IV.

RECENT SCHOOL LEGISLATION IN THE UNITED STATES.

To write anything like a comprehensive or intelligent résumé of the legislative action of the different States in the field of education is clearly a task of peculiar difficulty. Many school laws are enacted each year which are of great local importance, but which may attract not the slightest notice beyond State borders. Each State has its own local conditions which obtain in no other State. Differences, social and economic in character, show themselves in divergences of institutional development, and this is especially true of the educational history of our American commonwealths. We cannot fairly interpret either the spirit or the expediency of statutes unless we know something about the conditions with which the statute-makers have to deal. Few, even of those whose word is authority on such matters, would profess accurate knowledge on the various points of individuality in each of the fifty school systems under which the educational interests of our States and Territories are administered. Hence it would be idle, even if space permitted, to present in these pages a digest of all recent school laws, many of which have an importance purely insular, so to speak, and often entirely incomprehensible to the outsider. My present purpose is merely to attempt to trace the trend of legislation of the past two years upon a few questions of interest to educationists throughout the country.

SCHOOL FINANCE.

If a complete history of the finances of the American States shall ever be written, it is hardly too much to predict that its most interesting chapters will be those devoted to an exposition of the origin and development of the school tax and the school fund, not merely because these form the principal ele
ments in the fiscal problems of many States, but because it was in these American governments that public elementary education first claimed recognition in a treasury budget, and here that legislators were first called upon to administer funds raised for purely educational purposes.

That our older State governments have nearly all, at different times, seriously blundered in the management of this important trust is generally admitted. In the new States of the West we may now observe the founding of finance systems. The South, also, may be said to be in her day of educational beginnings. Will old errors be repeated under new conditions? The question is one of profound interest to every American who thinks much on the future of his country, for great populations in years to come may be affected by action taken now.

Since the passage of the Ordinance of 1787, the educational interests of our great Northwest have been very largely identified with public land policy. This is as true today of Washington and the Dakotas as it ever was of Ohio. Note the conditions under which these new governments begin their careers of statehood: In addition to the customary two sections of land—the sixteenth and the thirty-sixth—in each township, which are to be reserved as the basis of permanent school funds, they receive also five per cent. of the proceeds of all public land sales made by the government within their limits from the date of their entering the Union. Provisions for the management of these school lands are contained in the constitutions of the several States, supplemented by acts of the legislatures. A summary of the regulations adopted by North Dakota will show the tenor of all.

A board of university and school lands is created, consisting of the governor, the secretary of state, the attorney-general, the State auditor, and the superintendent of public instruction. (In Washington, the State school land commission includes only the secretary of state, the auditor, and the commissioner of public lands.) To this body is intrusted the sale or rental of all educational lands, and the investment of funds arising therefrom; but constitutional and statutory provisions closely
restrict the board in these transactions. Not more than one-fourth of the school lands is to be sold within the first five years, and not more than one-half the remainder within ten years. The residue may be sold at any time after the expiration of the ten years. In each county, the superintendent of schools, the chairman of the county board of commissioners, and the county auditor (in Washington, the county commissioners only) together form a board for the appraisal of school lands. No land shall be sold for less than ten dollars an acre. The purchaser may pay one-fifth cash, and the remaining four-fifths at intervals of five, ten, fifteen, and twenty years, with interest at six per cent. payable annually in advance. The sales are to take place at county seats, by public auction, to the highest bidder. The most valuable lands are to be sold first. Coal lands may be leased, but never sold. (Washington requires only one-tenth cash on agricultural lands, but the whole must be paid within ten years. Lands near cities are to be platted into lots or blocks, and the terms of sale are, one-fifth cash, and one-tenth of the balance annually thereafter. There is also special provision for the sale of growing timber.) If taxes are unpaid on lands thus sold, the contract of sale becomes null and void. All these provisions apply also to lands held in trust for the State university, the school of mines, the agricultural college, the reform school, the deaf and dumb asylum, and the State normal school. Under the terms of the law of 1890, tracts of land not exceeding in the aggregate 100,000 acres were to be offered for sale in North Dakota between April 15 and June 1, 1891.

