THE EVOLUTION AND THE REORGANIZATION
OF THE OHIO STATE DEPARTMENT OF EDUCATION

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the
Degree of Doctor of Philosophy in the Graduate
School of the Ohio State University

By

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1943

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CHAPTER I

INTRODUCTION

Statement of the Problem.

Every state in our nation now has a chief state school official who holds office either by constitutional provision or by statutory provision. Less well known are the facts concerning how and when this position originated, what duties the original office performed and what added duties and powers have been attached to it to meet the new and changed conditions, what the relationship is between the state board of education and the chief state school official, and what correlation, if any, exists between the type of chief state school official and the standards of education in the state, and what are the present trends in regard to the function and the organization of these state departments of education.

The need for education in a democracy, and the theory that education is a responsibility of the state, have been recognized ever since Massachusetts enacted the first school law in 1642. Yet the first provision for a full-fledged state board of education was not made until April 20, 1837 when Massachusetts passed an act\(^1\) providing for such a board, though curiously enough the establishment of the office of chief state school official antedates this by twenty-five years, for New York created such an office in 1812.\(^2\)

\(^{1}\text{Massachusetts Laws, 1837, p.227.}\)
\(^{2}\text{New York Laws, 1812, pp.600-601.}\)
Though it was first established in 1812, it was not until a century later that the office of chief state school official became a definite and apparently permanent post in the government of all the states of the Union. And even though more than a century has elapsed since the first state board of education was established, several of the states still do not have such a board. Ohio is one of the states that does not have such a board, and has never had one.

It is to trace the development of the office of chief state school official in Ohio, to compare the present status of this office with that of all similar offices in the United States, and to recommend needed legal changes in the Ohio state department of education that this study is undertaken. The problem of reorganizing the Ohio state department of education along more modern lines and under a state board of education has been a live one for many years.

Sources of Data.

Since there have been many former studies dealing with the state boards of education and the state departments of education of the several states, these studies were the first sources of information upon the general problem of this thesis. These studies were supplemented by the most recent school reports and school laws of all the states, in order that all data might be up to date.
In tracing the influences leading to the establishment of the office of chief state school official in Ohio, pertinent and interesting data were found in the early reports and other papers of the Western Literary Institute and College of Professional Teachers; these reports and other papers are now housed in the Ohio State Archaeological Museum, in Columbus. These reports and papers proved to be extremely rich in pertinent materials and to be most interesting reading. The growth and development of the office of the chief state school official in Ohio and his department were traced through the administrations of the superintendents, commissioners, and directors of education by means of their annual reports.

For Chapter VII, in which the proposed reorganization of the Ohio State Department of Education is discussed, access was had to the new sections of the laws which the author prepared for submission to the 1943 Ohio Legislature. The actual wording of the old and the new sections was carefully checked, and from this comparison and study the precise changes desired were determined and then the laws were restated by the chief state school officer for submission to the Legislative Commission provided for by the 1941 Ohio Legislature.

In addition to the above sources, the author had several personal and direct sources of information. He spent much time in conference with the chief state school officers of the other states checking their attitudes and ideas toward changes that would be desirable in the organization of state departments of education. He likewise discussed this aspect of the problem with officials of the United States Office of Education, and with local school officials and employees of Ohio, with especial emphasis, of course, on the Ohio situation.
To make all comparative data as nearly current as possible, a questionnaire dealing with the functions and other phases of state boards of education and chief state school officials was sent to the 48 states in November, 1942. A copy of the questionnaire may be found in Appendix A.

General Outline of the Study.

The report of the study has divided itself into seven chapters. The statement of the problem and a presentation of the sources of data are given in Chapter I. The influences leading to the establishment of the office of chief state school official in Ohio are discussed in Chapter II, and the evolution of the office as traceable in legal enactments is presented in Chapter III. In Chapter IV the growth of the Ohio state department of education is traced through the annual reports of the chief state school officials of Ohio; sketches of all the chief state school officers of Ohio since the first one in 1837 to the present are given in this chapter.

Chapter V presents the proposed changes recommended for the recodified laws dealing with the organization of the Ohio State Department of Education.

Turning from concentration on the Ohio problem, Chapter VI deals with the present status of departments of education in the 48 states and the functions and duties of the chief state school officers in the United States.

In Chapter VII the proposed reorganization of the Ohio State Department of Education is discussed, and a summary of the findings and recommendations of the study is presented.
CHAPTER II

INFLUENCES LEADING TO THE ESTABLISHMENT OF THE OFFICE OF CHIEF STATE SCHOOL OFFICIAL IN OHIO

Influences on Education of the Ordinances of 1785 and 1787.

When Congress in 1787, under the Articles of Confederation, enacted the Northwest Ordinance, it provided for educational development in the Northwest Territory by incorporating in the ordinance that famous and significant article which reads: "Religion, Morality, and Knowledge being necessary to good Government and the happiness of mankind, schools and the means of education shall forever be encouraged." The carrying out of such a policy for education was made easier by reason of the fact that the Ordinance of 1785 had provided that section sixteen of each congressional township in the Northwest Territory should be set aside for the support of public schools, and in addition had provided for the support of an "institution of higher learning" by setting aside a large tract of the Northwest Territory for this purpose — the genesis of the system of land grants for state colleges of agriculture and mechanical arts and state universities.

Having thus encouraged education, Congress left to the various territories and states, through their legislatures, the task of actually providing schools. How incompetent in many instances some of these governing bodies were in the handling of the details of school organization and administration, time has shown. Too much criticism should not be directed to the early pioneers, however, for there were many more urgent things for them to do before they could give their attention to the
problems of education. While they were doing such things as clearing the land, building homes and churches, subduing the Indians, and establishing the government, the estate of the schools as provided by the Ordinance of 1785 was gradually being dissipated. It was not until a great deal of this land had been "sold for a song" or otherwise wasted that the legislatures awakened to the seriousness of the situation; but in many cases the awakening was too late, because much less was derived from the sale of the lands than it had been presumed originally they would produce.

Beginning of State Regulation of Education in Ohio.

Such is the story of the school lands of Ohio, one of the states carved from the Northwest Territory. Although Ohio's first constitution (1802) contained a clause relating to "Religion, morality, and knowledge," similar to that of the Ordinance of 1787, it was not until 1821 that education was given serious consideration by the Ohio legislature or the land tracts provided by the Ordinance of 1785 for the support of the schools were given state attention. In 1821, the legislature appointed a committee of five of its members to investigate the schools and the school lands, but this committee failed to function fully because of disagreement with the local trustees for the school lands. The committee did, however, recommend that the governor appoint seven commissioners whose duty it would be to "devise a system of law for the support and regulation of common schools."¹ Caleb Atwater, the chairman of this commission, in making his report, emphasized the importance of providing education for the poor as well as for the rich; he pointed out the need for educational advantages in a state such as Ohio, and insisted upon

the establishment of a free school system. This was the first active step toward state regulation of education in Ohio.

Succeeding these commissioners and recommended by them was a committee, appointed by the legislature in 1822, to report not only upon a system of common schools but also to "take into consideration the state of the fund set apart by Congress for the support of common schools, and to report thereon to the next General Assembly." The members of this committee were Caleb Atwater, John Collins, James Hoge, N. Guilford, Ephraim Cutler, Josiah Barber, and James M. Bell. Though their work did not show immediate results, to them belongs much of the honor and credit of actually setting in motion a form of public school system, for, by means of circulating letters to the people and pamphlets through the press, they awakened public interest in the care of the school lands and in a system of common schools for the state. As a result of their efforts, the first system of common schools, based upon a compulsory county-tax levy, was provided for by an act of the legislature in 1824.

Influences Exerted by the Western Literary Institute and College of Professional Teachers.

From 1824 on, public interest in the common schools continued to increase, and showed itself especially in demands for a better regulated and financed public school system for the state. For the more effective pursuance of their desires for the advancement of education in the New West, interested men and women organized themselves into groups — groups which have since become known as Teachers' associations and


institutes. One such early group, which was organized in Cincinnati in 1829, called itself the Western Literary Institute and College of Professional Teachers. Included in its membership were representatives from the states of Ohio, Michigan, Indiana, Missouri, Mississippi, North and South Carolina, Illinois, Kentucky, Georgia, and the territories of Iowa and Wisconsin. Among the representatives of these states and territories were such eminent men as William H. McGuffey (Ohio), Calvin E. Stowe (Ohio), Samuel Lewis (Ohio), Milo G. Williams (Ohio), Dr. Joseph Ray (Ohio), Albert Picket (Ohio), E. D. Mansfield (Ohio), and A. Campbell (Virginia).

The chief purposes of this association were to promote the cause of the common schools and the movement for the creation of a department of education within each of the state governments, though the association was likewise concerned with the other current educational problems. A short time before this, some of the older states, such as New York, had begun to provide permanent state school funds and had also tried the experiment of granting annual state aid for schools. It soon became evident to these states that, if the state school funds were to be correctly applied and made useful to the highest degree, their expenditure must be centrally supervised and controlled in some manner. It was seen that this supervision and control could be best exercised by the appointment or the election of some officer who would represent the state in its financial dealings with the local schools. On the early recognition of the need for state supervision of schools, Reeder says:
Moreover, with the growing recognition of the place of the State in educational matters, and because of the developing tendency to increase school legislation, there came a feeling that the legislatures needed to be supplied with reliable information concerning both the state and progress of education; furthermore, they needed to know the plans and wishes of the people concerning education, all of which were necessary to enlightened school legislation. These facts, it was seen, could be feasibly collected and made available by a State school official. Still more, such an officer could be of great service in working throughout the State toward the desired securing of a deeper and more general interest in education.¹

As has been previously stated, New York was the first state to create the office of chief state school official; this step was taken by legislative action on June 19, 1812.² The second state to make such provision was Maryland by its act of February 28, 1826.³ The third state, and the first of the Western states, to establish the office was Michigan, which did so by its statute of 1829.⁴ By an act approved on April 1, 1833, Louisiana became the fourth state, and the first of the Southern states to provide for a chief state school official.⁵ Pennsylvania was fifth in 1834;⁶ and Tennessee, sixth, in 1836.⁷

The Western Literary Institute and College of Professional Teachers was, therefore, not without example in its desire to see a chief state school official in every state. The poor condition of the common schools in all the states was one of the most pressing problems of the day, and the association proceeded vigorously with attempts to remedy the situation.

²New York Laws, 1812, pp.600-601.
³Maryland Laws, 1825-1826, p.130.
⁵Louisiana Acts, 1833, pp.141-144.
At the fifth annual convention of the association, which was held in Cincinnati in October, 1835, a resolution was adopted which provided for the appointment of a general committee whose duty it should be to draft a petition to be presented to the legislatures of the western and southern states in the name of the Western Literary Institute and College of Professional Teachers praying "for enactments in behalf of universal education within these respective states".¹

In its petition, this committee, which was made up of Milo G. Williams, J. L. Van Doren, and Samuel Lewis, recommended among other things that each state appoint a committee of three to work with its legislature for proper legislation relating to the schools; that another "committee be appointed to prepare an 'address' of some fifteen or twenty pages, to be printed in pamphlet form, in which is contained the general outline of the best and most approved present systems of popular education, together with such additional suggestions of improvement, in accordance with the sentiments of this college, as the committee may think proper to recommend"; and that 800 or 1000 of these "addresses" be printed by the college and be sent to the state committees for distribution to the members of their respective bodies.²

At this same session in Cincinnati in 1835, a committee, consisting of Albert Picket and E. D. Mansfield, was appointed to investigate "the expediency of employing superintending agents for the common schools".³

In behalf, also, of the movement for the creation of a department of education within the state government it was recommended that people

¹Transactions of the Fifth Annual Meeting of the Western Literary Institute and College of Professional Teachers, p. 24.
²Ibid., pp. 24–25.
³Ibid., p. 29.
interested in education should hold periodical conventions at the capitals of their respective states during the sessions of the General Assembly and thus keep before the legislative representatives the needs of the schools.

This fifth annual meeting of the Western Literary Institute and College of Professional Teachers was destined to bear fruit, because the delegates, stirred to even greater enthusiasm, returned to their respective states with a determination to bring about needed reforms and new legislation regarding schools.

In Ohio, this accomplishment was first evidenced in the success attained by the Ohio committee charged with the dissemination of material on the most approved systems of popular education of the time. It was due largely to the work of the members of this committee, consisting of Milo G. Williams, William H. McGuffey, and B. P. Aydelott, that the legislature of Ohio was induced in 1836 to grant Calvin E. Stowe five hundred dollars for the purpose of collecting "during the progress of his contemplated tour in Europe, such facts and information as he may deem useful to the state, in relation to the various systems of public instruction and education, which have been adopted in the several countries through which he may pass, and make report thereof, with such practical observations as he may think proper, to the next General Assembly."\(^1\)

Influences of the Stowe Report on European Schools.

