

A STUDY OF THE DEVELOPMENT
OF THE COMMON SCHOOL SYSTEM OF
KANSAS AS A REFLECTION OF THE PRINCIPLES
OF UNIVERSAL EDUCATION AND LOCAL LAY CONTROL

by

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PREFACE

During recent years there has been a great deal of bitterness and controversy aroused over the problem of how to make Kansas schools more effective in preparing their students for living in a highly complex, rapidly changing, technological, and automated society. Questions of providing a broader financial support base for the schools (state foundation program) have been brushed aside by the state legislature, or partially answered with "stop-gap" legislation, grudgingly passed to take care of an immediately pressing situation and without much regard for long-range needs. Such treatment of very real problems has irked professional educators and legitimate spokesmen for educational groups into making statements, which in themselves, and in context, were not particularly inflammatory but which, reported out of context (which was the way most laymen heard them), gave the impression that the speaker was saying in effect that "Kansas schools are no good and never were." Indeed, it is barely possible that there has been a little of this feeling thinly concealed in the thoughts and attitudes expressed by some educators.

It was not within the province of this report to argue either the pros or the cons of the efficacy of the

educational program which has evolved in Kansas. However, if three fundamental purposes of elementary and secondary education are granted to be (a) to produce a literate population; (b) to create a desire for and meet requirements for matriculation in the fields of higher education; and (c) to produce a population made up of individuals having the know-how to make their own living, it seems that the Kansas schools have been highly successful in accomplishing those objectives. Figures released by the U. S. Census Bureau in 1963 in its pamphlet Current Population Report indicate that only two states rank higher than Kansas in literacy rate. Late figures were not obtainable, but for many years Kansas has stood consistently high in percentage of population attending college. And, while Kansas relief rolls are nothing to be proud of, it seems probable, from the reading of current literature, that a good many states may be worse off in the matter of their citizens' ability to make a living for themselves. This somewhat facetious comment, intended to refute any suggestion that the Kansas schools should be marked off as failures, should not be taken as meaning there is not, or has not been, room for improvement.

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INTRODUCTION

When an institution, such as the Kansas system of public schools, reaches a crucial "crossroads" in its development, at which policies for future development have to be chosen carefully, giving due consideration to population growths, to changes in the population make-up, to changes in the social structure, and to variations in the economic conditions, it is interesting, as well as highly beneficial, to study the backgrounds of that institution, in order to discover how and why it came to be what it is. The Kansas school system has come to such a crossroads, and educators, school boards, and state legislators have been deeply involved in the problem of determining "where to go from here." In this particular study the writer has been interested in finding how the system arrived at its present status, in the hopes that such background information might be of help in revealing trends which could with profit be built upon in future plans.

Purpose of the Study

The primary purpose of the study was to trace the step-by-step progress of the Kansas school system as it developed, and to show that each step was a logical result of applying one, or a combination of several, definite

principles which have underlain the thinking of the state's leadership from the time of the state's inception. These principles are as follows:

1. The principle of universal free education.
2. The principle of lay control, as compared to professional control, of the schools.
3. The principle of local control of the school.
4. The principle of local financial support of the schools as a natural corollary of the principle of local control.

Hypotheses Advanced

During the course of presenting the study the writer endeavored to show that:

1. As the social structure changed from that of a predominantly simple agrarian society to a complex, mobile, highly technical way of living, the concepts of what the schools should be and do have gradually altered.
2. When viewed in the light of the purpose they were designed to fulfill and of the population they were intended to serve, the various laws and developments were quite reasonable.
3. Although the changes in the social structure have been in the nature of gradual, evolutionary development, the changes inaugurated in the school system

to accomodate them have been "stairstepped"--one partially successful but somewhat inadequate measure being added on to another--until the state managed to erect a topheavy, unwieldy, and thoroughly impractical structure, which was unequal to the task of meeting the needs of society, and incapable of flexing further to accomodate itself to future demands to be placed upon it.

Definition of Terms

Some terms used in the paper may need a clarification of meaning. Their use has been in accordance with the working definitions given here.

The term public school and that of common school were used in reference to elementary schools only. Any reference to high schools was specified at the point of usage.

The term local was used initially in referring to the common school district or its counterparts. Toward the end of the period studied this concept was broadened to include the county planning unit as the basic local unit.

The term lay or layman had reference to any persons except professional educators or those whose business was primarily working with the schools.

Control was used to indicate ability to make final, authoritative decisions which could not be overruled short of court action.

Scope and Procedure

The design of the report has been primarily descriptive and historical, although, since the evolution of the school system was intended to be brought up to date, there were necessarily some references to conditions at the time of writing.

The writer depended almost entirely upon library sources for information pertinent to the topic. Primarily, information found in the state school laws and the annual and biennial reports of the state superintendent of public instruction marked the steps of development. However, for reports concerning cause and effect, several sets of Kansas history, collections of historical society accounts of the times, as well as some current literature of the time being studied, were depended upon for information. The collecting and processing of data were handled with the aid of a card file for keeping track of bibliographical records and content notes concerning applicable materials.

Presentation and analysis of material has been kept as informal as possible in an effort to keep as nearly as seemed practical to a narrative form. Conclusions and deductions have been drawn at appropriate points in the discourse rather than undertaking to present a massive summary of results accomplished at the end of the study.

Limitations of the Study

There has been no effort to prove the existence of the principles which were claimed to underlie the state's school structure, it being assumed that they were self-evident facts; nor was there any wish to suggest that these four were the only principles involved. These four ideas were presented in the belief that they offered convincing and logical explanation for the pyramid of school laws which the state has developed. Similarly, there has been no effort to explain how the various laws were administered, nor to go into the operational problems which they created.

Although mention has been made, at least by implication, of a need for redistricting and for a broader base for financing the schools, any argument for or against such need has been considered outside the limits of this paper. The writer took for granted that these needs were self-evident and amply documented elsewhere. An effort has been made to keep the thought of the paper to a historical explanation of the status quo, without drawing any conclusions as to what could or should be done in the future. This was beyond the scope intended for the report and entirely beyond the capabilities of the writer.

EARLY SCHOOLS

Kansas was settled largely by immigrants overflowing naturally from more populous areas in the East. The territory lay in the direct line of march of the general westward movement of population, which had "hedge-hopped" the plains areas in the early eighteen-fifties, due to the lure of California gold and the highly advertised attractions of the Oregon Territory. By the middle fifties the normal westward movement had been resumed and the frontier line was moving over into Kansas. This natural immigration was complicated and confused by the North-South furore over slavery in the new territory, brought about by the "squatter sovereignty" clause in the Kansas-Nebraska Bill. The clash between these two sectional interests did swell the tide of emigration from both North and South but the settlers who came primarily to help swing the new territory to a political line-up with either the North or the South were comparatively few, and the effect of their rivalry was of little real consequence beyond the first few tiers of eastern counties in Kansas. The bona fide settlers from Missouri far outnumbered the transient "residents for voting purposes only," who swarmed across the border sporadically during the period of the border warfare. Similarly the settlers sent in by the New England Emigrant Aid Society did not have as much influence in the make-up of

the territory's population and its political beliefs and tendencies as has frequently been attributed to it. Comparatively few of the early residents of Kansas originated in the New England area, being far outnumbered by those from Ohio, Indiana, Illinois, and Missouri. However, the Emigrant Aid settlements such as Lawrence and Topeka, and the Southern sympathizing settlements represented by Lecompton and Wyandotte, did dominate the picture of the emerging state from 1854 to the early sixties, and there can be little doubt that the guerilla warfare carried on between these two factions hindered the development of schools throughout those first years.

Regardless of what group, if any, is given credit for establishing early schools, there seems to be ample evidence that a large part of these early settlers brought with them, or soon acquired, a healthy respect for education and a desire to have its benefits for their children. The records are not at all complete--in fact there were no records, as such, kept of the very earliest schools in the territory,--simply because they were not organized as formal schools. Mostly they were the result of some pioneer woman, who had had the benefit of an education herself, making sure that her children should also have that advantage by teaching them herself. As she went about this task in her home, or her back yard, or in an available vacant building, she gradually

gathered around this nucleus the children of neighbors who wanted the advantages of reading and writing for their families. This type of informal school tended to follow the pioneer line westward long after the public common schools were established in the eastern part of the state. Sometimes the teacher was paid by private subscription, but probably more often her work was a free-will offering to the cause of education.

First Formal Schools

The first formal schools in the area that later became Kansas Territory were formed by federal government employees for the benefit of the children of Indians living upon the government reservations. The Indians, not being particularly impressed by the hypothetical value of the white man's education, did not crowd the facilities of these schools, to say the least. Consequently the schools were thrown open to available white children as well as to the Indians. The first of these schools, established by the government with Indian School funds but incorporating a department for white children, seems to have been at Wyandotte Mission near present-day Kansas City.¹ This school, established in 1844 by J. M. Armstrong, remained in operation until 1852.

¹L. C. Smith, A Historical Outline of the Territorial Common Schools in the State of Kansas, Studies in Education Bulletin No. 2, Kansas State Teachers' College, Emporia.

Another school for which we seem to have more authentic records was started in the Kaw Indian Mission at Council Grove in 1851. A government-paid Indian agent, Mr. T. F. Huffaker, took a dozen or more children of Sant Fe Trail suppliers and workmen, who were living there at that early date, into a white department in his Indian School.¹

A school of about twenty children was organized in Lawrence in 1855, using a room of the Emigrant Aid Society building. The teacher was paid by private subscription for a term of about three and one-half months.² Leavenworth County had an organized school during the year of 1856, held in an abandoned cabin.³ There are other piece-meal records of attempts to give pioneer children the benefit of what little education could be made available, but it seems probable that such attempts touched the lives of but a very small part of the immigrant children.

Territorial Schools

By the year 1855 Kansas had managed to set up a very insecure and shaky territorial government, dominated by the proslavery faction. The territorial legislature adopted, as its contribution to the cause of education, the school code

¹William Elsen Connelly, A Standard History of Kansas and Kansans, p. 1589.

²Heritage of Kansas, May, 1953, p. 5.

³Ibid.

of the state of Missouri with very little, if any, alteration. These school laws tended to follow the southern tradition, which was inclined to look upon education as more or less a private luxury rather than a common necessity. The common school district was the foundation block upon which the school system was to be built. Districts were to be formed by petition of the residents of the area involved to the county "tribunal." The district schools were to be managed, almost without restriction, by a board of three members and a "visiting inspector." The office of inspector was elective, apparently county wide, and the duties consisted primarily of the certification of teachers. Owing to the political tension of the times, very little was done to organize schools under these laws. The next legislature, which met in 1857, was also proslavery in sympathies and did little or nothing either to change the laws or to promote the growth of schools in the territory.¹

By 1858 the political situation had quieted somewhat and a free-state legislature had been elected. During 1858 and 1859 this legislature undertook to bring some kind of order out of what had been a very chaotic situation.² The schools received some attention at their hands, but it was

¹Clyde L. King, "The Kansas School System," Kansas Historical Collections, Vol. 11, p. 429.

²Ibid., pp. 424-25.

more a gesture of principle than any concrete legislation designed to get an educational system to functioning. The common school district was retained as the basic unit of the school system, administered by a locally elected board of three members. This board had practically no restriction in setting up and operating its school except for a modest taxing levy limit. The members of the school board were elected annually, the entire board being re-elected or replaced each year. This territorial provision was carried over into the state law after 1861 and remained in force until 1874. At that time provision was made for election of school board members for three-year terms, one position being filled each year. This act of 1874 provided for needed continuity in the administration of the local school districts.¹

The legislature of 1858 created the office of county superintendent of schools, the duties of which were rather vaguely outlined. The county superintendent was authorized to lay out and record school districts at the request of the district residents, the only limitation being that the districts must be convenient for the school patrons. He also had the duty of transmitting reports to the territorial superintendent of public instruction, who was the titular head of the school system. The main duties of this office

¹The Laws of Kansas: 1874. Chap. 118, Sec. 1.

consisted of visiting the various counties, receiving the county superintendents' reports, and keeping the legislature informed as to educational progress in the territory.

There was still, however, little progress made in establishing schools supported with definite public funds in compliance with territorial laws. King¹ indicates that the more populous counties (particularly the larger towns) began to organize legal public school districts in 1858 and 1859--even though each of these counties had had informal semi-public schools, as mentioned earlier in this paper, for several years prior to this. By 1860 about two-thirds of the 480 school districts which had been organized were holding school.²

Schools Under a State Constitution

Clyde L. King, writing of the Kansas school system in 1910, voiced the complaint of many Kansas educators down through the years. He commented:

For fifty years Kansas legislators have been adopting the educational statutes of other states, with or without change, and then in succeeding legislatures revising or amending them; or less frequently, they have been creating new educational machinery which new legislatures have thought necessary to repair or remodel.³

¹King, loc. cit.

²Kansas State Historical Society, The Columbian History of Education in Kansas, p. 6.

³King, op. cit., p. 424.

Such characteristic legislation often defeated its own purposes due to lack of consideration for past enactments, lack of thought concerning the school system as a whole, and lack of planning for future, as well as present, needs. There was another side to this story, however, which tended to mitigate the offenses of the legislatures. After attaining statehood, Kansas was still a pioneer society, and the march of settlers westward continued for another thirty-five to forty years. In the frontier fringe of counties the conditions described in the foregoing pages continued to exist and to dictate the type, quality, and extent of education which most frontier children would receive. Meanwhile the eastern part of the state and the larger centers of population were maturing a more sophisticated society which was being reflected in better schools and educational opportunities for its children.

In actual practice there was little change evident in Kansas schools that could be attributed to the attainment of statehood. The new state constitution laid a mandate upon the legislatures to set up a public school system that would be both free and uniform. The struggle of the succeeding legislatures to carry out this mandate to provide a uniform system which would meet the needs of both extremes of the state's population was reflected in the constantly changing and perpetually unsatisfactory series of school laws which

emerged over the years. The early territorial schools were, to a great extent, completely independent of any supervisory control, even though the legal apparatus for supervision had been outlined in the creation of the offices of county and territorial superintendents. Availability of money, teachers, and facilities plus parents' willingness or unwillingness to spare the prospective pupils from the fields and chores, constituted the practical and inescapable limitations upon school programs. The story of the overcoming of these obstacles to educational progress (to be considered separately in these pages, but always inextricably woven together when being dealt with by the legislatures) was the story of one hundred years of educational development in Kansas and the theme of this report.

