

A HISTORY OF THE ADMINISTRATION OF EDUCATION IN KANSAS

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A HISTORY OF THE CENTRALIZATION OF EDUCATIONAL
ADMINISTRATION IN KANSAS.

CHAPTER I.

1855 - 1862.

Kansas has ever been concerned with education as a public problem.¹ The few schools of the preterritorial period were necessarily private institutions, and the schools which early in 1855 "sprang up as soon as they (the first settlers) touched the soil, almost before there were children to attend them,"² were supported by voluntary subscriptions. This was perforce the case, since the schools were opened some months before the meeting of the first legislature, and there was no legal provision for public schools. Indeed, throughout the territorial period and for several years after statehood it was found expedient for many of the public schools to be supported in whole or in part by private subscriptions, so scant were the school funds available.

The first Territorial Governor, Andrew H. Reeder, was a Pennsylvania Democrat whose earlier sympathies were toward the section which had done the least in education as a public enterprise. Yet he considered the matter to be one of such self-evident importance that it should require no more than the briefest mention. In his message to the first Territorial legislature he dismisses it with three sentences: "The cause of education I need scarcely recommend to your especial attention. It is always better to pay for the education of the boy than for the punishment of the man. To enlarge upon the necessity of general education for producing a good government, would be at this day a work of supererogation, and I leave the matter

in your hands, confident it will receive the attention it deserves."³

It was to the famous "Bogus" legislature that the Governor addressed his message. That body had scant time for any but political business. It lightened its labours immensely by adopting entire the general statutes of Missouri, and directed its constructive energies to the devising of a more rigorous slave code.

Chapter 144 of the "Bogus" code deals with the organization of the common schools. One or more such schools were to be established in each county of the Territory. The administrative unit is not well defined. Each county was to be organized by the county tribunal into school districts or school townships⁴ - the people of which, assembled in township meeting, were to lay off the township into any number of districts deemed necessary⁵, and to select a school-house site, to devise means for raising money needed for the schools,⁶ And to do anything else needful.⁶ The district, however, had almost the complete direction of the schools. It was to elect each year four officers: three trustees and an inspector.⁷ The latter was to examine candidates for positions as teachers, in the subjects of "spelling, writing, English Grammar, geography, history, arithmetic, and all branches usually taught in public schools, and particularly in the school for which such persons are examined, and also as to his or her capacity for government and discipline of such school,..." Applicants of good moral character who qualified under this examination were to be certified by the inspector, subject to revocation of the certificate for good cause.⁸ It was made the duty of the trustees to employ a teacher certified by their inspector, and to expel pupils

should the best interests of the school require it?⁹ One more duty is imposed upon them: the only one in which they are at all related to any other part of the Territorial government. It is that they must report annually to the secretary of the Territory the whole number of white children between the ages of five and twenty-one years resident within their district, the number taught during the last year, the length of time taught, the amount of money paid for teachers' wages, what proportion of moneys so paid being public money, and such other information as should be needed by the Secretary for a report to the legislature.⁹ While this system recognized education as a public problem, it regarded it as a local problem. There ~~was~~ provided no administrative supervision above the district. The report to the Secretary of the Territory was the one link with the central government, and it was to be used not at all in administration, but merely for the information of the legislature.

In the second session of the Territorial legislature this act was amended by the report, of the same items, to be made to the clerk of the board of commissioners of each county, who in his turn was to report to the board¹⁰ as well as to the Secretary of the Territory. The board of county commissioners were given control of the county and township school funds,¹¹ apportioning "the income of the school fund of the several townships among the school districts in proportion to the number of children in each district, and (they) shall issue their warrants, drawn in favour of the trustees of each of the said districts, directed to the school treasurer, for the amount due to the said district!"¹¹ The school treasurer was a county official, appointed by the commissioners, to receive, disburse, and account for all school moneys and funds, and to lend out the township and county fundson good and sufficient security approved by the

board of county commissioners.¹¹

In this condition the pro-slavery regime left the legal provisions of Kansas for a system of public schools.¹² It was not very extensively availed of. The struggle for existence in the Territory was a severe one, and education was deemed a luxury which could be post-poned or secured without public aid. The free-state towns and communities were the element most concerned about education, and they refused to recognize the pro-slavery legislature or to concede the validity of its "Bogus" laws. Thus, in Douglas, one of the foremost counties in educational work, there were not more than five districts organized at the end of 1858. Within five months, under the new freestate legislation, the number increased to thirty.¹³

In 1858 the Free-state party captured the Territorial legislature, and straightway replaced the entire school code with new enactments. These made the school unit the district, to be organized by the county superintendent¹⁴ and supported by district¹⁵ or township taxation and the income of the county and Territorial school funds. The schools were to be free¹⁷, non-sectarian in instruction,¹⁷ and should be taught during at least three months in the year to be entitled to share in the annual school moneys.¹⁸ The law prescribed the teaching of orthography, reading, writing, English Grammar, geography, and arithmetic¹⁹.

The district being organized by the choice of a school board consisting of a director, a clerk, and a treasurer,²⁰ the electors of the district might vote taxes for the acquisition by lease or purchase and construction, of a school site and building, and for the upkeep thereof; for the wages of teachers, the payment of debts, and for educational apparatus.²⁰ Subject

to the minimum requirement of three months, they might determine the term during which school should be taught, whether in winter or in summer or in both, and whether a male or a female teacher should be employed. If unused, these last powers were to revert to the district board.²¹

The board was given the power to hire and contract with a teacher²² from among those candidates qualified by a county certificate;²³ it determined the text-books to be used in the school,²⁴ and might purchase books at the expense of the district to supply indigent children.²⁵ When the district was in any way affected by the change or formation of another district, the board might appeal against the action of the county superintendent to the county tribunal, and from their decision to the Territorial Superintendent.²⁶ It was made the duty of the board to care for the business of the district; orders on the district for money had to be signed by the director and the clerk;²⁷ the director should represent the district in suits at law, unless it should be otherwise decided at a special meeting of the district.²⁸ The treasurer was to collect taxes, apply for and receive the portion of school fund income due his district from the county superintendent,²⁹ and to report annually to the county superintendent.³⁰ The clerk was to report annually to the county superintendent the number of children, male and female, between the ages of five and twenty one years, in the district, the whole number and the number not between those ages attending school, the length of term taught by qualified teachers, their names, the term taught by each, and wages paid to each; the kind of books used in the school, the amount of moneys received from the county treasurer and the manner of its expenditure, the amount raised within the district and the purpose for which expended,

superintendent.³¹

Echoing the systems of some of the northern states, this legislature also provided for county and ~~state~~ Territorial supervision. The county superintendent was to be elected at the same time and place and in the same manner as the other county officers, for a term of one year and until his successor should be elected and qualified.³² He was to be required to give bond for double the amount of all school moneys likely to come into his hands for faithful application and disbursement during his term of office,³³ and was to be compensated by such per diem allowance as the tribunal transacting county business should fix upon.³⁴

The county superintendent was authorized to establish districts within the county, on petition of a majority of the qualified voters of the contemplated district;³⁵ to describe and number the same,³⁶ filing in his office descriptions and numbers³⁶ and plats³⁵ thereof, and subsequently to regulate and alter districts³⁶ subject to the appeals above noted. When a new^{district} was to be formed in whole or in part from an old one, it became his duty to ascertain and determine the proportion of value of the school-house and other property of the former district which should appertain to the new,³⁷ and in like manner to apportion the obligation for the debts of the old district.³⁸ He should apply for and receive from the county treasurer or other authorized person all common school moneys for his county, apportion such moneys to the districts within his county according to the reported number of children between the ages of five and twenty one,³⁶ and upon altering districts, correct the apportionment to conform to the new circumstances.³⁹ Money apportioned and not received by the district within the year should revert to the county fund for reapportionment.⁴⁰ The superintendent should keep an account

of all moneys received and expended and lay the same before the board of county commissioners each year.⁴¹ He should also account to his successor within ten days of the termination of his office, for all school moneys in his possession⁴² and should immediately pay over the funds in hand,⁴³ in default of which he was suable therefor by his successor.⁴⁴ He should sue for and collect for the benefit of the county school fund "all penalties and forfeitures imposed in this act, which shall be incurred by any officer or inhabitant of his county, in respect to which no other provision is made!"³⁶

The county superintendent was also made the examining authority for those desiring to qualify to teach, being empowered to certify those capable, in a form to be prescribed by the Territorial superintendent.⁴⁵ No person should be qualified to teach without such certificate, and it should be revocable⁴⁵ by the issuing superintendent upon ten days' notice to the teacher and to the school district board employing such teacher.⁴⁶ The teacher was disqualified as soon as a note of the annulment of the certificate was filed in the office of the superintendent.⁴⁷ He was to visit and examine into the state and condition of all the schools on his county as to progress in learning and as to good order, and he was to advise directors and teachers as to the course of study and the government of the schools.⁴⁸ He might require the re-examination of all the teachers in his county at his own discretion.⁴⁹

The county superintendent was to see to it that the annual reports of the districts of his county were made correctly and in due time³⁶ and himself annually to report to the Territorial superintendent the number of districts organized and the number reporting in his county, the amount of school fund moneys received^{by himself and his predecessor} since the last report, the amount of public moneys received

by each district, the manner of its expenditure, whether any remained unexpended, and if so, why; the amount raised in each district by taxation for sites, for buildings, hiring, purchasing or moving schoolhouses, for fuel and for other expenses; the amount raised in each district - in addition to the public money - paid for teachers' wages; the length of term taught, and the term taught by qualified teachers; the number of children taught, and the number of school age in each district, and other relevant information.⁵⁰ The county superintendency was indirectly abolished in 1860, and no provision was made for the exercise of its powers and functions.⁵¹

The Territorial superintendency was created⁵² to co-ordinate the school administration of the entire Territory, in so far as that were possible at the time. The first superintendent was to be appointed immediately to serve until one could be chosen at the next general election;⁵² he was to receive a salary of \$1500 per annum and his postage and stationery expense;⁵³ he should maintain an office at the seat of the Territory, wherein should be deposited and certified all papers and documents appertaining to the business of his office.⁵⁴ He should each year apportion to the several counties their share of the annual school money, according to the number of children of school age resident in each,⁵⁵ certifying such apportionment to the treasurer of the Territory and notifying the county clerks of the amounts due to their respective counties and as to the probable time when available.⁵⁶

He was charged with the general supervision of the entire school system - with visitation and inspection in every county, "for the purpose of awakeming an interest favourable to the cause of education, diffusing as widely as possible by public addresses and personal communications with school officers, teachers, and

parents, a knowledge of existing defects and desirable improvements in the government and the instruction of the schools!"⁵⁷

He should prepare suitable forms for the reports required., and should have the school laws, rules, regulations, forms, and necessary instructions printed and distributed.⁵⁸ He should hear, examine, and finally determine all appeals duly made by injured parties from the decisions of any school district meeting, or of any county superintendent in altering, forming, or in refusing

to form or alter any school district, or in any other matter arising under the common school laws of Kansas.⁵⁹ He should

recommend the most approved ~~text~~ books, encourage uniformity, and discourage sectarian books and teaching; he should gather information relative to the system of common schools for his annual report to the legislature.⁶⁰ This report should contain

an abstract of all common school reports received from the clerks (sic⁶¹) of the counties, estimates and accounts of the expenditures of school moneys, a statement of the condition of the condition of the common schools, and other matters relating to the common schools and to his office as he should deem

important and expedient; he should suggest plans for the improvement, management, and better organization of the common schools.⁶²

The better to exercise these last mentioned functions he was authorized "to open such correspondence abroad as may enable him to obtain so far as practicable, information relative to the system of common schools, and its improvement in other states and countries, which he shall embody in his annual report to the legislature!"⁶⁰

This system, advanced as it is from that of the "Bogus" laws, must not be considered as a step from them, but rather as a new establishment, based upon the educational codes of some of the northern states.⁶³ The powers given the higher

supervisory authorities were not extensive, and were in large part/recommendatory and vague, at that. The Territorial superintendent had positive authority to do little besides apportion the income of the Territorial school fund and to decide appeals from the counties. His visitation work was of very considerable importance, but he could not direct the actual conduct of the schools in any thing.⁶⁴ The county superintendents had more apparent authority, but they found it must be exercised with great circumspection. The county tribunals which granted them their compensation could not be very generous, and the superintendents could in consequence devote but little time to their official duties. The dearth of teachers was so pronounced that in examining candidates for teachers' certificates they were compelled to close their eyes to most woful deficiencies, in order to qualify a sufficient number to teach the few schools of their counties. The requirement of prompt and accurate reports from districts and counties proved to be impossible of satisfactory fulfillment until many years after statehood, the officials charged with this duty were in many cases literally - or, perhaps, illiterately - incapable of performing it as prescribed. And the abolition of the county superintendency in 1860, calculated to reduce expenses, destroyed the only agency by which Territorial supervision could be made effective. The efficient link was cut, to reduce taxes by an infinitesimal fraction.

