruction in the subjects taught.

5. THE ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS OF THE SOUTHERN STATES

The standards prescribed by this association are:

(*a*) No school shall be accredited which does not require for graduation the completion of a 4-year high-school course of study embracing 16 units as defined by this association. A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. More than 20 periods per week should be discouraged.

(*b*) The minimum scholastic attainment required of the faculty of any accredited secondary school on the southern list is that not less than 75 per cent of the total number of teachers of academic subjects, including the principal and teachers of agriculture and home economics, should hold bachelor's degrees from a college approved by the association. Beginning with the school year 1927–28, all beginning teachers and principals shall have had not less than 12 semester hours' work in education.

(*c*) The maximum teaching load of any teacher shall be 750 pupil periods per week with not more than six daily recitations. The commission will scrutinize with extreme care any school in which instructors teach as many as six daily periods. In interpreting this standard a double period in laboratory, shop, or two periods of study-room supervision shall be counted as the equivalent of one recitation period.

(*d*) The laboratory and library facilities shall be adequate for the needs of instruction in the courses taught. The library should have 500 volumes of well-selected books, exclusive of textbooks and Government publications.

(*e*) The location and construction of the buildings, the lighting, heating, and ventilation of the rooms, the nature of the lavatories, corridors, water supply, school furniture, apparatus, and methods of cleaning shall be such as to insure hygienic conditions for both pupils and teachers.

(*f*) The efficiency of instruction, the acquired habits of thought and speech, and the general intellectual and moral tone of a school are paramount factors; and, therefore, only schools which rank well in these particulars, as evidenced by rigid, thoroughgoing, systematic inspection, shall be considered eligible for the list.

(*g*) The commission will decline to consider any school whose teaching force consists of fewer than four teachers giving their full time to high-school instruction. When local conditions warrant the introduction of vocational subjects, such as agriculture, manual training, household arts, and commercial subjects, the commission will hold that a sufficient number of teachers must be employed and proper equipment added to provide adequately for such instruction.

(*h*) No school shall be considered unless the regular annual blank furnished for the purpose shall have been filled out and placed on file with the inspector. In case of schools having 12 or more teachers, a complete report on teachers once in three years will be sufficient, but full data relative to changes must be presented annually.

(*i*) All schools whose records show an excessive number of pupils per teacher, as based on the number enrolled October 1, even though they may technically meet all other requirements, will be rejected. The association recommends 30 as a maximum.

(*j*) The time for which schools are accredited shall be limited to one year, dating from the time of the adoption of the list by the association. In every case the character of the work done by a school must be the

determining factor in accrediting. By personal visits of the inspectors, by detailed reports from the principals, and by the records made by the students in colleges, the character of a school's work shall be determined from time to time. A school shall be removed from the accredited list for failure to maintain the above standards.

(*k*) The commission recommends $1,000 as the minimum salary for teachers.

6. THE NEW ENGLAND COLLEGE ENTRANCE CERTIFICATE BOARD

The standards prescribed by the board are:

Conditions of Approval

1. Give satisfactory evidence as to curriculum, staff of teachers, and equipment.

2. Be able to prepare for college according to some one of the recognized plans for entering a college represented on the board.

3. Have a candidate for admission for the ensuing year at some college represented on the board.

4. Have sent on examination, within a period of three years preceding the time of application, at least two students to one or more of the colleges represented on the board, except as provided for below in paragraph (*b*).

(*a*) In the case of a school whose application for approval has been rejected by the board because of the poor records of students sent to college, or whose certificate privilege has been withdrawn for the same reason, three satisfactory students must have been sent within the period of three years to one or more of the colleges represented on the board before a new application for approval will be considered. If four full years from the date of the rejection have elapsed, the application may be treated as if from a school which had not previously applied for approval. A school that has been dropped from the list because of poor record may, however, be placed on the "specimen" list a year later if the committee on schools so recommends (on account of a change of principal or for other good reason) and if the board unanimously accepts the recommendation; and an approved school that sends no pupils within six years to any of the colleges represented on the board will be dropped, but if after the meeting of the board the principal of such a school reports that he has one or more pupils to send to any one of the colleges represented on the board, he will be given the "specimen" privilege for the next year. Also, if the application of a school for continuation of the privilege is tabled and the following year the school loses the privilege, the principal may have the "specimen" privilege for the coming year if it later appears that he has pupils to certify to the colleges on the board. (See next paragraph.)