MINOR PHASES OF THE STUDY

For the sake of convenience and for organizational coherence the study was divided into various segments of administrative phases of school operation. Its treatment in this manner suggests rather arbitrary separation of these functions which in practice did not exist. Likewise, the writer has used the time of enactment of particular statutes as indicating definite milestones in the progress of developing a state school system. These markers and arbitrary divisions should not be taken too seriously except as a

practical means of grasping a complicated and many-sided picture.

The areas chosen for discussion should not be considered as exclusively appropriate. There were others with nearly equal appeal as indicators of educational development, but, in the judgment of the writer, they did not carry the same significance. The topics of length of school term and compulsory attendance were used because they seemed to signify the intense determination of the people of the state to give concrete meaning to the terms "universal" and "uniform" as had been set forth in the constitution. The organization of local districts and the financial support structure with their tendencies toward keeping control of the course of education in the hands of the people of the local communities were of unquestioned importance in the study--not only from this standpoint, but also from that of the gradually growing realization of the people that their convictions in these two fields would have to undergo alteration if their children were to have the benefit of educational opportunities which later became technically possible and practically necessary. The question of supervision at both the county level and the state level could not be left out of such a study as this purported to be, for these supervisory functions were the amalgamating influence which bound the divergent local interests together into the semblance of a true system.

It could be argued that such topics as the preparation and certification of teachers, the constantly changing curriculum, or the perennial hassle over uniform textbooks, and the accompanying arguments for and against state printing of school books, would be of equal value in a study of the development of a school system. When faced with the necessity of making a choice of topics for major consideration, the writer elected to dismiss these features upon the rather shaky ground that their discussion, other than in an incidental or perfunctory manner, would add little of significant value to the picture of a developing school system. And, while there has been no effort to limit the discussion to legislative enactment, the paper did seem to center around such action. It seemed to the writer that these latter topics should have been considered more a matter of administrative concern than of legislative action, although historically they undoubtedly were the subject of a great deal of legislative debate and enactment.

Length of School Terms

Pioneer school terms were short, often being held for a month or six weeks in the fall and again for a like period in the spring when the weather permitted. School housing facilities were often impossible to heat in severely cold weather. Even as late as 1903, when the legislature lengthened the minimum acceptable term of school to five months,

the legislators felt it necessary to insert a qualifying clause in the law freeing those districts which could not provide a building adequate for winter use from complying with the requirement.¹ There was no formal grading of pupils, as that term has come to be understood, nor was there any "graduation" from common school. A pupil went to school with a set of books--if he were lucky enough to have a set--and progressed as far as he could in those books each term until he either became discouraged and dropped out, mastered the books, or, as was frequently the case, reached the limit of the teacher's ability to help him. At either of these latter points he was considered to have mastered the common school requirements.

The generally short terms of school made it necessary for pupils to attend more terms in order to arrive at an acceptable point of proficiency. A very much over-simplified example may serve to point up this fact. Assume that a boy had set for himself the goal of being able to read and write and figure reasonably well under the conditions then available. Possibly those conditions could carry him to a proficiency (in the three r's only) comparable to that of a 1963 sixth-grade pupil. It takes fifty-four months of formal school work (about six school years) to bring this sixth-grade pupil to this hypothetical point. With a three-month

¹The Laws of Kansas: 1903. Chap. 436, Sec. 1.

school term each year this same amount of school work would have taken eighteen years to accomplish. Even granting that the modern student was being versed in much more than the traditional three r's, and granting that an ambitious student of the 1860's might have been able to learn faster as he took on greater maturity (some of this advantage might easily have been lost through "retention drain" during nine-month vacation periods), it is still easy to understand why early laws placed legal school ages up to twenty-one years. It is also easy to understand why so many of the early common schools had so many pupils of late teen age or in their early twenties. Pupils attended school as long as they wanted or as long as circumstances justified.

As it gradually became evident that, if children were going to be educated, they would have to get the job done while they were young and before they were required to take on the responsibilities of adulthood, attention was turned toward the lengthening of the school term. As with practically all democratic procedure, the realization of need for a reform preceded the implementation of that need in legislative enactment by a considerable length of time. As attention was focused on the particular need of longer school terms, the state legislature, in successive, widely separated steps, responded to that need.

The 1858 legislature and the constitution of 1861 set

three months as a minimum school term.¹ The state constitution put teeth into this provision by stipulating that any school participating in the distribution of the annual school fund must hold school for this minimum term.² In 1881 the minimum term was lengthened to four months³ and in 1903 was again stretched to five months.⁴ The 1911 legislature set a new minimum term at seven months⁵ and another month was added by the legislature of 1923.⁶ The year ending in June of 1963 was the last year that an eight-month school term was acceptable as qualifying a district for accreditation under policies set up by the state department of public instruction. Under the department's authority to set up standards of excellence for accrediting public schools a uniform term of nine months was achieved.⁷ This method of accomplishing a purpose was, in itself, worthy of note, irrespective of its effect upon the length of the school term. The removing of such predominantly administrative decisions from the realm of

¹King, op. cit., p. 427.

²Constitution of Kansas, Art. 6, Sec. 4.

³The Laws of Kansas: 1881. Chap. 150, Sec. 1.

⁴The Laws of Kansas: 1903. Chap. 436, Sec. 1.

⁵The Laws of Kansas: 1911. Chap. 268, Sec. 1.

⁶The Laws of Kansas: 1923. Chap. 181, Sec. 1.

⁷Kansas Department of Public Instruction, Standards for Accrediting Kansas Elementary Schools, Standard 5, p. 10.

legislative enactment and placing it in the hands of the state department represented a distinct step forward toward uniformity of educational opportunity.

A study of the graph (Figure 1, page 21) would indicate that the action of the legislature in its successive lengthening of the school terms followed well behind the desires of a majority of the districts in the state until shortly after the turn of the century, but that from that time on legislation was tending to force the issue of longer school terms upon a considerable proportion of the districts involved. These figures do not show an exactly true picture, as the average given is for both rural and graded and high school districts, and the graded and high school districts were all observing an eight to nine month term before the seven-month minimum law of 1911 was enacted. Just how much difference elimination of these few hundred districts would make in the graph the writer could not determine exactly, but it was quite evident that they raised the average. The figures used in this graph were obtained by averaging the length of the school terms (as shown in Table II in the appendix) for each four-year interval.

Compulsory Attendance

Hand in hand with the recognition of the need for longer school terms came a realization that leaving the decision of how much, if any, education a child should

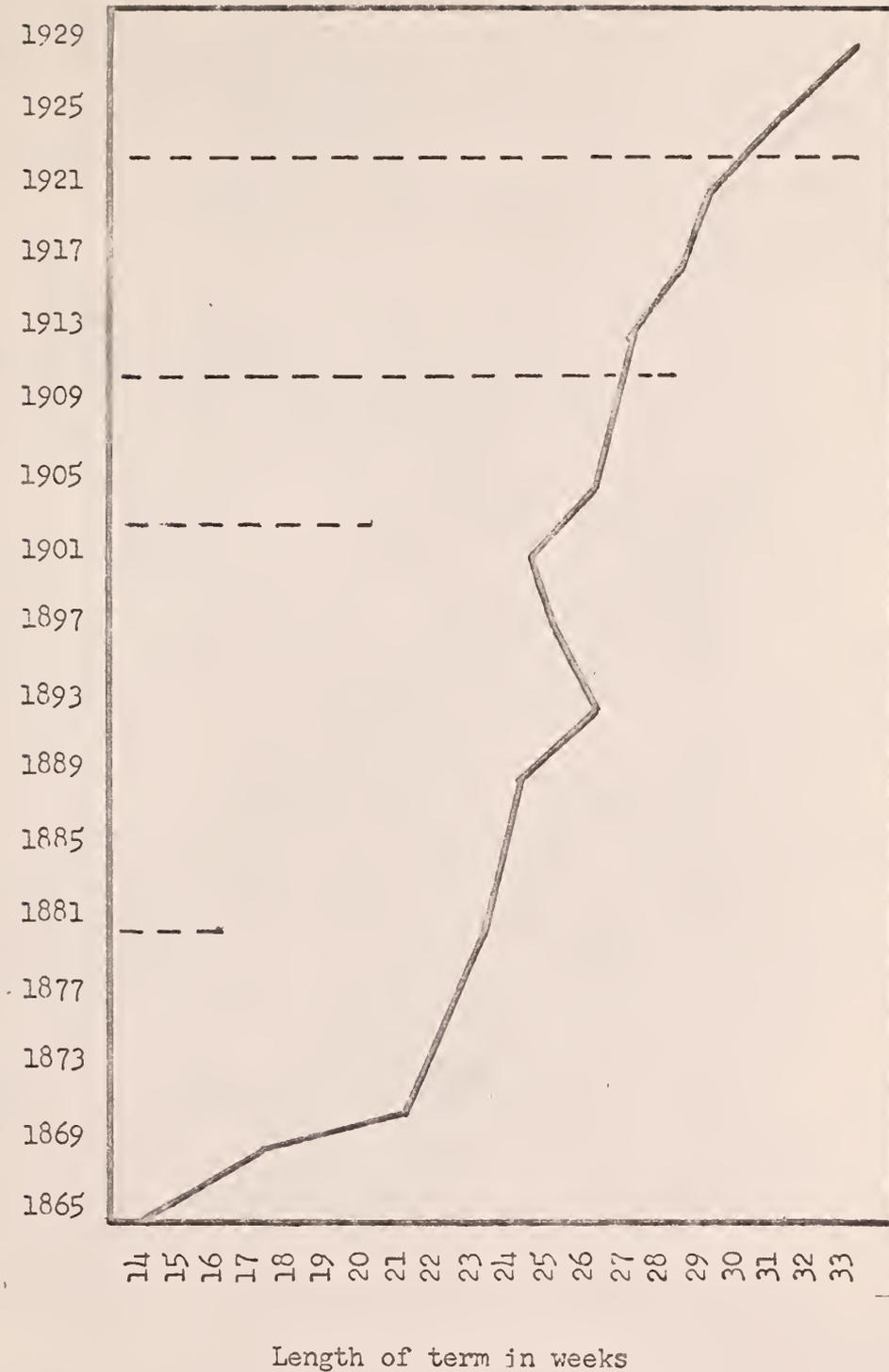


FIGURE 1

AVERAGE LENGTH OF SCHOOL TERMS BY FOUR
YEAR INTERVALS FROM 1865 TO 1929
(DATA FROM TABLE II)

NOTE: Lines extending in from the left represent the minimum required term as of that date.

receive should not be left altogether up to the parents. The feeling that the social community had a stake in each child's life to the extent of insisting that every child should have a minimum of education gradually crystalized in the public mind. This feeling was reflected in a compulsory school attendance law in 1874.¹ Briefly, this law stated that all children between the ages of eight and fourteen must attend school at least three months each year and that at least six weeks of this attendance "shall be consecutive." Enforcement of this law was placed in the hands of the director of the local school board.

This law of 1874 was not very effectively enforced, probably because of the reluctance of local school officials to stir up troubles in their neighborhoods. Compulsory attendance was largely a dead letter, at least in the rural area, until 1903 when a new attendance statute was enacted.² The new act made the attendance of children between the ages of eight and fifteen mandatory and placed the enforcement in the hands of the county superintendent. At the same time the act set up the machinery for the county superintendent to appoint a truant officer whose duties would be to see that the law was complied with. Another feature of the act placed responsibility for a child's regular attendance at

¹The Laws of Kansas: 1874. Chap. 123, Sec. 1.

²The Laws of Kansas: 1903. Chap. 423, Sec. 1.

school directly in the laps of the parents. In 1923 the law was again altered to read "any child who has reached the age of seven years and is under the age of sixteen years" and who has not graduated from the elementary school must attend school.¹ There are specific exceptions incorporated in these statutes dealing with individuals who are obviously unable to profit by common school attendance. Since these exceptions had no pertinent bearing on the topic pursued here, they have been ignored in this paper, as was other special legislation with which the statute books are loaded.

A study of the graph (Figure 2, page 24) indicates the comparative effectiveness of the compulsory attendance laws upon average daily attendance records. Following 1874 there was a noticeable rise in the percentage of attendance, but it was relatively short lived for after 1877 the line leveled off again to start another upward swing in the early 1890's. Following the passage of the law of 1903 there was another spectacular rise in percentage of attendance which reached a peak in 1928 with a major dip in 1919 caused by the dropping out of school-aged boys to take jobs to fill a war-caused manpower shortage. A similar extreme dip was graphically shown following 1940 and can be attributed to the same cause. The dip in the line following 1928 reflected the

¹The Laws of Kansas: 1923. Chap. 182, Sec. 1.