Stowe visited the schools of England and Scotland, France, Prussia and other provinces of Germany and Russia. His report, which was made to the Ohio legislature in December of 1837, was a most interesting and

\(^1\)Stowe, Calvin E., Report on Elementary Public Instruction in Europe, p.3.
significant one. It is of interest even to modern students of education because of the light it sheds upon the common schools of Europe in the first half of the nineteenth century. That the monarchs of the various countries had awakened to the importance of providing the means of education for all people, and that they realized that enlightenment through education was to be the salvation of their people, is indicated by the following excerpt from Stowe's report:

"Thus three sovereigns are now zealously engaged in doing what despotic sovereigns have seldom done before — enlightening and educating their people, and that too with better plans of instruction, and a more efficient accomplishment in practice than the world has ever before witnessed. Nor is the spirit of education confined to these nations. The kingdom of Wurtemberg, and the Grand Duchy of Baden are not behind Prussia or Bavaria. The smaller states of Germany and even old Austria are pushing forward in the same career; France is all awake; Spain and Italy are beginning to open their eyes; the government of England which has hitherto neglected the education of the common people more than any other Protestant country of Europe is beginning to bestir itself; and even the Sultan of Turkey, and the Pacha of Egypt are looking around for well qualified teachers to go among their people".  

After a description of the rather complete system of education in Russia, which extended from the central government at St. Petersburg outward to all the provinces of the empire, Stowe exclaimed, "Well done, cold, semi-barbarous, despotic Russia! May other nations more favored by nature and Providence emulate thy example!" Would not such an exclamation startle the representatives of the people in a free and progressive government such as ours, and set them to thinking of their own educational situation? It did. If Russia, especially, had established a system of schools that provided a Minister of Public Instruction in its government, why couldn't Ohio? If the nations of Europe felt that an office which directed education from the seat of government was necessary, why shouldn't Ohio? Such questions began to

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1 Stowe, Calvin E., Report on Elementary Public Instruction in Europe, p.6.  
be frequently asked, and the answers to them marked the beginning of
what has since evolved into our present State Department of Education.

But the evolution to such a department was not an immediate or
an easy one. It was brought about only because of the determined
efforts of our early educators and other leaders and their stirring
pleas, such as the following with which Stowe closed his report to the
legislature:

"The above system is no visionary scheme emanating from the
closet of a recluse, but a sketch of the course of instruction now
actually pursued by thousands of schoolmasters in the best district
schools that have even been organized. It can be done, for it has
been done, it is now done, and it ought to be done. If it can be
done in Europe, I believe it can be done in the United States; if
it can be done in Prussia, it can be done in Ohio. The people have
but to say the word and provide the means, and the thing is
accomplished; for the word of the people here is even more powerful
than the King there; and the means of the people here are altogether
more abundant for such an object than the means of the sovereign
there. Shall this object then, so desirable in itself, so entirely
practicable, so easily within our reach, fail of accomplishment?
For the honor and welfare of our state, for the safety of our whole
nation, I trust it will not fail; but we shall soon witness in this
common-wealth the introduction of a system of common school in-
struction, fully adequate to all the wants of our own population."¹

Influences of the First State Educational
Convention in Ohio - 1836.

In addition to the above-mentioned work of Stowe, the fifth annual
meeting of the Western Literary Institute and College of Professional
Teachers bore fruit also in the work of the committee of three which
had been appointed to work with the legislature for proper legislation
relating to the schools. As a result of the efforts of this committee,
a state educational convention was called to meet in Columbus in
January, 1836 to consider the common schools, their value, and the need
of improvement in their organization and accomplishments. At this,
which was the first educational gathering of the kind in the state

¹Stowe, Calvin E., Report on Elementary Public Instruction in Europe,
p.44.
and which should be regarded as an embryo state teachers' association, Lucas, then governor of the state, was elected president; James Hoge was elected vice-president, and Milo G. Williams, secretary. Samuel Lewis and Calvin E. Stowe delivered the principal addresses. The work of the convention was crystallized in the resolutions which requested the organization of a state educational society, the appointment of committees to petition the legislature for a higher grade of instruction in the common schools, the establishment of school libraries, and the organization of a state school department.  

Thus the movement in Ohio for a state school department and a state school superintendent had gathered momentum.

**The First Office of Chief State School Official in Ohio - 1837.**

The movement for the creation of the office of chief state school official in Ohio was started when Alfred Kelley, a representative from Franklin County, offered a resolution to the legislature instructing the standing committee on schools and school lands to report upon the expediency of appointing a state superintendent; the action was concluded with the adoption in March, 1837 of the resolution of Senator Price appointing Samuel Lewis of Cincinnati as the first state superintendent of Ohio schools. Ohio thus became the seventh state to make provision for a chief state school official.

The victory for a chief state school official was won even though the system set up was a crude sort of thing, and the office of state superintendent was burdened with a great many clerical details and its incumbent was offered an entirely inadequate remuneration. The legisla-

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2Ibid., p. 86.
ture was most fortunate, however, in its choice of the first superintendent, for Samuel Lewis was a man of exceptional ability, a wise and energetic leader devoted to the cause of the schools, and endowed with remarkable educational vision.

The problems of the common schools and an interest in state superintendencies and state school systems continued to occupy the attention of the Western Literary Institute and College of Professional Teachers. The successful accomplishment of these purposes in Ohio only whetted the desire for similar results in other states; although the association drew a large part of its members from Ohio, its interest extended to all the western and southern states as the personnel of a committee appointed to make a study of "the practicability and importance of creating departments in our state governments, having the subject of Public Instruction under their immediate supervision" demonstrates.¹

The seven members of this committee were A. Campbell of Virginia, Samuel Lewis of Ohio, E. N. Elliott of Indiana, J. H. Harney of Indiana, C. E. Stowe of Ohio, E. D. Mansfield of Ohio, and G. Weller of Tennessee. At its meeting in Cincinnati in 1837, this committee offered the following resolution, which was adopted: "That we approve of a Department of Education in the several states of the Union, and recommend to those states of the Western Valley in which it is not done to establish such a department."²

Mr. Campbell made the report for the committee, and since his report so well summarizes the arguments of the time for a state department of

¹Transactions of the Sixth Annual Meeting of the Western Literary Institute and College of Professional Teachers, p.23.
²Transactions of the Seventh Annual Meeting of the Western Literary Institute and College of Professional Teachers, p.13.
education, it is worthy of rather extensive quotation. "Our first argument, then," he said, "in favor of the creation of an educational department in every state government, either by constitutional or legal provision, is drawn not merely from the theoretic value of education to the State, nor from the speculative importance of national patronage to education, but from a more certain source of practical wisdom — from the experience and example of Prussia and France, of Bavaria and Russia — states in the old world which led the way in national education, and that have the advantage of experience greatly superior to ours. For the same reason that most of the thirteen original states, of this confederation, did adopt the common law of England till they could make a better, or as the Pilgrim Fathers adopted the Divine laws of the Jewish institutions till they could improve them, because they had worked well in other communities, so ought the state of Ohio, and every other state that has made any provision for education, have a literary department in its government to tend exclusively to this very business. * * * But while arguing from precedent, we argue not from blind, implicit, or servile imitation, but from examples tested by fruits, which already commend the system to universal adoption, as every one must know who is at all acquainted with its operations in France and Prussia."\(^1\)

After having established the basis for his claim, Mr. Campbell proposed an educational plan for each state; this plan provided for a system of schools from the district schools through two great normal schools to be erected for the training of teachers, the erection of suitable buildings for all schools, and the appointment of a board of directors in each district. "These four general items, in all their comprehension, certainly require a superintendency of as much vigilance

\(^1\)Transactions of the Seventh Annual Meeting of the Western Literary Institute and College of Professional Teachers, p.131.
and attention as can be bestowed by any one general officer; and as much at least, as is paid by any one officer at the head of any department in the state government, so that its duties can no more wisely be super-added to those of a Secretary of State, or any other officer, than those of the Mayor of London can be attached to the Premier of England."¹ Not only did Mr. Campbell make clear the need of a superintendent for administrative purposes, but he also pointed out the necessity of such an officer in safe-guarding the school lands, since such an official would have jurisdiction over them.

In an interesting list of qualifications desirable in an applicant for this important position, Campbell emphasized that the applicant should not be political in his aspirations, but should be a person of enlarged views on the whole subject of education.² And he closed by driving home the fact that the time was opportune for establishing the much needed state departments, for "If the present opportunity is not seized and secured on the broad principles of American freedom and humanity, in a few years it may be too late, and wholly out of our power."³

Such was the prevailing sentiment among the educational leaders when Ohio established the office of Superintendent of Common Schools. Addresses and reports like the above were being made in other states with the hope that those states would follow Ohio's example and that the stability of the office would increase as the state departments grew in number. For this reason it was proposed by A. Kinmont that the proceedings of the seventh annual meeting of the Western Literary Institute and College of Professional Teachers, including the report of Mr. Campbell's

¹Transactions of the Seventh Annual Meeting of the Western Literary Institute and College of Professional Teachers, p. 132.
²Ibid., p. 135.
³Ibid., p. 18.
committee, be printed "and transmitted to the Governors of the
Several Western States."¹

This interest in the creation and the strengthening of state
departments of education continued to occupy an important place in the
proceedings of the Western Literary Institute and College of Profession-
al Teachers as long as it existed. Citing the important part that the
Ohio common school convention of 1837 had played in the creation of
the state superintendency in Ohio, a resolution was adopted at the
1838 meeting of the association encouraging the friends of education to
continue their conventions at the seat of the state governments during
the session of the legislature, and in addition, T. S. Parvin of Iowa
was appointed to study "the difficulties in the way of establishing a
system of Public Instruction in the new states, and the best means of
remediying them."² After 1837, other problems of the common schools came
in for an increasingly large share of attention of the association.

It was realized by the association that unless there was a well
trained corps of teachers, the schools would fulfill their purpose only
in a small way; consequently, efforts were directed towards the obtaining
of better prepared teachers through the establishment of normal schools
for their training.³ In the proceedings of the association for the
years of 1839 and 1840, it is found that various topics, such as the
proper age for entering the common schools, the program of studies in
the district schools, primary education, the means of establishing a
system of common school instruction in the United States, and even

¹Transactions of the Seventh Annual Meeting of the Western Literary
Institute and College of Professional Teachers, p. 18.
²Ibid., p. 25.
³Ibid., p. 21.
blackboards came up for discussion. This is evidence that the Western Literary Institute and College of Professional Teachers had awakened to the fact that if the system of common schools was to function as efficiently as possible, then the elements that constituted it would have to be made the best possible; consequently, the meetings of the association were being given to discussions of the means of improving education. That this awakening was somewhat general is attested to by the following quotation written many years later:

"We see the awakening as a fact, and that the time for it had come. In our own country the states that had public school systems were seized with the desire to improve them; the states that had none, with a desire to create them. Some of our best known educational agencies date from this time; educational departments in state governments, normal schools, teachers' institutes, the superintendency, the developed grade school, articulated state school systems, the district school libraries, and educational literature received a great impulse."  

This quotation serves also to summarize briefly the various activities that occupied the Western Literary Institute and College of Professional Teachers from the time of its organization in 1823 to about 1840, during which time it was the leading influence in the educational affairs of Ohio. Much credit is due to those pioneer educators who constituted its membership and who so ably carried on its work. No records of its proceedings were found after 1840, although it is reported that meetings were held until about 1845.  

Influences of Ohio State Teachers' Associations.

During the decade preceding 1850, various teachers' associations were being formed, and it is in the proceedings of these associations

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1Transactions of the 9th and 10th Annual Meetings of the Western Literary Institute and College of Professional Teachers.
3Ibid., p. 742.
that the development toward state control of education can best be traced. One of these groups was the Ohio State Teachers' Association, formed in 1847; this organization continued in Ohio the work that had been started by the Western Literary Institute and College of Professional Teachers. ¹ It early exerted itself to have the office of state superintendent separated from that of the Secretary of State, where it had been placed by the legislature in 1840; but not until 1852 did the association function with any noticeable strength or success. It is true that the association had been influential in securing the passage of the Law of 1850 for the creation of a State Board of Education with one member to act as superintendent, but the law was to no avail because it was never executed. However, in 1851 the association of its own accord appointed an agent to create sentiment among the people of the state for a State Board of Education and to perform some of the work of a state superintendent² -- a procedure that proved effective in the ultimate achievement of the goal of a state department of education.

The first appointee to this office of legislative agent was Lorin Andrews, who served the office well until 1853 when he resigned. His report to the association in December, 1851 is indicative of the educational situation at that time. In that report he stated, "In a large number of institutes, resolutions were unanimously passed in favor of a more thorough supervision of educational interests, by the appointment of a State Superintendent and four or more District

Superintendents.1 These district superintendents were considered necessary by the teachers and friends of education in Ohio, for one man could not do the work assigned to the office of the State Superintendent, since this office was to oversee all of the "10,932 school districts, 14,056 teachers and 445,997 children."2 As a result of his study and travel about the state, Mr. Andrews determined upon the following six functions that should be performed by a State Board of Education: first, the members of the board should deliver practical educational addresses in every part of the state in order "to secure the cooperation of every person in the state for the advancement of education"; second, teachers' institutes should be held under the auspices of the District Superintendents; third, the Board of Education should encourage good school buildings; fourth, the Board of Education should encourage the development of "union schools"; fifth, the Board of Education should give encouragement to normal schools; and sixth, the members of the board should use their influence for the development of "district schools". In order that the desired improvements might be made more certain of accomplishment he proposed that the voters of the different counties fill out petitions requesting the legislature "to provide some suitable supervision of the Public Schools of the State".3 Thus, the battle for a separate state superintendent of schools and a full-fledged state department of education was renewed.