(*b*) A school which has not sent within the required time at least two students, but which meets with the approval of the board in respect to curriculum, staff of teachers, and equipment, may, for the purpose of

showing its standard of certification, send one or more students on certificate to one or more of the colleges represented on the board, providing the names of the students and the name of the college which each proposes to enter are sent to the secretary of the board in advance. The name of the school in this case will not appear in the list of approved schools, and final action on the application will not be taken until the board receives the report of the students referred to above. At least two satisfactory students must be sent within three years in order to entitle the school to be placed on the trial list.

Trial List

A school when first approved is placed on a trial list for two years. If the record made by its candidates in the colleges represented on the board is satisfactory, it is then placed on the approved list.

Period of Approval

The "specimen" privilege is granted to a school for one year only. Other schools may be approved for 2, 3, or 4 years. The approval dates from the 1st day of January of the year in which approval is granted.

CHAPTER VII : CONCLUSIONS

1. THE PROBLEM OF APPRAISING LEGAL AND REGULATORY PROVISIONS

From a rather detailed and comprehensive study of laws and regulations affecting secondary education one might expect some conclusions or certainties as to what laws and regulations produce the best results or are most desirable for the purpose of secondary education. It may be said that no strictly scientific or reliable method has been developed for evaluating laws and regulations relating to education. When one considers the many and varying circumstances which affect the degree of success or failure of a law or regulation he will understand the difficulty to be experienced in stating conclusions—to say nothing of certainties. The problem is even more difficult when it involves the numerous and varying conditions and laws in different States and over an area so vast as the United States, and especially in a field containing so many intangible elements as the field of education. To these circumstances may also be added the fact that there is lack of unity of agreement as to what constitutes the best system or practice in secondary education.

Notwithstanding the difficulty of the problem of appraising legal and regulatory provisions, it ought not to be regarded as an impossible task. It was originally expected that the findings of this project and the findings of certain other projects of the National Survey of Secondary Education would be studied collaterally with a view to determining the extent and degree of relationship between legal provisions or systems and actual practices and achievements in secondary education in the different States. In this way it was believed that some definite and dependable conclusions might be drawn. By reason of the limitations as to time for the Survey it has been impracticable to make such a collateral study. However, certain observations indicate that legal provisions have definite bearings upon standards and practices in secondary education. For the reader who cares to go into this phase attention is especially invited to Monograph No. 5, The

Reorganization of Secondary Education, and also to Monograph No. 6, The Smaller Secondary Schools, of the National Survey of Secondary Education. For a complete study of such relationship he will no doubt want to go over the findings of a majority of the projects of the Survey.

Therefore, the first outstanding conclusion points to the seemingly unfortunate condition that secondary education is being encompassed and governed by laws which provide varying types of high-school administrative units, standards, subjects, requirements, methods of support, etc., and at the same time, without a system developed by legislation or otherwise among the States to provide complete and comparable data which will permit reliable evaluation of these varying laws, systems, and standards. The pertinent problem of school administration is to evaluate scientifically the varying administrative systems which they have built up. It is not unreasonable to suppose that an organization with a definite and reasonable program for securing comparable educational data would receive legislative endorsement and support in every State in the Union.

2. SIMPLIFICATION OF THE LAWS

Present laws relating to secondary education represent a series of amendments, changes, and supplements (piecemeal legislation) over a long period of years. While this process is the normal and inevitable method of legislation, it generally leads to many inconsistencies and much confusion in the course of a number of years. The codification and simplification of present laws relating to high schools in a majority of the States would clarify many perplexing problems in the administration and support of secondary education.

3. HIGH-SCHOOL DISTRICTS

Many laws have been enacted designed to enlarge local school districts. However, school districts have generally continued to retain their original legal character. Powers and duties long vested and exercised by local authorities become deep-rooted and communities show considerable reluctance in surrendering powers which they have been

accustomed to exercise. Consequently, considerable difficulty and slow progress have been experienced in altering the character and boundaries of school districts.

There is urgent need for more practical legislation for the creation of larger local districts or units for the control and support of secondary schools. While the district system in general has long been regarded as obsolete (principally by reason of smallness) so far as high schools are concerned, no law is known at present which provides a unit entirely satisfactory for that purpose. A glance at Table 1 (ch. II) shows that practically all States have legislation for the creation of larger school districts or for the creation of joint or cooperative areas. However, the extent to which local school districts in most States have accepted or acted on such legislation is practically negative. Generally, the present legislative schemes for larger school districts through the dissolution of two or more districts upon the consent of the electors of the respective districts have not been adequate to secondary-school needs and neither do they promise adequate future relief as promptly as conditions seem to warrant.