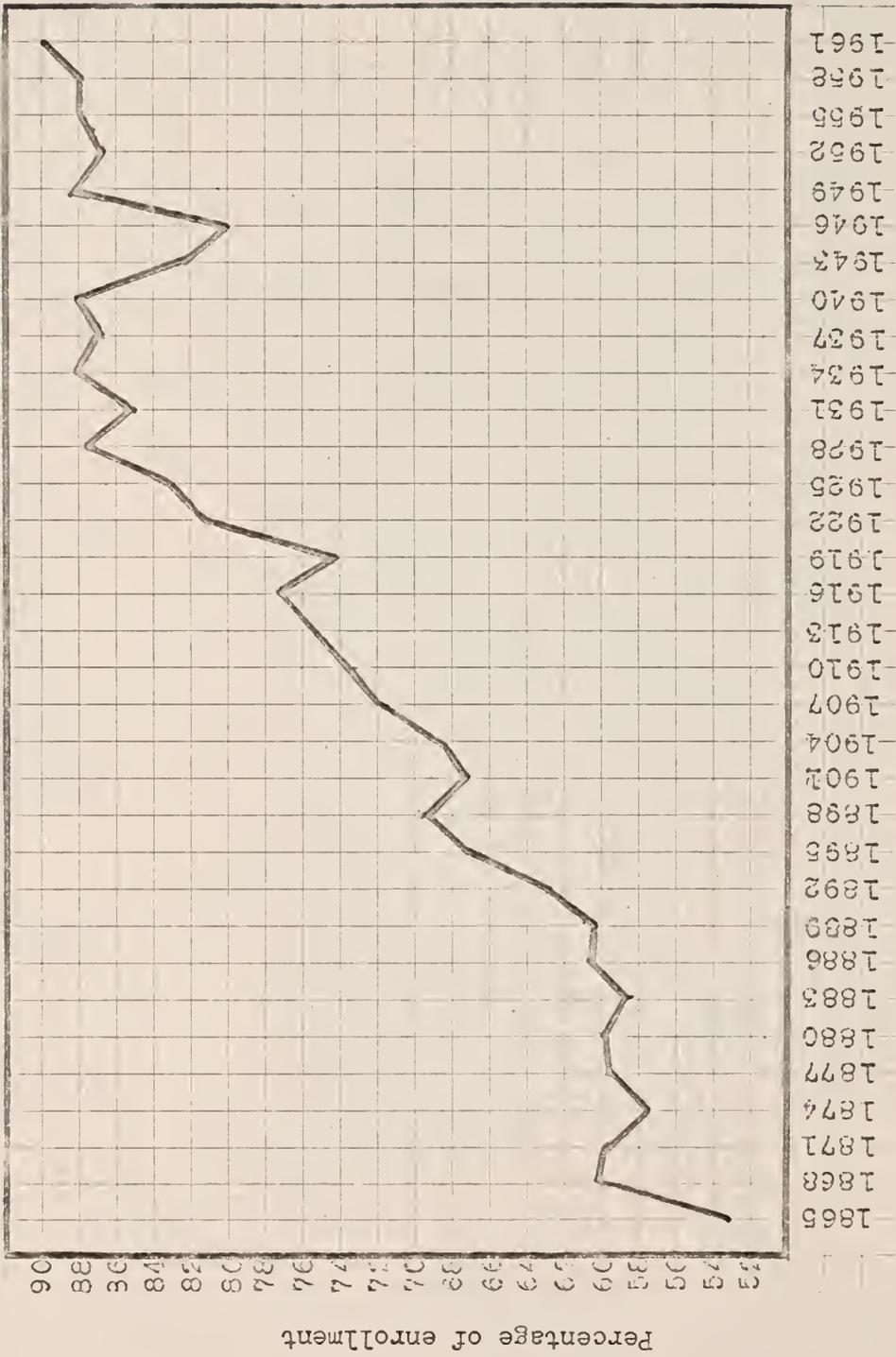


FIGURE 2
PERCENTAGE OF AVERAGE DAILY ATTENDANCE
TO ENROLLMENT FROM 1863 TO 1962
GRADES 1 TO 12

stock market crash of 1929 and the resulting depression period when many students were forced to drop out of school for lack of money to attend and to take on jobs to help with the expenses of the home.

MAJOR PHASES OF THE STUDY

Although the foregoing topics of length of terms and attendance were rather doubtfully rated as minor considerations, there can be no question of the dominating influence of the following three topics upon the developing school system. The gradual change in the concept of "locality" from the traditional "three-mile radius" to a broader county-wide basis; the evolution of the idea that the education of the individual is of state and national moment, requiring financial support from beyond the confines of the local district; and the development of the state department of public instruction from a mere recording and reporting office into a strong, policy-making, executive arm of state government for welding the local schools into a unified system--these interacting developments unquestionably had an influence of primary importance in the evolution of the state's system of public schools.

School District Organization

The State School Code Commission of Kansas submitted the results of its investigation of the school system to the

legislature in 1929 in the following words:

One of the outstanding characteristics of American education is the large degree to which local communities control that education. . . . As one individual has so aptly stated it, "The sovereignty of the state pulses through the veins of every school board in the commonwealth. . . ." The various states, however, have provided for local control in different manners. A few states use the county as the smallest unit for the control of the schools. Others use the township; and many retain the district organization, which developed to meet frontier conditions. . . . Kansas is one of the states that has retained the district method of controlling schools.¹

Under the constitutional requirement to establish a uniform system of schools, the legislatures down through the years have established regulations defining and governing a great many types of elementary school districts. These are:

1. The common school district, which includes all the rural, village, and third-class city districts.
2. First-class city districts.
3. Second-class city districts.
4. Consolidated, union, and joint districts.
5. The cooperative school area.
6. The unified school district.

The graded school is a type of school which may be operated by any of these districts when they are able to meet the requirements. The graded school operates grades one through eight and sometimes includes one to four years of

¹The Kansas School Code Commission, The Report of the Kansas School Code Commission, 1929.

high school in its operation. Ideally, grading means at least one teacher for each grade level although the term has often been used to designate a two or more teacher school which operates grades one through eight. The last three categories above are all specific attempts to increase the efficiency and to improve the educational output of areas originally laid out as common school districts. In other words, they have been designed to make it possible to have the advantages of graded schools in the common school districts.

Each of these administrative units has been discussed separately in the succeeding pages.

The common school district. The common school districts included not only the one-teacher rural schools but also the elementary schools of the third-class cities and those of the unincorporated villages. The law authorizing the organization of these districts gave a county superintendent little choice in the fixing of boundaries or judging the over-all desirability of forming particular districts. His legislative mandate was to lay out the proposed district for the greatest convenience of the people in that district when they presented him with a petition. So far as this writer has been able to ascertain, the only practical restriction in this field was contained in the

school laws of 1881.¹ They specified that no district might be formed with less than fifteen "persons of school age" residing in the area, and that no rearranging of district boundary lines might deplete a district's population below fifteen "persons of school age." Another restriction was imposed by the legislature of 1911, which decreed that no new district was to be formed with a taxable valuation of less than \$100,000, and no old district could be altered to give it less than that valuation.² This law of 1911 would seem to have been distinctly a case of "locking the door after the horse was stolen," for over 9,000 districts had been formed before that date.

The natural result of such a situation was to have small school districts formed. The population provision was not difficult to meet during pioneer times. Families averaged large, and, since the quarter section was the "standard" size of a homestead, it was easy to figure that a three or four square mile area could (and often did) meet this requirement. Similarly, since walking was the usual mode for children's getting to school, parents tended to want school houses close to home. From two to three miles was considered a practical limit for such walking distance. Once a district

¹The Laws of Kansas: 1881. Chap. 152, Sec. 12.

²The Laws of Kansas: 1911. Chap. 268, Sec. 7.

was formed, there was no way of disorganizing it without a favorable vote of its citizens. This made effective lessening of districts difficult.

Figure 3, page 30, gives a graphic picture of the practical results obtained by this system of creating and maintaining organized school districts. By 1896 over 9,000 districts were operating in the state. Since the area of Kansas was approximately 80,000 square miles, this meant the average district contained less than nine square miles. After 1896 the trend in number of districts has been downward. This trend has been dealt with more fully in the discussion of consolidation and cooperative school areas carried on in a later part of this paper.

In the annual school district meetings of the common school districts the spirit and meaning of "pure democracy" have been kept alive in this country and in the state of Kansas. In reality this statement was more true of what could be, rather than what was. There was not much real democratic government demonstrated in the last school meeting attended by this writer. The district comprised about fifty families with children in school and probably as many more without school children, but who had equal rights in voting at the school meeting. At this meeting there were nine voters present--six of them being the board members and their spouses and one being the principal of the school. This lack

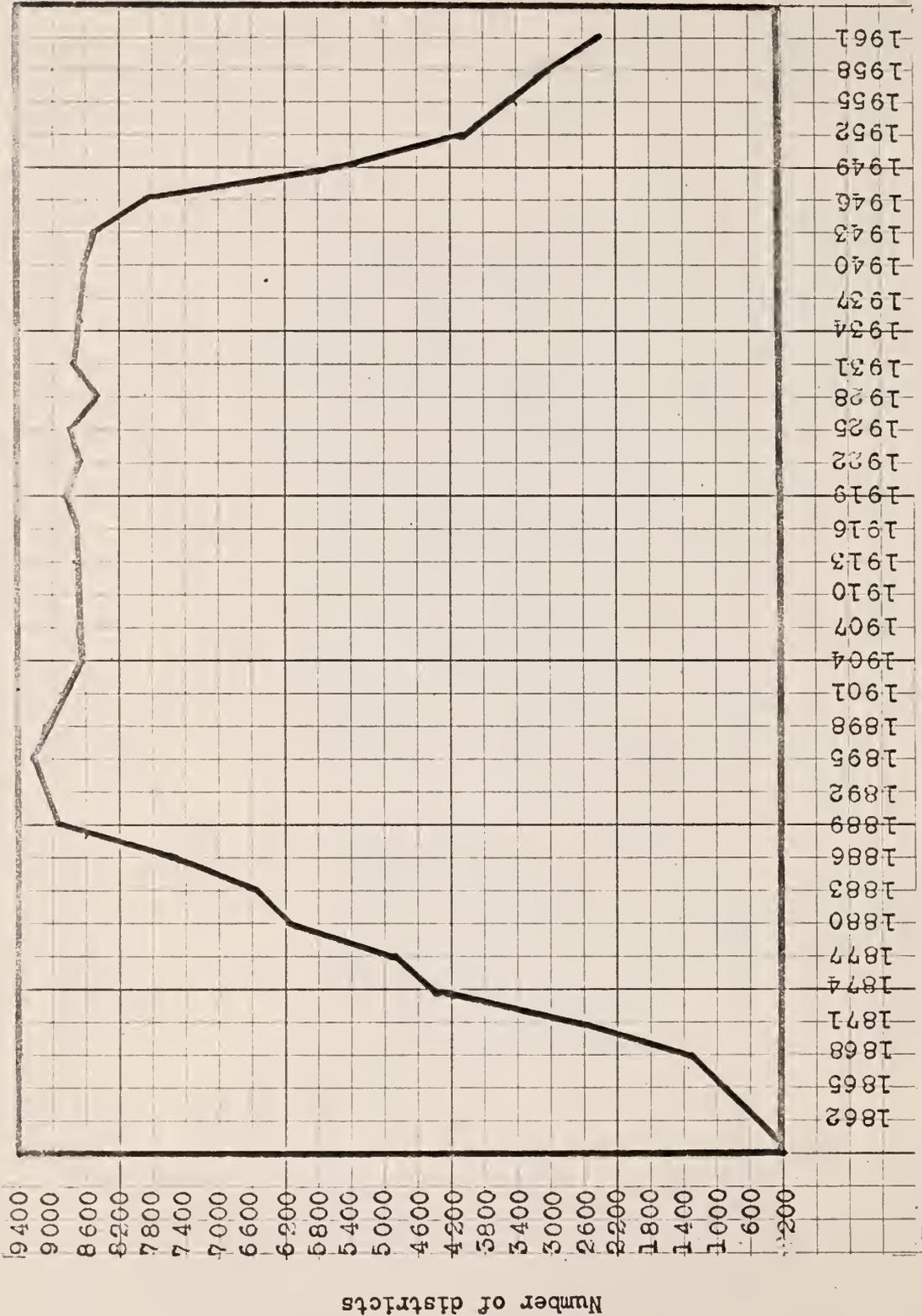


FIGURE 3
 NUMBER OF ORGANIZED SCHOOL DISTRICTS IN
 KANSAS FROM 1862 TO 1961

of interest has not been cited as an isolated instance but as an example of the trend throughout the state. In all honesty, it must be admitted that the theory of the annual school meeting being the last bulwark of direct democracy has outlived its usefulness.

Be that as it may, in the early years of statehood these meetings performed many of the duties later gradually relinquished to the district school boards. The hiring of the teacher; the decision as to the teacher's qualifications, sex, and salary; the determination of the length of the school term; decisions concerning choice of sites for building and the extent of building needs; and even the arranging for the erection of school buildings were all a prescribed part of the annual meeting's agenda. And of course, along with these duties went the duty of providing funds for carrying out the expressed wishes of the voters at the meeting.

Voting at the annual school meeting under the territorial laws was restricted to white males, twenty-one years of age or older.¹ The state laws of 1861 admitted women citizens to suffrage at school elections under the same conditions as those for men.² The legislature of 1867 removed the color line from voting requirements, giving the

¹King, op. cit., p. 427.

²The Laws of Kansas: 1861. Chap. 76, Art. 3, Sec. 2.

right to vote at school elections to all adult citizens.¹ Later, in 1889, the legislature placed a thirty-day residence requirement as a qualification for voting at these meetings.²

First- and second-class city school districts. Second-class cities (population 2,000 to 15,000) and first-class cities (population 15,000 and over) under Kansas law constitute separate school districts, and these districts have been given largely independent status. That is, they were regulated by state law but were responsible directly to the state department of education rather than to the county superintendent or the local city government. The district for both these units was, by law, set to coincide with the geographical limits of the city, but can take in other territory by consolidation or other form of combining districts. Because of the large numbers of people involved, in comparatively small areas, these city school districts must operate more than one elementary school, and also have population and financial resources enough to support one or more high schools.

This study has had little to say about these graded school districts of the cities, other than to acknowledge that they do exist and that they have had a very great

¹The Laws of Kansas: 1867. Chap. 123, Sec. 6.

²The Laws of Kansas: 1889. Chap. 223, Sec. 1.

influence upon the development of the state school system. These more populous and considerably wealthier districts have served as "pilot models" to a great extent in setting a pace and showing the way that an effective, state-wide educational system might progress. This study has been primarily interested in the advances of the state school system as they were revealed in legislative enactment, which barely specified minimum requirements that a school district must meet.

Although the progress of the graded schools was highly pertinent to the study, the writer felt that, if the matter were pursued thoroughly enough, most of the discussion in this paper would be found to have been a matter of following in the wake of the more progressive graded schools. The evidence seemed to indicate that, whereas the rural school districts were being prodded forward by state requirements, the graded districts were operating largely under permissive legislation.