The makers of the Wyandotte Constitution believed in public education, and made constitutional provision for a more thorough system than any yet discussed.⁶⁵ The legislature was required to "encourage the promotion of intellectual, moral, scientific and agricultural improvement by establishing a system of ~~higher~~ c

common schools and schools of a higher grade!"⁶⁶ The state superintendency was established,⁶⁷ as was the county superintendency for the first time provided for in the constitution of any state. These officers have the general supervision of the common school moneys and the educational interests and administration of the state and counties and perform such further duties as may be by law prescribed.⁶⁷

All lands granted by Congress for the support of the common schools, and all estates of persons dying without will or heir, and the proceeds thereof when sold, constitute a perpetual fund which may not be diminished;⁶⁸ it is entrusted to a Board of School Fund Commissioners composed of the state superintendent, the secretary of state, and the attorney general, for management and investment.⁶⁹ They might lease the lands, but could sell them only upon the authorization of the people;⁷⁰ all such lands and the funds derived from their sale is the common property of the entire state⁶⁸ and can never come into the control of any religious sect or sects in whole or in part.⁷¹ The income derived from them is disbursed annually by order of the state superintendent, to the county treasurers, and thence to the district treasurers.⁷²

The county school funds are made up of moneys paid for exemption from military duties, from the clear proceeds of estrays, and from the proceeds of fines imposed for breach of the penal laws, and are administered by the county authorities as prescribed by statute.⁷³

The first state legislature, that of 1861, rewrote the school code to accord with the constitution and their own ideas. The districts were given a few more specific powers. Thus, they might order the separation of white and black pupils, provided no discrimination as to educational advantages were made;⁷⁴ and

they might employ the teacher;⁷⁵ a power heretofore vested exclusively in the board.⁷⁶ But as a whole their powers were somewhat more strictly defined by provisions in the law itself than in the Territorial code, and the supervision imposed was to become much more comprehensive. The county superintendent under the laws of 1861 had somewhat less of powers than had his Territorial predecessor; the State superintendent was about upon a par with his.

Upon the vote of a majority of the electors of two or more districts, such districts might unite in establishing a graded school for the purpose of giving instruction in "the higher branches of education;"⁷⁶ the union district thus formed being entitled to an equitable share of the school funds of the districts so uniting, to be drawn from the treasurers of each in proportion to the number of children attending from each.⁷⁷ Such a union district had a similarly constituted board with like powers as an ordinary district.⁷⁸ And any single district might by itself establish graded schools, subject to the provisions of the same article⁷⁹ in like manner as a union district.

The district board was empowered to engage a teacher unless that function had been exercised by the people of the district,⁸⁰ and to take charge of all school apparatus and property belonging to the districts,⁸¹ and "to admit scholars from adjoining districts."⁸² The board or the people might levy a tax upon property within the district subject to statutory limitations as to amount. The district clerk was required to report annually to the county superintendent the number of children, male and female, between the ages of five and twenty one years, resident within his district, the number, male and female, actually attending school, and the branches taught; the length of term taught by qualified teachers,

the name, term teaching, and wages of each; the kinds of books used in the school; the amounts of money received from the county treasurer and raised by taxation, and the manner of application of each, and such other information as the superintendent might require.⁸³ A part of this information he derived from the teacher's reports to himself: the whole number of pupils admitted, male and female, the number engaged in each branch taught, and the textbooks used.⁸⁴

Under the laws of 1861 city schools were to be governed by special laws if such were set forth in their charters, and were entitled to a share in the annual school money distribution, provided that the clerk of the board of education should make due report in the prescribed form to the county superintendent.⁸⁵ Thus the city was virtually a county district, although it might be be under a special law as to its organization. In 1862 supplementary legislation prescribed the organization of cities of the first and second classes for school purposes, and more carefully delimited their powers. The full power to govern and control the common schools of the city was vested in a Board of Trustees of Common Schools,⁸⁶ of two members from each ward, elected one each year for a term of two years.⁸⁷ The Board selected its own president and vice-president,⁸⁸ and filled ad interim vacancies in itself.⁸⁹ It served without pay,⁹⁰ held regular monthly meetings,⁹¹ and through the clerk whom they shared with the city council they made monthly statements of the condition of the schools to that body.⁹² They let out such school property of the city as was not required for the use of the schools,⁹³ and recommended the disposition of school property to the city council, which might then dispose of it by a unanimous vote.⁹⁴ On their recommendation the city council was required to levy the school taxes, within the limits prescribed by law,⁽⁹⁵⁾ and the council held title to the school property. 95.

The teachers for city schools were to be examined and certified by a Board of Examiners of Common Schools, consisting of three competent persons appointed by the Board of Trustees;⁹⁶ a majority of the Board of Examiners might grant a valid certificate.⁹⁶ The Board of Trustees of course had the employment of the teachers.

The law slightly changed the legal school age and made mandatory the separation of races, for cities: "All white persons of the age of six years, and not more than twenty one years, shall be eligible as scholars in the common schools established by the Board of Trustees of Common Schools for the education of white persons!"⁹⁷ "The city council of any city under this act, shall make provision for the appropriation of all taxes for school purposes collected from black and mulatto persons, so that the children of such persons shall receive the benefit of all moneys collected from such persons, in schools separate and apart from the schools hereby authorized for the children of white persons."⁹⁸

The powers and duties of the county superintendent were broadly defined as to have charge of the school interests of his county.⁹⁹ His powers as to the formation and altering of districts were made practically the same as in the Territorial code of 1855¹⁰⁰ except that appeals from his decisions were finally decided by the board of county commissioners in conference with himself,¹⁰¹ instead of being further appealable to the State Superintendent. He had much the same powers as to the apportionment of school moneys to the districts.¹⁰² He should examine all candidates for certificates as common school teachers, in regard to moral character, learning, and ability to teach school, and should certify those whom he found qualified.¹⁰³ The power of annulling certificates which the Territorial code added was not given him. For the better performance of his general supervisory duties he was required to visit annually each school in his county, ~~to~~ examine its condition,

ascertain the textbooks used, and to give such advice as appeared proper.¹⁰⁴ He was to see to it that the reports of the district clerks were made ~~####~~ correctly and in due time,¹⁰⁵ and was himself to make report to the state superintendent,¹⁰⁶ giving much the same information concerning the common schools and graded schools of his county as was required by the former code, and also all pertinent information concerning private or select schools, normal schools, academies, and colleges.¹⁰⁶

The state superintendency was made the depository of the entire general supervisory powers over education reserved to the state administration.¹⁰⁷ ~~He~~ ^{The state superintendent} apportioned the annual school moneys derived from the income of the permanent fund to the counties.¹⁰⁸ ^{He} certified such apportionment to the state treasurer,¹⁰⁸ and drew orders for it upon the state treasurer in favour of the county treasurers.¹⁰⁸ He should prepare forms for reports and other documents of the subordinate school officials, and should have the school laws and such instructions as he should deem necessary printed and distributed to the common school officers of the state.¹⁰⁹ He should recommend the most approved text-books for use in the common schools of the state,¹¹⁰ and should be heavily penalized for accepting any inducement from a publisher to the intent of influencing this recommendation.¹¹¹ He should open correspondence with other states for the acquisition of information and new methods,¹¹⁰ should visit each county annually,¹⁰⁷ file and preserve the reports of county superintendents, of trustees of graded schools, academies, and colleges,¹⁰⁷ and from the information thus gained should annually report to the legislature under four categories: (1) the number of common schools in the state, the number of "scholars" attending, male and female, the branches taught, the number of private or select schools in the state, items concerning them, the number of normal schools in

the state and the number of students attending them; the number of academies and colleges and the number of students therein, male and female and such other relevant and interesting matter as the superintendent might know; (2) the condition of the common school funds of the state;¹¹² (3) an estimate and the accounts of the expenditures and receipts of school moneys for the current year; and (4) a statement of recommendations and plans for the management and improvement of the common schools, and other relevant matter.¹¹³

This school system as established by the legislatures of 1861 and 1862 is the basis upon which the present system of schools in Kansas has been developed. In some slight respects the Territorial system of 1858 had more of centralized authority, but the abolition of the county superintendency broke it down. The county superintendent, nor the state superintendent, in either system, had a great deal of authority in the actual direction of the schools, aside from their control of all school funds. Closely related to this was the power of the county superintendent in the formation and alteration of districts. Some degree of centralization and uniformity was sought to be obtained as to teachers' qualifications within each county by requiring the certification of teachers by the superintendent. These administrative restrictions, and those restrictions laid directly upon the districts by the statutes still left the school boards in possession of many powers which they have since been deprived, and free of much regulation to which they have since been subjected.

Notes to Chapter I.

1. In this Kansas was only falling ⁱⁿ alongside the other states at the time. By the time of her organization as a Territory all the northern had earnestly taken up the same problem. The Federal Government, too, had early turned its attention to education, and since the admission of had regularly granted each new state an endowment of public lands for school and University purposes.
2. Rev. Richard T. Cordley, at the Quarter Centennial Celebration, 1876. Publications Kansas Historical Society, Vol. I, p. 86.
3. Council Journal, 1855, p. 18.
4. Laws 1855, Ch 144, Art. IV, #1.
5. Ibid, #2. 6. Ib. ## 2, 3. 7. Ib. # 3.
8. Ib. #5. 9. Ib. # 6 10. Act Feb. 20, 1857.
11. Mostly fictitious at the time.
12. The proslavery Lecompton Constitution, however, provided for the public support and encouragement of education. The legislature was to establish one or more free schools in each ~~township~~ ^{county}, and to have power to appropriate money from the treasury for their support when the revenues from lands and other sources should prove insufficient, and to provide for the government of all common schools within the state.
13. Blackmar, Cyclopedia of Kansas History, I, article Education.
14. Laws 4th Territorial Session, 1858, Ch. VIII., #215, 1.
15. Ib. # 40, § and 9. 16. Ib. Ch. LXXI, #2.
17. Ib. Ch. VIII, # 71. 18. Ib. # 17. 19. Ib. # 70.
20. Ib. # 40. The district was considered organized upon the acceptance of two ~~of~~ of the officers. # 36.
21. Laws 1858, Ch. VIII, #44. 22. Ib. # 57. 23. ~~16~~ p. 7.
24. Ch. VII, # 69. 25. Ib. # 68.
26. Ib. #73. The Territorial superintendent provided for Ib. # 1.

Notes on Ch. I -continued.

27. Ch. VIII, #47. 28. Ib. #46. 29. Ib. # 48. 30. Ib. # 49.
 31. Ib. #60. 32. Ib. #13. 33. Ib. #14. 34. Ib. # 23.
 35. Ib. #31. 36. Ib. 15. 37. Ib. #74. 38. Ib. #75. 39. Ib. #24.
 40. Ib. #25. 41. Ib. #18. 42. Ib. #19. 43. Ib. #20. 44. Ib. #21.
 45. Ib. #26. 46. Ib. # 27. 47. Ib. #28. 48. Ib. #30. 49. Ib. #29.
 50. Ib. #16. 51. Laws 1860, Ch. 28. 52. Laws 1858, Ch. VIII, #1
 53. Ib. #3. 54. Ib. ##11 § 12. 55. Ib. #9. 56. Ib. #10.
 57. Ib. #4. 58. Ib. #6. 59. Ib. ##7, 78. 60. Ib. # 5

61. As a matter of fact, the county superintendent made the reports.

62. Ch. VIII~~I~~ #8.

63. The Topeka Constitution, under which the Free-state regime was seeking admission to the Union, provided for the establishment of a state school fund whose income, supplemented by other state aid provided by taxation or otherwise, should be used to "secure a thorough and efficient system of schools throughout the state; but no religious or other sect or sects shall ever have any exclusive right to the control of any part of the school funds of this state." Art. VII ##1, 2. The Leavenworth Constitution, which the Free-state men prepared first after the rejection of the Topeka Constitution by Congress, contained similar provisions, and also required each district to hold a minimum term of four months of school; provided for a state superintendent of public instruction, and a commissioner of school funds in charge of all school lands and funds of the state; and for the establishment and maintenance of institutions of higher learning as the means of the state should permit. Art VII.