State constitutions and laws constantly bear witness to the fact that education is a State function. The State, therefore, can not avoid the responsibility for guidance in the creation of school districts adequate to secondary-school needs. Present conditions point to the need of a State policy for the reorganization of school districts according to a scientific plan whereby high-school facilities as nearly equal as possible will be provided accessible to all within the State and at the same time at equivalent cost to all.

Until small and weak districts are merged by consolidation into larger administrative units able adequately to maintain high schools, the most feasible method for providing high-school facilities in districts unable to maintain high schools is to require such districts to provide free tuition and necessary transportation to high schools in other districts. More than 30 of the States now require non-high-school districts to levy sufficient tax to pay for the tuition of their pupils who attend high schools in other districts. The developed facilities for transportation have increased the feasibility of this practice and in many instances free high-school transportation is provided.

4. GRADES OF SECONDARY INSTRUCTION

Junior high schools.—Practically all States now by special or general law permit school districts generally to establish and maintain junior high schools. The grades included in junior high schools vary in different States. The junior high school, as it is usually understood, embraces one or two years of the traditional elementary-school grades next preceding the regular high school and one or two years of the regular high school next succeeding the traditional elementary school. Approximately half of the States specifically authorize the establishment of the junior high school, and in the remaining States the maintenance of junior high school is generally construed as permissible under the general terms of the school laws. The famous Kalamazoo case may be regarded as having established sufficient legal authority to enable school districts in general to establish junior high schools. Information compiled in connection with the National Survey of Secondary Education indicates that junior and reorganized high schools have been encouraged by legislation specifically authorizing the establishment of junior high schools.[1] In a dozen or more States the general school laws, while not forbidding the establishment of junior high schools, by reason of their local systems, operate unfavorably to the establishment of junior high schools or the reorganization of traditional high schools. In these States the reorganization of the traditional high school would be facilitated by appropriate legislation therefor. Legislation authorizing the establishment of junior and reorganized high schools should provide adequate means for their support.

Junior colleges.—The three general methods by which junior colleges have been established are (1) by general laws specifically authorizing certain districts to establish junior colleges, (2) by special legislative acts applicable to a particular city or district, and (3) establishment under general laws without specific legislative authority. Fourteen States have general statutes specifically authorizing cities or school districts under certain conditions to establish public junior

[1] See Tables 2 and 3 of this monograph.

colleges or schools of higher grade than the regular high school. The principal tendencies of junior college legislation are:

(1) To restrict their establishment to cities or districts which can adequately support such institutions, taking into consideration population, wealth, etc.

(2) To provide for their establishment and maintenance under the approval and regulation of State authority. Initial junior college legislation in Texas in 1929 and in Nebraska and North Dakota in 1931, and amendments of junior college laws in Arizona and California in 1931, are notable examples of these tendencies. State regulation of junior colleges is specifically provided for by statute in Arizona, California, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New York, North Dakota, Pennsylvania, and Texas.

(3) Legislation authorizing the establishment of junior colleges generally provide for their maintenance through local taxation. Substantial State aid is provided for by law in California, Mississippi, and Texas.

(4) Apparently, junior college legislation tends to standardize junior colleges rather than to promote their establishment.

(5) Legislation and State department regulations seem to recognize the junior college institution as a part of secondary education.

A fairly reasonable evaluation of a system for the support of secondary education may be made on the basis of three principal factors: (1) The extent of school facilities provided; (2) the degree of equal distribution or availability of those facilities; (3) the degree of equal distribution of the burden of support.

5. HIGH-SCHOOL ATTENDANCE

Requirements for admission.—The legal right to attend a high school extends to youth who live in non-high-school districts as well as to those who reside in districts which maintain high schools. The completion of the elementary-school course is generally required for high-school admission. In some instances pupils are admitted to high school by examination, or by otherwise showing of evidence on the part of the pupil that he is qualified to pursue high-school studies with profit. There is a discernible tendency in a few States to

authorize the attendance at high schools and junior colleges of persons whose welfare may be promoted, irrespective of previous achievement.