As a single instance in support of this statement, one might point out that, at the time the legislature was enacting the requirement of a five-month school term for all schools in 1903, the schools of most of the cities were already set up and operating on a nine-month basis. The actual figures at that time (or shortly after, in 1905) were that out of sixty-four first- and second-class cities, thirty-six were operating nine-month schools, six were opera-

ting eight and one-half month schools, and twenty-two were operating eight-month schools.¹

This disparity between two types of school districts seems to have been due to several causes which should be mentioned, but, since they were largely self-evident, hardly need to be proved. In the first place, the fact that the city districts were located in large centers of population made necessary the division of the cities into appropriately sized elementary districts and one or more high school units. This group of schools required a well-qualified administrator to tie the separate units into a coherent whole. This need was likely to result in a strong and influential leadership with a well-planned educational goal of achievement for the system to strive toward.

Along with this leadership was concentrated a dollar wealth sufficient to allow a reasonable tax levy to raise sufficient revenue to realize the cost of the better schools envisioned. It is probable also that a greater proportion of the rank and file of the city population realized at an earlier date the need for and value of greater educational opportunity for oncoming generations. This need was not brought home so forcibly to the rural population until the end of the free or cheap land era after the turn of the century.

¹The Kansas State Department of Public Instruction, The Fifteenth Biennial Report, 1905-06, pp. 121-23.

Union and consolidated schools. These two terms seem to have been used synonymously throughout the literature on the subject. Consolidation consisted primarily of the joining of two or more school districts to obtain a better and larger school or to lower the cost of operating their schools or both. The process of consolidating involved complete dissolution of the boundaries and functions of the original districts making up the new consolidated or union district. Quite frequently consolidation involved transportation of pupils, since the larger units would make it necessary for some children to go farther to reach their school.

Permissive legislation allowing districts to combine to operate graded union schools and to operate high schools in conjunction with the graded schools was enacted by the legislature of 1861.¹ Apparently there was little inclination shown to take advantage of the opportunities thus offered until close to the turn of the century. The figures available to this writer covering that period of time when the consolidating movement began to show up as a force in reducing the number of school districts seemed to be misleading. At this time western Kansas was still increasing in population from immigration, and, for this reason, this area was still forming new school districts. At the same time the

¹The Laws of Kansas: 1861. Chap. 76, Art. 7, Secs. 1 to 9.

more populous and longer settled eastern areas of the state were directing their attention more and more toward obtaining accessible high schools. One method of providing them was through consolidation, which, of course, tended to reduce the total number of districts. The figures shown in Figure 3, page 30, indicating reduction in the number of school districts, reflect only the difference between the two contending forces.

The first school to consolidate "in the fullest sense of the word" was the Green Garden Township School in Ellsworth County. This school consolidated in 1898 under the provisions of a special law passed by the legislature in 1897. The transition involved transportation of pupils and operation of a high school in conjunction with the graded school.¹

To facilitate a noticeable tendency to consolidate, the legislature of 1901 passed a new consolidation bill.² In general, this statute did little more than clear up misunderstandings in the existing law. It did, apparently, make clearer the transportation requirements. By 1908 there were sixty-two consolidated districts operating in thirty-four counties, involving the discontinuance of 120 small

¹Kirke Meechem, Annals of Kansas, Vol. 2, p. 37.

²The Laws of Kansas: 1901. Chap. 305, Sec. 1.

districts.¹ Curiously enough, as the movement toward consolidation continued, it caught on in the newer, western part of the state and reached its greatest degree of popularity in that section.

The cooperative school area. As can be seen by the graph in Figure 3, the movement to consolidate schools and form union districts under the permissive laws of 1901 did not gain much momentum, although it did initiate a definite trend toward lowering the number of school districts. There were at least two opposing forces which hindered the consolidation movement. These can be seen in the reasons usually given for consolidation. On the one hand were the advocates who were interested in getting an educational program similar to their present one, but for less money. For instance, three schools having six pupils each could unite to operate one school in an already existing school house, hire one teacher, and have the upkeep and operating expense of but the one building. The district would have extra transportation costs, but in these small consolidated units transportation consisted usually in reimbursing parents for seeing that their children had a way to get to school. This often tended to make the cost of transportation seem of negligible consequence--after all, the money would be coming

¹King, op. cit., p. 431.

back to themselves or to near neighbors who were in need of a financial lift anyway.

On the other hand were those who advocated larger and more efficient school units in order to get an improved and enriched educational program. This second reason for merging of districts tended to meet with greater difficulty. In order to get a better educational program, corresponding to that of the graded schools, usually a new school house was needed with a faculty of as many teachers as the districts had been hiring separately before consolidating and additional costs for custodial care of the building. In short, the better educational program was going to cost considerably more and was, therefore, looked upon with disfavor by many taxpayers. When combined with the loss of original district identity and the loss of the local school as a community gathering point, the costs seemed to stack up too heavily against the proposition of consolidation. Another thing that tended to work against consolidation was timing. During the first two decades of the twentieth century transportation for any considerable distance with a vehicle that could offer even minimum protection from the elements was a very real and difficult problem. It was not until the development of the enclosed automobile and the accompanying all-weather road systems that wide-spread consolidation was likely to seem feasible to large numbers of districts.

It was to counteract the tendency to hold back from consolidation, and at the same time to encourage the reduction of numbers of small operating districts, that the legislature of 1935 enacted what came to be known as the Cooperative School Law.¹ This statute provided that two or more districts could cooperate to send their pupils to a central school or to one of their presently maintained schools without loss of local district identity or organization. In practice it offered new life to many small town and village schools which had population and ambition enough to require a graded organization, but not enough pupils to utilize their facilities efficiently. Under the new law, a one-room school could close its doors and send its pupils to the better equipped graded school center without sacrificing its own local autonomy. The sending district would assume the burden of transporting its own pupils and would pay the receiving school a share of the costs of operation agreed upon in the formal agreement of cooperation. This might be a specified tuition or a per pupil share of the cost of operation. Pearson,² in his 1934 study of the possibility of applying this law to the schools of Rush County, seemed to find reason to believe that the cooperating receiving schools

¹The Laws of Kansas: 1935. Chap. 255, Secs. 1 to 9.

²Oliver Pearson, A Study of the Application of the Cooperative School Law to Rush County, Kansas.

would benefit enough through additional state aid payments, based on their increased average daily attendance, that they would not need additional tuition from incoming pupils.

The Biennial Report of the State Superintendent of Public Instruction for the years 1939-40 gave a review of the success of this law in helping reduce the total number of school districts and at the same time lift the level of education.¹ For this purpose Jewell County was selected as representative of a typical Kansas county. The report showed that Jewell County lay along the northern border of the state at about the midway point east and west. It was considered a typical rural county, having no cities of first or second class. Within its area of 900 square miles were located 152 organized school districts, thirty-seven of which were not operating schools. Compared to the figures of 1910, the county showed a slight decrease in organized districts (162 to 152) and a pronounced decrease in the number of districts holding school (155 to 115). All of the county's area was included in some school district at both dates. The drop of ten organized districts in the thirty-year period was attributed to consolidation or some similar form of absorption of one district by another. The difference of thirty non-operating schools was laid to the taking advantage of the

¹The State Department of Public Instruction, The Biennial Report of the State Superintendent of Public Instruction, 1939-40, pp. 8-15.

cooperative school law, since "It is evident that these non-operating but organized districts must be sending their pupils to other schools."¹

The conclusions found by Neill² in his study of the effect of closing the one-room schools seemed pertinent at this point. In an investigation that covered ninety-nine of the 105 counties, he found that in the nine-year period between 1934 and 1943 a total of 881 schools involving nearly 4,000 pupils took advantage of the Cooperative School Law. Over 60 per cent of these pupils were sent to nine-month graded schools. Many of the receiving schools did not charge tuition or other fees, depending upon increased state funds to reimburse them for extra expense. Cooperation completely replaced consolidation during the period of the study. Other similar studies had shown that pupils, parents, and board members of cooperating districts were well satisfied with the cooperative effort. The districts sending their pupils to neighboring schools realized an average saving of \$14.08 per pupil and at the same time the pupils received an appreciably better educational advantage.

In the published results of surveys released in 1944, the Research Department of the Kansas Legislative Council

¹The State Department of Public Instruction, loc. cit.

²Benjamin Ambrose Neill, A Study of the Effect of Closing the One-Room Country Schools of Kansas.

came to the following conclusions:

1. Kansas had "too many school districts for the number of pupils to be educated."
2. There were "inadequate tax resources for the great majority of the school districts."
3. There was a "grossly inequitable distribution" of the tax burden for educating the children of the state.¹

Reporting in this same survey, the council refers to the startling increase in the rate of closing of schools during the period immediately preceding 1944 as a "grass-roots" movement which was essentially due to a combination of the following reasons:

1. Preference of patrons for a graded school.
2. Significant reduction of school costs.
3. Lack of sufficient population to warrant holding school in the closed districts.
4. Availability of all-weather roads and suitable transportation.
5. Availability of a receiving school at little cost.

Commenting upon this last reason, the council's research department stated, "One of the most significant features of the closed school movement has been the striking development of the school centers." The figures they gave

¹Kansas Legislative Council Research Department, School District Reorganization, Publication No. 130.

indicated that well over two-thirds of the pupils coming from the closed schools were sent to graded school districts and that 64 per cent were attending elementary school centers at which a high school was located.¹

Figure 4, page 44, shows graphically the situation about which the council was reporting. In studying these figures the reader should keep in mind that this is a study of school districts which have kept their original organization. A comparison with Figure 3, page 30, will show that there is little relation between the two sets of data. The latter graph shows around 8,000 organized school districts in the state in 1943, but Figure 4 indicates that almost 1600 (22 per cent) of those organized districts were not holding school. The rapid rise in the number of closed schools after 1937 tended to reflect the effective impact of the Cooperative School Law. It did little, however, to aid the overall effort to reduce the number of school districts in the state, and probably actually hindered that effort.

The depression-influenced, state-abetted tendency to cease operation of schools in organized school districts reached the point at which it could be seen that a large number of school districts were maintaining their organization for the express purpose of not holding school. The reason lay in the fact that, having few or no school child-

¹Kansas Legislative Council Research Department, Closed Schools in Kansas, Publication No. 113.

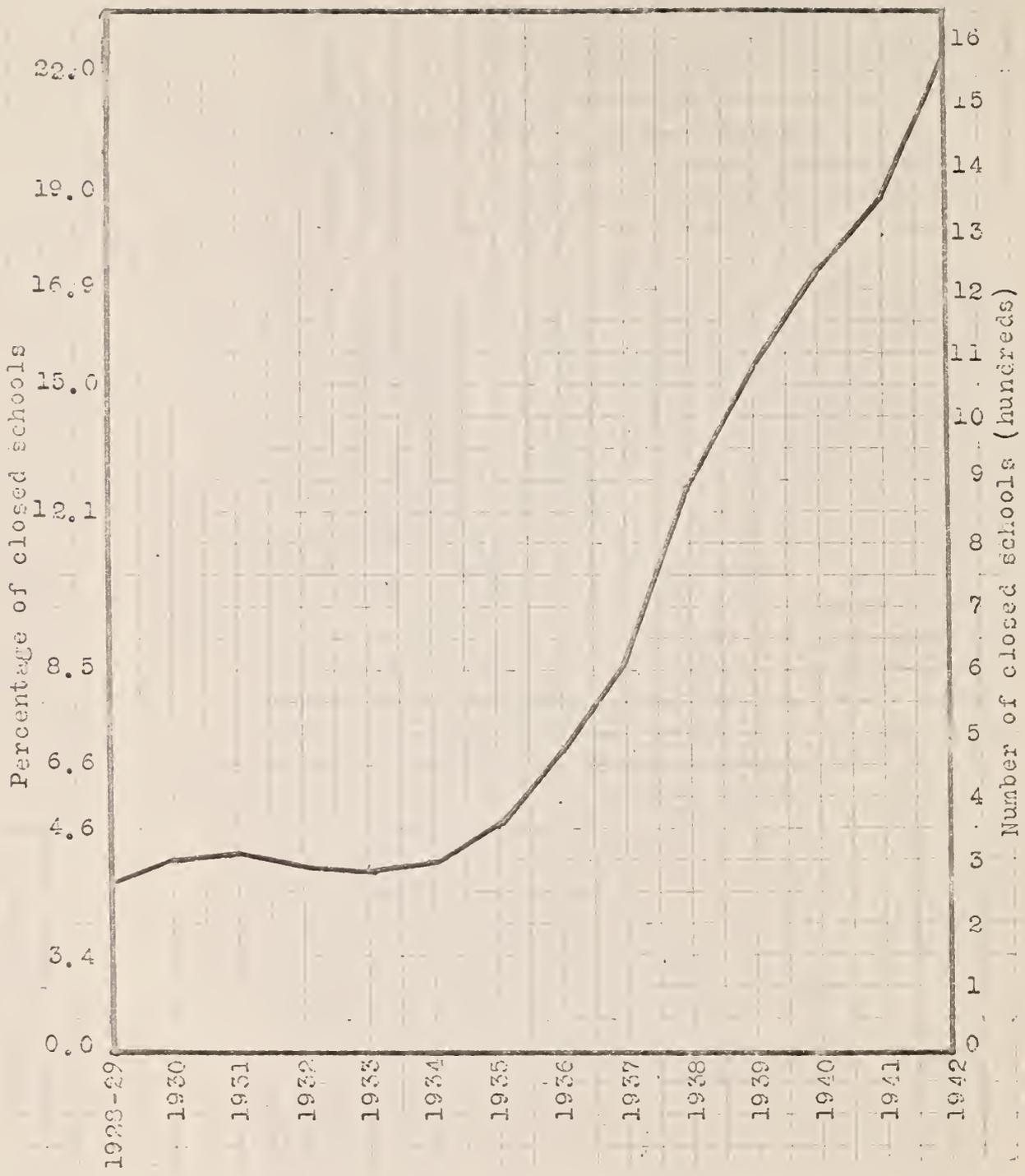


FIGURE 4

INCREASE IN NUMBER OF CLOSED SCHOOLS
IN KANSAS--1928 TO 1942

Kansas Legislative Council Bulletin 113, Closed Schools
in Kansas.

ren, they could get by on an extremely low tax for school purposes. To correct this highly inequitable situation and to try to bring some degree of order out of what was rapidly becoming a chaotic situation, the legislature of 1945 enacted a school reorganization bill.¹ This law set up county committees in each county for the purpose of studying the school requirements of that county and having the authority to set up school districts in accordance with those needs. There was a significant mandatory clause in this bill which should be noted. Any school district having no school during the preceding year was to be disorganized and its territory attached to an operating district or districts within a year.