The 1852 meeting of the Ohio State Teachers' Association was devoted chiefly to this important problem. The various communications stressed the fact that the situation that had led to the creation of the first

2Ibid., p. 18.
3Ibid., pp. 19-29.
superintendency had changed and that if the schools were to function smoothly and for the benefit of all there must be "an intelligent superintending power to study its operations and tendencies, to infuse vitality and energy into all its departments, and prompt to bring forward such modifications as time and experience may demand".¹ It was pointed out that the development in the system of public education had not kept step with the increase of wealth, power, and population of the state or the progress of public sentiment and the ensuing demands for higher attainments for all. In closing his address for that year the governor of the state dramatically asked, "What guardian care is now pained lest a child of the State should make an unworthy citizen, or lest immortal powers, which might exceed the sun in splendor, should be lost in utter darkness? . . . Shall all the children of the State be properly educated, or shall the poor, the unfortunate, the fatherless and the friendless be left to chance and cold charity for their only earthly guardianship? Shall the lifeblood of the 'body politic' longer flow through a headless body, or shall there be a head given to it, of such capacity, wisdom, and foresight — such superintending intelligence — as shall command for our school system the respect of our own and of other states?"²

Such an appeal was only one of many whose combined effects could not fail to be reflected in the ensuing legislation. The people were becoming more and more awakened to the needs of the schools and of their children, and in turn the people's voice induced legislators to give their support to bills for the betterment of the schools. In a democracy, public sentiment has always played, now plays, and will continue to play

¹The Ohio Journal of Education, Vol. I, 1852, pp. 82-83. ²Ibid., pp. 82-87.
a big role in the enactment of laws, and the Ohio State Teachers' Association made wise use of this fundamental principle when it won the people over to championing its cause, and when it aroused them into making more insistent demands for a better regulated and organized public school system.

Almost all persons interested in the schools were one in the opinion that what was needed was an independent office for the department of education, as the work was much too important to be assigned to the Secretary of State, who, looking upon it as an extra assignment, would and could give but little attention to it. In the words of a contemporary:

"It is almost the unanimous opinion of this class of citizens that our present system of educational supervision is inherently and necessarily defective and inefficient... From 1840, when the office of State Superintendent was imposed upon the Secretary of State, down to the present time, not a year has passed in which the legislature has not been eagerly petitioned to establish more supervision of school interests... Each successive report of the Secretary of State on the condition of our common schools has called the attention of our Legislature to the inefficiency of our present system of supervision."¹

The State Commissioner of Common Schools.

Finally, in 1853, these constant and reiterated demands for an independent superintendency were answered when the legislature passed a bill for the creation of the office of State Commissioner of Common Schools.² Though its hopes for a State Board of Education consisting of a State Superintendent and District Superintendents were not fulfilled, the Ohio State Teachers' Association was happy that so much had been gained and that now the important work of education was to have an

²Ohio Laws, Vol. 51, p. 446.
office in the state government that would give its full time to
development of the common schools. Through that office, the school
system of Ohio could be developed to a position where it might take
its place along with the school systems of other states that had
already established supervision and had made rapid headway in their
common school development. It was generally felt that this new office
of school commissioner would put new vitality into the schools, that
the old department which had outgrown its usefulness would be cast
aside for one with a wider vision, that under the leadership of a
superintending general the army of school teachers and school children
would be directed to greater educational achievement, and that with the
recreation of the office would come recreated ideas and so, progress.

However, there were certain features in the creation of this new
office of State Commissioner of Common Schools that displeased the
members of the Ohio State Teachers' Association. The most objectionable
feature was that the office had been made elective at the general
election,\(^1\) whereas the association felt that the position ought to be
kept out of "politics". In view of this fact the Ohio State Teachers'
Association in 1853 nominated Lorin Andrews on a non-partisan ballot.
Mr. Andrews had been the association's representative for two years,
and his work and influence had been largely instrumental in creating
the sentiment that had brought about the law establishing the State
Commissioner of Common Schools. Since Andrews was recognized for his
ability as an organizer and as a school man, and since in his previous
work he had performed many of the functions that would now fall upon the
new commissioner, the teachers felt that he was the right man for the
position. The Democrats nominated for their candidate, H. H. Barney of

\(^1\)Ohio Laws, Vol. 51, p. 446.
of Cincinnati, who was also a school man, but who had had much less first-hand experience with the schools of the state than Andrews. In the spirited contest that followed, Barney won the election and became the first state commissioner of schools in Ohio.¹

After this defeat the Ohio State Teachers' Association did not again declare itself as favoring any particular candidate but confined its activities to those factors that would add strength to the commissioner's office and would work for educational advancement within the state. With this in view, it granted the commissioner space in the Journal and Educational Monthly (as its publication was called after 1860) for answering questions and writing articles upon the school problems of the state. Thus, with the whole-hearted support of those truly interested in the advancement of education in Ohio, the office of School Commissioner became firmly established as one of the chief departments of the state government. An editorial in the association's official publication in 1889 stated: "The policy of state supervision of all schools, public and private, seems to be making headway. The public mind is impressed that the interests involved are too great to be left to suffer either neglect or perversion. The spirit of the age seems to be coming into harmony with the sentiments expressed by Fenelon two hundred years ago, 'Children belong less to their parents than to the Republic, and ought to be educated by the State'."²

In this same year (1889), the Association commenced agitation for the enlargement of the powers of the commissioner's office. Up to that time, the commissioner had been given no extra funds or help, and it

²The Ohio Educational Monthly and National Teacher, Vol. XXXVIII, 1889, p. 177.
was felt that in order to do his work more thoroughly and efficiently he needed funds especially for the collection and dissemination of information through a corps of assistants who were experienced in their fields of work. ¹

Increased Power and Prestige for the Office.

The State School Commissioner remained the chief state school officer in Ohio until 1913, when his title was changed to that of Superintendent of Public Instruction. In this year, a complete survey was made of the state school system, and the survey necessarily extended into the State Department of Education. This survey considered the following points: "the advanced steps taken during the past two years, improvements effected since the beginning of the survey through cooperation between the State Department of Public Instruction and the Ohio State School Survey Commission, Agricultural supervision, high school and elementary inspection, the statistics published by the State Department of Public Instruction, methods of filing and recording, methods of financial accounting, and a study of the official correspondence of the State Department of Public Instruction."² After a study of its findings, the Survey Commission offered constructive suggestions which added to the strength of the superintendent in his educational activities in the state. It recommended that a Deputy Superintendent of Public Instruction be appointed; that a Bureau of Efficiency and Economy be established within the department to act as a clearing house for educational information in the state of Ohio, to furnish plans and models for all "sorts" of schools, equipment, etc., to advise with

¹The Ohio Educational Monthly and National Teacher, Vol. XXXVIII, 1889, p. 177.
²Ohio State School Survey Commission, January 1914, p. 3.
Boards of Education, normal schools, colleges and universities, and to prepare all uniform blanks and reports: and that the Superintendent of Public Instruction be given the privilege of visiting and inspecting educational gatherings and experiments both within and outside of the state.  

Summary.

Even though education has been recognized as a necessary element of good government since the beginning of our nation, the realization of that ideal through the organization of a system of public schools has not been rapid, nor easy.

This chapter has presented high points of the story of the many and slowly-working influences that were necessary to the final establishment in Ohio of a state department of education under the direction of a chief state school official. This movement had begun when attention was first directed to the problems of supervising the school lands and of obtaining school support. The movement had made some progress in 1821 when the first general school law for the state was passed; and it was given definite expression in 1824 when a law was enacted which provided a system of common schools based upon a county tax levy. From that time on, the movement was sponsored at first by the Western Literary Institute and College of Professional Teachers and the committees appointed by it; and later, through the work especially of Stowe and the state common-school convention, the movement was conducted to its logical conclusion which came in 1837 with the creation of the first chief state school official in Ohio.

1Ohio State School Survey Commission, January 1914, p. 3.
Even though the first office was not long-lived, the need for the office was so well publicized that it survived the years (1840-1853) when the functions of the office were carried on by the Secretary of State. Since 1853, the office has been separate and continuous, and has grown constantly in prestige and importance as later chapters will show.
CHAPTER III

LEGAL ENACTMENTS AFFECTING THE EVOLUTION OF THE
CHIEF STATE SCHOOL OFFICIAL IN OHIO

In the preceding chapter we have traced the influences that led
to the recognition of the need for a chief state officer for the
schools of Ohio and the fulfillment of that need. In the present
chapter we shall trace the development of the office as seen through
legal enactments pertaining to the office. That the first conceptions
of such an office were inadequate and would need to change with the
times is recognizable. Experience and experimentation were necessary
in order to determine the permanent functions and characteristics of
the office, and many plans were proposed and tried before the present
system of support, organization, and administration of schools was
arrived at. Of course, perfection has not yet been reached—perhaps
never will be. Changes in a dynamic society will always demand a
changing school system.

Law of 1837 – The Superintendent of
Common Schools Established.

The first legal step toward the establishment of the office of
chief state school official in Ohio was taken by the General Assembly
in 1837. On March 27 of that year, realizing that it should have at
hand certain information concerning the schools of the state if it
were to legislate intelligently concerning them, the legislature
enacted the law creating the office of Superintendent of Common Schools.\(^1\)

\(^1\)Ohio Laws, Vol. 35, p. 82.
This officer, who was to be elected "by a joint resolution of the two houses of the General Assembly for the term of one year . . . and to be commissioned by the governor", was to have his office "at the seat of government" and to receive a salary of "five hundred dollars to be paid out of the State Treasury".  

The first duties of the state superintendent were chiefly clerical. He was to obtain an enumeration of the school districts within the state and of the students attending, to check on the length of time the schools were open and the average attendance, and to determine the cost of the upkeep of the schools including teachers' salaries, repairs, buildings, and the like, signifying which expenditures came from the school fund created by taxation and which came from the fund created by voluntary contributions. In addition, he was to transmit annually, in January, to the Legislature all pertinent information and data that he had assembled concerning the schools and to make suggestions for the betterment of the system after considering the present condition of the school funds, severally and combined, and comparing the cost of administration at present with that suggested.  

The information necessary for the making of the report just mentioned was to be obtained by the state superintendent through the use of a circular-letter system. In May of each year he was to send circular letters to the county auditors of the state, who in turn were to address similar circular letters to the various directors of school districts in their respective counties requesting the desired information.

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1Ohio Laws, Vol. 35, p. 82.
2Ibid., pp. 83-84.
These local directors were required to transmit their information to the county auditor by the first day of December, under penalty of having withheld the portion of the school fund belonging to their districts; the county auditor, upon the receipt of these reports, was required to make an abstract of them and to deliver said abstract into the hands of the state superintendent by January first of each year.\(^1\) The expenses incurred by the state superintendent in obtaining this information were to be paid by the state.

Though the law of 1837 remained in existence only one year, its importance can not be minimized because it first created the office of Superintendent of Common Schools and awakened the many persons interested in education to an appreciation of the necessity of having such a state supervising officer. It furnished the basis for future and related laws; most important of all, it lead directly and immediately to the law of March 7, 1838, which was "an act for the support and better regulation of common schools, and to create permanently the Office of Superintendent".\(^2\)

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\(^{1}\)Ohio Laws, Vol. 35, p. 83.

which was established was a crude one, it sufficed to serve the needs of the schools temporarily.

The law provided also that in the various townships the township clerk should be superintendent of the common schools, and it assigned to him the duty of gathering all the information and data required by the state superintendent (the same as under the law of 1837) but gave him no administrative power. ¹ Similarly, in each county, the county auditor was to serve as county superintendent; he was charged with the dissemination to the township superintendents and the gathering from them of such material, information, and data as the office of the state superintendent might require of him. ² Thus the schools of the state were more closely linked through these offices of township, county, and state superintendent.

Of especial interest is the office of Superintendent of Common Schools for the State of Ohio, as provided by this law of 1838. The duties of the superintendent were primarily a restatement of those assigned to the superintendent by the law of 1837; they were, however, somewhat more extensive and more specific. He was, in addition to the duties given him in 1837, especially charged with the preparation of forms for the reports of teachers, clerks, superintendents and other local school officials and employees, with the ascertaining of the condition and location of all the school lands within the state, with the careful checking of the apportionment of the school funds throughout the state and of the accounts of donation in property and money to education, and with the publication, six times a year, of a periodical called the Ohio Common School Director which was to contain articles and other

²Ibid., pp. 32-33.
material helpful to the cause of common school education and was to be made accessible to all school people of the state.\(^1\) But the greatest change was in the tenure and salary of the holder of the office of state superintendent; this new law provided that the superintendent, as formerly, was to be elected "by joint resolution of the two houses of the General Assembly" and was to be "commissioned by the Governor", but the period of his incumbency was increased to five years and his annual salary was raised to twelve hundred dollars.\(^2\)

By these provisions, then, the law of 1838 sought the "better regulation of common schools, and to create permanently the office of Superintendent". How it undertook to provide for the support of the common schools is best summarized by quoting from the law:

"That there shall be a State Common School Fund established, consisting of the interest on the Surplus Revenue, at five per centum, the interest on the proceeds of Salt Lands, the revenue from Banks, Insurance, and Bridge Companies, and other funds to be annually provided by the State, to the amount of $200,000 per annum; and that said sum of $200,000 shall be annually distributed among the several counties of this State, in the month of December, according to the number of white youth (unmarried) between the ages of four and twenty years, resident in each county, under the restrictions and regulations hereinafter provided".\(^3\)

Law of 1840 - The Secretary of State Becomes Ex-Officio Superintendent of Common Schools.