Compulsory attendance.—The provisions for requiring attendance at secondary schools are low in a majority of the States. The maximum ages for compulsory school attendance are sufficient in most States to secure two years of attendance in the traditional 4-year high school; however, under the laws of most States, which contain various exemption provisions, compulsory attendance in high school is actually confined to only a few States, Nevada and Ohio, and under certain conditions in California, Michigan, Montana, Oklahoma, Utah, Washington, and Wisconsin. It appears that in approximately 32 other States the completion of the elementary course is sufficient to exempt from school attendance. In the remaining 5 States not more than the sixth grade is required if pupils are lawfully employed, and employment certificates can be obtained in these 5 States upon completion of the sixth grade or less. It further appears that half of the States authorize, under varying conditions, employment permits upon completion of the sixth grade or less. For example, 6 require the completion of the sixth grade, 13 ability to read and write, and 5 do not seem to specify any educational requirements for labor permits. Inasmuch as those State laws which require higher educational attainments on the part of children in order to exempt them from school attendance seem to be operating in a very satisfactory manner, it is very probable that other States could profit by their example.

High-school transportation and tuition.—School districts as a rule may transport resident high-school pupils on the same basis as resident elementary pupils. Provisions for the transportation of nonresident pupils are incomplete, as apparently less than half of the States have specific provisions of this sort.

Legal provisions for paying the tuition of nonresident high-school pupils are found in all States. Apparently high-school education is available to all without payment of tuition. The amount of high-school tuition to be paid at public expense is fixed by law in some States; in other States it is generally determined by the actual cost per pupil in average daily attendance. State aid for high-school tuition is

provided in approximately one-fifth of the States. Generally the burden of paying high-school tuition rests upon the pupil's home district.

6. THE HIGH-SCHOOL CURRICULUM

Legal prescriptions—legislative or regulatory—may be regarded as representing those beliefs and aims of the citizens to whom they apply, and the frequency of their appearance in determining subjects to be taught in high school may be taken as some indication of the importance assigned to them. Legislators and school officials have insisted that secondary-school youth be instructed in those subjects which make a special contribution to the physical and moral welfare and good citizenship of the future voters of the State. Where the legislature and school officials have prescribed that all high-school pupils shall receive instruction in certain subjects the parents or pupils are as a rule not at liberty to exercise a choice in that regard. In current practice, however, and in line with prevailing educational theory, sufficient elective courses of instruction are generally offered; consequently there is only a small degree of compulsion in the matter of what pupils must pursue in high school. There are also few legal restrictions in this respect. The principal restrictions governing subject matter to be taught provide that no sectarian, partisan, or unpatriotic instruction shall be given, nor any instruction which is prejudicial to individuals because of race or color.

Many students of the subject recognize that numerous prescriptions obstruct local freedom in the adjustment of the curriculum to suit local needs and desires. In this respect Patty says:

> The experience and researches of leading educators form the basis for the conclusion that those States which place in their constitutions general statements of fundamental objectives of the public-school program; enact laws enabling a State education department of professional executives to determine more detailed rules, regulations, and standards; and authorize State and local school officials to apply, enforce, and, when desirable, alter these regulations in order to secure best educational results, are following the wisest procedure.[1]

[1] Patty, Willard Walter. Legal Basis of the Public Secondary Education Program of the United States. Albany, N. Y. 1927. p. 227. (Ph. D. Thesis, University of California, 1925.)

Certain State control over the high-school curriculum is in general expressly or impliedly given by the State department of education and the degree of that control tends to become similar to that exercised by the State over the elementary schools. However, one of the important differences which remain is that State control over the subjects to be taught in elementary schools is primarily by legislative prescriptions while State control over the high-school curriculum is by State board or State department regulations. The prescription of the curriculum and subjects for use in high school is generally regarded as an undesirable method.

The State legislature should state only major educational objectives in general terms. Laws should be fundamental and general to insure adaptability. In most instances the basis of law should be the ideals to be attained rather than the subjects to be taught.[3]

Legislative provisions concerning free high-school textbooks and their adoption play an important part in the administration of the high-school curriculum. More than half of the States now require or authorize free textbooks for high-school pupils; and approximately a third of the States require that high-school textbooks be free. Twenty-three States provide for State adoption of a multiple list from which local school authorities must select. In 5 States county adoption of high-school textbooks is provided for, and in the remaining 20 States high-school textbooks are generally adopted by local high-school authorities.