Considerable work was done by these county committees. After most of them had turned in their recommendations, and some were in the process of carrying out those recommendations, the state supreme court invalidated the law on the grounds of constitutionality (too much unrestricted power delegated to committees). The legislature of 1947 validated the work which had been accomplished under this law, but by that time the life of the law, originally set up for a three-year period, had about run out.² It is interesting to note how this validating process was accomplished. Since the

¹The Laws of Kansas: 1945. Chap. 291, Secs. 1 to 18.

²The Laws of Kansas: 1947. Chap. 375, Sec. 1.

legislature itself possessed supreme power over the schools, it merely had to accept the work accomplished by the committees as its own in a formal statement to that effect.

During the two-year period that these committees were performing their work, and largely because of their activities, 3,042 districts were disorganized. At the same time 371 new districts were formed, leaving a net reduction in numbers of 2,671.¹ This is shown graphically in Figure 3, page 30, by the downward plunge of the graph line between the dates of 1946 and 1949.

Because the compulsory disorganization of non-operating districts requirement was lost with the court's condemnation of the entire 1945 statute, the legislature of 1951 reenacted this phase of that law. The new act decreed that any district failing to hold school for three consecutive years would be disorganized and annexed to neighboring districts.²

By 1960 the Comprehensive Educational Survey could report that during the half century preceding 1945 only 846 school districts had gone out of existence, while in the fifteen-year period following, 5,600 were dropped--an increase of 700 per cent in disorganizations. By the time of that report the number of organized districts had been reduced to

¹George Frey, "A Century of Education in Kansas," Kansas, the First Century, ed. John D. Bright.

²The Laws of Kansas: 1951. Chap. 396, Sec. 10.

about 2,800.¹ The survey assigned the credit for this remarkable accomplishment almost entirely to the general reorganization law of 1945.

Unified school districts. The cooperative school law of 1937 with its later revisions and the general reorganization law of 1945 were the most effective instruments devised, up to their time, for reducing the numbers of the one-teacher schools. Kansas still had in 1958, however, 2,806 separate school districts, 1,882 of which operated one- and two-teacher schools.² This amounted to a reduction of two-thirds of the organized districts in a period of about half a century and was a remarkable accomplishment. During this time, however, the cost of the constantly expanding educational program had been rising just as rapidly as the weaker districts had been dropping by the wayside. The districts that were still operating were finding it more and more difficult to carry on a modern educational program supported largely (almost three-fourths of the total cost) by the direct local property tax with its ever-present levy limitations. On the other hand, the people did not want to raise those levy limits--the feeling being that

¹Kansas Legislative Council Education Committee, The Comprehensive Educational Survey--Summary Report, p. 59.

²Ibid., p. 82.

property was bearing too great a share of the burden of educational costs. At the same time the state hesitated to increase its support of inefficient schools--inefficiency being measured largely by a "per pupil cost of education" criterion, although the inferior quality of education provided by weaker districts was also of significant importance.

As a first step in an over-all correction of this situation, the state legislature of 1957 authorized the legislative council to make a study of and suggest recommendations for the entire educational system from kindergarten through college. The report of this survey was completed in 1960, and the legislature of 1961, guided largely by the findings and recommendations of the survey, enacted a sweeping law aimed at eventually placing all areas of the state into unified school districts large enough in both population and dollar valuation to support a kindergarten-through-twelfth grade school program with a reasonable tax.¹ The state supreme court declared this law unconstitutional, largely upon the grounds of unlawful delegation of authority. The legislature of 1963 instituted a similar measure, revised to comply with the objections voiced by the court.² At the time of this writing (1963) there was little indication of how this law would fare in

¹The Laws of Kansas: 1961. Chap. 72, Secs. 2 to 33.

²The Laws of Kansas: 1963. Chap. 393, Secs. 1 to 35.

acceptance by the public and the courts. A brief resume of the provisions of the law, however, would seem to be in order.

House Bill Number 377 was enacted for the following purposes:

1. General improvement of the schools of the state.
2. Equalization of the benefits and burdens of education throughout the state.
3. To expedite the organization of public school districts, which will include all areas of the state and maintain grades one through twelve (and kindergarten if desired).
4. Through the organization of these new districts, to obtain a wiser use of public funds expended for public education.¹

Under the provisions of the law the territory of the state was to be divided into 106 planning units, each of which was a county, except for two in Johnson County. Each planning unit was to have a six man planning board whose duty was to lay out the entire county into appropriate unified districts. Each proposed district was required to have an expected enrollment of 400 pupils in grades one through twelve. If unable to meet this criterion, it was

¹The Laws of Kansas: 1963. "House Bill 377."

required to have an area of at least 200 square miles and an assessed valuation of at least \$2,000,000. All territory under the jurisdiction of a planning board had to be included in some district. In cases in which the planning board and local citizens or districts could not arrive at a disposition of a given territory satisfactory to both, provision was made to have the situation adjudicated by the state superintendent of public instruction, whose decision should be final.

Common School Finance

Emery Lindquist, in his centennial portrait of Kansas, wrote in 1961, "The story of education in Kansas reflects the struggle of local authority and sentiment with the need for providing adequate educational opportunity for all children."¹ The territorial and early state schools demonstrated clearly the demand of the people for education for all children to be paid for by taxation. Also quite evident was the fact that the people intended to have the deciding of how their local schools should be operated and just how much money should be spent in operating them. One of the most difficult pieces of research connected with this paper was that of following the maze of financial regulations governing the common school districts which succeeding

¹Emery Lindquist, "Kansas: A Centennial Portrait," The Kansas Historical Quarterly, Kirke Meechem, editor, Vol. 27, p. 48.

legislatures turned out as they endeavored to strike a balance between the two contending forces. There seems to have been a constantly vacillating struggle involved between the partisans with Laissez-Faire tendencies and those recognizing the need for some central control of school activities. The latter group was comprised of a multitude of gradations, from those individuals wanting to get genuinely uniform educational opportunity, to the opposite extreme of individuals who didn't believe in or want any free education at all and wanted to make sure they didn't have to support any excessive amount of it. This kind of a lineup must have produced some interesting contrasts in the way of strange political bedfellows, and, from the fluctuations in the state laws passed by succeeding legislatures, it seemed possible to deduce that there must have been a constant shifting and realignment of forces going on through the years.

Most of the controversy seems to have revolved around the question of just what proportion of a man's taxable property should go to the support of the schools. The proponents again ranged from those who believed there should be no restriction other than that desired by a majority of the voters in each school district meeting to those who, if they could have their way, would not under any circumstances have free public education at all. Two principles seem to have definitely emerged from this struggle. The first was

that the state was definitely committed to the providing of free public education. The second was that proponents of this service should not be allowed to get completely and unrestrainedly in the driver's seat--hence the principle of tax levy limitation. It seemed that most of the real controversy boiled down to a question of just what the tax limits should be.

The laws of the territorial legislature of 1858 placed no tax limits upon the district boards, whatever. The succeeding year was the only one in the entire hundred-year history of the state during which school districts operated without a restrictive limit on their powers of taxation. Even then they had a maximum spending restriction of \$250 for "incidental expenses."¹ The legislature of 1859 fixed a levy limit of one-half of one per cent (five mills per dollar valuation) for provision of a school house and a like amount for teacher's salary. They still retained the \$250 incidental spending limit.² The 1861 legislature, meeting for the first time as a state organization under the state constitution, kept these three features except that they lowered the minimum levy for teacher's salary from one-half per cent to one-fourth per cent (two and one-half mills per dollar

¹King, op. cit., p. 428.

²The Laws of Kansas: 1859. Chap. 116, Sec. 40.

valuation). It should be noted here that the tax had to be levied for a fixed purpose and that the money realized from that tax could be spent only for that purpose.¹ The laws of 1863 reinstated the one-half of one per cent levy limit for the teacher's salary.²

In 1864 the form was changed significantly. The annual district meeting was empowered to levy a tax sufficient to raise \$2,000 for a school house. If the meeting did not want to raise the needed amount all in one year, the legislature provided, for the first time, for issuance of school bonds for the purpose of borrowing money to build school houses.³ This provision of \$2,000 for building purposes proved inadequate for the need, as shown by the multiplicity of private bills which were passed by succeeding legislatures to enable individual districts to obtain sufficient money to supply adequate school housing facilities.⁴ To correct this situation the legislature of 1866 undertook to graduate the maximum building bond issue according to the number of children enrolled in the schools, which allowed considerably more leeway to meet the needs of third-class

¹The Laws of Kansas: 1861. Chap. 76, Art. 3, Sec. 1.

²The Laws of Kansas: 1863. Chap. 56, Sec. 5.

³The Laws of Kansas: 1864. Chap. 20.

⁴King, op. cit., p. 428.

cities and village school centers which come within the definition of common school districts.¹ Even with the easing of the restrictions in this manner, by the year 1870 only six of the fifteen districts organized and operating in Wyandotte County had provided themselves with school houses.²

This using of the school population as a base for determining size of bond issue was tampered with by the legislature of 1883, but the principle was retained in setting a six per cent building bond levy as the highest in any population category.³

The laws fixing the maximum levy for operational expense of the school see-sawed back and forth until 1881, when a new principle was injected into the picture.⁴ Under this statute building bond issues still carried separate levy limitations in accordance with school population. The levy for the general fund, however, was not earmarked to be spent for a particular purpose. The local board of education was to be allowed complete freedom in deciding how and for what purpose the money raised by taxation should be spent. This principle still remained in effect under the budgetary

¹The Laws of Kansas: 1866. Chap. 19.

²King, op. cit., p. 428.

³The Laws of Kansas: 1883. Chap. 132, Sec. 1.

⁴The Laws of Kansas: 1881. Chap. 149, Sec. 2.

laws in operation in 1963 for all general fund revenue. This freedom to use money for any desired purpose, however, applied only to the general fund. Special funds still had to be spent for the purposes budgeted.

Following the vacillations of the levy limit throughout this entire period of time seemed an unwarranted waste of a reader's time. One more reference to illustrate the extremes which entered into this levy limit picture seemed interesting. The contrast between the limits of 1907 and those of 1909 are startling, to say the least. King¹ explains that this was a period of tax reform and reevaluating of property for assessment purposes which almost quadrupled the assessed valuation in the state. The bond levy limit dropped from a six per cent maximum in 1907 to a one and one-half per cent maximum. The general levy maximum at the same time dropped from two and one-half per cent (twenty-five mills per dollar valuation) to three and one-half mills. Even King's explanation of a quadrupled valuation does not make sense of these figures.

It is worthy of note that by 1949 the general levy limitation had been raised to eight-mills per dollar valuation. The levy could be increased by twenty-five per cent if desired by a three-fourths majority of the voters at a regu-

¹King, op. cit., p. 429.

lar annual meeting.¹ In 1961 this maximum figure was raised again to ten mills per dollar valuation with the same provision for a twenty-five per cent increase if needed.² This limit still held in 1963 although there were several special funds for which levies could be made, such as a transportation fund, book rental fund, library fund, and others, the total of these pre-assigned levies amounting to a possible three or four mills which could be raised over the general levy maximum, for the specific purposes indicated.

Another interesting development was the steps by which the county treasurer became the official tax gatherer for the school districts. The state laws of 1861 specified that it was the duty of the treasurer of each board of education to collect "in person" the taxes assessed for school purposes in that district.³ The same law designated the county treasurer as custodian of the county school fund and distributor of the state annual school fund to the participating districts. In 1863 the treasurer was given the duty of collecting the school district taxes as well as the other duties listed above. For this work he was allowed a three per cent

¹The Revised Statutes of Kansas (1949 revision), Chap. 79, Art. 19, Sec. 56.

²The Revised Statutes of Kansas (1961 revision), Chap. 449, Sec. 1.

³The Laws of Kansas: 1861. Chap. 76, Art. 8, Secs. 1 to 9.

commission on the money collected and handled for the school districts.¹ In 1875 his commission for handling state and county funds was cut off and shortly thereafter the collection of school taxes was made a part of his regular work for which he received no special remuneration.²

Local support. One of the very earliest legislatures set up the county school fund as a source of revenue for elementary school purposes. This fund was collected and distributed by the county treasurer and apportioned to the districts by the county superintendent. The fund was made up from moneys collected in the county from fines, forfeited bonds, sale of strayed stock, and payments made for exemption from military draft. King makes the statement that "for a time . . . probably from 1857 to 1862 each county was permitted to levy a county-wide tax for school purposes, the proceeds of which were added to the county school fund."³ This fund has never produced more than a token amount of revenue. It was specifically an elementary school revenue source. In the school year 1958-59 the amount of money estimated to be derived from this fund was about \$400,000 or four-tenths of one per cent of the total needed to operate

¹The Laws of Kansas: 1863. Chap. 56, Sec. 1.

²The Laws of Kansas: 1875. Chap. 72, Sec. 4.

³King, op. cit., p. 430.

the elementary schools (see Table I, page 96). The amount of money from this fund will vary in each county in proportion to the collections allotted to it from the sources mentioned. The military exemption, of course, has not applied since Civil War times.

Another almost negligible source of elementary school income has been the state-wide dog tax, a fixed sum levied on each dog, collected and distributed by the county treasurer, which apparently has never been made a part of the county school fund. Table I indicates that in 1958-59 it accounted for about two-tenths of one per cent of the money spent by elementary schools of the state.

The intangible property tax was another minor source of elementary school revenue. This provided for a five mill levy against all intangible property, which was to be collected by the county treasurer and one-third of the proceeds to be distributed to the schools by the county superintendent on the basis of school census.¹ Reference to Table I again indicates that in 1958-59 about one and five-tenths per cent of total income for elementary schools was from this source.