North Dakota permits the moneys of her educational funds to be invested in national or State bonds, bonds of school corporations within the State, or first mortgages on farm lands in the State, not exceeding in amount one-third the actual value of any subdivision on which the same may be loaned, to be determined by the board of appraisers of school lands. Washington restricts such investments to national, State, county, and municipal bonds. (Constitution of Washington, Art. 16.)

Owing to the prevailing and growing practice of "legisla-
tion by the people"—i.e., the embalming of ordinary statutes in the organic law of the community—the details of school-finance policy in these new western commonwealths seem practically determined for some years to come. Amendments to State constitutions are not easily or hastily obtained, and perhaps there is really more danger that in future such measures as may be required in the interest of the school fund and its preservation, will be delayed in adoption, than that injudicious meddling or tinkering will ever be tolerated.

A law of the last Nebraska legislature submits to popular vote an amendment to the constitution providing that the educational funds of the State may be invested or loaned on registered school district bonds, or first mortgages on improved land.

Most of the States which have had legislative sessions during the past winter, have given their formal assent to the terms and conditions of the act of Congress of August 30, 1890, for the more complete endowment of State agricultural colleges. Each State receives under this act $15,000 the first year, $16,000 the second, and so on for ten years. After that, the annual amount will be $25,000.

In addition to the proceeds of land sales, there are other sources of increment to the permanent school funds of many States. Thus Oregon (closely followed by Washington) devotes to this purpose all moneys which may accrue to the State by escheat and forfeiture, all which may be paid as exemption from military duty, and the proceeds of all property granted to the State when the purpose of the grant is not stated. Besides the ordinary expenses of school support and maintenance, the interest of this irreducible fund may hereafter be applied to the purchase of school libraries and apparatus. (Oregon statute of 1891.)

Wisconsin has already set apart a considerable portion of her share in the direct tax refund (act of Congress, March 3, 1891), to be added to her school and normal school funds. This will doubtless be the course pursued by many of the States.
In the matter of school taxation a new departure has just been made by Vermont, where a law was passed, last year, levying a permanent State tax of five per cent. on all ratable property, for school purposes. ("Ratable property," in Vermont, means one per cent. of the actual valuation, so that this school tax is equivalent to a half-mill tax.) Previous to 1890, Vermont had no State system of taxation for school purposes. All the school moneys were raised and disbursed by the towns. The State superintendent of education, in his last report, recommended the adoption of a State tax, mainly on the ground that it would equalize the burdens of school expenses throughout the country districts. Under the old system, it was alleged that at least one-third of the people of the State, living in the less populous districts, were compelled to pay a much larger proportionate tax than the other two-thirds, for equivalent advantages.

Among the Southern States, Alabama has just taken an important step in the administration of her school moneys. Henceforth the apportionment of the State fund to districts is to be made without regard to race, but with sole reference to the "equal benefit of the children thereof between the ages of seven and twenty-one years." The State superintendent of education is required to apportion the fund to the townships and school districts according to the entire number of children of school age. The county superintendent, as soon as he receives the apportionment to his county, shall notify the trustees of each township or district of their several proportions. (Township trustees, in Alabama, have supervisory powers similar to those of the town superintendent in New England.)

Throughout the South, appropriations for education are steadily increasing. The funds, as a rule, seem to be wisely and carefully handled.

SCHOOL SUPERVISION.

The systems enacted into law in several of the new States are, in general, elaborations of old and long-tried plans, as de-
developed in such States as Michigan, Wisconsin, and Minnesota. The several schemes of State, county, and district supervision are each carefully defined and set in operation. North Dakota and Washington passed general laws for this purpose in 1890, and South Dakota in March of the present year. Wyoming made no changes in her school laws on becoming a State. The writer is not informed as to what action, if any, has been taken by Idaho and Montana since their admission.