Permanency in many areas of government and life is impossible; permanency through political enactments is likely to be even less probable. The office of state superintendent, created "permanently" by the act of 1838 and filled so ably by Samuel Lewis, was abolished on March 23, 1840 by another act of a new General Assembly.\(^4\) The

\(^1\)Ohio Laws, Vol. 36, pp. 34-37.
\(^2\)Ibid., p. 34.
\(^3\)Ibid., p. 21.
\(^4\)Ohio Laws, Vol. 38, p. 130.
enactment of this law, which affected only the office of state superintendent and so did not break down the common school system that had been built up, showed that the Legislature felt that the office of superintendent was an unnecessary and too expensive burden for the state to bear. It relegated the duties of the office to the Secretary of State and his clerk, and by this arrangement saved the state some eight hundred dollars; this saving was made, since the clerk was to receive no more than four hundred dollars per annum, whereas the superintendent had been receiving twelve hundred dollars.

During the next few years only minor laws were enacted with reference to the ex-officio superintendent, i.e., the Secretary of State. These laws were chiefly amendments to the law of 1838, and many of them emphasized by only small changes in wording the sections that were already in operation. For example, in an amendment passed on March 7, 1842 with reference to the school enumeration, the principal differences between it and the law of 1838 were (1) the substitution of the title of township clerk for that of township superintendent and that of county auditor for county superintendent, and (2) the district clerks were made responsible to their township clerks for the school enumeration in their respective districts. This amendment also added to the state superintendent’s duties the task of preparing an "edition of all laws relating to common schools with such notes, directions and forms as said superintendent shall deem proper for the instruction and guidance of the various county, township, and district officers, in the performance of their respective duties under said laws". This

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3 Ibid., p. 50.
was the first time since the creation of the office that the superintendent was required to make a publication of the school laws, and it was therefore a direct move for securing closer cooperation between the local schools and the state, for through this publication necessary information concerning the state regulation of schools was disseminated to the various local officials, many of whom before this time had not had much access to such information.

Law of 1847 - County Superintendents of Schools Established.

The next legislative act of interest and significance to educational administration in Ohio was that of February 3, 1847, providing that the salary for a county superintendent, to be elected by the district clerks, be set aside by the county commissioners of Ashtabula, Lake, Geauga, Cuyahoga, Medina, Delaware, Knox, Muskingum, Lorain, Portage, Holmes, Gallia, Lawrence, Champaign, Trumbull, Mahoning, Franklin, Madison, Clark, Hancock, Licking, Seneca, Sandusky, Crawford and Wyandot counties. These county superintendents were to have full supervision and regulation of the county schools and were to be directly responsible for them to the state superintendent, with whom they had to file reports regularly.¹

Law of 1850 - A State Board of Public Instruction Created.

The 1847 legislation just described was the last to be passed for three years which affected the chief state school officer. On March 22, 1850 came the enactment creating a State Board of Public Instruction, a new administrative agency for attending to the state's part in the

regulation of the schools. This board was to be composed of five citizens of the state, and they were to be elected by joint ballot of both houses of the legislature. Each member was to serve for a period of five years, except those members of the first board who were to serve one, two, three, four, and five years respectively; and each member was to serve his last year on the board in the capacity of State Superintendent of Common Schools. The member serving as state superintendent was required to maintain an office in the state capitol, act as chairman of the board, make an annual report to the General Assembly including facts and suggestions as to the schools, and act as editor of the state educational journal.  

The junior members of the State Board of Public Instruction were to serve as district superintendents, one in each of the four districts into which the law had divided the state. As district superintendents, their chief duties were those connected with the examining and licensing of teachers, in which task they helped twice yearly at times set by the district superintendent. Each teacher who was granted a certificate paid a fee of one dollar, which was to cover the cost of the certificate, of the educational journal to be published by the superintendent, and of admittance to all teachers' institutes and normal classes held under the direction of the state board.

The expenses of the state board, which consisted of the state superintendent's annual salary of $1200, of the four district superintendents' salaries of $1000 each and $200 each for traveling expenses,

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1 Ohio Laws, Vol. 48, p. 44.
2 Ibid., p. 44.
3 Ibid., p. 44.
and the costs of publishing the educational journal, come out of the
fund created by the certification fees, which were deposited with
the State Treasurer.¹

The publication of the educational journal above referred to was
also one of the duties of the state superintendent and his district
assistants. It was called The Ohio Teacher, was to appear monthly,
and was to contain at least twenty-four pages royal octavo.²

The creation of the State Board of Public Instruction, as called
for by the act of March 22, 1850, was an attempt to devise a new
system of state control of schools - a system in which the work would
be carried on by a group of men selected wholly for that purpose instead
of as an extra activity of the office of the Secretary of State. It was
hoped to get more efficient and satisfactory results by such an arrange-
ment and to get them at no extra cost to the citizens of the state,
since the cost of administration was to come from the teachers them-
selves through the fees which they paid for teachers' certificates. The
possibilities of this system were never tried out because, before it
was put into operation, the Legislature of the 50th General Assembly on
January 24, 1853 passed the act providing for "the reorganization, super-
vision, and maintenance of common schools",³ which proved to be one of
the most important legislative acts relative to the state control of
schools in the history of the state.

Law of 1853 - The State Commissioner of
Common Schools Established.

Because the provisions of the law of 1853 served as the basis for
the regulation of the schools of Ohio for over half a century, they are

²Ibid., p. 47.
quoted here quite extensively. The first important feature of this act was the provision for the reestablishment of a full-time chief school officer for the state. The section pertaining to the election, term of office, and salary read: "There shall be elected by the qualified voters of this state, at the next annual election for State and county officers, and every three years thereafter, a state commissioner of common schools, who shall hold his office for a term of three years, and until his successor is elected and qualified,"¹ and, according to a later section, he "shall be entitled to receive for his services the sum of $1500 annually, payable quarterly, out of the State treasury, on the warrant of the Auditor of State".²

Other sections of the law provided that the office of the state commissioner of common schools was to be in Columbus where he was to "give attendance when not absent on public business", and at which he was to be assisted by the State Librarian, who, in addition to his regular duties, was to be "secretary to the commissioner of schools".³ The many duties of the commissioner were specifically enumerated. His supervisory duties were indicated as follows: "It shall be the duty of the commissioner to spend, annually on the average, at least ten days in each judicial district of the state, superintending and encouraging teachers' institutes, conferring with township boards of education or other school officers, counseling teachers, visiting schools, and delivering lectures on topics calculated to subserve the interest of popular education". In addition, he was to purchase needed supplies for libraries and schools, look after the educational funds of the state,

¹Ohio Laws, Vol. 51, p. 446.
²Ibid., p. 448.
³Ibid., pp. 447-448.
and see that the funds were properly apportioned and distributed. He was given authority to require all needed school information to be sent to him, and for this purpose he was required to "prescribe suitable forms and regulations for making all reports". In order that the teachers, board members, and other school officials and employees might know the laws pertaining to the schools, the commissioner was required to print and to distribute as many copies of the school laws as would be necessary for this purpose.

In his annual report which was to be given "on or before the twentieth day of January in each and every year, to the General Assembly", or to the Governor when the Assembly was not in session, he was required to "present a statement of the condition and amount of all funds and property appropriated to purposes of education", ... "a statement of the number of common schools in the state, the number of scholars attending such schools, their sex, and the branches taught; a statement of the number of teachers' institutes, and the number of teachers attending them; a statement of the estimates and accounts of the expenditures of the public school funds of every description; a statement of plans for the management and improvement of the common schools and such other information relative to the educational interests of the state as he may think of importance". ¹

This law of 1853 was really a child of the law of 1838, which had sought to create "permanently the office of Superintendent". Following 1840, when the office of superintendent had been abolished and this work had been transferred to the Secretary of State, the leading school men had worked to have the office recreated, for they realized how essential a chief school officer was to the best educational

interests of the state. But they had to wait until the increase in population, the economic development of the country, and the general program of civilization had brought the same realization to other persons so that their combined demands would bear weight. All of this had happened by 1853 and the result was the above law which, with a few amendments, remained operative until 1914 when some fundamental changes were made.

**Act of 1860 - State Librarian No Longer to be Secretary to Commissioner.**

Following 1853, no change of note was made relative to the office of Commissioner of Common Schools until March 24, 1860, when the State Librarian was relieved from serving as secretary to the commissioner.\(^1\)

**Act of 1861 - Reports on Institutes Required.**

In 1861 an act, of interest only because it is indicative of the growing power of the commissioner's office, was passed requiring the officers of teachers' institutes to report to the State Commissioner of Common Schools "within thirty days after every meeting of the institute an account of the moneys received, from what sources, and how expended by them, and such other matters relative to the institute as the commissioners may require".\(^2\)

**Law of 1864 - The State Commissioner of Common Schools Given Some Inspection of Teacher Certification.**

Likewise indicative of the extending influence of the State Commissioner of Common Schools was the law passed by the Legislature in

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\(^1\)Ohio Laws, Vol. 47, p. 34.

1864 which required the probate judge of the county to appoint the
county examiners, and to "report the names and residence of the
appointees (within ten days) to the state commissioner of common
schools".  

1 By this law, the clerk of the board of examiners was re-
quired to prepare "a statement of the number of examinations held by
the board, the number of applicants examined, the number of certifi-
cates granted and for what length of time, the amount of fees received
and paid over to the county treasurer, the amount received of the county
by the board for their services, and such other important statistics
and information in relation to their duties as the commissioner of
common schools may require."  

2 Since this law also gave the commissioner
authority to appoint a state board of examiners, consisting of three
members who were to hold office for two years, to have jurisdiction
over the issuance of life certificates which must be "countersigned by
some
the commissioner", he was given a check and/control over the certifi-
cation of teachers.

Act of 1865 - Resolution on State Normal Schools.

The question of teacher certification inevitably involved questions
of teacher qualifications. The feeling had gradually arisen that mere
academic examinations were neither sufficient nor efficient determinants
of proper teaching qualifications, and an echo of this feeling was heard
in the resolution of the General Assembly, passed March 13, 1865, re-
questing the commissioner of common schools to gather information
concerning "the organization and results of the best normal school in

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1 Ohio Laws, Vol. 61, pp. 36-37.
2 Ibid., p. 38.
3 Ibid., p. 39.
this country, and, so far as may be practicable, in other countries; and also, the best plan of organization and the probable cost of establishing one or more efficient normal schools in this state.\(^1\) State normal schools, however, were not established in Ohio until many years later.

**Act of 1872 - Commissioner to Have Membership on State Geological Board.**

Indicative of the growing prestige of the state commissioner was his appointment in 1872 by an act of the Legislature to membership on the state geological board, whose duty it was "to exercise supervision and control of the geological survey of the state."\(^2\)

**Law of 1873 - The Codification of the School Laws Required.**

In 1873 the school laws were codified, and the laws relating to the Commissioner of Common Schools were brought together. In the re-enactment under this codification certain changes were made. Thus, in 1873 the bond required from the commissioner was placed at $5000 instead of at $10,000, which was the amount required by the law of 1853. Then, too, this new law stated that the commissioner "shall give attendance" to his office "not less than ten months in each year, except when absent on public business",\(^3\) whereas the law of 1853 had stated that "he shall give attendance" to his office "when not absent on public business".\(^4\) And again, the law that originated the office of commissioner required him to spend "at least ten days in each judicial district of the state...",\(^5\) while the law of 1873 required only that he visit

\(^{2}\)Ohio Laws, Vol. 69, p. 201.  
\(^{3}\)Ohio Laws, Vol. 70, p. 224.  
\(^{5}\)Ibid., p. 447.
each judicial district annually, defining no minimum amount of time to be so spent. In the making of forms, in the distribution of the school laws, in the administration of the funds, certificates, etc., and in other similar duties little change was legislated. In regard to the salary of the office an important change was made. The new law authorized that the commissioner be paid $2000 annually, which was an increase of $500 over the law of 1853; and, though neither law made provision for the commissioner’s expenses while traveling on state business, such expenses were always granted by legislative appropriations. Correspondingly, the commissioner was given increased duties and powers; for instance, he could "provide for an institute when none had been held for two years (the county paying the expenses)", he was required to make the forms for the books of the treasurers of the local boards, and he was given more jurisdiction over reports made to him, over boards of examiners, and over certification and school legislation in general.

This codification of the school laws in 1873 made evident the fact that the work of the commissioner of common schools had become extended to a wide range of activities.

Law of 1876 - A Summation of the Powers and Duties of the Commissioner of Common Schools.