The last local source of elementary school revenue was the general county elementary school fund, authorized by the legislature of 1947. Under the provisions of this law each

¹Kansas Department of Public Instruction, Education in Kansas, 1954, p. 25.

county was required to levy a two mill tax on all tangible property. The proceeds were to be distributed to all elementary schools in the county at the rate of \$500 per classroom unit and fifteen dollars per resident pupil. If the levy did not realize enough to meet the commitment, it was to be pro-rated to the various districts in the same proportion as the amount of money available was to the total commitment.¹ In 1947 twenty-nine counties paid 100 per cent of their commitment and in 1952 fifty-six counties paid in full. The difference was largely realized through rising property valuations.²

These five taxes constituted the local sources of revenue for support of elementary schools. Table I shows the proportion of total revenue derived from each source. All of this "local effort" was derived from direct tax upon personal and real property within the county and about sixty-five per cent came from taxes upon property within the district. It should be noted also that this local effort accounted for nearly three-fourths of all the revenue available for support of elementary schools from any source.

¹The Laws of Kansas: 1947. Chap. 381.

²Kansas Department of Public Instruction, Education in Kansas, 1952, p. 25.

State support. The constitutional mandate to provide a free system of schools clearly laid responsibility for education of her citizens upon the state. The state legislatures have not neglected this responsibility, as is shown by the voluminous attention given to it in the school laws passed with each session. These laws, sometimes promotional, sometimes permissive, often coercive or restrictive, were designed to aid the local districts in the task of providing universal free public education to the people. The decision concerning how much and what kind of education would be supplied, a very simple matter in the early days, naturally involved the question of willingness to pay for the choice. Local control and local support were accepted as correlative and inseparable features of a public educational system.

In an agricultural society practically all wealth emanated from the land in the final analysis. Hence, it was quite logical that the financial support of the schools should rest largely upon the local property owner in proportion to the value of his property. This property constituted practically his only source of wealth and its value depended upon its productivity--it was in fact a fairly good criterion for judging ability to support the educational system. This situation existed in Kansas as long as the supply of free or cheap land lasted, or into the first decades of the twentieth century.

With the gradual shift from an agrarian society to an increasingly technological social structure other influences of concern to the welfare of the schools began to be felt. The developing technology demanded an expansion of the education received by the oncoming generations. This entailed better trained teachers, more extensive facilities, and the lengthening and broadening of the student's educational experience--all of which forced the cost of education to rise rapidly in proportion. With the exhaustion of a plentiful land supply new generations of farm-reared young people were forced into other means of making a livelihood. The realization of this condition brought about a greater demand for broader educational opportunity to fit them for life in an industrial world. At the same time modern means of transportation made possible an extreme mobility of population which allowed these farm-trained youth to scatter to all parts of the state and nation in their search for employment. This mobility of the population had a tendency to increase the state's, as well as the nation's, interest in the product of the schools. As graduates tended to spread throughout the nation, the schools themselves became less and less objects of local concern only.

Accompanying the conditions outlined in the preceding paragraph came a shift in the basic source of the true wealth of the state. The land was still existent--and more produc-

tive than ever--but it no longer represented the source of most of the state's basic economy. A man's earning capacity (payrolls), the finished or processed products of factories, the turnover of business inventories, the profits on business transactions, the professional training of individuals--all took on increasing importance as primary sources of wealth. Payrolls, business transactions, incomes, and services, however, were not amenable to local taxation. The picture became one of a school system supported by direct property tax while an increasing proportion of the real wealth of the community, much of which was a direct result of the broader education already being provided, contributed little or nothing to the support of public education.

The gradual awakening of the people to this state of affairs was reflected in the slowly increasing support which the schools received from state sources. Although thought by many authorities to be inadequate, these funds have not been insignificant, and as possible pointers of a trend, were of interest to this discourse.

The first evidence of state support for elementary schools was in the constitutional provision requiring the setting up of the permanent school fund. Since the development of the old Ordinance of 1787 governing the Northwest Territory, the Congress of the United States had adopted a policy of setting aside two sections, numbers sixteen and

thirty-six, out of each congressional township in the public domain to be used for the "exclusive use of the schools" of the territory or state involved. Under an act of Congress in 1841 another grant of 500,000 acres of public land was made to each state in the nation. Kansas received this grant upon attaining statehood. In still another grant Congress earmarked five per cent of all proceeds of the sales of public lands within a state's boundaries after its admission to the Union, for the support of the common schools. According to King all but a few thousand acres of public school lands in Kansas had been disposed of by 1905.¹ He placed the total value of these congressional grants at \$7,803,300 as of that date (1910). The state permanent school fund consisted of money received from these three sources, invested and continually reinvested in specified bonds.

The state annual school fund was made up of the interest derived from the permanent school fund plus the rental from any unsold school lands. In 1876 a fifty dollar fee from insurance companies operating within the state was assigned to the annual school fund.² According to King, a one mill state-wide tax was levied until about 1878, the

¹King, op. cit., p.452.

²The Laws of Kansas: 1876. Chap. 122, Art. 18.

proceeds of which were also assigned to this fund.¹ One of the duties of the state superintendent was to apportion this annual fund twice a year (later annually) to the various school districts, upon the basis of the school census population.

The foregoing paragraphs just about cover the story of state financial participation in elementary education for nearly seventy-five years. (A strong argument could be made that this was not genuine state participation but merely passing on the gifts of the federal governments.) Despite frequent proddings by professional educators and by many influential laymen, the people as a whole and, of course, their legislators felt fairly well satisfied with the education which their children were receiving. The combined impact of a major financial depression, an increasing need for a broader, more costly education, and the disappearance of usable public lands to draw off excess population was necessary to really awaken people to the need for a general overhaul of their educational system and its basic financial support.

The first concrete evidence of a desire to do something about a long-range program came with the appointment of a state school code commission in 1927. Its report to

¹King, op. cit., p. 452.

the legislature in 1929 consisted of a proposal to gradually replace the multitude of districts then in existence with a system centering around the county as the basic unit of school control.¹ Accompanying this proposal was well-documented evidence showing the extreme wastefulness of the system as it was, and the practical impossibility of providing adequate modern education in a one-room, one-teacher school. The plan favored using increasing amounts of state funds to encourage the developing of the larger and more efficient units envisioned. Probably the greatest value of this work, when viewed in the light of history, was to show conclusively the need for greater efficiency in the use of money for school purposes before the state or any other responsible fiscal body could afford to underwrite the increasing costs of a broadening educational program. The depression of the 1930's struck before any definite action was taken concerning this report. For a period of years the attention of all the people associated with education was, by necessity, turned to the desperate need to preserve any educational program by any stop-gap means available, rather than to the carrying out of any particular long-range plans.

It was not until 1937 that the legislature made its first hesitating venture into the area of bringing financial

¹Kansas School Code Commission, Report of the State School Code Commission.

pressure to bear on local districts to encourage more efficient operation. Under the new law these districts tended to become eligible for increased benefits from a simple foundation program of state aid. The formula by which this state aid fund was to be distributed to the school districts is of interest.¹

One-teacher school districts having at least an average daily attendance of twelve pupils during the preceding school year were to receive the difference between \$675 and the proceeds of a three mill levy assessed against the tangible property in the district. If the average daily attendance was less than twelve, the district received a fractional part of this amount, the fraction being determined by dividing the average attendance by twelve. If the average attendance was less than four pupils, there would be no state aid.

By establishing the state elementary school finance fund, the legislature of 1949 took a longer step in the direction of a foundation type of state aid program designed as an incentive to improve the standards achieved by the local schools.² This plan involved a guarantee on the part of the state of from \$2,000 to \$2,800 for the operation of

¹The Laws of Kansas: 1937. Chap. 306, Secs. 1 to 3.

²The Laws of Kansas: 1949. Chap. 358, Secs. 1 to 5.

each "class-room unit." These class-room units were figured by either of two formulas. The one method was designed to obtain a better balanced teacher-pupil ratio in the multi-teacher schools. Highly oversimplified, this formula divided the total school population by an "optimum class size" to arrive at the number of "teacher units" (called class-room units) supported by the school. This number was then multiplied by \$2,800 to arrive at the school's guarantee figure.

The second method of finding the number of formulated class-room units was by consideration of teacher preparation. A teacher with thirty semester hours of college work, or its equivalent in experience, earned the school one class-room unit of credit. Five years of teaching experience was allowed as the equivalent of six semester hours of college work. A teacher with more than 120 semester hours of college work or its equivalent entitled the school to the maximum of one and four-tenths times as much credit as the school whose teacher had only thirty semester hours training. When the school's class-room unit credit had been established, it was multiplied by the state guarantee figure of \$2,000 to arrive at the school's guarantee (note that the maximum credit of one and four-tenths multiplied by \$2,000 gives the same \$2,800 maximum as when figured by the teacher-pupil ratio).

The first method of figuring the guarantee placed greatest incentive upon keeping an optimum teacher-pupil

ratio. The second method placed emphasis on optimum teacher preparation. Each multi-teacher school was required to figure its guarantee allotment by both methods and the one producing the smaller allotment figure was to be used for establishing the school's guarantee. No guarantee figure could be larger than the school's expenditure for education during the previous year--if this result was obtained, the previous year's expenditure became the guarantee figure.

After this basic guarantee figure had been determined, an additional transportation assistance was added to it at the rate of five dollars per month for each pupil living two and one-half miles or more from school.

To arrive at the amount of local effort involved in this arrangement the equivalent of the following resources were added: the receipts from a two mill tangible property levy; one-third of a five mill levy on intangible property; the proceeds from the county elementary school fund; any funds received from the sales tax residue distribution; and the proceeds from the state annual school fund. The sum of these receipts was to be deducted from the school's guarantee figure to arrive at the final state allocation made to the school.

The one-teacher school's entitlement was figured entirely by the teacher preparation formula, with the same transportation allowance and the same deductions as explained

above for the multi-teacher schools. Like them, no guarantee figure could exceed the previous year's expenditures for educational purposes. In order to receive its full entitlement an elementary school had to maintain an average daily attendance of ten pupils. If not able to meet this requirement, the school received that proportion of a normal entitlement as the proportion of its average daily attendance was to ten. If the average daily attendance was below four pupils, the school was not entitled to any state assistance under this act.

The 1951 legislature liberalized the appropriation for this fund somewhat, as did other succeeding ones, but this law essentially remained in force up to the time of this writing. By 1959 the schools were benefiting from this program at the rate of almost \$18,000,000 annually (see table I, page 96).

An example of the stop-gap measures mentioned earlier was the state school emergency finance fund, which was just that--a quick way to give the local districts a financial transfusion without regard to individual need, extent of educational program, or efficiency of spending of the schools. Established by the legislature of 1959, this law allowed a fixed payment of six dollars per pupil enrolled to each district in the state.¹ The 1961 legislature raised

¹The Laws of Kansas: 1959. Chap. 306, Secs. 1 to 5.

this figure to twenty dollars per pupil where it remained until 1963.¹

The last of the programs of state aid to local districts to be discussed in this paper was designed to relieve the local taxpayer rather than pour additional money into the local treasuries. Called a sales tax residue distribution, it appropriated \$12,500,000 from unencumbered sales tax receipts and distributed it through the county treasurers to all local taxing units in proportion to their property tax levies. This allotment was to be deducted from these levies--it could not be used to increase the levy limits.²

Further study of Table I shows the extreme dependence of the common schools upon local sources of revenue--almost seventy-five per cent of their total receipts. All of this local support was realized from direct property taxes, of course. Furthermore, it should be kept in mind that the state aid fund (which later became the state elementary school finance fund) did not come into existence until 1937 and that the legislature did not start allocating the sales tax residue until 1949, which left the entire state support of common schools prior to 1937 dependent upon the comparatively small annual school fund. These figures strongly

¹The Laws of Kansas: 1961. Chap. 347, Sec. 1.

²The Revised Statutes of Kansas (1949 revision), Chap. 79, Art. 36, Sec. 21.

support the statement made earlier in this paper that, historically, the people of the state have tended to keep financial support of the schools a matter of local concern in order to maintain a genuine local control. It also would seem to indicate that in recent years the state has consistently tended to assume greater responsibility for direct financial assistance to the school program.

Supervision and Administration

Possibly the two most important steps taken by the early legislators toward the constitutional directive to provide uniform schools were the creation of the offices of county superintendent and state superintendent of public instruction.

The county superintendent. Originally, the office of county superintendent was little more than that of a clerk. Its functions consisted largely of laying out and recording the boundaries of school districts; examining and certifying teachers for the schools; prorating the income from the various school funds to the districts qualifying for these payments; and making up and submitting annual reports to the state superintendent.

Created as an annually elective office by the territorial legislature of 1858, it was abolished by the succeeding legislature and reinstated as a biennially elective

office by the state constitution and the legislature of 1861.¹ From the beginning the office carried very little prestige or salary to attract competent professional leadership, and there were no professional requirements to qualify for the office--all that was necessary was to have the ability to attract a majority of the votes at election time. Gradually the office has taken on greater status as supervisory duties were added in both the elementary and high school fields, and as stronger professional requirements were added as qualifications for holding office.

The original pay of the office was fixed on a "per day of service" basis, usually about three dollars per day.² Throughout most of the state's history the pay has been graduated according to the size of the county served, and has seldom exceeded that of a good teacher in one of the school systems supervised. In 1955 the salary was made a fixed sum plus an added remuneration based on a combination of the school census of the county and the training and experience of the superintendent.³ From that time on the county superintendent has probably been paid a salary as

¹King, op. cit., p. 431.

²The Laws of Kansas: 1955. Chap. 224, Sec. 6, and Chap. 225, Sec. 1.

³The Laws of Kansas: 1899. Chap. 245, Sec. 1.

high as, or possibly a little higher than, the principals of the schools he administered.