7. STATE CONTROL

Legal administrative tendencies are toward greater State control over secondary schools. These tendencies are more pronounced in administrative than in legislative proceedings. This control has been exercised indirectly rather than directly; that is to say, it has been exercised through administrative officers acting under powers conferred on them rather than through direct prescriptions by the legislature. The increase in State control over high schools in this manner is not so undemocratic as it is often asserted to be, for in most instances local communities and districts have been

[3] Quoted also by Troxel in his State Control of Secondary Education, p. 51, from the Research Bulletin of the National Education Association, vol. 1, no. 5, p. 324.

privileged either to retain or to surrender the functions which they have given up. Of course, it is true that local communities often have been induced to surrender certain functions to the State in return for the advantages in grants of aid and recognition on the part of the State. The enforcement of State administrative control over secondary schools is exercised to a large extent by the withholding of State aid and also State recognition or accrediting in case of noncompliance with State prescriptions—legislative or administrative.

There is, perhaps, under our system of local autonomy in school matters, no more potent means of State influence and control over secondary schools than that induced by the various methods and conditions upon which State aid is granted for high-school purposes. Contingent State aid affords a basis for State inspection, classification, and approval of high schools. This is indirect rather than direct State control. The control is, nevertheless, vital and coercive, unless the conditions upon which State aid is granted are easy of fulfillment.

The separation of State functions from local administrative functions is a constant and perplexing problem in secondary education. Many students of the subject claim that secondary education is retarded by the present degree of local autonomy, while others claim that advance in education can be had only insofar as the local communities appreciate and support educational ideals, programs, and standards. The varying degrees and methods of State control over secondary schools arise not so much from differences in laws but rather from a difference of opinion as to the best administrative procedure to be followed in carrying out the established legal principle that education is a State function. Standards and requirements by legislative prescriptions are few compared with those embodied in regulations of State departments of education.

Within this dual and intricate system of administrative control is to be found a system of checks on practically all State and local school officials, which supports the following statement of the Supreme Court of the United States: "The theory of our governments, State and National, is opposed to

the deposit of unlimited power anywhere."[4] Whatever the degree of State administrative control, it should secure local cooperation, mutual respect and confidence, and promote local initiative and freedom of action.

8. GENERAL IMPLICATIONS

Secondary education occupies those grades of instruction which lie between elementary education and higher education and is thus closely related to the whole field of education. In legal contemplation it can not be regarded as a fixed entity constituting a separate compartment, process, or program in our educational system. Statutory provisions relating to secondary education are not susceptible to separation. Naturally, laws which deal with intangible forces should be general in scope and authority so as to provide ample freedom for natural educational developments. Education, like the individual, must have freedom of action. It is frequently claimed in justification of this freedom that it opens the way for experimentation and discovery as to best methods of educational administration. This study emphasizes the importance of developing some scientific method for measuring the results of different systems in the administration of secondary schools. Actual experimentation in this respect is inadequate. After many years of various systems, school administrators do not agree on what constitutes the best administrative procedure with respect to the many problems arising in school administration and which produce the most desirable results.

School administration may not be an exact science, but its procedure may be subject to objective appraisal in terms of results obtained. The science of education may yet work out the technique to determine with reasonable assurance that certain school methods or systems are better than others. The development of such technique will enable the working out of legislation affecting secondary education on the basis of careful evaluation of existing legislative systems. This will enable the development of legislation not merely in conformity with professional opinion but also upon the basis of scientific and reliable data.

[4] Loan Association v. Topeka, 20 Wallace (U. S.) 655.

State legislatures have absolute power to control secondary schools unless limited by constitutional provisions. No constitutional provisions specifically restrict legislatures in this respect. It follows that legislatures are free to adjust State school systems to meet changing conditions. Present conditions of secondary education emphasize the need for legislators to consult with educational authorities. It seems desirable that educational legislation should conform to the best opinion of authorities in education and that it should follow carefully worked-out systems which have been found to be producing good results.

Fewer statutory prescriptions accompanied by extension of discretionary powers in State school officials would apparently enable the development of more flexible and adaptable programs in the administration of secondary education, including its support and curricular services. Laws which require uniformity in the administration of education to all may stifle the natural educational processes, especially as it affects the individual. Legislative prescriptions which adjust the school to individual needs are to be preferred to those prescriptions which attempt to adjust the individual to the school. For example, the admission to secondary schools and junior colleges may be based on the suitability of the school to meet the educational needs and desires of the individual. A number of States have made provisions for the admission of individuals to evening schools of secondary grade on this basis. Patty supported this practice in the following language: "While standards of work in secondary schools should not be lowered, the tendency to admit individuals who have capacity to profit by the instruction and training, irrespective of their mode of developing that ability, whether in the usual formal preliminary grades of public schools or elsewhere, is to be commended and fostered." [8]

[8] Patty, Willard Walter. Op. cit., p. 220.