The General Statutes in force in 1876 designated the duties and the powers of the commissioner to be as follows:

1. He is to be a member of the Geological Board.
2. He shall furnish blanks for the reports of boards of education.
3. School boards and officers shall make reports on his demand.

2Ibid., pp. 216-229.
4. He may require the re-enumeration when the case seems to warrant it.
5. He is required to appoint a State Board of Examiners.
6. He shall countersign life certificates issued by the Board.
7. The probate judge of the county must report to him names and residences of the appointees to the county board of examiners.
8. The clerks of city boards must report to him the names and addresses of the city examiners.
9. The clerk of the county board of examiners must make reports to the commissioner.
10. The commissioner must make an annual report to the Governor and General Assembly.
11. The clerks of the city boards of examiners must make reports to him.
12. He may hold or order teachers' institutes to be held.
13. The officers of teachers' institutes are required to make reports to him.
14. County auditors are required to report certain statistics to him.
15. He must proceed to prosecute cases where there is fraudulent use of school money.
16. Officers of seminaries, academies, and private schools are required to report to him.
17. The clerks of special school districts must make reports to him.
18. The commissioner is to have supervision of the school fund.
19. His annual report must contain a statement of the condition of the school funds, school property, private and select schools.
20. He must publish and distribute the school laws to school officials.
21. He must distribute his annual report to school officials.¹

Excepting for the last two provisions, this summary of the commissioner's powers and duties in 1876 does not differ much from the summation of his powers and duties according to the law of 1873.

Law of 1884 — The State Commissioner to Take Office in July Instead of in January.

Not until 1884 was any further change made in the office of the commissioner. In this year the law relative to his election and term of office was amended to read: "There shall be elected, triennially, at the general election for state officers, a state commissioner of common schools, who shall hold his office for a term of three years.

¹Ohio Laws, Vol. 73, pp. 225, 246.
from the second Monday in July succeeding his election; and in case of a vacancy occurring by death, resignation or otherwise, the Governor shall fill the same by appointment". By this amendment the commissioner was to take office on the second Monday in July, the school vacation period, rather than in January, the school mid-year, as provided by the revision of 1873.

Act of 1888 - State Board of Examiners Enlarged.

In 1888 an amendment was made changing the number of members on the State Board of Examiners from three to five, and providing that "not more than three (of the five) shall belong to the same political party". This was an evident attempt to prevent partisan politics from playing a part in the granting of teachers' certificates.

Act of 1890 - State School-Book Board Established.

Another enactment of importance was that of 1890 which created the state school-book board. The chief purpose of this law was to fix the price at which text-books used in the public schools of the state should be bought and sold to the pupils. This board was to be constituted of the Commissioner of Common Schools, the Governor, the Supervisor of Public Printing, and two other persons who were to be appointed by the Governor, one from each of the two major political parties; one of the latter two representatives was to be an educator and the other was to be a practical business person. The commissioner's duty was to "procure as near as he can one copy of the latest and best edition of

1Ohio Laws, Vol. 81, p. 89.
each of the school textbooks in use, so far as he can learn, in the public schools in this state", whereupon, after considering these, the board was to fix the price of each, but in no case was the price so fixed "to exceed 80% of the present lowest price thereof". When the board's work was complete, contracts for books at these prices were to be solicited from various book companies, and after such proposals had been accepted by the board, the commissioner was required to "make out a complete list of the books named in such accepted proposals, fully describing each, and giving the price so fixed thereon, and the name and address of the publisher of each book", with any other necessary information, and "transmit by mail to each board of education in this state a copy of such statements".¹

Law of 1891 - Cost of Textbooks Standardized.

Though the law of 1890 thus attempted to standardize the cost of textbooks within the state, it did not attempt to extend the power of this text-book board to that of the selection and recommendation of the text-books to be used in the state. This was done by the law of 1891, which specified that boards of education should make their selection of text-books from the list as made up and submitted by the commissioner, which list was to include only those books chosen upon the basis of merit.²


The year 1893 saw two legislative enactments of importance concerning the schools; these enactments did much towards raising the position

of the commissioner and of teachers to higher levels of professional merit. The first enactment provided that the commissioner "shall not, while holding the office of state commissioner of common schools, perform the duties of teacher or superintendent of any public or private school, or be employed as teacher in any college, or hold any other office or position of emolument".\(^1\) The second law provided for a uniform system of examination for teachers in the state of Ohio by specifying that "the secretary of the State Board of Examiners and Commissioner of Common Schools shall prepare a series of questions for each examination to be used in each county of the state of Ohio . . . for the examination of teachers" and that "the state commissioner of common schools shall procure the printing of the same and distribute them to the clerks of the several boards of examiners of the several counties in the state".\(^2\) By these enactments, then, the commissioner's activities were limited to those of his office, and better means for setting up standards of scholarship for the teachers of the state were provided.

**Act of 1898 - Schools for the Deaf Established.**

When an act "authorizing school districts managed by boards of education or school councils to establish and maintain day schools for the deaf, and authorizing payments therefrom from the state common school fund"\(^3\) was passed in 1898, an extension of educational interest to the handicapped was manifested. This act gave the commissioner a wide control over the establishment and inspection of these special schools,

\(^3\)Ohio Laws, Vol. 93, p. 236.
since provision for the appointment or dismissal of teachers in
them, as well as the semi-annual inspection of the schools themselves,
was placed in his hands. These day-schools for the instruction of
the deaf were to be maintained in districts where there was "an
deaf
average attendance of not less than five pupils . . . over the age
of three and under fifteen years, residents of the state of Ohio". ¹

Act of 1900 - Clerical Help Provided the Commissioner.

The above acts have shown how the office of Commissioner of
Common Schools gradually had assigned to it more and more powers
and more and more responsibilities. It might be expected that his
office force had increased proportionately, but such was not the case.
The appropriations by the legislature for this office in 1900 are
interesting and enlightening; they called for a commissioner's salary
of $2000; a chief clerk's salary of $1750; a statistical clerk's, of
$1200; and a stenographer's, of $600. ²


In 1902 there was added to the group of employees just mentioned
the office of corresponding clerk at a salary of $720. ³ It will be
noted that all the help provided the commissioner was clerical, and
that he had really no professional assistance. The law of 1902 also
provided that "the state commissioner of common schools issue annually
a manual for arbor day exercises, as soon as possible after the
Governor has set apart a date for said day. ⁴ And another act of the

⁴Ibid., p. 71; also pp. 218-219.
same year stated that "The questions for the Boxwell Examination for the state shall be uniform and prepared under the direction of the state commissioner of common schools and mailed under seal to the clerk of the examining board".  

Law of 1906 - The State Commissioner of Schools to be Elected Biennially.

During the period of 1834-1906, the commissioner had been holding office for a period of three years, but by an act passed in 1906 the state commissioner of common schools, who was elected biennially at the general election for officers of the state, was to "hold his office for a term of two years from the second Monday in July succeeding his election".  Though this act made no statement as to the salary of the commissioner, the appropriation for his salary for this year was $4000, an increase of $2000, an unusually large one for those days.  Evidently the legislature had awakened to the necessity of encouraging more competent men to seek election to this office, the previous salary of which was not always likely to attract them.

The First Educational Equalization Law - 1906 to 1935.

In 1906 the General Assembly enacted Ohio's first law whereby the state sought to compensate for differences in the financial ability of school districts to support a satisfactory program of public education. This law, which until its repeal in 1935, was commonly known as the state aid system for weak school districts, provided for the creation of a state educational equalization fund. Under the provisions of the law (former sections 7595 et seq., Ohio General Code), the state

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1Ohio Laws, Vol. 95, p. 26. (The Boxwell Examination was for entrance to high school.)
3Ibid., p. 365.
Commissioner of Education was charged with the responsibility of administration of the fund. This meant a tremendous additional responsibility to the Commissioner, and the responsibility has grown as the years have passed.

The first disbursements of state aid under the provisions of the law above mentioned were made in 1908. The amount paid to local school districts in that year was only $2,647, and ten years later (1918) the amount distributed was only $173,800. The small number of requests for state aid during the early years of the operation of the law was due mainly to the fact that local school officials feared that state control would result from participation in the state fund. From 1913 to 1935 the amount of the state's annual contribution to local school districts increased rapidly. The first year in which the allotments reached one million dollars was 1922, in which year $1,310,999 were disbursed. The average annual disbursement for the years 1932 to 1935, inclusive, was in excess of $6,000,000.

The former state aid law provided that a district was not eligible to receive state support unless it was levying a tax of at least 5 mills for current operation of schools and a total tax of at least 9 1/2 mills for all school purposes. The statutes contained an exception which provided that in districts having a tax valuation of less than $2,500 per child enumerated and a debt service levy in excess of 3 mills, such excess might be included within the aforementioned 5 mills upon authorization of the Commissioner of Education. Such debt service rate so included could not, however, exceed 3 mills. During the latter years of the operation of the former state aid law, the number of districts that received state support varied from 600 to 700, which was between one-third and one-half of the total number of school districts of the state.
Law of 1908 – High School Inspection Established.

As a direct result of the Collinwood fire in which over 160 school children and teachers perished, the legislature of 1908 required that the commissioner of common schools, together with the state fire marshall, prepare a manual on fire prevention and that the commissioner see that a copy of it be distributed to every teacher in the state.¹

Though many duties had been added to those of the original commissioner of common schools, he had not yet provided with professional help of a specialized nature. In order that the law, providing that the commissioner of common schools determine the standing of all public high schools and that his decision as to such be final, might be carried out, he was given authority to "appoint two competent inspectors" who were to be under his orders and supervision. These inspectors, in addition to examining the public schools of the state and helping to determine the standing of the high schools, were to visit teachers' institutes, confer with school authorities, and perform other similar duties assigned them by the commissioner.² This act opened up a new field of development in the department, and no doubt increased the prestige of the commissioner and his work throughout the state. From this time on, each community that had a high school was directly responsible for maintaining the standards established by the commissioner, if it were to receive and hold the charter granted by his office. Thus high school inspection became an established function of the chief state school officer and remains as such to the present day.

²Ohio Laws, Vol. 100, pp. 92-93.
Law of 1910 - Standardization of Teacher Training.

Following the law authorizing the grading of high schools came the law of 1910 pertaining to the four-year elementary and high school provisional teachers' certificates. This act granted the Commissioner of Common Schools the power to approve normal schools, teachers' colleges or universities as teacher training institutions. Teachers who were graduates of these approved institutions and who had passed the examination prescribed by the commissioner were granted four-year elementary or high school provisional certificates by the commissioner. The rank of their certificate depended upon the type of school from which they graduated and the type of examination they had taken. Since this law gave the commissioner the right to set standards for higher educational institutions in their preparation of teachers, it extended his power into the normal schools, colleges and universities.

Law of 1912 - The Superintendent of Public Instruction Made a Constitutional Office.

It had required a little more than three quarters of a century to evolve the office of chief state school officer to the point where its influence was felt in all educational institutions - the public and the private, the one-room rural and the city, the elementary, the secondary, and the collegiate. Yet even after that many years the office was not securely established, for until 1912 it was at the mercy of the Legislature which could have abolished it at will. In 1912, however, an amendment was voted by the people to the constitution of Ohio making the office of chief state school officer a permanent

\[1\text{Ohio Laws, Vol. 101, pp. 317-318.}\]
part of the government. It is Section 4, Article 6, entitled "Superintendent of Public Instruction", that is of particular interest here. It reads:

"A superintendent of public instruction to replace the commissioner of common schools shall be included as one of the officers of the executive department to be appointed by the Governor, for the term of four years, with the powers and duties now exercised by the state commissioner of common schools until otherwise provided by law, and with such other powers as may be provided by law."¹

Since the passage of this law of 1912 the development of the office of Superintendent of Public Instruction has been extremely rapid. Much was done to stimulate this development by the re-organization of the school system of the state by the Legislature of 1914.

Law of 1914 — A Fundamental Reorganization of the State Department of Education Made.

In this re-organization, a Superintendent of Public Instruction, to be appointed by the Governor and to hold office four years commencing "on the second Monday of July" was again provided for. In addition, it established certain qualifications that such an appointee should have, such as that "no one who is interested financially or otherwise in any book-publishing or book-selling company, firm, or corporation, shall be eligible to appointment as superintendent of public instruction". To assist the state superintendent in his duties, the legislature provided that he "may employ such clerks, stenographers and assistants as will enable him to properly care for the duties of his office. The compensation of such appointees shall be fixed by the superintendent of public instruction with the approval of the governor".

¹Page's New Annotated Ohio General Code, p. 6537.
The state superintendent was not to perform any other duties outside his office, but he was privileged to "visit and inspect schools and attend educational gatherings either within or without the state". "Necessary and actual expenses" incurred in subserving "the interests of popular education" were to be paid by the state.  