The first attempt at requiring professional competency in the office of county superintendent was set forth in the laws of 1899.¹ They specified that a holder of the office must have taught school at least eighteen months. In 1947 the legislature set up the following qualifications for a county superintendent in counties having a population of 15,000 or more:

1. He must hold a four-year college degree and a valid Kansas teaching certificate.
2. He must have had five years of teaching or supervisory experience in Kansas schools, of which at least two years must have been in the elementary schools.
3. At least one of the five years experience must have been obtained during the three years immediately preceding his running for office.

For counties of less than 15,000 population the requirements were somewhat lower:

1. He must have had at least sixty semester hours of college training.
2. He must hold a valid Kansas teaching certificate.

¹King, op. cit., p. 431.

3. He must have had five years teaching or supervisory experience in the Kansas schools, of which at least two must have been in the elementary field.
4. At least one of the five years must have been experienced during the three years immediately preceding his candidacy.

The qualifications required for the more populous counties mentioned above were extended to all counties in 1961. In addition, in all counties with over 30,000 population, the county superintendency required a master's degree and a principal's or administrator's certificate.¹

As has been indicated, the office of county superintendent of schools has taken on greater stature and significance through a hundred years of development. It is, however, probable that its greatest service to the school system of the state has been as an intermediary between the local districts and their state department of education.

Furthermore, although it was not within the province of this paper to undertake to predict the future of events, it seemed not out of place to suggest that, if the purposes of the unified school district law are carried out, the position of county superintendent will probably have outlived its usefulness.

¹The Laws of Kansas: 1961. Chap. 212, Sec. 2.

State administration. "Education is a function of the State Government," writes the Kansas State Department of Education in its policy statement, which outlines the responsibilities of a state department as follows:

- A. The state is sovereign with respect to its basic responsibility for establishing and administering a program of education. . . . All services of the state government which are primarily educational in nature should be subject to the supervision and be coordinated by the State Department of Public Instruction.
- B. The state is responsible for determining the extent and quality of educational services to be provided by its foundation program of education and for assisting local boards of education to assume their responsibility in providing these and additional services.
- C. The state should establish minimum standards necessary to safeguard the education of its citizens, and assist local schoolboards to equal and, wherever possible, to exceed these standards. When local boards refuse to meet minimum standards they should be enforced by the state.
- D. The state should assure an adequate foundation education program for every child and adult through its program of financial support.
- E. The state is responsible for developing and carrying out a comprehensive plan for improving educational opportunities for its citizens and for continuous evaluation and adaptation of the plan to meet emerging needs.
- F. States should cooperate in the development of a uniform system of school records and reports in order that instruction, communications between schools and school systems, and child accounting may be facilitated, and that valid comparisons may be made of educational data.
- G. The state should make available to local administrative units and educational institutions consultative services they cannot reasonably provide.

- H. Any educational program or service made available to the state by the federal government and accepted by the state should be administered by the appropriate state education agency for all schools and institutions eligible for such program or service under federal and state constitutions and laws.
- I. It is the belief of the state department of public instruction that the state should promote equality of educational opportunity for all by requiring non-public schools to provide foundation programs of the extent and quality required in the public schools.
- J. The state should make adequate use of local, state, and national resources in developing its program of education and should utilize the services and facilities of all agencies which can properly perform services auxiliary to it.
- K. Materials prepared and produced separately or jointly by another department of state government or by any organization, should be approved by the state department of public instruction before being used in the schools.¹

It is almost axiomatic in political science thinking that governments and agencies of governments tend to become what they are not. The Kansas school system is no exception to this rule, and, since it started at the extreme left as almost completely independent school districts responsible to practically no authority other than their own electorate, there was only one direction for them to go, and that was toward centralization. The story of the gradual relinquishing of authority by local districts to a central agency in the interest of uniformity of educational output and to

¹Kansas Department of Public Instruction, Our Kansas System of Education, a Policy Statement, pp. 15 ff.

obtain a better planned and better executed educational structure was the story of the development of the state department of education, which, though it has not been able to achieve the ideal set for itself, has been growing in that direction.

The first territorial legislature's provision for state supervision of education was very sketchy. The clerks of the local district school boards were expected to file their reports directly to the secretary of the territory, who was supposedly responsible for keeping the legislature informed upon school matters. The 1858 legislature created the office of superintendent of schools, appointive by the governor for two-year terms. In 1859, in order to make the office more directly responsive to the people's will, the term of office was reduced to one year and the office was to be filled by direct election.¹ With the adoption of a state constitution the office was retained as an elective one to be filled biennially.² The superintendent was given "general supervision over the common schools" by the constitution. By court decisions, uniformly adhered to, this provision has become accepted as the actual creation of a state educational system. That is, the local districts were not operating

¹King, op. cit., p. 432.

¹State of Kansas, Kansas Constitution, Art. 6, Sec. 1.

merely local institutions but were considered to be a part of an over-all state system.

The powers of the early superintendents were, for the most part, advisory in nature. Their duties included visiting each county annually (later biennially), preparing suitable forms for district school board clerks' and county superintendents' reports, and the compilation and publishing of these reports, along with the school laws and other information relative to the operation of the schools, for the benefit of the legislature and the general public. Another of their duties was the apportionment of the annual school funds to the districts. The original act, creating the office, gave the state superintendent final authority in settling appeals from the actions of school boards or county superintendents, but this authority was revoked after only two years in force. It was replaced with the requirement that he give written, recorded opinions upon the application of state law to situations brought to his attention for settlement by the county superintendents. This quasi-judicial function made his office the final authority, except for the courts, for obtaining a degree of uniformity in the application of school law. When combined with the use of uniform record keeping and the duty of disseminating information, both in person and through written reports on the subject of school needs and objectives, an able superintendent could

have a great deal of influence on the development of a uniform school system.

Unfortunately, for a period of seventy-five years or more, there was little provision made to guarantee ability on the part of a state superintendent. The only requirement for holding the office was that of getting a majority of votes at election time. In its reorganization of the state department of education in 1945, which made the state superintendent the chief executive officer for carrying out the policies of the state board of education, the legislature set definite professional qualifications for the office.¹ Since that time this official has had to hold the "highest type" of Kansas teacher's certificate; to be a resident of the state for at least five years immediately preceding his candidacy; to be a college graduate with at least thirty semester hours of graduate credit; and to have had at least ten years of teaching or administrative experience, five of which must have been in Kansas public schools, and some part of these five years must have been within two years of the date of filing as a candidate for office.

Generally speaking, the state has been very slow to adopt an over-all centralized control over the public school system. The usual method of obtaining compliance with a

¹The Laws of Kansas: 1945. Chap. 282, Sec. 5.

need for uniformity in the local areas was through legislative creation of separate boards and commissions for handling each problem that presented itself. Each of these separate groups was a law unto itself and could proceed as it saw fit in settling questions under its jurisdiction, without regard to what other groups might be doing in related fields. The only tie between such commissions was the state superintendent, who usually was an ex-officio member of each group.

One of the first of these independent boards was the Board of State School Fund Commissioners, provided for by the state constitution for the purpose of investing the state permanent school fund in specified types of bonds.¹ This board consisted of the secretary of state, the attorney general, and the state superintendent of schools, who was the official secretary.

Almost from their inception the Kansas schools were plagued by a lack of uniformity in textbooks available to the pupils. This condition was most serious in the pioneer communities where money was extremely scarce. Any move to require uniformity in text books, which in effect meant "purchase new text books," met with a great deal of resistance. An 1885 law permitting counties at instigation of school boards to adopt uniform texts was not particularly

¹State of Kansas, Kansas Constitution, Art. 6, Sec. 3.

effective.¹ It was not until 1897 that a state-wide uniform text book law was enacted.² Instead of making the existing department of education responsible for choosing the acceptable books the law provided for setting up an independent text book commission to take over this duty. The same statute set up the machinery for state printing of text books if satisfactory arrangements could not be made with book publishers for the furnishing of low-priced texts.

This paper was not particularly concerned with the long and acrimonious dispute over who should choose the text books and how they were to be obtained, but more in the matter of the creation of the independent commission which was finally formed to handle the matter. This was another example of the tendency, mentioned earlier in this section, to keep the state department decentralized with a scattering of authority. The text book commission eventually gave way in 1937 to the state board of education, which was designated as the agency for selecting text books during that year.³

The legislature of 1873 established the state board of education primarily to qualify teachers and certify their status as teachers in the state. It also had the duty of

¹The Laws of Kansas: 1885. Chap. 171, Secs. 1 to 7.

²The Laws of Kansas: 1897. Chap. 61, Secs. 1 to 28.

³The Laws of Kansas: 1937. Chap. 303, Secs. 1 to 14.

certifying teachers turned out by the colleges of the state (which in practice took the form of approving the courses of teacher training of the colleges and automatically issuing certificates to those completing the prescribed courses).¹ It did not, however, certify state teacher's college graduates, as those schools were empowered to certify their own students. The original state board was made up of the state superintendent, the chancellor of the state university, the president of the state agricultural college, and the principals of the state normal schools (these later were replaced by the president of the state college at Emporia). In 1893 provision was made for the governor to appoint three more professional educators to the board in addition to this list.² In 1905 the state board of education was given authority to "establish and revise courses of study," which act made it the final arbiter in matters of curriculum.³

A state department of education, composed of the state superintendent (ex officio chairman) and the state board of education, was set up by the legislature of 1915.⁴ The make-up of the state board was altered to take in three lay

¹The Laws of Kansas: 1873. Chap. 133, Sec. 1.

²The Laws of Kansas: 1893. Chap. 132, Sec. 1.

³The Laws of Kansas: 1905. Chap. 387, Sec. 1.

⁴The Laws of Kansas: 1915. Chap. 296, Secs. 1 and 5.

members appointed by the governor instead of the three professional educators. Another section of this law gave the state board authority to set "standards of excellence" and to accredit those schools meeting the standards thus set up.

The legislature of 1933 made a definite change in the make-up of the state board of education.¹ The new board was to be composed as follows: the state superintendent as ex officio chairman; one member from the faculty of Kansas University or Kansas State College; one member from the faculties of the other state colleges; one member from the faculties of the private or denominational colleges; one county superintendent; one city school superintendent; one high school principal; and two lay members. This constituted an eight-member board, all except the state superintendent appointed by the governor.

In 1945 there was another complete reorganization of the state department of education, which from that time on has been the Kansas State Department of Public Instruction.² The state board of education was altered further to make it completely a board of laymen. The requirements laid for its composition were to be a non-partisan, seven-member board appointed by the governor; one member to come from each

¹The Laws of Kansas: 1933. Chap. 272, Sec. 1.

²The Laws of Kansas: 1945. Chap. 282.

congressional district, and the remainder from the state at large; not more than three members to be from a city of the first or second class; and no member to be a professional educator. With the passage of this law the state board has become a truly policy-making body with authority to approve or reject the recommendations of the state superintendent. The office of state superintendent then became an executive or administrative position for carrying out the policies laid down by the state board.¹

The foregoing discussion indicates a great deal of progress toward the organizational goal set by the state department of public instruction for itself in 1960. This ideal organization is reproduced here for comparison.

PROPER ORGANIZATION OF THE STATE AGENCY FOR EDUCATION
ENABLES THE STATE TO MEET ITS EDUCATIONAL RESPONSIBILITIES
MORE ECONOMICALLY AND EFFICIENTLY.

- A. The State Constitution of Kansas should contain the basic provisions for the establishment of a state system of education. The constitution should empower and direct the legislature to establish a general plan for placing them into effect.
- B. The legislature should enact laws adequate to provide for the organization, administration, and financial support of education.
- C. The Kansas Constitution should provide for a non-partisan lay state board of education broadly representative of the general public and unselfishly interested in public education, elected directly by

¹George Frey, "A Century of Education in Kansas," Kansas, the First Century, John D. Bright, editor, p. 212.

the people or by a school board convention in a manner prescribed by law. Members of this board should serve for long overlapping terms without pay. It is desirable that the board select the chief state school officer on a non-partisan basis and determine his compensation and his term of office. He should serve as executive officer of the board and head of the state department of education.

- D. The state board of education should serve as the single board for determining state education policies within the statutory framework provided by the legislature.
- E. The state department of education, consisting of the chief state school officer and his staff, should be organized as a state service agency to provide professional leadership in developing a sound education program consistent with the policies of the state board of education.
- F. The personnel of the department should be employed by the state board of education upon nomination by the chief state school officer. All appointments should be on the basis of merit and fitness for the work to be done.
- G. The state department of education should be adequately staffed to provide all needed services.
- H. The organization of the department should promote efficiency and should facilitate the coordination and integration of its services.¹

Of the eight major essential requirements suggested, it would seem that the Kansas department has come close to achieving its goal with the exception of items "C" and "H." The chart of state department organization (Figure 5, page 86) shows much the same story. Most of the originally independent boards and commissions have been absorbed into a

¹Kansas Department of Public Instruction, Our Kansas System of Education, a Policy Statement.