64. James H. Noteware, the first Territorial superintendent., appears to have been a political appointee. He left no records of his service, from Feb. 12, 1858, to Jan. 1, 1859, save a few recom-

Notes on Ch. I - continued.

mendations of textbooks. Samuel W. Greer was elected to succeed him, and served until Jan., 1861. He kept an office in Leavenworth and seems to have been a man of considerably greater initiative than was his predecessor. His reports show close attention to the duties of his office. In his last report, made after the abolition of the county superintendency and the consequent cutting off of his principal source of exact information, he makes the rather enthusiastic estimate of four hundred and eighty organized districts and twenty four thousand school population. Inasmuch as he had but seven -unofficial- reports as a basis, and as the year before there had been but one hundred and thirty six district schools taught, and a school population of seven thousand and twenty nine, and inasmuch as 1860 was the year of the great drouth, one inclines to suspect his accuracy in this estimate. In 1861 there were two hundred and seventeen districts and a school population of less than five thousand. --John C. Douglas held the office in the interim from Jan. 1. 1861 till the qualification of the first state superintendent April 10 of that year. He left no report.

65. They found the constitution of Ohio, upon which they relied for so much of their own, deficient in respect to educational provisions, and made use of those of Iowa, Wisconsin, Oregon., and California. Rosa M. Perdue, in Kans. Historical Collections, Vol. , page 143.

66. Constitution of Kansas, Art. VI, #2. "Common schools" in the constitution means "free common schools". Board of Education of the City of Lawrence vs. Dick, 70 Kansas 434.

67. Const. Art. VI, #1. 68. Ib. #3. 69. Ib. #9.

70. Ib. #5. 71. Ib. #8. 72. Ib, #4. 73. Ib. #6.

74. Ib. Laws 1861 Ch. 76 Art. III #1. 75. Ibid, #14 .

76. Ib. Art. VII, #1. ~~77~~ 77. Ib. #3. 78. Ib. ## 8 & 9 .

Notes on Ch. 1. continued.

79. Ibid #9. 80. Ib. Art. III #14. 81. Ib. Art. IV, #2.
 82. Ibid #3. 83. Ib. Art. III #16. 84. Ib. Art. IX, #1.
 85. Ib. Art. VII, #8. 86. Laws 1862, Ch. 46, Art. IV, #3.
 87. Ib. #2. 88. Ib. #4. 89. Ib. #9. 90. Ib. #6.
 91. Ib. #15. 92. Ib. #14. 93. Ib. #13. 94. Ib. # 12.
 95. Ibid ~~#11~~ #1. 96. Ib. #10. 97. Ib. #19. 98. Ib. #18.
~~100.~~ 99. Laws 1861. Ch. 76, Art. II, #1. 100. Ib. ## 2, 7.
 101. Ib. Art. V, #2. 102. Ib. Art. II #3. 103. Ib, #6.
 104. Ib. #4. 105. Ib. #5. 106. Ib. #8. 107. Ib. Art. I #2.

The salary of the state superintendent was first fixed at \$1200 per annum and certain expenses.

108. Ib. #5. The reports of the county superintendents are the basis upon which the state superintendent apportions the state school money. If any county superintendent fails to report, therefore his county loses its share of the money, and he becomes liable to the county for the amount.

109. Ib. #4. 110. Ib. #3. 111. Ib. Art. IX, #8.

112. He is, with the treasurer of state and the secretary of state, custodian and manager of the state school funds. Const. Art. VI.
 See ante.

113. Laws 1861. Ch. 76 Art. I #7.

CHAPTER II.

DEVELOPMENT OF THE COMMON SCHOOL SYSTEM SINCE 1862

9 Mr. Wm. R. Griffith of Bourbon County was elected the first state superintendent of public instruction in Kansas. He was ill the greater part of the time he served, and died some months~~before~~ before the expiration of the term for which he was elected. In consequence of this and of other untoward circumstances¹ his report for the year 1861 is very meagre, and contains practically no suggestions for the change or improvement of the school system. The report for 1862, filed by his ad interim successor consists of nothing but an abstract of such statistics as had been reported by the county superintendents.² In 1863 there acceded to the office a gentleman of greater energy and of unbounded zeal for the cause of education in Kansas.³ The burden of the Civil War was heavy upon the state, and in the pinch of "hard times" the schools, being one of the first and most obvious sources of taxation, suffered severely. County superintendents were hampered in the discharge of their duties by the reluctance of their county commissioners to allow them the paltry per diem compensation which the law fixed, and even sometimes were elected by the grace of a county political organization with whom they had bargained not to spend too many days in their official capacity. For a number of years this spirit endured in several counties, occasionally finding expression in a demand for the abolition of the superintendency.

But Superintendent Goodnow did not permit adverse circumstances to lessen his enthusiasm nor to deter his efforts for the placing of Kansas high in the ranks of the educator states. In his reports he proposed plans for the improvement of the school system, many of which have been adopted but recently. His elaborate reports and those of his immediate successors anticipate

practically all the development of the administrative powers and machinery of the common school system up to the present day., and contain a few luminous suggestions yet to be acted upon. In the present chapter I propose to trace the development of the administrative agencies of the system , from and upon the basis of the laws by the first legislature.

I. Districts.

The organization of the school unit has remained the same, with but one suggestion that it be changed: in 1884 Superintendent Speer recommended that the number of district officers be reduced to one,⁴ and, repeating his recommendation of two years previous, that the county treasurer be made ex officio treasurer of all the school districts in the county,⁵ fortifying his suggestions with exhibits of the incompetency of district clerks and treasurers. Suggestions for changing the school unit, however, have been included in almost every superintendent's reports.

The powers attributed to the districts have received but few accretions, and have suffered many restrictions since early statehood, either through ^{direct} statutory provision or by the imposition of further administrative supervision.⁶ The people of the district⁷ have been left free throughout to determine the amount of money, within statutory limits, to be raised by taxation,⁸ though the levy is now made by the county commissioners,⁹ and the taxes have long been collected for the district by the county treasurer. The mandatory provision for the separation of races in the schools was almost at once modified by making it optional with the people of the district,¹⁰ and later was repealed altogether.¹¹ The subsequent restoration of this power to cities did not affect the county districts. Consolidation of districts has been provided in place of the union graded school districts,

and has been much encouraged by the school authorities; large districts have been authorized, and then required,¹² to provide or pay for the transportation of pupils residing beyond convenient walking distance from the school house. One of the earliest devices to obviate the evils of a diversity of text-books within the same school was district ownership of the books, which was often resorted to¹³ and much recommended, for more than thirty years previous to its legal authorization in 1897.¹⁴

The district board has at times been given powers which it has subsequently lost to county or state authorities. Thus the first fruit of the agitation for uniform texts was the law of 1869¹⁵ whereby the district board might require uniformity and might designate the texts to be used. This power was first qualified in 1885 by provision for county uniformity at the option of a majority of the districts of the county.¹⁶ The first compulsory education law¹⁷ was entrusted to the district officers for enforcement, and left them such wide discretion in excusing pupils that it came to almost nothing until better provision was made.¹⁸ The power to dismiss a teacher for cause is vested in the district board in conjunction with the county superintendent.²⁰ The school board may, however, establish a kindergarten or throw the school-house open for the business or public meetings of religious, political, literary, scientific or mechanical societies upon its own unrestricted authority.²² Recommendations that the school officers be given the election of the county superintendent have found no favour with the legislature.²³

Township High Schools.

From 1861 there were organized several township high schools, by special acts. The provisions generally were that they should be governed as were the ordinary school districts, sometimes with the township officers ex officio the school board.²⁴ Super-

intendent Lawhead in 1886 urged that convenient sized sections within counties be authorized to organize high schools/ districts.²⁵ It was not until 1911 that the legislature made provision for the establishment of township high schools by general law.²⁶ The electors of any organized township containing no town or city of more than three hundred, and in a county of ten thousand or more population, may vote to establish a high school, to be governed by a board of three members, and under the general supervision of the county superintendent as are district schools.²⁷

II. The County.

The county superintendency is a very essential part of any system of schools in which the state is administratively concerned. The county superintendent is necessarily the agent of the state in the direct supervision of the districts; under his authority are more than seventy per cent of the school children of Kansas,²⁹ and a much greater percentage of the schools and teachers- for these are the small country schools, comparatively few of which have more than one teacher. Moreover, these are the schools which have the least revenue and equipment, and the shortest terms;³⁰ these are the teachers who have not the advantage of daily association with other teachers and of daily supervision by a trained educator. It would seem that the need of a superintendent for district schools in at least each county would always have appeared manifestly indispensable, but there was in the early years much agitation for the abolition of the office,³¹ and in many counties the superintendents were hindered in their work by the lack of financial support, and by frank opposition of the other officers and of the people of the counties.³² The legislation of 1875 and 1876 crippled the superintendency greatly, in the estimation of many superintendents,³³ and the legislature of those

years would doubtless have abolished it but for the constitutional warrant for it. The legislation of 1881 restored its old powers and made some advance, so that the superintendency was rehabilitated and the superintendent made capable of a worth-while supervision of the schools,³⁴ the good results of which appeared at once in the reports.³⁴ Much of the mischief had been done in the interest of a parsimonious economy, by special laws tampering with salaries and per diem schedules in particular counties,³⁵ and a profusion of rearrangements from year to year.³⁵ Moreover,, the superintendency presently became somewhat of a political plum.³⁶ The effects of this straightway roused the ire of the schoolmen; and in the agitation for appointment of at least non-political election followed.³⁷ From the same occasion there arose a demand for the impositions³⁸ of qualifications for the office,³⁸ which have resulted in salutary provisions: the incumbent must hold (a State certificate) a professional certificate, a first or second grade certificate, or must be a graduate of an accredited college or normal school, and must have taught at least eighteen months.³⁹

The powers and duties which have been vested in the county superintendent in conjunction with the district board, and which have since been in part transferred from them to state authorities have been mentioned. His direct powers over the districts have been increased in a considerable degree. By the laws of 1881, should the district fail to provide for holding school the minimum term required, it is his duty to make such levy of money as may be necessary, to hire a teacher, and to see that school is kept according to the law.⁴⁰ His powers and duties as to the formation of districts and alteration of district lines early proved to be unpleasant and to some extent harmful: their exercise seemed almost always sure to make him enemies of some community, and consequently to aggravate the evils of "politics" and to hinder

his efficiency as an administrator.⁴¹ It has not been found possible to relieve him of this duty, however; on the contrary, it has been found expedient to give him the further power of disorganizing districts in whole or in part depopulated, and of redistributing their territory among adjacent districts, or of consolidating two or more weak districts and providing for the conveyance of children living at a distance from the school house.⁴² After cities of the second class were taken from his jurisdiction they were authorized to attach adjacent territory for school purposes,⁴³ thus abridging the authority of the county superintendent over district lines. This was found to work injustice in many cases,⁴⁴ and so in 1891 he was given the power of detaching territory from these cities, with the consent of the people in the area affected. Cities of the first class did not receive this power until 1911 (Laws, Ch. 93) and are not limited by any such provisions for detachment.⁴⁵ But in the county his authority has not suffered. The compulsory attendance law was of but slight avail until its enforcement was entrusted to a truant officer appointed by the county superintendent.⁴⁶ County superintendents had for many years been encouraging the use of courses of study⁴⁷ before the law took cognizance of this means of increasing school efficiency. And many had for years been using some scheme of graduation and county certificates the better to keep the country youth persevering in the quest of an education,⁴⁸ before the legislature was brought to recognize the advisability of the plan.⁴⁹