The duties of the Superintendent of Public Instruction, as provided for in the law of 1914, briefly summarized are the following:

1. He shall supervise the state school fund.
2. He shall approve requests for state aid.
3. He shall request the auditor to make an examination of the school funds of any district about which there is a question of misappropriation.
4. He shall collect and publish the school laws.
5. He shall prescribe the various forms.
6. He shall issue annually a manual for Arbor Day.
7. He shall require an annual report of the administrative head of each seminary, academy, or private school.
8. He shall require reports from local clerks of boards of education on high school conditions.
9. He shall require an abstract of school statistics from the county auditor.
10. He shall require reports from superintendents, principals, and teachers.
11. He shall make an annual report to the governor.
12. He shall approve courses of study for local boards of education.
13. He shall approve the curricula of colleges and universities that issue degrees.
14. He shall determine the grade of each high school in the state.
15. He shall furnish boards of education with metal placards which are to be placed on the buildings, showing the grade or the grades of such schools.
16. He shall approve and inspect day schools for the deaf.
17. He shall require all book companies who wish to have books in the schools of Ohio to file a copy in his office.
18. He shall, together with the governor and secretary of state, fix the maximum price at which books may be sold.
19. He shall appoint inspectors for high schools: two to be on full time, and one from each of the state normal schools to give half time.

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2 Ibid., pp. 226-236.
Law of 1917 - Vocational Education Established.

The next important step in school legislation in Ohio was the approval by the General Assembly in 1917 of the Smith-Hughes Act passed by the Congress of the United States, and the creation of a state board of vocational education. This board was to consist of the Superintendent of Public Instruction, who was to be the secretary, and six other ex-officio members of the state government. Its chief duty was to administer the funds provided by the federal government and the state of Ohio for the promotion of vocational education in the state.¹

Law of 1921 - The New Title of Director of Education Established.

The last important changes made in the office of superintendent of public instruction were those brought about when the legislature revised the several administrative departments of the state government in 1921. As a result of the new administrative code then adopted, "directors" were placed in charge of the various state departments, and "each director whose office is so created shall be appointed by the governor . . . and shall hold his office during the pleasure of the governor". In each of these departments there was to be an assistant-director "who shall be designated by the director to fill one of the offices within such department". Accordingly, the department of education was to be administered by the Superintendent of Public Instruction as director thereof.²

With this new arrangement, new powers and duties devolved upon the Director of Education and his department. It was stipulated that

the "Department of Education shall have all powers and perform all
duties vested by law in the industrial commission of Ohio, and in the
board of censors of motion picture films", and that the Director of
Education serve in an advisory capacity in a number of instances. He
shall be an ex-officio member of the board of trustees of Kent, Bowling
Green, and Wilberforce colleges; he shall be a member of the state
library board; he shall be a member of the board of trustees of the
Ohio Archaeological and Historical Society; he shall be a member of the
board of trustees of Ohio State University with the power to speak but not
to vote.  

Since 1921, the Department of Education has been actively engaged
in carrying on progressive educational policies and has done much to
advance the standing of Ohio among the leading educational states of the
nation. Legislatively speaking, however, the Director and the Department
have remained for the most part as they were provided for by the law of
1921, little legislation of note in this respect being passed by the
legislatures of 1923 to 1941, inclusive.

The most important enactments with reference to the State Depart-
ment of Education during this 21-year period since 1921 were the
following:

1922 - Music Supervision Established,

State supervision of music was inaugurated on October 1, 1922,
and today Ohio is one of the few states having state music supervision.

1Ohio Laws, Vol. 109, p. 121.
2Ibid., pp.122-123.
1927 - State Schools for the Deaf and the Blind Transferred.

The Ohio State School for the Deaf and the Ohio State School for the Blind were transferred to the State Department of Education in 1927.

The Present Foundation Program Law - 1935 to Date.

The present Ohio law providing state support for public schools, known popularly as the School Foundation Program Law, was enacted by the General Assembly in 1935. While certain sections became effective that year, the act in its entirety did not become operative until January 1, 1936.

The Foundation Program Law guarantees to every school district in the state sufficient funds to finance what the statute refers to as the minimum operating cost of a Foundation Program. Except for one-teacher and two-teacher elementary schools, the amounts of state aid provided for school operation in the Foundation Program for each district are based upon the number of pupils in average daily attendance. The Foundation Program includes also an approved amount for transportation in the case of each district that has pupil transportation, and an amount for tuition in the case of a district that has pupils in authorized attendance in the schools of another district. The separate items included in the Foundation Program are the following:

1. An amount equal to $2.50 a day for each pupil five years of age or over in average daily attendance in a kindergarten class for a term not to exceed 180 days. (Equivalent to $22.50 per pupil for a term of 180 days.)

2. For each elementary school having an average daily attendance of more than 180 pupils, an amount equal to $45 a day for each pupil in average daily attendance in grades one to eight, inclusive, for a term not to exceed 180 days. (Equivalent to $45 per pupil for a term of 180 days.)
3. For each high school having an average daily attendance of more than 180 pupils, an amount equal to $7 3/4 a day for each pupil in average daily attendance in grades nine to twelve, inclusive, for a term not to exceed 180 days. (Equivalent to $67.50 per pupil for a term of 180 days.)

4. For each approved elementary school having an average daily attendance of less than 180 pupils and more than two teachers, an amount per pupil that will enable such school to operate at a reasonable level of educational efficiency, which amount shall be in accordance with a schedule established by the Director of Education.

5. For each approved high school having an average daily attendance of less than 180 pupils, an amount per pupil that will enable such school to operate at a reasonable level of educational efficiency, which amount shall be in accordance with a schedule established by the Director of Education.

6. An amount equal to $1,150 for each approved one-teacher elementary school.

7. An amount equal to $2,400 for each approved two-teacher elementary school.

8. For a district in which transportation of pupils is necessary, an amount equal to the approved cost of such transportation.

9. For a district with pupils in authorized attendance in the schools of other districts, an amount equal to the approved cost of tuition for such pupils.

Under the provisions of the law, there is a flat distribution for each pupil in average daily attendance in each school other than a one-teacher or two-teacher elementary school. These amounts are determined as follows:

1. For each pupil five years of age or over in average daily attendance in kindergarten classes, 8 3/4 per day for a term not to exceed 180 days. (Equivalent to $15.30 per pupil for a term of 180 days.)

2. For each pupil in average daily attendance in grades one to eight, inclusive, 17 1/2 per day for a term not to exceed 180 days. (Equivalent to $30.60 per pupil for a term of 180 days.)

3. For each pupil in average daily attendance in grades nine to twelve, inclusive, 25 1/2 per day for a term not to exceed 180 days. (Equivalent to $45.90 per pupil for a term of 180 days.)
If a district has a tax levy for current school operation of at least 3 mills and the flat distribution plus the computed yield of 3 mills on the tax duplicate of the district does not produce an amount equal to the district's Foundation Program minimum operating cost, the district receives additional state funds. The amount of such additional aid is determined by subtracting the total of the flat distribution and the computed yield of 3 mills on the tax duplicate of the district from the amount of the district's Foundation Program minimum operating cost.

In addition to the Foundation Program guarantee for kindergarten, elementary, and high schools, each district operating part-time, continuation or evening schools receives for each pupil in average daily attendance in such schools 20¢ per day or a maximum of $36 per year per pupil for a term of 180 days.

During the years that the Foundation Program Law has been in operation, the average annual cost to the state has been in excess of $48,700,000. The State Director of Education has been given the responsibility of distributing these funds according to law. This is probably his largest single duty today.

1935 - Higher Standards for Teacher Certification Established.

The law which became effective on September 5, 1935, provides for four grades of certificates: temporary, provisional, professional, and permanent. The authority for prescribing standards for the granting of these certificates is vested in the state director of education and the state board of school examiners. Thus, for the first time, all power pertaining to the issuance of teachers' certificates was placed exclusively in the State Department of Education.

Though the position of Director of Visual Education was first established in 1925, it was not until July 16, 1935 that legislative provision was made for the department, which has become one of the outstanding ones of the nation. This act provides that the amount appropriated by law from the department of film censorship "be paid into a fund to be used by the director of education for disseminating information relative to the history, scenic beauties, natural resources, and industries of Ohio through the office of the director of visual education, and for the creation, maintenance, administration and of a suitable collection of visual aids for loan to the educational institutions of Ohio".

1939 – Supervision of Special Education Established.

Though provision was made for taking care of handicapped children – the deaf and the blind – as early as 1893, specific and detailed legislation for special classes for Deaf, Blind and Crippled Children was enacted in 1925, all under the direction of the Director of Education. The Division of Special Education as a part of the State Department of Education was first established in 1921. In April, 1939, there was enacted the following:

"There shall be in the department of education a supervisor who shall develop and direct a program of instruction for the training and education of all handicapped children not mentioned under Section 7755 (1925 enactment) who are capable of profiting by further instruction in the public schools".

A tabular summary of the chief laws from 1837 to 1943 pertaining to the chief state school official and the state department of education is presented herewith in Tables 1, 2, and 3.
TABLE I
THE GROWTH OF THE OHIO STATE DEPARTMENT OF EDUCATION
(BY DIVISIONS OR EMPLOYEES), 1837 - 1943

<table>
<thead>
<tr>
<th>Year</th>
<th>Division or Employees Established</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837</td>
<td>First State Superintendent of Common Schools appointed.</td>
</tr>
<tr>
<td>1853</td>
<td>First Secretary to Superintendent appointed.</td>
</tr>
<tr>
<td>1864</td>
<td>First Board of Examiners established.</td>
</tr>
<tr>
<td>1904</td>
<td>Three clerks and two stenographers provided.</td>
</tr>
<tr>
<td>1906</td>
<td>First State Aid provided.</td>
</tr>
<tr>
<td>1909</td>
<td>High School Inspectors provided.</td>
</tr>
<tr>
<td>1910</td>
<td>Public Teacher Training Institutions established.</td>
</tr>
<tr>
<td>1912</td>
<td>Rural School Inspection established.</td>
</tr>
<tr>
<td>1913</td>
<td>Classes for Blind, Deaf, Crippled provided.</td>
</tr>
<tr>
<td>1914</td>
<td>Board of High School Inspectors established.</td>
</tr>
<tr>
<td>1918</td>
<td>Vocational Education, Trades and Industries provided.</td>
</tr>
<tr>
<td>1920</td>
<td>Vocational Rehabilitation provided.</td>
</tr>
<tr>
<td>1921</td>
<td>State Library made a division of the department.</td>
</tr>
<tr>
<td>1921</td>
<td>Film Censorship established.</td>
</tr>
<tr>
<td>1921</td>
<td>Supervisor of Vocational Agriculture provided.</td>
</tr>
<tr>
<td>1921</td>
<td>Supervisor of Home Economics provided.</td>
</tr>
<tr>
<td>1921</td>
<td>Supervisor of Special Education provided.</td>
</tr>
<tr>
<td>1922</td>
<td>Supervisor of Music provided.</td>
</tr>
<tr>
<td>1922</td>
<td>Geological Survey made a division of the department.</td>
</tr>
<tr>
<td>1925</td>
<td>Director of Visual Education provided.</td>
</tr>
<tr>
<td>1925</td>
<td>Certification and Licensing division established.</td>
</tr>
<tr>
<td>1927</td>
<td>State School for the Blind placed under department.</td>
</tr>
<tr>
<td>1927</td>
<td>State School for the Deaf placed under department.</td>
</tr>
<tr>
<td>1928</td>
<td>Child Accounting division established.</td>
</tr>
<tr>
<td>1928</td>
<td>Physical Education division established.</td>
</tr>
<tr>
<td>1928</td>
<td>Research Division established.</td>
</tr>
<tr>
<td>1929</td>
<td>Guidance Division established.</td>
</tr>
<tr>
<td>1929</td>
<td>Higher Education Division established.</td>
</tr>
<tr>
<td>1929</td>
<td>Scholarship Tests Division established.</td>
</tr>
<tr>
<td>1929</td>
<td>Adult Education Division established.</td>
</tr>
<tr>
<td>1929</td>
<td>Ohio Parent Teacher Division established.</td>
</tr>
<tr>
<td>1931</td>
<td>Emergency Schools Division established.</td>
</tr>
<tr>
<td>1935</td>
<td>Foundation Program provided.</td>
</tr>
<tr>
<td>1935</td>
<td>Pupil Transportation Division established.</td>
</tr>
<tr>
<td>1935</td>
<td>Instruction Division established.</td>
</tr>
<tr>
<td>1939</td>
<td>Conservation Division established.</td>
</tr>
<tr>
<td>1939</td>
<td>Distributive Education Division established.</td>
</tr>
<tr>
<td>1940</td>
<td>Defense Training Division established.</td>
</tr>
<tr>
<td>1942</td>
<td>Elementary Education Division established.</td>
</tr>
<tr>
<td>1942</td>
<td>Guidance Division reestablished.</td>
</tr>
</tbody>
</table>

# The names of some divisions are repeated. This is because their titles may have been changed slightly or the division may have been abolished and then re-established.