THE PEOPLE OF THE STATE OF KANSAS

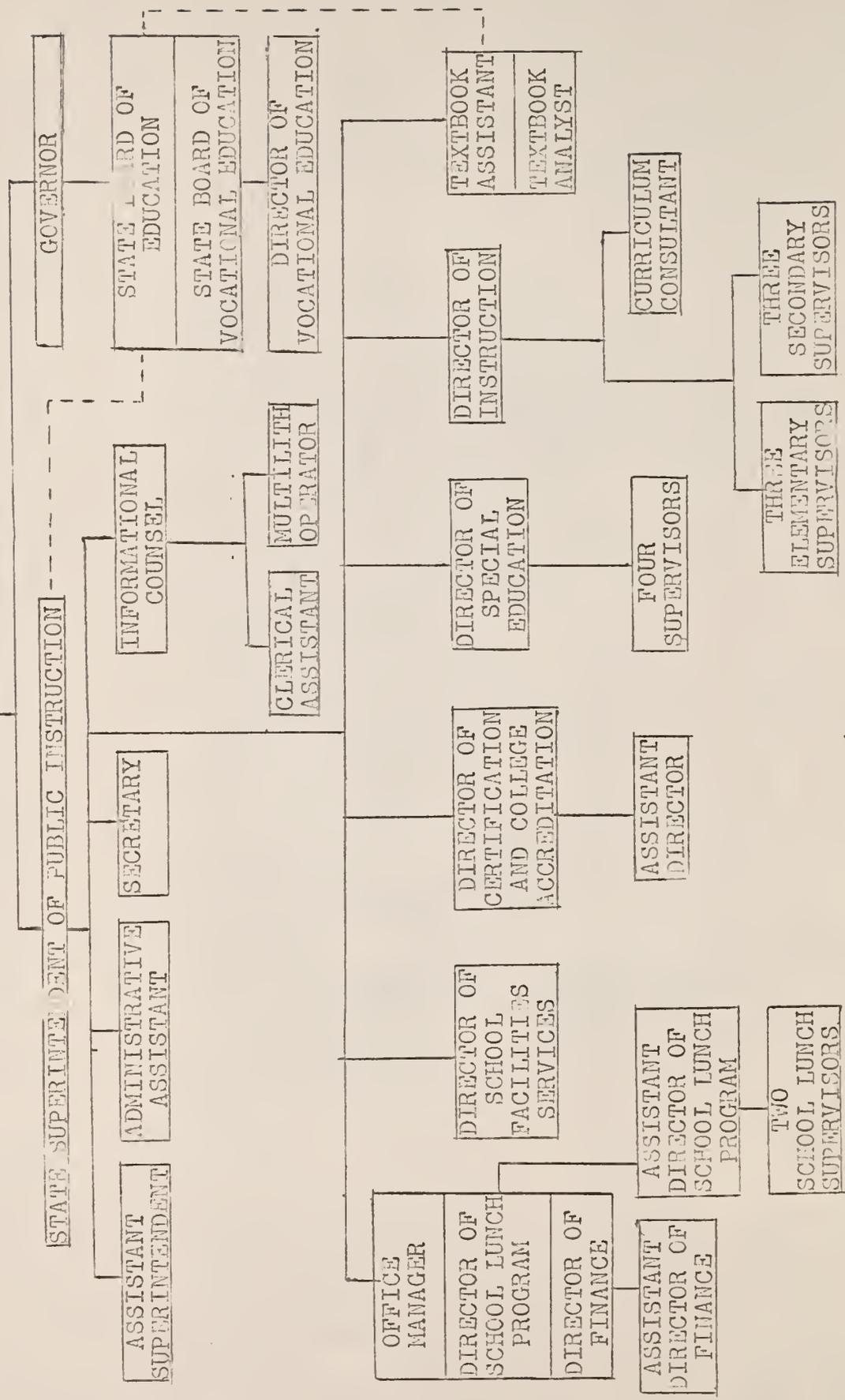


FIGURE 5

ORGANIZATION OF THE STATE DEPARTMENT OF PUBLIC INSTRUCTION

fairly close-knit organization which can affix definite responsibility for definite functions. However, the double line of responsibility to the people is still there, the one from the state board back through the governor to the people, the other from the state superintendent's staff through the superintendent to the people. It would appear that the state legislature has about reached its constitutional limits in streamlining the state department of public instruction for more efficient administration of educational services. The final step in this direction would seem to be the responsibility of the people to amend their constitution with respect to the means of selecting a state superintendent. Apparently, until that is done, the ideal suggested in item "C" above cannot be achieved in its entirety.

SUMMARY

This study has traced the development of the Kansas system of public common schools as the people of the state have adapted it to implement their intense desire for universal free public education. It has followed the steps in the unfolding of a school district organization ranging from the independent, one-teacher school of the pioneer to the beginning of county-wide, truly unified school districts. It has shown that, over a hundred-year period of time, a radical change, if not a complete reversal, of the attitude

of the people toward the relationship between central control and local autonomy has taken place. This change of attitude was illustrated by the emergence of the unified districting program which has opened the way for a greater state financial participation in the educational effort. Finally, the report has shown the ascending influence of the state department of public instruction, as it has expanded from a mere secretarial position into a strong and potent organization for leadership, guidance, and administration of the public school system. Truly the study has revealed, to this writer at least, a hundred years of very real educational progress--as well as some of the weaknesses which still remain to be worked out in the years ahead.

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APPENDIX

TABLE I

SOURCES OF ELEMENTARY SCHOOL REVENUE
1958-1959 SCHOOL YEAR

Source	Amount	Per cent	Total Amount	Total Per cent
Local ad valorem Taxes	\$62,972,297	64.19		
General County Elementary School Fund	7,700,821	7.84		
Intangible Tax	1,478,318	1.50		
County School Fund (estimated)	400,000	.40		
Dog Tax	<u>255,728</u>	<u>.26</u>		
Total Local Effort			\$72,807,164	74.19
State Elementary School Finance Fund	\$17,966,970	18.31		
State Annual School Fund	1,499,730	1.52		
State Sales Tax Residue	<u>5,827,328</u>	<u>5.93</u>		
Total State Support			<u>25,294,028</u>	<u>25.76</u>
Total Revenue Available from All Sources			\$98,101,192	99.95

NOTE: These figures represent operational revenue only. Data for this table was adapted from information and tables contained in "Spotlighting the School Survey." The figures disregard the contributions of the federal government under P. L. 874 and the N. D. E. A. which probably account for less than one per cent of the total.

TABLE II

AVERAGE LENGTH OF SCHOOL TERM, NUMBER OF ORGANIZED DISTRICTS, TOTAL ENROLLMENT, AVERAGE DAILY ATTENDANCE, AND PERCENTAGE OF ATTENDANCE IN KANSAS SCHOOLS FROM 1862 TO 1962; GRADES 1-12

Year	Term in Weeks	Organized Districts	Enrollment	A. D. A.	% of attendance
1862	12.8	534	8,595		
1863	15.2	705	15,103	5,549	36.74
1864	14.0	825	22,667	8,744	38.58
1865	14.6	847	26,400	14,210	53.83
1866	17.2	986	31,528	16,225	51.46
1867	17.6	1,172	39,449	20,573	52.15
1868	20.0	1,372	45,140	27,238	60.34
1869	20.0	1,707	58,681	31,124	53.04
1870	20.8	2,068	63,218	39,401	62.33
1871	23.2	2,647	89,777	52,891	58.91
1872	21.6	3,419	106,663	61,538	57.69
1873	21.3	4,004	121,690	71,062	58.40
1874	22.0	4,395	135,598	77,386	57.07
1875	20.4	4,560	142,606	85,580	60.01
1876	20.8	4,658	147,224	89,896	61.06
1877	21.2	4,865	158,075	94,009	59.47
1878	22.4	5,136	177,806	106,932	60.14
1879	24.4	5,622	208,434	123,715	59.35
1880	24.0	6,134	231,434	137,667	59.48
1881	22.0	6,325	247,819	139,853	56.43
1882	22.8	6,436	269,978	162,017	60.01
1883	22.4	6,582	286,168	168,117	58.75
1884	24.0	6,706	301,601	207,339	68.75
1885	23.2	7,142	334,538	194,325	58.40
1886	23.8	7,520	365,239	219,908	60.20
1887	22.8	8,330	391,554	231,384	59.10
1888	24.8	8,775	403,351	245,881	61.00
1889	25.6	8,987	405,454	244,697	60.4
1890	27.0	9,022	391,420	237,900	60.8
1891	25.5	9,087	389,570	246,102	63.2
1892	25.4	9,123	382,225	239,299	62.6
1893	25.9	9,180	389,597	246,571	63.3
1894	25.0	9,174	393,840	252,215	64.0
1895	25.1	9,213	384,905	258,064	67.0

TABLE II CONTINUED

Year	Term in Weeks	Organized Districts	Enroll-ment	A. D. A.	% of At-tendance
1896	24.0	9,284	378,339	252,727	67.0
1897	25.2	9,150	367,600	254,002	69.1
1898	24.9	9,100	370,240	256,934	69.4
1899	24.9	8,988	381,800	252,136	66.0
1900	25.3	8,927	389,582	261,785	67.2
1901	25.7	8,891	382,248	259,039	67.8
1902	25.2	8,990	389,272	273,197	70.2
1903	26.1	8,669	397,557	258,107	64.9
1904	26.0	8,627	378,958	258,493	68.2
1905	26.0	8,598	381,595	260,634	68.3
1906	26.0	8,792	390,787	280,679	71.8
1907	26.2	8,657	384,322	276,713	72.0
1908	28.4	8,689	392,009	290,904	74.2
1909	26.2	8,718	397,935	289,674	72.8
1910			398,746	291,329	73.1
1911	26.6	8,735	398,749	295,766	74.2
1912	28.5	8,717	395,064	298,128	75.5
1913		8,731	394,013	299,368	76.0
1914	28.7	8,715	392,662	310,803	79.2
1915	28.7	8,636	394,823	308,892	78.7
1916	28.7	8,707	402,660	311,267	77.3
1917	29.1	8,755	408,845	318,643	77.9
1918	29.1	8,770	405,319	288,256	71.1
1919	27.9	8,791	404,515	300,713	74.3
1920	29.3	8,775	406,880	309,505	76.1
1921	29.5	8,717	390,656	319,690	81.8
1922	30.2	8,691	427,310	347,242	81.3
1923	29.8	8,704	415,082	339,789	81.9
1924	32.0	8,596	424,501	363,840	85.7
1925	32.0	8,792	425,012	363,507	85.2
1926		8,625	424,834	367,041	84.0
1927		8,542	422,137	349,298	82.7
1928		8,532	425,424	357,029	84.0
1929	32.4	8,695	428,624	357,095	83.4
1930	32.6	8,755	432,749	366,357	84.7
1931	32.5	8,729	432,653	370,713	85.7
1932	32.5	8,609	424,314	366,648	86.0
1933		8,718	417,100	369,469	88.5
1934		8,695	413,662	362,389	88.0
1935		8,687	407,777	352,820	86
1936		8,679	403,523	350,193	87

TABLE II CONTINUED

Year	Term in Weeks	Organized Districts	Enrollment	A. D. A.	% of attendance
1937		8,662	394,460	343,891	87
1938		8,650	386,550	337,059	87
1939		8,647	376,675	330,060	88
1940		8,632	365,970	322,912	88
1941		8,624	357,544	312,445	88
1942		8,596	352,344	298,964	87
1943		8,575	350,971	288,897	82
1944		8,531	329,761	274,082	83
1945		8,438	323,729	271,593	84
1946		7,862	323,189	270,658	81
1947		6,712	316,586	276,245	87
1948		5,643	316,812	279,021	88
1949		5,454	319,584	282,740	88
1950		5,257	328,973	286,182	87
1951		4,599	337,416	295,375	88
1952		4,060	345,647	299,913	87
1953		3,903	362,100	314,144	87
1954		3,686	378,322	333,242	88
1955		3,517	396,078	347,104	88
1956		3,352	403,884	357,354	89
1957		3,175	408,931	363,895	89
1958		3,004	420,853	370,693	88
1959		2,806	434,418	385,905	89
1960		2,605	439,793	395,109	90
1961		2,416	455,165	409,219	90
1962		2,303	465,397	418,393	90

Data to 1933 obtained from the annual and biennial reports of the state superintendents of public instruction.

Data after 1933 supplied by the office of state superintendent of public instruction upon special request.

Note--The figures for average length of school term were discontinued after 1933 because they had become meaningless as averages. By that time all graded and high schools were operating nine month terms but most rural schools were still eight month. Since the proportion was around 8400 to 300, the short term schools forced the average down to within a fraction of their own length of term. This proportion changed significantly during the last part of the period but the figures would still have been of little value.

A STUDY OF THE DEVELOPMENT
OF THE COMMON SCHOOL SYSTEM OF
KANSAS AS A REFLECTION OF THE PRINCIPLES
OF UNIVERSAL EDUCATION AND LOCAL LAY CONTROL

by

STEPHEN MERLE GENTRY

B. S., Fort Hays Kansas State College, 1941

AN ABSTRACT OF A
MASTER'S REPORT

submitted in partial fulfillment of the
requirements for the degree

MASTER OF SCIENCE

School of Education

KANSAS STATE UNIVERSITY
Manhattan, Kansas

1964

This was a historical study of the development of the public elementary school system of the state of Kansas tracing the step by step progress as revealed in legislative enactment and historical writing. It has undertaken to show that the system is founded primarily upon certain concepts which have largely influenced legislative thought and action. The concept of free education for all children in tax-supported schools under direct control of locally elected boards of education made up of laymen rather than professional educators was the key principle. As a natural corollary of the concept of local lay control, it followed that the financial support of these schools should also lie with the local districts.

During the course of presenting the study the writer endeavored to point out that, as the Kansas social structure changed from that of a predominantly simple agrarian society to a complex, mobile, highly technical way of living, the concepts of what the schools should be and do gradually altered to reflect, and possibly to enhance, the metamorphosis of the society; that when viewed in the light of the purposes they were designed to fulfill and of the population they were intended to serve, the various laws were not unreasonable; and that, though the changes in the social structure have been gradual evolutionary developments, the

changes in the school system to accomodate them have been "stair-stepped" by adding one partially inadequate measure on top of another.

For organizational coherence the paper was divided into five administrative phases of school organization; those of length of school term and compulsory attendance being treated as indicative of the desire of the people to provide universal, uniform education; while the topics of school district organization, school finance, and school supervision and administration were used to illustrate the principle of local support and control within a framework of state responsibility for uniformity and extent of educational experience.

The study traced the development of the Kansas public common school system, as the people of the state have adapted it to implement their intense desire for universal free education. It has followed the steps in the unfolding of a school district organization ranging from the independent, one-teacher school of the pioneer to the beginning of county-wide, truly unified school districts. It has undertaken to show that, over a hundred-year period of time, there has been a radical change, if not a complete reversal, of the attitude of the people toward the relationship between central control and local autonomy. This change of attitude was illustrated by the emergence of the unified districting

program, which has opened the way for a greater state financial participation in the educational effort. Finally, the report has shown the ascending influence of the state department of public instruction as it has expanded from a mere secretarial position into a strong and potent organization for leadership, guidance, and administration of the public school system. Although the study has disclosed a hundred years of very real educational progress, it has also revealed some of the weaknesses in the state's elementary school program which still remain to be worked out during the years to come.