The training of teachers was one of the earliest problems to vex the schoolmen, and county superintendents began holding normal institutes as early as 1863.⁵⁰ The next year county and state superintendents were required to hold such institutes in every senatorial district.⁵¹ In 1869 counties of fifteen or more districts were required to hold institutes, separately or

jointly⁵², and the county superintendents were required to attend and assist at the district institutes held by the state superintendent.⁵³ With many others, these duties were allowed to lapse under the legislation of 1873-1876,⁵⁴ but were almost immediately revived.⁵⁵

In 1869 there were associated with the county superintendent two appointees of the county commissioners in the Board of County Examiners, which received the power of examining and certifying teachers, which the superintendent had been exercising alone. Their powers were increased over his to include that of revoking certificates for immorality or other cause which would have justified withholding it originally.⁵⁶ The board proved to be a source of weakness and inefficiency in most counties; the appointees could thwart the efforts of the county superintendent to maintain standards, and could thereby drive good teachers from the profession.⁵⁷

~~With the creation of the State Board of Education and the subsequent vesting in it of the control of teachers' examinations, the superintendent was relieved of his associates.~~⁵⁸

In 1901 the county Board of Examiners was re-created, composed of the superintendent and two competent assistants of his own choosing, who should assist in grading examination papers.⁵⁹

As the state grew it became imperative that the gap between the common schools and the state institutions of higher learning be filled, and there were strong reasons for discontinuing the preparatory departments of the higher schools. The high school facilities furnished by certain of the cities were altogether inadequate for the need. Even when a city high school was accessible country pupils were deterred from attending it by the imposition of tuition fees, and by misfit preparation. The county, then, it would seem, should be the agency for supplying the deficiency.

In 1884 the State Teachers' Association approved a bill⁶⁰ ~~to be~~ authorizing counties to establish high schools, which was ~~to be~~ submitted to the legislature, and the same year⁶¹ the state superintendent submitted the plan in his report, accompanied by an able argument for its adoption. The result was the law of 1886, authorizing counties of six thousand or more population to establish high schools, to be controlled by an elective board of six members, and the county superintendent ex officio,⁶² in conformity with standards and courses fixed by the State Board of Education. Eleven years later, with but two high schools operating under this law,⁶³ the smaller counties were authorized to contribute to the support of high schools at their county seats, for free tuition throughout the county,⁶⁴ and these high schools should be then required to report to the county superintendent and conform to the standards of the State Board of Education. The Barnes high schools under the famous act of 1905 are controlled by the city or district in which they may be located, but their county support is conditioned upon ~~the~~ monthly reports by their principals to the county superintendents.⁶⁵

III. City Schools.

The schools of cities of the first and second classes were very early erected into a system ~~of~~ independent ~~of~~ the county school administration.⁶⁶ Certain modifications as noted in the last preceding section have since been made in the case of those in which county supported high schools are located. The government of the city schools has been by an elective board, variously constituted from time to time and from city to city. Since 1911 (Laws, Ch. 267) all cities of these classes have the same organization: a board of six members, serving terms of four years, elected three each biennium. They receive no pay. Since the rise of the commission form of ~~of~~ government for cities the officers

of at least one city have wished the opportunity to try making education a department of the city government, under a commissioner.⁶⁷ Even when admitting faults in the existing system,⁶⁸ schoolmen have generally discountenanced this project, as pregnant with disaster to the school interests of the community, and it does not at present seem likely to be given a trial in the immediate future.

The Board of Education of the city received such of the powers and duties of the district board and county superintendent as were applicable to cities, and have received some powers and privileges denied to the county authorities. Cities were authorized to establish high schools in 1868, eighteen years before the power was given to the counties.⁶⁹ Cities of the second class were empowered to attach adjacent territory for school purposes, and this without notifying the country districts affected, or even securing the consent of the county superintendent.⁷⁰ The latter was subsequently given the power to detach territory from these cities when a majority of the citizens affected should consent, but this reservation was overlooked when the power of attachment was extended to cities of the first class.⁷¹ The power of separating races in schools was restored to cities in 1905.⁷² During the period of the county uniformity law, cities alone had the option of participating or not when the majority of the districts of a county had voted for county uniformity of texts.⁷³ Cities of the first and second classes, and districts containing cities of the third class, are exempt from using the course of study prescribed by the State Board of Education.⁷⁴ The city examining board is not subject to the State Board of Education, although it must recognize the three-year and life certificates issued by the Board, and diplomas from the State Normal Schools. Annual reports are required, but not to any authority outside the

city; they may be published in newspapers or pamphlets at the discretion of the city school board.⁷⁵ For the purpose of the apportionment of the income of the public school funds cities are considered as districts within the counties,, and receive their quota of the annual school moneys from the county superintendent.⁷⁶

IV. The State Superintendent.

For some years the state superintendency was regularly filled by the candidate suggested by the State Teachers' Association. But after 1876 the Association found it inadvisable to remain in Kansas party politics, and it was left entirely to the parties to select the superintendent. There have been numerous proposals since the change this order of affairs and to give the superintendent a longer term,⁷⁷ but nothing has been effected thereby. The superintendency has on the whole been very efficiently and satisfactorily filled. The importance of the office has grown much - and quite as much by the energy and zeal of its incumbents as by increase of the powers and duties imposed by law. Thus the superintendents were struggling with the problems of school architecture,⁷⁸ of furnishing a course of study to rural schools, of the gradation and standardization of the same schools, and of raising the standard of text-books used long before the legislatures gave them any substantial authority to aid in solving the problems. The salary has never been high - it is at present only \$2500 - and deputies and clerks have often been very tardily granted.

The duties which the superintendent performs and the powers he exercises as ex officio member of several of the state boards will be discussed in a subsequent section. Since the scope of his functions was first defined, he has been required to give

opinions in all disputes and to answer all questions of interpretation of the school laws upon request of the county superintendents.⁷⁹ He may call upon the Attorney-General if necessary, and the latter must give his opinion upon any legal questions involved.⁷⁹ He decides appeals in boundary disputes when the district affected lies in more than one county.⁸⁰ With the increase in the number of counties, his schedule of required visitations was reduced from at least once a year to at least one visit to each county each two years.⁸¹

To the state superintendent was first committed the conduct of the normal institutes. These were to be held in the senatorial districts, and with the assistance of the county superintendents.⁸² A few ~~years~~ years later the judicial district was made the unit, with the same scheme of administration, and in 1877 the county superintendent was given this function, with the state superintendent assisting in an advisory capacity.⁸³ For some years he was ex officio a member of the boards of regents of the state institutions of higher learning, and was responsible for duties in connection with their visitation.⁸⁴ During the period when the state tried the experiment of establishing normal schools in conjunction with city systems, he represented the state in the appointment of directors and in the general supervision of the schools.⁸⁵ He has recently been given the power to grant and revoke licenses for private business colleges to canvass for students and to sell tuition in advance;⁸⁶ and the legislature of 1913 required him to censor cinematograph films intended to be exhibited within the state.⁸⁷

V. The State Boards.

There is a very marked tendency, when the state has taken over discretionary ~~county~~ functions previously left to the districts or

counties, to commit them not to the department of public instruction, but rather to a board or commission of which the state superintendent is a member. One board was provided by the constitution.⁸⁸ It has been noted that the county examinations were for a few years given to a county board. At the same time there was some desire for a State Board of Examiners, who should have power to grant certificates good for life and throughout the state.⁸⁹ In 18~~73~~⁹⁰ the State Board of Education was created, to consist of the state superintendent of Public Instruction, the Chancellor of the State University, the president of the State Agricultural College, and the principals of the state Normal Schools at Emporia, Leavenworth,⁹⁰ ~~and~~ The Board was empowered to issue state diplomas to professional teachers, of unexceptionable moral character and of professional experience and ability, who have taught two years in Kansas, and have been examined by the Board as to scholarship and culture. These diplomas should be valid for life, unless revoked by the Board, and should supersede all necessity for examination by county, city, or ^{other} local officers. The Board might also issue certificates of high qualification, good for terms of three or of five years, and superseding other examination.⁹¹ Since that time its powers of certification have been greatly expended. Conductors and instructors of county normal institutes must hold special certificates granted by the Board if they are paid from the public money.⁹² The Board examines all educational departments of colleges and institutions in this and other states, and prescribes conditions upon which their graduates may receive state certificates without further examination, good for three years,⁹³ at the end of which time the holder, if he has taught successfully two years, may be granted a life certificate.⁹³ Three years' non-use voids the life certificates, but they may be renewed. Graduates of high schools and academies maintaining

normal courses and receiving state aid therefor are granted two-year certificates upon passing an examination under the direction of the Board.⁹⁴

We have already noted that the county examinations by the county boards established by the law of 1868 had given dissatisfaction. The year after the creation of the State Board of Education the state superintendent incorporated into his report an argument for standardization by uniformity of examinations throughout the state.⁹⁵ Two years later General Fraser suggested that the preparation of questions to be used in all teachers' examinations be committed to the state superintendent,⁹⁶ and in 1878 and 1880 several county superintendents were urging their preparation by a state board.⁹⁷ The proposition was written into the statutes in 1885.⁹⁸ Thus the State Board of Education has come to control the certification of all teachers but those of the city schools or of districts employing ten or more teachers, - and among these its certificates are given full credit. Such high schools as receive state aid, at the discretion of the Board, must of course conform to its standards in the matter of teachers' qualifications.

Fully as vital as certification to the success of the schools was some degree of standardization in the subjects as actually taught. From the first there were certain statutory prescriptions as to the course of study. But with terms varying from the minimum required up to eight or nine months, with pupils attending irregularly, with text-books of all kinds and of all degrees of goodness and of worthlessness, and with the most of the teachers themselves ill-qualified and unable well to plan a course of study even under more favourable conditions, there was great diversity in the actual instructional results obtained- the most of them alike, however, in one respect, their barrenness. County and

state superintendents very early began to be exercised by the problem of getting the schools to follow some definite program. In 1869 Superintendent McCarty of Leavenworth County issued the first course of study for his county, and the next year noted that those schools following it had made a marked improvement over those retaining the old haphazard methods.⁹⁹ Having become state superintendent in 1871, Mr. McCarty prepared a course for the entire state, and urged its adoption upon the counties and districts at the same time he was seeking to have the legislature make its use compulsory. So valuable an instrument did it prove in the standardization and gradation of schools that these unofficial courses were issued by the state and the counties, with occasional revisions, from that time forth, and the demands that they be made official were incessant. Yet it was only in 1905 that such provision was made: the State Board of Education being authorized to prescribe a course of study, including existing legislative prescriptions, for the public schools of the state, and for normal institutes.¹⁰⁰ Since then cities of the third classes have been exempted from the provisions of the law, except in so far as they are affected by the provisions concerning high schools and industrial education.¹⁰¹ County high schools in counties of less than six thousand population, established under the law of 1897, were required to follow a course of study prescribed by the State Board.¹⁰² The same requirement is made of the Barnes high schools,¹⁰³ and of high schools receiving county aid in counties of less than ten thousand population.¹⁰⁴ Districts and cities were authorized in 1903 to establish industrial-training schools or departments, to be conducted in accordance with a general course prescribed by the State Board of Education, with special courses designed to meet particular local needs approved by the Board.¹⁰⁶

In 1880 Supt. O. B. Wharton of Lyon County, not without some difficulties, put to test a suggestion he attributed to Supt. A. L. Wade of Monongalia County, West Virginia, in holding graduations for his country schools. The success of the plan was immediate and gratifying; it made the course of study he desired to introduce a much more potent instrument in the maintenance of good standards, county recognition and permanent records of achievements made for an increase in school efficiency.¹⁰⁷ Within a few years the scheme had become very generally established,¹⁰⁸ The demand that it be placed under state authority arose almost immediately upon its introduction, and continued until, in 1913, the preparation of questions, based upon the course of study for common schools, was required of the State Board of Education, and the county boards of examiners were required to conduct county examinations and graduations, and to issue diplomas entitling the common school graduate to admission to any high school in the state.¹⁰⁹

The School Text-Book Commission.