Rarely has the question of school supervision roused so much interest in any State as during the past three years in Vermont. In 1888 a school law, which had been prepared with great care by leading educators of the State, was passed by the Legislature and approved by the governor. In place of the old system of township supervision, this new law provided for the organization of county boards and the election of county supervisors. County supervision (not precisely in the form introduced in Vermont) has been adopted, as is well known, in most of the States. The Green Mountain State, however, after a two years' trial, determined to go back to her former methods, and the Legislature of 1890 abolished the county system. The details of the township system are now practically as they were before the change of 1888 was attempted. The State superintendent, in his report for 1890, made before the Legislature met, did not speak with unqualified approval of the practical workings of the experiment of 1888, but urged that time was needed to fairly test its merits. Apart from this change, most of the important features of the new law were permitted to remain untouched.

COMPELSORY EDUCATION.

Two years ago, important laws relating to school attendance were passed by at least four States. At the time, there was not much general discussion of either of these. Probably the Ohio law attracted most attention. Indeed it was considered by the State commissioner of public schools the most important educational legislation of his State for a quarter of a
century. Its important provisions may be summarized as follows: Parents or guardians must instruct children, or cause them to be instructed, in spelling, reading, writing, English grammar, geography, and arithmetic. Children between the ages of eight and fourteen years must attend a public or private school for a period of not less than twenty weeks in city districts each year, ten weeks of which shall be consecutive; and in village and township districts not less than sixteen weeks of each year, eight of which shall be consecutive. The child is exempted from such attendance when its physical or mental condition is such as to make attendance impracticable, or when it is taught at home, by qualified persons, in such branches as are usually taught in primary schools. It is made unlawful to employ children under fourteen while the public schools are in session, unless they have complied with the requirements, or are exempt. Minors over fourteen and under sixteen, who cannot read and write English, are required to attend a public day school at least one-half of each day, or an evening school, or to take private instruction, until they obtain certificates that they can read at sight, and write legibly simple sentences in English. Employers are required to exact such attendance from minors in their employ. The enforcement of this law is intrusted to truant officers, who are vested with police powers. The act may be suspended, temporarily, in the case of children under fourteen, wholly or partially dependent on their own labor for a living, or whose labor is necessary to the support of others unable to provide for themselves. In 1890, a requirement was added, that all youths between eight and sixteen, not regularly employed, should attend school for the full term each year.

This Ohio act of 1889 has been summarized here, rather for the purpose of exhibiting the general character of most recent laws on the subject, than because of any specially noteworthy features or any striking originality. The principles have long been embodied in the Massachusetts and other statutes. The Ohio law, in most of its details, may be taken as a type of the latest American legislation on compulsory education. North
Dakota in 1890 and South Dakota in 1891 passed similar laws, requiring, however, only twelve weeks' attendance. A like regulation in Washington will probably be wholly ineffective because of the absence of any provision for enforcement.

The Wisconsin and Illinois laws of 1889 have already received full and able treatment in the pages of this REVIEW. It is only necessary to state here that the principle of compulsory education, per se, was not attacked in the political campaigns of last autumn. The only part of the Bennett law, or of the companion measure in Illinois, that was under fire at all, was the clause declaring that no school should be regarded as a school under the act, in which were not taught reading, writing, arithmetic, and United States history, in the English language. Even this part of the law was not new. The Massachusetts act of 1877 contained essentially the same requirement as to private schools. The Bennett law has now been repealed. The condition of Wisconsin now, as regards compulsory education, is about what it was for ten years under the old law—which was never enforced in those districts where it was most needed. Attendance is now required, for twelve weeks in the year, of children between the ages of seven and thirteen.

One provision of the compulsory law of Colorado is unique. Needy children are not only to be provided with books, but clothed as well. This step seems to nullify the last excuse for ignorance in this progressive Western State.

Massachusetts last year amended her compulsory law, extending the period of required attendance each year from twenty to thirty weeks. This far exceeds the minimum set in other States.

SCHOOL TEXT-BOOKS.