* These divisions have been abolished.
| Law of 1837 | Created office of State Superintendent of Common Schools. |
| Law of 1838 | Provided "for the support and better regulation of the common schools, and to create permanently the Office of Superintendent". Linked township schools through counties to the state. |
| Law of 1840 | Provided that the office of Superintendent of Common Schools should be abolished, but that the common school system should be continued under the Secretary of State. |
| Law of 1842 | The superintendent required to make an "edition of all the laws relating to the common schools with ... notes ... for guidance" of all the various school officers throughout the state. |
| Law of 1847 | County superintendents given full supervision and regulation of county schools. |
| Law of 1850 | Created the State Board of Public Instruction, but the law was not carried out. |
| Law of 1852 | Created office of State Commissioner of Common Schools, who was to be superintendent of schools, publish laws, and edit "Ohio Teacher", and report annually on the condition and finances of the schools. |
| Law of 1864 | State Commissioner given check on county examiners and control of teacher certification. |
| Act of 1872 | State Commissioner appointed to the State Geological Survey Board. |
| Law of 1873 | Required a codification of school laws. Commissioner given increased power and duties, more jurisdiction over reports made to him, over certification and school legislation in general. |
| Law of 1876 | Made a summation of the powers and duties of the State Commissioner of Common Schools. |
| Act of 1890 | Created the School-Book Board, to consider the various textbooks and set the price for each. |
| Law of 1891 | Provided for a specified list of text-books from which board of education must choose books. |
| Act of 1893 | Prohibited State Commissioner from holding any other position while in office, also provided for uniform teachers' examinations. |
| Act of 1898 | Established day schools for the instruction of the deaf. |
| Act of 1900 | Made an appropriation for chief clerk, statistical clerk, stenographer. |
| Act of 1902 | Made an appropriation for corresponding clerk. The State Commissioner was required to prepare Arbor Day exercises, and questions for Boxwell Examination. |
| Law of 1906 | State Commissioner of Schools was to be elected biennially at a salary of $4000, an increase of $2000. |
| Law of 1908 | State Commissioner was authorized to appoint two high school inspectors, and to prepare a manual on fire protection. |
| Law of 1910 | State Commissioner was given power to approve teacher training institutions. |
| Law of 1912 | Provided that the chief state school officer should be a four-year constitutional appointment, and changed his title to Superintendent of Public Instruction. |
| Law of 1914 | The Superintendent of Public Instruction was given increased powers and duties in the reorganization of the state school system. |
| Law of 1917 | Smith-Hughes Act of 1917 approved by General Assembly and provision was thereby made for Vocational Education. |
| Law of 1921 | The Department of Education was to be administered by the superintendent as Director of Education, and his assistant. The Director was made a member of the boards of the state universities, the state library, the Archaeological Society, etc., and the board of censors for motion picture films. |
| Law of 1935 | The authority for prescribing standards for the granting of teachers' certificates was vested in the state director of education and the state board of school examiners. |
| Law of 1935 | The School Foundation Program Law was passed for the support and maintenance of the public school system and for the equalization of educational advantages throughout the state. |
| Law of 1935 | Provision was made for the division of Visual Education. |
| Law of 1939 | Definite provision was made for a division charged with developing and directing a program of instruction for the training and education of all handicapped children not covered by previous statutes. |
| Law of 1943 | Recodification of the school laws was recommended (not yet enacted). |
TABLE III

SALARY OF CHIEF STATE SCHOOL OFFICIAL IN OHIO,
1837 TO DATE

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837</td>
<td>$500.00</td>
</tr>
<tr>
<td>1838</td>
<td>1200.00</td>
</tr>
<tr>
<td>1840 to</td>
<td></td>
</tr>
<tr>
<td>1853</td>
<td></td>
</tr>
<tr>
<td>(Secretary of State served ex officio as Chief State School Official)</td>
<td></td>
</tr>
<tr>
<td>1853</td>
<td>1500.00</td>
</tr>
<tr>
<td>1873</td>
<td>2000.00</td>
</tr>
<tr>
<td>1906</td>
<td>4000.00</td>
</tr>
<tr>
<td>1913 to date</td>
<td>6500.00</td>
</tr>
</tbody>
</table>

Summary.

In this chapter it has been shown how the office of the chief state school official of Ohio has evolved in a little more than a century from that of a single supervisor of education with duties chiefly clerical to that of a director of the many and varied educational institutions of a populous and prosperous state with duties now chiefly administrative and advisory. It has been shown that for almost three quarters of a century the chief state school official was looked upon as a statistical clerk, with very little of his time apportioned to supervisory duties. Not until 1906 was a salary provided commensurate with the dignity and responsibility of the office; not until 1908 was any professional help provided;
not until 1912 was the office of chief state school official made a constitutional appointment; not until 1914 did the state department of education begin to be in the true sense a department of education; and not until 1939 was there definite and purposeful action for a State Board of Education — 31 years having elapsed since the legislature of 1850 had provided for a State Board of Public Instruction. The last quarter of a century has seen much progress in the development of a centralized educational authority in the state and better and more equal educational advantages for all the children of all the people.
CHAPTER IV

EVOLUTION OF THE STATE DEPARTMENT OF EDUCATION
OF OHIO AS TRACED BY THE ADMINISTRATIONS OF
THE CHIEF STATE SCHOOL OFFICIALS OF OHIO

The Influences on Education of Great Personalities.

A little more than one hundred years ago two events of great significance to the educational history of the United States, and especially to that of Ohio, took place. On March 31, 1837, Samuel Lewis took office as the first Superintendent of Common Schools for Ohio, just four days after the creation of the office by the legislature; and on June 29, 1837, Horace Mann was elected Secretary of the Massachusetts Board of Education, a position more commonly recognized as that of state superintendent of education.

The influence of these two remarkable men, co-laborers in the cause of education, has reached beyond the century. Both men were endowed with remarkable foresight and intense enthusiasm for their work in behalf of education for all of the people. They labored diligently "not only to make the schools entirely free, but to make them good enough for all";¹ this is an objective that is constantly sought by all persons who have the interests of education in a democracy at heart.

It is no small wonder that, with such able leaders at the helm at the outset of the educational journey, Ohio and Massachusetts have won for themselves an enviable place on the honor roll of education in the United States. It is likewise understandable that the persons who have succeeded

¹Education in Ohio, Centennial Volume, p. 334.
them in office have been spurred on by their example to greater efforts and accomplishments. In Ohio, especially, the “going has often been rough”, but for the most part the cause of education has been in capable hands that have steered the educational ship safely through the obstructions and the storms, and the watchword, “free and equal schools”, has become a universal objective.

The progress towards the attainment of the common acceptance of this century-old objective may be traced in various ways - through laws, through histories of teachers' institutes, and through educational journals. However, since in all movements and institutions the influence of personalities plays so important a part, it seems proper at this time to turn to the men charged with the direction of education in the state and by thumb-nail sketches of them and their work arrive at an interesting picture of the attainment of this objective and the development of the Ohio educational system. The sketches of these personalities will be given in this chapter.¹

The general pattern set by Samuel Lewis will be found to have carried through the years. "As the twig is bent, so is the tree inclined". In proportion as the educational leaders were able and the times auspicious, the cause of education in Ohio has prospered.

Samuel Lewis  
State Superintendent of Common Schools  
1837 - 1840

Samuel Lewis was born on March 17, 1799 in Falmouth, Massachusetts; he was the son of a sea captain. In 1813 his family moved to Cincinnati, Ohio, where Samuel worked as a farm laborer, mail carrier, surveyor's assistant, carpenter, and office clerk. He was self-educated. In 1819

¹See end of this chapter for general sources of biographical data.
he began the study of law, and in 1822 he was admitted to the bar. In 1823, having become established in his law practice, he married Charlotte Goforth, the daughter of a prominent Cincinnati physician.

The following characteristics of him are emphasized by all of his biographers: a keen, active mind; able, industrious, energetic, enthusiastic, upright; simple, sincere, straight-forward; an eloquent speaker; a champion of the weak and the oppressed; a natural leader; and a man of overpowering zeal.

He was always an ardent advocate of a free public school system, and he influenced his friend and client, William Woodward, to establish the endowment that resulted in the famed Woodward School of Cincinnati. He was a leader in the Western Literary Institute and College of Professional Teachers, and was its favored candidate for the first state superintendency of common schools in Ohio, 1837-1840. Later years found him active in the anti-slavery movement of the nation, and he helped to organize the Liberty Party. He was nominated for Congress in 1843 and 1848, and for governor in 1846, 1851, and 1853; however, he was not elected to any of these offices.

He died on July 28, 1854.\(^1\)

**His work as State Superintendent of Common Schools.**

As the first Superintendent of Common Schools in Ohio, Samuel Lewis was elected by the Legislature to the newly created office in March, 1837, "for the term of one year . . . at a salary of $500".\(^2\) The state was young, an efficient organization of personnel and reports was not yet established, and communication was slow and difficult, so the new office of state superintendent was not an easy one to fill. Some conception of the work that was


his may be had from the following description:

"Almost all his journeying was done on horseback, most of it over bad roads and through a sparsely settled country. After averaging 26 miles a day, he spent, as he wrote in one of his letters, three or four hours in conversation on school matters, and frequently, in addition to all this, spoke to the public at night. There was no precedent to follow, and he had a large and uncharted territory for the exercise of his comprehensive interests and boundless energy." ¹

In accordance with the Law of 1837 which required an annual report in January from the Superintendent of Common Schools transmitting pertinent information and data concerning the schools and making suggestions for the betterment of the system, ² Lewis filed "The First Annual Report of the Superintendent of Common Schools . . . to the Thirty-Sixth General Assembly of the State of Ohio, January, 1838". In the introductory letter of this report he wrote:

"No correct idea can be given of the particular system of instruction adopted in the schools; it embraces almost every system; and in our public, as well as in our private schools is found every variety from the very best, to those esteemed the most defective. But a small proportion of schools in the State have sufficient permanence to have adopted any specific plan, nor is it possible to produce or preserve anything like system, until the schools have more permanence, and the art of teaching is recognized as something valuable." ³

The above quotation gives evidence of the inadequacies and the irregularities with which Lewis had to deal. In other places in his reports he complained of the inaccuracies or complete lack of data transmitted, or supposed to be transmitted, to him. From his rich experiences and his wide acquaintance with other school systems he made suggestions which, bolstered by his great eloquence, were embodied to a large extent in the law of 1838. Among the provisions of that law, which are of especial interest because they are generally applicable today, are the following.

²Ibid., p. 83.
duties ascribed to the state superintendent of common schools:

(1) Collect all information deemed important and report it annually to the legislature and suggesting amendments to the school system should be deem it necessary.

(2) Furnish the auditor of the state annually an enumeration of all white youth between 4 and 21 years of age.

(3) Ascertain and report the value of all school lands and the amount of funds due each township.

(4) Furnish forms for all reports to those who are to make them.

(5) Have general superintendence over all property given for the purpose of common school education.

(6) Require reports of all people having school property in charge.¹

Other features of the 1838 law, based directly also upon Mr. Lewis¹ suggestions, resulted in placing the schools of Ohio on a firmer footing. These were the provisions for "a uniform system of township, county, and state supervision; a state common school fund of $200,000; a state-wide county tax of two mills"; and the requiring of "teachers to be examined in reading, writing, and arithmetic".²

In March, 1838, he was reelected as state superintendent for a term of five years, and at an annual salary of $1200. At this time, there was added to his already innumerable duties that of editing an educational journal, called the Common School Director. In this journal and in his next annual reports, he continued ardently to advocate free schools and a tax which would be adequate to support them; he also advocated free public libraries and evening schools "for males over ten or twelve years of age whose circumstances prevent their attending day school",³ the erection

¹Burns, James J., Educational History of Ohio, p. 169.
²Crow and Smith, My State of Ohio, p. 253.
of good school buildings, the establishment of township high schools, a state university, a state normal school, county supervision, and teachers' associations.

However, in spite of his fervent appeals and his evident accomplish-
ments in behalf of better schools for all the people, opposition to the office of state superintendent grew. As Burns wrote: "He said that everywhere men agreed with him, applauded his speeches, but did nothing. . . . He accomplished much but could not conquer 'the three foes - avarice, ignorance, and the small politician'". ¹ After transmitting his Third Annual Report on December ²¹, 1839, he resigned, his health having been impaired. It has been well said of this remarkable man: "Perhaps unconsciously he was scanning a century and laying out work for his successors". ²

The Secretaries of State as State Superintendents of Common Schools 1840 - 1853

On March ²³, 1840 the Legislature passed an act "to abolish the office of State Superintendent of Common Schools", and in the same act it transferred the duties of the office of state superintendent to the Secretary of State. The secretaries of state had comparatively little time to devote to the office of state superintendent, and for the most part they were merely interpreters of the school law; some of the secre-
taries, however, did much to promote the cause of common schools. A brief sketch of each secretary of state who served as state superintendent of common schools is given herewith.

¹Burns, James J., Educational History of Ohio, p. 169.
²Ibid., p. 169.
William Trevitt
1840, also 1851 - 1854

Mr. Trevitt advocated the establishment of normal schools, interpreted the school law of 1853, and issued the first edition of this important statute.

J. Sloane
1840 - 1844

Mr. Sloane pointed out the incompetence of many school officials and employees in making school reports. He stated, "It is a circumstance calculated to excite no slight degree of mortification, that, after the Government of the state has provided every facility for rendering the system effectual for the accomplishment of its object, the condition of the Common Schools is decidedly worse at the present than it was the last year." (Report, January 22, 1844.) He recommended the purchase by townships of the "School Library" (a work of 35 volumes published by the Massachusetts Board of Education) as a "means of diffusing information among the youth of the state". (Report, January 22, 1844.) A revision of the school laws then in force was made under him.