When the selection of text-books was taken from the districts and counties it was committed to a commission of eight appointees of the Governor, confirmed by the Senate, not more than three of whom should be of any one political party - changed ^{to} ~~to~~ five, 1907- and who should serve for a term of four years;¹¹⁰ and the state superintendent as ex officio chairman of the Commission.¹¹¹ The Commission was authorized to advertise for and receive bids for exclusive contracts to supply the ordinary text-books to be used in all the schools of the state, and to select adopt, and award contracts for a series of approved books.¹¹² The publishers should be given a five year monopoly of such text-books, upon consideration of selling ~~them~~ at a price agreed upon with the

Commission, not above a schedule fixed in the law. If no satisfactory bids were received for any book, the Commission might purchase manuscripts and copyrights and contract for the publication of texts from them.¹¹² Contract books were required to be used in all public schools in the branches prescribed, but the district or city might supply reference books to supplement the authorized text.¹¹⁴ The law gave immediate satisfaction, as it reduced prices by one half¹¹⁵ and it was straightway extended to other texts, and by requiring the approval of the Commission of any school apparatus thereafter to be sold in the state- at prices for such apparatus not above a maximum set by the Commission.¹¹⁶ In most respects the law continued to give satisfaction in its operation. The superintendent in 1900 thought it should be modified to empower the Commission to repudiate contracts for inferior texts,¹¹⁷ and in some subjects it was found to be impossible to obtain books of high quality within the schedule price limit, but on the whole it was considered responsible for the raising of standards, with each new adoption, and the price obtained was unusually low. A number of other states have taken this law as a model upon which to devise schemes for themselves. The Commission was abolished by the legislature of 1913, and its powers and duties and functions transferred to the State School Book Commission, in so far as they were not modified or terminated by the act creating the latter Commission.

The State School Book Commission.

This latest of commissions is constituted of the State Superintendent of Public Instruction, the presidents of the State Normal School and the State Agricultural College, the State Printer, the president of the State Board of Agriculture, and two other persons to be appointed by the Governor for a term of two years from April first 1913. 121)

"The Commission shall choose a secretary who shall not be a member thereof, but who shall be a person of recognized ability and well qualified to determine the educational value and use of text-books", who shall keep the Commission informed "as to the ~~character, worth, adaptability, educational and mechanical value of such books as are used in the public schools of this state, and of other states, and shall report any violation of the provisions of this act to the said Commission~~ immediately upon hearing thereof. It shall also be the duty of the secretary to see that the books are properly distributed, and collections made for the same." He shall maintain an office in the state capitol, and devote his entire time to the performance of these and other duties incident to his secretaryship, for a salary of not to exceed \$2000 per year.¹²⁰ The duties of the Commission are "as soon as practicable (to) adopt, write, select, compile, or cause to be written, or compiled, or purchase copyrights" for a complete and enumerated series of text-books for the common schools of this state, or it "may contract for the right to publish any or all of such books on the payment of an agreed royalty therefor."¹²¹ Having acquired rights to the copy for the series of texts, the Commission has them published at the state printing plant, and dispenses them to districts or to retail dealers authorized by the districts to handle them. As soon as existing contracts entered into under the old law will permit, these state published books, if ready, are to replace the old series, and be used exclusively as texts, save that districts or cities may supply other books as supplementary and reference works.¹²²

Notes to ~~Chapter~~ Chapter II.

1. But twelve county superintendents reported, and these so vaguely that Mr. Griffith found it not worth while to compile the statistics.
2. Twenty counties reported. Mr. Simeon M. Thorp, the ad interim incumbent, was elected a member of the Senate of the legislature to which his report was made, and perhaps reserved his recommendations for the Senate chamber. He recommended the use of McGuffey's readers, Cornell's geographies, Ray's arithmetics, and Pinneo's grammars. Col. Hist. Ed. p. 7.
3. Isaac T. Goodnow was a New England Educator who heard Eli Thayer speak in 1854, and resolved to emigrate to Kansas. He settled a colony near what is now Manhattan, Kansas, and raised \$20,000 for church and school purposes, being the chief promoter of Blue Mount College, which was to become the Kansas State Agricultural College. As State Supt. he was very zealous in visitation, lecturing, and the holding of meetings for the encouragement of schools and the stimulation of advanced methods in education. He strongly favoured women teachers for the common schools, and considered ~~gymnastics~~ an essential part of an education.
4. Fourth Biennial Report of the State Supt., 1884
5. Third B. Rep't., 1882. 6. See sections on supts., post.
7. Women became school voters by a law of 1867.
8. For exceptions see powers of county supt., post, *page 25*
9. Laws 1911, Ch. 271. 10. Act March 2, 1863.
11. 1873. The Democratic party protested: "While we are in favpr of education for all, we are opposed to mixed schools of black and white children, and are in favor of separate schools for each race." Platform of 1868.
12. Laws 1899 Ch. 177 #12. 13. See post, Ch. III, section II.
14. Laws 1897 Ch. 179 #13. 15. Laws ~~1868~~ 1877

Notes on Ch. II -continued.

16. Laws 1874, See post. 17. Laws 1874,
 18. 7th B. Rep't, 1890. 19. Laws 1869, Ch. 96, #7.
 20. Laws 1876, Ch. 122, Art. IV, #26. 21. Laws 1907, Ch. 325.
 22. Laws 1876, Ch. 125 #1. 23. 1st, 16th, 17th B. Repts.
 24. Laws 1881 Ch. 156, Laws 1883 Ch 160. 25. 5th B. Rept., 1886.
 26. Laws 1911 Ch. 262. 27. As amended by laws 1913, Ch. 278.
 28. As the schools of cities of the first and second classes
 were early taken from the jurisdiction of the county superintendent
 I have reserved their consideration for a separate section, post.
 29. 17th B. Rept., 1910. 30. Minimum 1861, 3 months; 1907, 7 mos.
 31. The State Teachers' Association in 1866 devoted much consider-
 ation to the faults of the county superintendents, and thereby
 perhaps unwittingly lent aid and comfort to their enemies, although
 their own conclusion was a resolution for full time and a
 salary for the supt. In 1875 they are compelled to view with
 grave alarm the recent efforts to abolish the office; again they
 recommend an increase of salary which will attract better talent
 to the office, and suggest a considerable raising of qualifications.
 32. 3rd Annual Rept. 1863. 33. 15th Ann. Rpt. 1875, 1st B. Rpt. '78
 34. 3rd B. Rpt. '82, 4th, '84. 35. 1st B. Rpt. '78. Special acts .
 36. Columbian History of Education in Kansas, p. 187.
 37. See ante. 38. 16th Ann. Rpt., 1876, 9th B. Rpt. '94.
 39. Laws 1899 Ch. 245, 1903 Ch. 202. 40. Ch. 150, ##2, 3.
Professional certificates are no longer issued, Laws 1913, Ch. 268. Law 1911
 41. 13th and 14th Ann. Rpts, '73, '74.
 42. Laws 1899 Ch 177, 1901 Ch. 305, 7th and 10th B. Repts.
 43. Laws 1869. Sec. iii this chapter. 44. 4th, 7th B. Repts.
 45. 12th B. Rept. 46. Laws 1903 Ch. 223. 15th B. Rpt. 1906.
 47. 10th Ann. Rpt. '70. 8th B. Rpt. '92. 15th B. Rpt, '06.
 48. 2nd., 4th, 8th, 14th, 15th B. Rpts.

Notes, Ch. II.

49. Laws 1913 Ch 271. 50. 3rd Ann Rpt. 1863.
51. Laws 1864 Ch. 101. 52. Laws 1869 Ch. 86 #22.
53. Ibid #23 54. Laws 1873-'76. 55. Laws 1877 Ch. 136.
56. Laws Ch. 86.#4. 57. 10th Ann. Rpt. There were a very few commendations of it early -McCarty, 9th A. R. - which were rather well retracted later. 14th A. R. 1874.
- ~~58. Laws~~ 59. Laws 1901 Ch. 303.
- 60 Read by Prof. J. H. Canfield of the University.
61. 4th B. Rpt. 1884. 62. Laws 1886 Ch. 147. The Supreme Court has decided that county high schools under this law are "schools of a higher grade". (Koester v. Atchison Co. Com'rs, 44 Kansas 141. 1890) whereas city high schools are a part of the system of common schools. (Board of Ed. v. Dick, 70 Ks. 434.)
63. There were several reasons for this: cities already maintaining high schools were not exempted from taxation for the support of the county high school, and under the provisions of the law were able to defeat its adoption by refraining from voting. Quarrells as to the location of schools also prevented many from adopting until the law was altered.
64. Laws 1897 Ch. 180. 65. Laws 1905 Ch. 397.
66. Gen. Statutes 1868 Ch. 19 Art V.
67. Topeka. 68. 17th B. Rpt. 1910. 69. Gen. St. '68, C.19, V.
70. Laws 1869 Ch. 89. 71. Laws 1911 Ch. 93.
72. Laws 1905 Ch. 14. Kansas City alone is authorized to maintain a separate high school, by laws 1905 Ch. 414.
73. Laws 1885 Ch. 171. 74. Laws 1913 Ch. 272. They are required to conform strictly to the text-book law. Laws 1911 Ch. 267.
- State ex rel Dawson v. Innes, 1913.
75. Laws 1876 Ch. 122 Art. II #21. *except rept of school population and attendance to county rept. as basis for apportionment of funds. part. Ch III.*
76. There appears to be nothing in the statutes upon this

Notes on Ch. II

matter, although it has been done so since the provision for it disappeared.

77. 1st B. Rept. 1878, suggests election by a convention of county superintendents or appointment by the governor. See also 13th B. R.

78. 3rd A. R. '63, 2nd, 12th, and 17th B. Rpts. Plans for school buildings two or more stories high must now be submitted to the state architect for approval before construction begins. Laws '09,/
Ch 209

79. Laws 1879 Ch 166 #83. 80. Laws 1879 Ch. 158. Laws 1869 Ch 86.

81. Laws 1869 Ch. 86 #1. In 1912 the State Teachers' Association resolved for at least one supervisor of rural schools to be added to the staff of the superintendent, who should spend his whole time visiting and advising in the counties.

82. Laws 1864 Ch 101 #2. 83. Laws 1877 Ch. 136.

84. See post, Ch. IV. 85. Laws 1870 Ch. 103.

86. Laws 1909 Ch 204. 87. Laws 1913 Ch. 294. 88. Bd. Sch. Ed. Cmr.

89. 9th A. R. 1869. The State supt., the principal of the Normal School, two supts. of the larger cities, and three representatives of the State Teachers' Association were suggested as a proper personnel of such a board. Three years later a similar recommendation appears: a State Board of Education to co-ordinate the system and standardize teachers' qualifications, and to examine and certify teachers. 12th A. R. 1872.

90. Laws 1873 Ch. 133. As a result of agitation for representation of the common schools, it was provided in 1893 that the Board should consist of the above- except the principal of the Leavenworth Normal, which no longer existed- and three appointees of the governor for terms of two years. Laws Ch. 132. This appears to have given satisfaction, and but one superintendent has since recommended a change- that they serve six years. 13th B. Rpt.