Most of the important phases of State school-book legislation have been recently discussed in another periodical. It remains for me merely to note a few changes of the past

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1 See Educational Review, I : 43.
2 Prof. J. W. Jenks, in Political Science Quarterly for March, 1891.
few months. Washington and Missouri are added to the list of States adopting the "State contract" system. Boards appointed by the governor are to contract with publishers to supply the schools of the State with text-books in the common branches for a period of five years. State uniformity in text-books is a necessary accompaniment of this system. Quite a different policy is that of Iowa. Nothing more extensive than county uniformity is aimed at, and even that is left to the option of the districts. Each district board is authorized to contract for books to be supplied to pupils at cost. (There is no requirement as to dealing directly with publishers.) If a majority of the voters express themselves in favor of uniformity throughout the county, a county board of education, consisting of the county superintendent, the county auditor, and the county board of supervisors, is to select and contract for all books used. The Mississippi law of 1890 differs from that of Iowa in making provisions for county uniformity and county contracts mandatory, rather than optional with the districts. It is made the duty of the county boards of education to provide for the adoption of a uniform series of text-books every fifth year. Teachers are forbidden to give instruction to any pupil who is not supplied with the books thus adopted.

In New Jersey the trustees of all public schools are authorized, by a law of 1890, to provide text-books for the free use of pupils. No vote of the districts is required, as in Michigan, but there is nothing to compel the trustees to act in the matter. Nebraska has just adopted the Michigan plan of local option. Ohio has made the supplying of books to indigent pupils mandatory.

TRAINING OF TEACHERS.

The Legislature of Arkansas, at its recent session, passed an act "to improve the teaching in the public schools." This act provides for the establishment of eight normal schools—six for white teachers, and two for colored. These schools are to hold consecutive sessions of three months each during
the year. The courses of instruction are to have more direct reference to the needs of the rural communities than to those of the towns. There will be at least one school in each congressional district of the State, and it is hoped that the system will exert an influence upon remote districts which could not be reached by institutions located in the centers of population exclusively. The legislative grant for the maintenance of these schools is meager—only $2000 a year for the eight, but it is the first appropriation that Arkansas has ever made for the specific purpose of training her teachers. It is welcomed by the trustees of the Peabody fund, and others interested in the education and elevation of both races, as a distinct advance.

In Missouri, provision is made for a teachers' institute in each county, to continue for one month, for the training and licensing of teachers. A State training school is to be maintained for the preparation of institute conductors and instructors.

In Massachusetts and Minnesota, the diplomas of State normal schools are made equivalent in effect to teachers' certificates. A new statute of Oregon defines the qualifications requisite to obtain a "State diploma."

HIGHER EDUCATION.

The firm hold which the State universities have gained in most of the Western States is evidenced by the increasing liberality in legislative appropriations. Wisconsin, for example, has provided for an annual addition to the university income of some $50,000 for the next six years. This is obtained by increasing the State tax. Ohio has made similar grants.

The College of South Carolina has been less fortunate of late. The policy of "economy" introduced by the Farmers' Alliance administration is said to have seriously crippled an institution of which the State has had good reason to be proud.

In Maine, the policy of making State appropriations to the
county academics in the State has been steadily growing in favor. The granting of subsidies of $500 to $1000 a year to these institutions, in addition to the aid given by the State to over 200 free high schools, can hardly fail to diffuse an interest in higher education, and thereby lead to an increased attendance in the colleges. Such, at least, is the view of prominent educators in the State.

The university extension movement has at last reached legislative halls. On the first day of May, 1891, the Governor of New York signed the bill authorizing the Regents of the university to organize courses of instruction on the university extension plan in the different cities, towns, and villages of the State, and to conduct examinations. The Regents are to establish a sort of central bureau for this work. The entire expense of the lecture courses is to be borne by the communities benefited. The headquarters at Albany will somewhat resemble the university centers of England in relation to the general extension movement. Lecturers will be recommended, and various aids furnished. All friends of the movement will watch with great interest the experiment about to be undertaken by the Empire State.

William B. Shaw.

New York State Library.
Albany, N. Y.