91. Laws 1873 Ch. 133.
92. Laws 1877 Ch. 136.
93. Laws 1893 Ch. 132, as amended by Laws 1911 Ch. 276.
94. Laws 1909 Ch. 212.
95. 14th A. R. 1874.
96. 16th A. R. 1876. / ^{97.} 1st B. R. Osage Co., 2nd. Marshall Co.
98. Laws Ch. 180.
99. 10th A. R. 1870.
100. Laws 1905 Ch. 387.
101. Laws 1913 Ch. 272.
102. Laws 1897 Ch. 180.
103. Laws 1905 Ch. 397.
104. Laws 1911 Ch. 263.
105. Laws 1903 Ch. 20.
106. Laws 1903 Ch. 20.
- 107 2nd B. R. 1880.
108. Col. Hist. Ed.
109. Laws 1913 Ch. 271.
110. By the original law the commission would have expired in 1901. In 1898 provision was made for its continuance, and it was given power to select and make new contracts at the expiration of each five year period. Laws 1898 Ch. 31.
111. Laws 1897 Ch. 179.
112. The legislature took the precaution of naming several books as standards for the guidance of the Commission. It is interesting to note that the most of them were adopted.
113. Laws 1897 Ch. 179 ##4, 6.
114. Ibid #15. The statute did not require the district to supply the reference books used, but this would seem to be its intent, according to State v. Innes
State
89 Kansas 186, and the School Book Commission law of 1913 confirms.
115. 11th B. R. 1898.
116. Laws 1899 Ch. 176, 1901 Ch. 308.
117. 12th B. R. 1900.
118. Repts. of Supts.
119. Laws 1913 Ch. 288.
120. Ibid #2.
121. Ibid # 3. This leaves the Commission in succession to the contracting rights of the Schoolm Text Book Commission for certain high school texts.
122. Ibid ## 5, 8, 6.

Chapter III. Aspects of Centralization.

A. The Support of the Schools.

While the burden of supporting the school system has become infinitely lighter even with its increase in amount of money required, the problem of finding an equitable adjustment of that burden is but little nearer solution than when the state was organized. Private subscription as a source of revenue was never more than a passing expedient. The legislature of 1864 authorized school boards, when the maximum legal levy for teachers' wages would not support school for the length of time desired, to make up the deficiency by assessing a fee upon each pupil attending.¹ This provision was repealed almost at once, and would now be regarded as unconstitutional.²

By far the greatest defect of the system has been - and remains - the use of the small district as the unit of taxation for school purposes. In the eastern part of the state the district is almost invariably a two mile square, giving an area of only four square miles to support the school. If the district chance to contain a stretch of railroad, or a coal mine, or from some other cause contain a great amount of taxable property, it can by a negligible levy support a good school for a full term. But lying next it may be one or more districts of like area, and having as many school children, the taxable value of which districts is so low as to render the maximum levy necessary if the school is to be maintained even the minimum term, and taught by the cheapest teachers. And the maximum legal levy has been more inviolable in Kansas than has the minimum legal term: each time the latter has been raised it has been with a proviso excepting those districts which would have to exceed the maximum levy to attain the new

minum term.³ With the immense number of districts in the state,⁴ the majority of them have been always kept near the minimum standard, both as to terms and as to teachers. This system is palpably wasteful. It has never been disputed that with better grouping of school facilities, the same number of pupils might be taught, for longer periods and by better teachers, at no greater expense than the present scheme requires. And it cannot be contended that the education of the child is not a matter of greater concern outside the narrow district in which he chances to reside than the financial support which the district receives on his account from the State School Fund would indicate.⁵ To remedy this palpable inequity and inefficiency of the system has been one of the prime concerns of every superintendent of public instruction since Goodnow began arguing for larger districts in 1863.

The problem has been partially solved by the districts' availing themselves of the law for consolidation. Since they have been authorized, and later, required, to provide transportation for pupils living at a distance from the school-house, this provision is being somewhat more rapidly taken advantage of, but even now⁶ there are only seventy five such schools, replacing one hundred eighty six and a half former districts. Much has also been done by the disorganization of sparsely populated districts and the attachment of their territory to adjacent districts, by the authority of the county superintendents. However, there still remain over eight thousand one-teacher schools in the state, maintained at a cost per pupil in attendance per month of from \$1.10 to \$1.85 higher than for corresponding grades in graded and city schools⁷, and taught in at least a fourth of the cases by teachers with lowest grade certificates, and with little or no experience.⁸

One of the suggestions for a remedy which has been most persistently advanced is to make the congressional township the school unit for taxation and management, permitting it to support either one or more schools as local conditions should make advisable. With the superintendents it has found much favour from the first, but none with the legislators. Another suggestion has been to make the county the unit for purposes of school taxation and administration, and neither has it been acted upon. A commoner plea has been for county and state aid to the districts, in addition to the annual income of the School Fund.⁹ The legislature of 1861 levied a state tax to ~~suppl~~ supplement its annual fund, but the next year turned the proceeds from each county back to that county for county distribution. From 1863 to 1880 ^{of one mill on the dollar} the state levied a tax/in aid of the schools and distributed the proceeds with the annual funds. The distribution scheme has seemed faulty to many of the superintendents, and they have coupled with their arguments for increased state and county aid others for distribution upon a more equitable basis. They have pointed out that in many cases the weak district which most needs assistance will receive a mere pittance, even as compared with a richer and more populous district in the same county. Yet the state which should be equally concerned that the children in both have good teachers and equipment, relatively penalizes the district which most needs assistance. The propositions to remedy this situation have ordinarily been for an apportionment upon a basis of the number of teachers employed or the number of months of school taught by a qualified teacher.

There is some warrant for thinking that the existing system will presently be dispensed with. A law of 1911 provides that when any district shall be unable with the maximum legal levy to maintain a school for the minimum term of seven months

the state shall contribute three fourths and the county one fourth of the deficiency, to the end that the district may have its full seven months of school, taught by a qualified teacher recommended by the county superintendent.¹⁰ Certain high schools designated by the State Board of Education and maintaining approved normal training courses may receive state aid, up to the amount of \$1000 in any one county.¹¹ The provisions whereby counties may aid high schools have already been noted.

B. Text-Books.

The text-book problem was equally important, and much more immediate to the people. Many of the settlers brought with them the textbooks used in the schools of the communities from which they came, so that it was not at all uncommon for a school teacher of the sixties to have to deal with more kinds of texts than there were pupils in the school. This situation necessarily involved an enormous waste of time and energy on the part of every one concerned, yet it was not a problem easy of solution. To replace at a high price the text-books used by a family of several children for a school term of three or four months a year, and perchance to have to repeat the change when another teacher should be employed, was more than could be required of the ordinary impecunious squatter. Goodnow in his first report urges that the state superintendent's power of recommending texts be made more potent by conditioning participation in the annual school money upon compliance.¹² Sixteen years later the district uniformity law was enacted, and most of the districts complied with its requirements. But, except in those districts which furnished texts at public expense it was found to give slight relief to a considerable class who most needed it. Many poor families

moved from district to district in successive years, and they were as ill off as before in the matter of text-books. Moreover, county superintendents found it difficult to co-ordinate and standardize the work of all their schools with a great diversity of texts in use. Compulsory uniformity was not held in high regard, however. It was argued that different localities should be left free to select such books as fitted their peculiar needs, and should not be hindered by a statewide law from taking advantage of any improvements which might be made in text-books. In 1885 the counties were empowered each to select a series of books to be used throughout the county. In general, this gave satisfaction. About half of the counties had adopted its provisions when statewide uniformity was established by the law of 1897.

State publication had been discussed as early as 1884. Several superintendents considered it in their reports, and all concluded that it would result in neither a raising of the quality nor a lowering of the price of text-books.¹³ They did not find encouragement in the examples of state publication elsewhere. And as Kansas educators were still concerned to maintain and perfect the existing law,¹⁴ the publication act of 1913 must still be considered very much an experiment. It seems to have been passed upon the urge of a feeling that Kansas was paying too much for her text-books. Whether the new state-published books will cost less than the former series, and of what quality they may be, has yet to appear.

Public Ownership.

The earliest device by which uniformity within districts was secured was that of district ownership, based, if upon any law, upon that authorizing districts to furnish libraries.

This was plainly beyond the intent of the library law, however, but the matter was never tested in the courts. The scheme was considerably used and much recommended for thirty years or more before it was ^{really} legalized. It not only secured uniformity of texts, but relieved the people of purchasing them, as well, and enabled each book to be used by several children in successive years. The county and state superintendents have argued for the legal authorization, or requirement, of free texts almost without ceasing. With texts required to be furnished by the district or city, they have pointed out, each locality could select from an approved list to meet its own particular needs or preferences, and sacrifice none of the advantages of statewide uniformity thereby, while retaining the opportunity of getting better books should such be published or should the locality desire to pay a higher price than that of the standard texts. The text-book law of 1897 authorized districts or cities to provide books upon a two thirds affirmative vote of the electors, but this proved prohibitive and in fact retarded the movement for free texts, until the vote required was reduced to a majority in 1909.

C. Compulsory Education.

Inequality of attendance on the part of pupils was perhaps as demoralizing an element in the early schools as was diversity of text-books. The texts could no more give trouble than they could do good while the pupils did not attend. And a great many of them did not- in 1863 less than two thirds of the school population was enrolled in schools, and but thirty six percent of those enrolled were in average daily attendance. These percentages improved slowly as the state grew stronger,

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but schoolmen were keenly conscious that it was a most inefficient use for the school plant- to be standing idle more than half the year and in use only part capacity the rest. The right to tax for the support of the schools was felt to imply the right to compel attendance; if one man's property must contribute to support facilities for the education of another man's children he may justly demand that they be not permitted to grow up in ignorance; a publicly supported institution should be so used~~d~~ as to give the greatest return to the public, and the public investment in schools should be made to yield returns in better citizenship. It was largely upon such reasoning as this that the superintendents and governors importuned the legislature for a compulsory attendance law, until in 1874 one was passed. It was not a very drastic law: it required attendance at a public or private school twelve weeks in the year, six weeks of which should be consecutive, of all children between the ages of eight and fourteen years, unless excused by the board of the district or city, upon the parents' showing that they were financially unable ~~to~~ properly to clothe the child for school, or for any one of a considerable variety of other reasons.¹⁵ The enforcement was left to the school boards, who could or did little. There was for three years slightly more than the normal increase in the enrollment and attendance percentages, and this was followed by a very appreciable slump, due to the rapidly increasing school population. The absolute figures of enrollment and attendance continued to show excellent increases. The superintendents were soon demanding a revision of the law to get better results, and they were willing to furnish the specifications for the amendments. After many years, it was granted them.

The number of excuses is much diminished and the period of required attendance is extended to the period in which the school is in session, except that children over fourteen years of age who work to support themselves are required to attend but eight weeks per year- the upper age limit is raised to fifteen years.¹⁶ Those children who have graduated from the common schools are also exempt from further attendance regardless of their age. The enforcement of the law is committed to truant officers appointed by the county commissioners upon the nomination of the county superintendents, or by the boards of education in cities. They act upon reports made by the teachers of the schools. An examination of the enrollment and attendance figures since the passage of this act does not justify the characterization of it as the most important law passed since the establishment of the public schools,¹⁷ but that does not detract from its very real value. In the year 1912 there were nineteen and a half thousand cases having the attention of truant officers, and five and a half thousand pupils were placed in schools by its provisions. The comment, almost unvaried, of "good" or "beneficial", coming from the county superintendents must be conceded to have a substantial basis.

D. The Qualification of Teachers.

However well supported financially the schools may be, however good and cheap accessories in the way of texts and equipment they have, the principal and most important element in the success of the school system will always be the character and capacity of the teachers who do the actual instruction. The child who attends by virtue of the compulsory law should not require its urge a second time. The school system which requires that every child be taught must provide instructors

capable of making the attendance worth while both to the pupil and to the public. The standards attained in the early years of Kansas were often not very high. The school terms averaged less than thirteen weeks in 1862. It was never so low again, but it was not soon sufficiently high to support a class of professional teachers, especially as the compensation was extremely meagre. Teaching was an incident, availed of in winter or other slack seasons to eke out a scanty living. The teachers were usually men or women who had little or no preparation beyond the common branches which they proposed to teach. Moreover, teachers were scarce, and often a county superintendent was obliged to temper his examinations to the preparation of the applicants, in order to qualify a sufficient corps of teachers to conduct the schools of his county.¹⁸ And the introduction of petty politics by the first county examining boards made the situation all the worse.

To aid in raising the standards of fitness for teaching, Supt. Goodnow from his accession to office urged the holding of institutes for teachers by the county superintendents, and several of the more prosperous counties did so,¹⁹ at convenient, central places "where the people would furnish, gratis, entertainment for the teachers." It is needless to add that the institutes were always very short. The following year the legislature required the state superintendent, with the county superintendents, to hold such an institute in each senatorial district, with the proviso of like gratis entertainment for the teachers.²⁰ Shortly afterward the institute unit was changed to the judicial district, and counties with as many as fifteen

districts were required to hold institutes of from two to five days.²¹ In 1877 the entire administration of the institutes was committed to the counties, with the provision that two or more sparsely settled counties might combine for institute purposes.²² The institutes were now to be held for not less than four weeks. Expenses should be defrayed from fees and by a county appropriation, at the discretion of the boards of county commissioners. It appears that the most of them were more discreet than generous. Fee support was found to penalize the weaker counties so heavily that one of the chief concerns of the superintendents henceforth was to secure state aid for the institutes. In 1901 the counties were required to appropriate up to one hundred dollars for institute support, and by a law of 1911 state aid to the extent of fifty dollars per county is granted to every institute with as many as twenty five in attendance.

The State Board of Education found that by furnishing a course of study in academic and professional subjects it could increase the efficiency of the normal institute work to a very great extent.²³ At the Columbian exposition (1893), Kansas received a first award for the best system of training teachers.²³ This did not imply perfection at all. The superintendents were still unsatisfied, and continued to devise and commend to the legislature various schemes for increasing the efficiency of the normals. The State Board of Education was given legal authority to prescribe the courses of study for normal institutes at the same time with that of prescribing for the common schools. What form the normal institute may take as more advanced academic preparation is required of teachers is conjectural. The State Teachers' Association recommends (1911, 1912) that as the law requires more preparation

the four weeks of summer normal institute be abandoned and replaced by a series of professional institutes throughout the year.

Some of the elements which made for low standards in the early years have been mentioned. Another was that the county superintendents were not always capable of fixing and maintaining high standards; and petty politics, extended even here, had a demoralizing influence, especially after the first creation of county boards of examiners. There was likewise no differentiation in the certificates issued, so that the veriest tyro who could obtain one was on a professional parity with the able and experienced teacher. Something was done to relieve this situation when the state board was created to grant state certificates. Much more was done when the Board was given the preparation of all questions for county examinations and grades of county certificates were established. Henceforth there could be laxity only in the grading of the examinations written, and this did much to cure the evils of petty politics. Two grades of certificates were established in 1885 for one of which some little experience and slightly more preparation than the common branches was required. The minimum age at which a certificate could be issued ^{to an applicant} was seventeen years. A few years later a third grade certificate was authorized, which might be issued ^{to applicants of} at the age of sixteen years, with qualifications approximately the same as for the former second grade certificate. The standards for the other grades were slightly raised. In 1903 a professional grade was established, for qualifications so nearly the same as those for a first grade certificate that they have since been discontinued.

These standards left much to be desired - especially as

approximately on third of the teachers of the rural schools each year are inexperienced, and a fourth of them are holders of third grade certificates. The first step toward raising the standard was to limit the number of renewals of a certificate which might be granted in the same grade, and to raise the minimum age to eighteen years. For several years it has been urged by educators that the requirements be raised by rapid degrees so that after a few years no one may teach without the basis of at least a high school education or its equivalent. Besides county certificates, the State Board controls the certification of the graduates of accredited high schools and colleges. Thus it controls all the certification but that by the Normal schools and by cities of the first and second classes, and districts employing ten teachers or more, and these must accept certain state certificates and may accept the rest in lieu of examinations by their own authorities. There has been no demand for any change in this provision, although a similar one as to the qualifications of high school teachers in county high schools has been the occasion of some dissatisfaction and a demand for standardization by the state board.

Notes on Chapter III.

4. ~~The number in 1912-'13 was 8717. The highest number was in 1886/~~

1. Laws 1864, Ch. 101.

2. "Common schools" in the constitution means "free common schools". Board of Education vs. Dick, 70 K 434.

3. However, Laws 1909 Ch. 245 #27, permitting districts by a three fourths vote to exceed the maximum levy, has been upheld by the Supreme Court in School District vs. Coughlin, 88 Ks. 1.

4. The number in 1912-'13 was 8717. The highest number was in 1896, 9284.

5. The school population was (1912) 510273; the State Annual Fund amounted to \$489655.65; the cost per capita, school population, was \$21.86; cost per capita, attendance, \$28.25; so that the the state income is a rather insignificant item for most schools.

6. I. e., 1912. 18th B. Rpt. 7. Ibid, p. 76. 8. Ib. p. 77.

9. A history of the State School Fund may be found in the Kansas Historical Collections, Vol. X, by Mr. C. H. Landrum.

10. Laws 1911 Ch. 268. The total cost must not exceed \$450.

11. Laws 1909 Ch. 101 #2. 12. 3rd Ann. Rpt., 1863.

13. 4th, 10th, 15th, 18th B. Rpts.

14. The State Teachers' Association in 1912 resolved for a commission to study the problem and report desirable amendments to the law to the legislature of 1915. The present superintendent expressed misgivings as to state publication, and endorsed the proposal for a commission. 18th B. Rpt.

15. Laws 1874 Ch. 92a Gen Stat. 1876.

16. Laws 1903 Ch. 423 as amended by Laws 1907 Ch. 317.

17.

17. 4th B. Rpt. 1904, by Supt. Dayhoff.

18. The qualification of city teachers was committed to the

city authorities in 1867. This section will deal principally with the qualification of county teachers.

19. 3rd Ann. Rpt 1863. Lyons County was the first, at Emporia.

Others were successfully held the same year at Atchison, Leavenworth, Paola, and Marysville.

20. Laws 1864, Ch. 101.

21. Laws 1869 Ch. 86 #22.

22. Laws 1877 Ch. 136. Some counties have held institutes of as long as ten weeks,.

23. 9th B. Rpt. 1869.

24. Professional certificates were abolished in 1911.

CHAPTER IV. Higher Education.

¶ It was never contemplated that the scope of public education should be confined to primary and secondary work. The act admitting the Territory of Kansas to the Union reserved seventy two sections of public land as an endowment for a university. The first territorial legislature, besides incorporating numerous seminaries¹ colleges and universities, ^{had} created the University of the Territory of Kansas. It was to be governed by a board of twenty cutators, chosen five each year by the joint vote of both houses of the legislature, and serving six years each,¹ together with the district attorney and the auditor of public accounts.² The curators had full powers in the establishment and government of the institution, but for the unhappy circumstance that no money was provided with which to prosecute the work.

The Free-state people were none the less interested in higher education,³ but were content to leave the organization of the institutions until there should be a more immediate need for them, and more adequate resources from which they might be supported. They chartered private institutions as freely as had their predecessors, but left the public ones until statehood should be attained, making provision in the Wyandotte Constitution⁴ for the establishment by law "at some eligible and central point, of a State University, for the promotion of literature, and the arts and sciences, including a Normal and an Agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State University, and all other grants, donations, or bequests, either by the state or by individuals, for such purposes, shall remain a perpetual fund, to be called the 'University Fund', the interest of

which shall be appropriated to the support of the State University!

With statehood, the location of this university immediately became the occasion of intense political rivalry among the various localities. This rivalry among aspiring cities for state institutions was intense even to bitterness, and next to the capitol, the university was the sweetest plum in the thicket. Lawrence, already regarding herself as the Athens of Kansas, peopled largely from Massachusetts, and with the backing of wealthy easterners whose financial support would weigh heavily in the establishment of the university, expected it as the legitimate crown with which her Territorial labours were to be rewarded. Moreover, the first governor of the state was a resident and large property owner in Lawrence, and the loyal agent of the Massachusetts interests which had made possible its settlement and were now nursing its hopes of the university. A hundred miles to the west, Manhattan disputed the claim of Lawrence to the prize. Founded almost as early as Lawrence, by a party of New Englanders who were led by an energetic ex-professor, she had turned her efforts early to the promotion of higher learning, and had Blue Mount College, with a site, a building, and some equipment to offer the state as an earnest of her being an eligible and central point.⁶ Emporia, with equal or better advantages in the matter of situation, likewise aspired to be the intellectual capitol of the state, and was ambitious to profit by the dissensions of the cities of the Kaw.

The first trial of strength came in the session of 1861. Manhattan was represented in the House by Isaac F. Goodnow, her founder and indefatigable booster, and he secured the passage of an act to locate there the university as constitutionally provided. Manhattan's triumph was not to be celebrated yet!

Robinson of Lawrence was not so clever a politician as his rival, but he was Governor, and could veto the obnoxious bill; as he promptly did, in his stern loyalty to Lawrence. The state superintendent, with admirable discretion and much wisdom recommended that the establishment of the university be deferred until the state should have students ready for college; there was no present need of it, as the academies and seminaries already existing were of sufficiently high grade to accomodate the most advanced students in the state.⁷

The solution which the next year brought forth was an unforeseen one, and was to play havoc with the careful provisions of the constitution. Congress offered liberal donations of public lands to such states and Territories as might provide colleges for the benefit of Agriculture and the Mechanic Arts.⁸ By accepting the provisions of this act Kansas secured an additional endowment of ninety thousand acres, almost twice as much as that given to the university. Manhattan was content to take this and retire, even in some measure to assist Lawrence in obtaining the residue of the university contemplated in the constitution. Emporia and her claims were now brought to the proof, and failed by a vote to secure the University. Lawrence got it, but was to lose another constitutional department of it. The ever adroit Goodnow, now State Superintendent, suggested that a state normal school would console the city of the Neosho valley, and though not all of the legislators were clear as to what they were establishing there, it was so ordered.¹⁰ ~~W~~

For each of the institutions thus established there was provided a board of regents, with full powers for their organization and government, including the sale of the endowment lands and the investment of the proceeds, and the custody and expenditure of all moneys appropriated for the support of the institutions (Except the Normal School, last item.)

The Agricultural College regents were to be the Governor, the Secretary of State, the State Superintendent of Public Instruction, and the president of the college, ex officio, and nine appointees of the Governor, confirmed by the Senate. Of the appointed regents, not more than three should be of any one religious denomination.¹¹ The regents were required each year to make a report of the financial and educational condition of the college to the state superintendent, who should incorporate it into his report to the legislature.¹² There should also be a board of three visitors, appointed by the Governor, who should annually visit and personally examine into the state and condition of all departments and branches of the institution, and suggest such improvements as they might deem important. Their report also was to be made through the state superintendent to the legislature.¹³

The Normal School was provided with a board of nine directors, six appointed by the Governor for threeyear terms, and the Governor (Secretary¹⁴ of State, the State Treasurer, and the State Superintendent ex officio.¹⁵ The board of visitation for this school should be appointed annually by the state superintendent, and should report to him upon its condition, success, and usefulness. The superintendent himself was required to visit the institution at least once a year, and to report to the legislature fully the transactions of the directors, the financial condition, the progress and the prospects of the school

The regents of the University were to be twelve in number, appointed by the Governor, and confirmed by the Senate, no more than four being of any one religious denomination, and the secretary of state, the state superintendent, and the Chancellor of the University- to be elected by the Board- ex

officio.¹⁶ They were given even greater financial powers than were the other Boards, being authorized to expend not only the income of the University Fund, but also such of the fund itself¹⁷ as was available, for buildings, apparatus, library, and natural history cabinet. Their annual report was to be made to the legislature.¹⁸

It appears that while there was no central administrative authority as such over these Boards, the membership of the state officers in all of them would have some influence in the direction of their co-ordination. In the matter of financial administration, however, some inconveniences soon arose. The state auditor was required to audit the endowment interest funds of the Agricultural college, as an instance; he found it inconvenient to do so while the funds were not in the state treasury and subject to his warrant.¹⁹ Some losses through the embezzlement of a land agent moved the regents of the Normal School to place their endowment funds in the custody of the state treasurer.²⁰ Separate treasuries in all the institutions were abolished in 1903, since when the state authorities handle all the money of the institutions.²¹ The investment of the proceeds of their landed endowments was very early taken from the regents of the University and the Normal School and committed to the State School Fund Commissioners,²² ~~but the regents of the Agricultural college retained the~~ control of theirs until 1905.²³

In 1873 the state officers were taken from the boards of regents, and these were henceforth all constituted alike: six appointees of the governor, holding three years, the terms of two expiring each year, and the president or chancellor of the institution, ex officio. The appointive members paid three dollars per diem for the time actually spent in discharge of their duties. 24. The branch normals estab-

at Leqvenworth and Concordia in connection with the city school syatems were governed by boards of directors composed of appointeesof the governor and of representatives of the city boards.²⁵ The branch Normal Schools later established at Hayes City and at Pittsburg were placed under the control of the regents of the Normal School, and the State School of mines, established in Weir City in 1901, was placed under the control of the regents of the University, rather against their wishes and advice. The terms of the regents of the Universty and of the Normal School were changed to four years in 1877, and those of the Agricultural College twenty years later. A commission of visitation established in 1873 was abolished two years later, and has never been revived.

The separate establishment of the three schools was from the first considered by many to be unwise, as well as in violation of the intent of the constitution. Superintendent Peter Mc-Vicar in his report of 1869 devoted much space to an argument for the consolidation of the University and the Agricultural College. "It was a mistake at first to divide the endowments of these two institutions. The separation was effected during a session of the legislature in which almost every locality of the state was eager to secure the location of some state institution. The rivalry of sectional interests, therefore, was unfavorable for the time being to a calm and impartial consideration of the highest interests about to be located. This was especially true as regards the separation of the University and the Agricultural College." He goes on to point out that the cost of maintenance is increased over that of the institutions if they should be combined, as he thinks, and that there is much duplication of courses in the two schools - the arguments which have endured even to the present day. They

have found official expression but once since McVicar. This was in Governor W. E. Stanley's message of 1901: "The separate maintenance of the University and Agricultural College, where many of the same branches are taught, is much more expensive than if they were united, but it is too late now to cure this defect, and we must meet the increased cost of their separation."

Thus has the project of reuniting the institutions been dismissed, reluctantly, as a thing desirable and tax-reducing, but practically and politically impossible. While it is not within the scope of this paper to consider the question of the soundness of the argument for it, it is perhaps not out of place to note that there are other elements than cost which might well enter into the problem. It cannot be denied that many hundreds of students receive instruction in the three institutions, who would be unable to do so if they were combined into one. In fact, a distinction of which Kansas may well be proud is that she gives some degree of higher education to a greater number of her youth,-a greater number both absolutely and relatively - than does any other state, whether with one school or more.

Governor Stanley felt keenly that the three institutions were not giving as full value in service to the state as the expenditure upon them might bring, and sought another way than consolidation to remedy the situation:

"While the University and the Agricultural college and the Normal College were located at different points, and each one designated to give different instruction, it was in pursuance of a common plan.

.....

"There is no reason why this plan could not have been kept constantly in view, and why these three institutions

could not have worked ~~together~~ toward the accomplishment of a common purpose, neither encroaching upon the province of the other, if they had all been under one common management. But these schools have been directed by separate managements, each wholly independent of the other, so that at this time there is little united purpose or action among the three.

"I think much could yet be done to render all of these schools more efficient, by carrying out the intent of the constitution, of making each a part of a general plan; and the first step in this direction would be to place them under the control of one board of regents, composed of six members, not more than four of whom should belong to one political party, with the head of ~~the~~ each institution an ex officio member, and the presiding officer of such board in all matters relating to the particular institution of which he was the head, and I earnestly recommend the enactment of a law creating such a board. No objection could be urged to such a law, except as it might arise from those who are willing that some one of these institutions should be fostered by the state to the neglect and consequent injury of the others".

Governor Stanley's recommendation fixed the high mark of this movement for a decade. During that decade the institutions all experienced an extraordinary growth, and consequently were obliged to ask each biennium for considerable increases in their appropriations. By 1911 both the University and the Agricultural College were presenting budgets amounting to over half a million dollars a year. Asking such amounts, for the support of institutions whose benefits seemed largely intangible to many members of the legislatures which had the refusal of them and the legislatures are usually rather faithfully representative of a state which is much concerned that taxes

shall be kept low- it became necessary for representatives of the institutions to attend upon the legislature and explain the purposes of the proposed expenditures. That is, it became necessary for the institutions to lobby in the state legislature for their own maintenance. To no one could this situation have been more distasteful than to the gentlemen~~/~~ who were obliged to resort to such means to maintain the institutions in their care. And it gave another weapon into the hands of those who opposed the separate management of the institutions: That each school was working for itself by working against the others, was contended. There should be some authority to co-ordinate these budgets, to weigh the claims of all the ~~/~~ schools together, and to present them together to the legislature. This much was a consummation which no one could have wished more sincerely than did the "lobbyists" of the schools concerned.

In 1911 the legislature, at the recommendation of Governor Stubbs, passed an act to abolish the separate boards of regents, and to commit the three institutions to the management of a single board of three members who should give their full time to the management of the ~~educat~~/ three institutions and their branches. By the time the bill had passed, however, evidence had been presentedt to the governor which made him doubt the advisability of the measure, and when backed by adverse criticisms and reports from a great many prominent educators, and from state institutions under single boards in other states, he vetoed the measure. This left the situation as it had been before, only rendered more unsatisfactory to all concerned. Hence it came about that, soon after the legislature adjourned, Governor gstubbs called~~/~~ together the boards of regents of the three schools as a n informal com-

mission on higher education to consider the inter-relations of the respective schools, "and suggested that they get together in a voluntary organization for the good of the institutions they represented and the educational interests of the state."

A permanent organization was effected with the Governor as chairman, and the State Superintendent as secretary ex officio. Committees, (of one member of each board each) were appointed upon 'Coordination', 'Efficiency', 'Business Management', and 'Fixed Income'. These committees have met, studied the projects committed to them, and gathered and presented much interesting and valuable material pertaining to educational work in this and other states in their reports" to the Governor.²⁶

This commission had no legal existence, but seemed so promising, as a solution of the problem of managing the separate schools that November 23, 1912, upon the report of its committee upon Co-ordination, it adopted a set of preambles and resolutions asking that it be legalized and given certain definite authority as a commission. The excerpts which follow show best what they hoped to accomplish thereby, and what authority they asked:

"Whereas, the three Boards, since first meeting in a joint capacity, have given much consideration to the school system of the State and the rightful place therein of their respective institutions, and as a result of such study are of the opinion that they have gained a larger grasp of the functions, duties, economies, and interrelations of the State schools; they therefore unanimously resolve:

"First, that the system of three Boards of Regents, as now constituted, should be continued.

"Second, that the entire membership of the three Boards, the President of the Emporia State Normal School, the Governor

of the State, and the Superintendent of Public Instruction should constitute a Commission of Higher Education,.... and that such Commission should be established by law and given the powers herein enumerated.

"Third, That all questions relating to the financial needs of the State schools, and the system of accounting, should be determined by the Commission, which shall make all recommendations on legislation directly or indirectly affecting them.

"Fourth, That all questions of scope and the interrelations of the state schools and the relation that each shall sustain to the people of the State shall be determined by the Commission of Higher Education.

"Fifth, That the questions of finance and educational scope should first be prepared and submitted to the Commission by a sub-committee of three regents, one to be chosen from each Board by the Boards themselves, who shall report to the Commission.

"Sixth, That the decisions of the Commission shall be had within the authority given it by law only when adopted by a two thirds vote of those present, a majority of the members of each Board being necessary to constitute a quorum."

This plan was presented to the legislature of 1913, but they would have none of it. Upon Governor Hodges' recommendation, the plan of a single board of three was reverted to and enacted into law.²⁷ The Board of Educational Administration thus created succeeded to the powers of the three boards of regents over the institutions and their branches, and were also given charge of the Kansas School for the Deaf, at Olathe, and the Kansas School for the Blind, at Kansas City, No more than

two members of the board may be of any one political party, nor more than one an alumnus of any one of the institutions under the control of the board, nor from any one Congressional district. The terms of the members are four~~s~~ years, and their compensation thirty five hundred dollars a year and necessary travelling expenses. The board elects a secretary, and maintains an office at the state capitol, as well as business offices at each of the institutions. It has full powers in all the schools, and may separate branch schools from the parent institution, as has already been done in the case of the Manual Training Normal at Pittsburg.

Aside from its legal functions as co-ordinating the educational ~~institutions~~ institutions of the state, the board has undertaken to co-operate with the other state boards controlling the penal and corrective agencies, and if possible to extend the co~~o~~ordination of all the institutions of the state. Whether this will continue until a single board will be provided for all institutions, educational, penal, and corrective, would seem to be a question which is legitimately opened by the action of the boards themselves.

Notes to Chapter IV.

1. The discrepancy appears so in the law.
- 22 Special laws 1855 Ch. 89.
3. A meeting was held at Lawrence Christmas day, 1856, for the purpose of taking the preliminary measures to establish a Territorial University. Kansas Historical Collections, V, 269. The Topeka Constitution authorized the general Assembly to "take measures for the establishment of a University, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts, sciences, medical and agricultural instruction," and to provide for the support of normal schools. Art. ~~VII~~ VII.
4. Art. VI #7.
5. Blue Mount was a Methodist college. Largely through Goodnows efforts \$20,000 had been raised to be applied to church and school purposes in Manhattan. The institution had a very precarious existence, however, and was not assured of continuance unless the state could be induced to take it over and support it.
7. 1st Ann. Rpt. 1861. 8. Act approved July 2, 1862.
Kansas laws 1863, Ch. 2. 9. Laws 1863, Ch. 4.
10. "It is said (that one prominent legislator wanted to know, in a blankety-blank ~~sort~~ way, 'What is a normal school, anyway?'" Kans. Hist. Coll. VI. p. 114. This ~~wne~~ was a department of the University, detached and erected into a separate school.
- 11 Laws 1863 Ch. 4. #2. 12. Ib. #8. 13. Ib. #10.
14. Sic. 15. Laws 1864 Ch 99. 16. Laws 1864 Ch. 105.
17. It was reserved by the constitution as a perpetual University fund the interest only of which should be used.
18. It was as a matter of fact incorporated into that of the state superintendent.
19. Auditor's Rpt. 1869. 20. Rpt, 1882. 21. Laws 1903 Ch. 11.

22. 1867, Laws Ch.

23. Laws 1905 Ch. 472.

24. Laws 1873 Ch. 135.

25. The Normal Schools received no appropriation in 1875, and only the Emporia School survived.

26. The Organization, Government, and Results in the State Educational Institutions of Kansas, pamphlet issued by the Committee on Co-ordination.

27. Laws 1913 Ch. 287.

Chapter V.

Conclusion.

There has been much done in the centralization of authority in educational administration in Kansas since the first organization of the system of public schools. The districts still have much discretion in the raising of money and the employment of teachers- perhaps they have altogether too much for the good of the schools. But it is very much narrower than it was when first given to them, thanks to legislative prescription and the increase of authority given to county and state officers.

The place of the county superintendent seems to be at present well fixed in the system, and his duties rather well defined, except that should the county be made the school unit he would probably accede, as a board of which he would be the dominant member would accede to the powers now exercised by the district boards.

The place of the State Board of Education and of the State Superintendent have also apparently taken a permanent shape. The State School Book Commission is of course as yet in the experimental stage, and its continuation and possible extension of authority will of course depend upon its success as a solution of the text-book problem to suit both the taxpayer and the educator. In both these boards, it is to be remembered, the state superintendent is an important member, and serves to correlate the work of each to that of the other and to that of his department.

The University has long since done a great deal toward the standardization of high schools by prescribing what courses

should admit the high school graduate to its freshman class ~~and~~ and by maintaining a department of high school visitation and inspection.

The University of New York comprehends all the educational institutions within the state, and the regents thereof are largely a supervisory and examining board with but little direct control in the management of the institutions, but with much control in the accrediting of institutions and prescribing conditions upon which degrees and certificates may be granted. While there has been much assertion upon the part of all classes of educators that the Kansas system is in reality one system from the kindergarten to the University, there has been no attempt to make it so in actual organization and administration. The state superintendent sat on the first boards of regents of the higher institutions; the State School Fund Commissioners control the investment of the endowment funds of all the schools; Superintendent Fairchild was the secretary of Governor Stubbs's extra-legal Commission on Higher Education. And this measures the centralization as relating to the entire system of education. Should the centralization in higher education prove to be as highly successful as its advocates contend it will, it is not unreasonable to anticipate that Kansas will presently undertake to go yet a step further, by establishing a board or a commission to manage her entire system of public education.

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