Samuel Galloway
1844 - 1849

Mr. Galloway was very active in behalf of the schools, and brought them to a higher standard of efficiency. He felt keenly the unfortunate situation of the schools, and in his report of January 14, 1847, he wrote, "The education of our youth has been so shamefully neglected, that no one can consider it a pleasant task to abase his own pride, and the honor of his State, by presenting a truthful picture - one so disreputable to the highest glory of an enlightened people". He advocated teacher-training departments, and inducements to indigent but worthy men to qualify themselves as teachers.
Henry W. King
1849 - 1851

Among the many interesting recommendations of Mr. King for schools were the following:

1. An entire revision of the educational laws of the state and the enactment of a single law, embracing the whole subject, divided into appropriate sections and chapters. This no doubt led to the 1853 version of the school laws.

2. A State Board of Education, with five members, one to act as State Superintendent and the remaining four to serve as District Superintendents. This recommendation was adopted by the legislature in 1851, but was never placed into operation.

3. The State Superintendent should hold office for more than one year for the sake of continuity of philosophy.

In his report to the 50th General Assembly for the year 1851, King painted a doleful picture of education in the following words:

"... it is yet lamentably true that in many portions of the state, and probably in a majority of the counties, the common schools are in a languishing condition. There is a most profound apathy and indifference on the subject of education generally...teachers who are utterly incompetent to teach even the simplest rudiments of knowledge...salaries such as would hardly secure the services of a laborer...schoolhouses ill constructed and ill ventilated so as to incapacitate both teachers and pupils for the occupation in which they are engaged."

Hiram H. Barney
State Commissioner of Common Schools
1853 - 1857

Hiram H. Barney was born on October 7, 1804 at Leyden, Vermont; he was the son of Welsh farmer. He received the opportunities for reading and writing, offered in the small village of Bellville, New York, and for the study of nature on the farm of his parents. Soon after coming of age, he entered Union College, Schenectady, New York, where he was a brilliant student. After graduation from Union College, he studied law. He
possessed a natural aptitude for analysis, and he was endowed with insistent powers of persuasion; these abilities were aided by an excellent command of English. He was a successful teacher.

In 1836-1847, he became superintendent of schools (or principal) of an academy in East Aurora, New York. In 1847 he moved to Cincinnati, Ohio, where he inaugurated the present system of high schools by organizing and supervising Central High School; later he served as principal of Hughes and Woodward High Schools of that city. He was a champion of the high school as the institution best suited for advancing students along the road to knowledge and as an impetus to the entire educational system. In 1849, in 1850, and in 1852, Mr. Barney was a member of the executive committee of the State Education Association of Ohio; later he served as editor of the Ohio Journal of Education. In 1853, he became State Commissioner of Common Schools; he served five years in the Commissioner's office, and then was superintendent of the Circleville, Ohio, schools until 1869, when he returned to Cincinnati.

His death occurred on July 28, 1879 in Cincinnati.¹

His work as State Commissioner of Common Schools.

By provision of the Law of 1853, the State Commissioner of Common Schools was to be elected "every three years . . . for a term of three years and until his successor is elected or qualified . . . and shall receive for his services the sum of $1500 annually, payable quarterly . . .".² Mr. Barney was the first person elected by the people to this office in Ohio.

Much of his time was spent in interpreting and putting into operation the Law of 1853, a task for which he was especially fitted because of his legal training. Like some of his predecessors and successors, he had to

contend with a hostile legislature; but he was so successful in defend-
ing and retaining many of the good provisions of the law of 1853 that
the State Teachers' Association withdrew its agent whom it had employed
to protect the interests of education.

The provisions for district school libraries presented a difficult
problem because the books were not checked upon and soon became scattered
and lost. Mr. Barney urged the collection of books in cities into one big
library, and he was thus instrumental in laying the foundation for the
public libraries of the cities. It is interesting to note that between
1853 and 1856, "Ohio placed within the reach of the youth of the state and
their parents, 332,579 volumes". ¹

As has been true of every chief state school official of Ohio,
Mr. Barney was concerned with the school lands, the irreducible school
funds,² and school taxation, because of the basic relation of all these
matters to the school system. A summary of the progress and the problems
of the schools in the twenty years since the election of Samuel Lewis may
be obtained from the following list of topics which were discussed in
Barney's reports, with recommendation for their adoption or further
development:

(1) Each city, town, village, and township should compose a single
district ... and be under the control of a Board of Education.

(2) Properly constructed school houses ... and ample playgrounds.

(3) Well-educated, efficient, and devoted teachers.

(4) Great care and thoroughness in the examination of teachers.

(5) A system of vigilant and thorough supervision. Competent
visiting agents charged with organizing and superintending
Teachers' Institutes ... and suggesting to teachers, in
their own classes, the best manner of instructing classes.

¹Burns, James J., Educational History of Ohio, p. 240.
²Money obtained from sale of Federal grants of school lands to the
State of Ohio.
(6) A judicious course of study.

(7) Teaching but a few subjects at one time, and teaching them thoroughly.

(8) Uniform series of class or text books ... maps, charts, globes ... chemical apparatus.

(9) Unremitting efforts to secure regular class attendance ... Cooperation of parents and teachers.

(10) Introduction of a system of gradation to the greatest practicable extent.

(11) The establishment of high schools and high school departments, and normal schools.

(12) The education of youth at schools in their own neighborhoods, and the education of both sexes at the same school.

By the Law of 1853, the State Librarian was made secretary to the Commissioner of Common Schools, but often he was too busy to serve as secretary. In his 1856 report, Barney advocated the employment of a full-time secretary for the Commissioner and that this secretary should be familiar with educational matters.  

Anson Smyth  
State Commissioner of Common Schools  
1857 - 1863

Anson Smyth was born at Franklin, Pennsylvania. He prepared for college at Milan, Ohio; he attended Williams College, and was graduated from Yale Theological Seminary. He was a clear thinker, able, sincere, serious, humble, with great common sense and knowledge of human nature; of high integrity, loyalty, and fidelity; with an ever-present humor and pleasantry; a man of strong faith and of broad sympathies; a good general organizer, and an indefatigable worker.

Following his graduation from Yale Theological Seminary, he served as minister of various Presbyterian churches in Connecticut and in Michigan.

1Ohio School Reports, 1854-56, Barney.
He later became pastor of the First Congregational Church at Toledo, Ohio, and because of his great interest in education, he was elected superintendent of schools in Toledo. He was editor of the Ohio Journal of Education (1856), and the Ohio Educational Monthly. After his term as State Commissioner of Education, 1857-1863, he served as superintendent of Cleveland schools, 1863-1867.

His death occurred in 1871.¹

His work as State Commissioner of Common Schools.

As Commissioner of Common Schools, Mr. Smyth devoted much of his time and energy to the selection, purchase, and distribution of books for the school libraries. This was a very difficult and delicate task, but one for which his good judgment, fine literary taste, and high sense of integrity fitted him well. He carried on what would now be termed a national questionnaire study upon the question "of restricting pupils to a much more limited number of studies than was imposed on them in most schools", and also one on "the propriety and feasibility of connecting military instruction with the public school system". He favored both of these school practices. It is interesting to note that while he believed in county supervision he felt "the difficulties of securing competent persons to fill the office and keeping the selection out of party politics were insurmountable". His reports complained of the negligence and inaccuracies of reports submitted to him, of the incompetence of many teachers, and of the "frills and fashions and lack of industry characteristic of female seminaries", and he begged for greater emphasis upon the moral aspects of education.

Emerson Elbridge White
State Commissioner of Common Schools, 1853 – 1866

Emerson Elbridge White was born on January 10, 1829 in Mantua, Portage County, Ohio, the son of farmers. He was educated in the rural schools, in which he himself began to teach at the age of 17. He was a student and an instructor at Twinsburg Academy, and served as principal of Mt. Union Academy. He later attended Cleveland University where he also served as assistant professor of mathematics. He was characterized as a good scholar, a forceful speaker and writer, and an eminent educational journalist.

Some of his other activities included the following: teacher and principal in Cleveland schools; superintendent of Portsmouth schools, 1856-1861; president of Purdue University, Lafayette, Indiana, 1876-1883; superintendent of Cincinnati public schools, 1887-1891; manager of the Ohio Educational Monthly, 1861-1875; and State Commissioner of Common Schools, 1863-1866. In addition, he was the author of widely used mathematical and other textbooks.

Mention should be made in this brief biography of Mr. White's work as superintendent of the Cincinnati schools. While there, he brought about a revision of the Course of Study, eliminating technical grammar, introducing "graded observation lessons" and an elaborate course in "Manners and Morals"; he also altered the mode of promoting pupils from grade to grade from that of sole reliance on the written test to that of teachers' estimates in part.

He died on October 21, 1902.¹

His work as State Commissioner of Common Schools.

Mr. White took office in November, 1863, upon the resignation of Mr. C.W.H. Cathcart who served only nine months, when the schools were suffering the effects of the Civil War era - low tax levies, lack of funds, and poor teachers. He worked to restore better conditions in the schools.

In his first annual report, December, 1863, he pointed out that, though the population of school age had increased only fourteen per cent from 1853-1863, the number of scholars enrolled, the amount paid to teachers, and the value and number of school houses had doubled, thus evidencing the "growing efficiency and popularity of the school system". He concentrated upon the improvement of the teaching personnel by obtaining legislation that provided through examination fees a reliable fund for regular holding of teachers' institutes and the creation of the "State Board of Examiners (March, 1864) with the power to issue life certificates to teachers of eminent attainments and success in their vocation". In his other reports he urged the adoption of the county superintendents plan, which would provide supervision of the schools' work; he also advocated the establishment of professional schools for the training of teachers.

He closed his 1865 Report, which is a most scholarly and elaborate one, with this recommendation: "An efficient system of professional training for the teachers of the State is imperatively needed to infuse new life and vigor into the schools and elevate the standard of public instruction".

John A. Norris
State Commissioner of Common Schools
1866 - 1869

John A. Norris was born on August 10, 1835 near Painesville, Ohio. He received his education in district schools, the Newcomerstown "higher" school (1852), and Marboro school (1853) taught by Mr. Holbrook, later of Lebanon Normal. In 1855 he entered Madison College at Antrim, Ohio; and in 1857 he enrolled in Kenyon College, from which he was graduated in 1860.

For a short time he lived in Baton Rouge, Louisiana, where he served as tutor in a private family. He soon returned to Ohio to become principal and superintendent of Cadiz (Ohio) schools in 1860. Early in the Civil War he enlisted in the army and organized a company of infantry; he later became a Colonel; and was severely wounded in battle. He was elected State Commissioner of Common Schools in 1866.

He died on January 19, 1877. ¹

His work as State Commissioner of Common Schools.

When Mr. Norris entered upon his duties, he had no great following among school people, but when, upon his reelection to office, he resigned in 1869 a great number expressed their regret. "... he harmonized and gave direction to the educational forces, infused a spirit of progress, and left us in his educational reports documents of rare excellence and value."²

In his first report he covered the routine matters, dwelling especially upon the need of county supervision, but closed upon the note that if some plan could be evolved to "carry into our common schools an efficient system

²Ibid.
of military drill, . . . the state of Ohio could in a few years call
into the field an effective army of 200,000 men, and would find in the
improved health of our people an ample reward for the expense and
trouble".

Most of his energies were directed to the establishment of county
supervision of schools. Since many of the provisions of his proposed
bill were later adopted, they are summarized here:

(1) The superintendent to be elected by presidents of township
or other local boards of education.

(2) The superintendent must have certificate of qualification.

(3) The superintendent must give bond of $5000.

(4) The superintendent cannot be agent for any author, publisher,
or bookseller, or receive fee for his influence.

(5) The superintendent may be removed from office for specified
causes.

(6) The superintendent shall visit and examine each school in the
county.

(7) The superintendent shall conduct a teachers' institute, or
see that one is conducted.

(8) The salary is dependent on number of students.

(9) The superintendent is ex-officio member of County Board of
Examiners.

(10) Vacancies in office to be filled by State Commissioner.

William Downs Henkle
State Commissioner of Common Schools
1869 - 1871

William Downs Henkle was born on October 8, 1828 at Pleasant Hill,
Clark County, Ohio. He was educated in the Springfield schools, where he
graduated from high school in 1846, after having taught school during the
winter of 1845-1846. He attended Wittenberg College, but left before

1Ohio School Report, 1866-1868, Norris, p. 59.
graduation. In 1876, Wooster University conferred upon him the honorary Doctor of Philosophy degree.

His biographers characterize him as a brilliant classical student who chafed at regular school routine. His name "stands for accurate information, exact knowledge, critical scholarship". He was a diligent and exhaustive reader, with a very penetrating mind.

He held many positions in the educational field. He was a teacher in the Clark county schools, and in Urbana; principal of the Urbana Academy; a teacher in Greenmount (Indiana) College, and in Southwestern Normal School, Lebanon, Ohio; superintendent of schools of Salem, Ohio in 1864; president of Ohio Teachers' Association, 1860; and State Commissioner of Common Schools, 1869-1871. He was prominent in the deliberations of the National Education Association.

His death occurred in 1881.¹

His work as State Commissioner of Common Schools.

Mr. Henkle, who filled out Mr. Norris' term, devoted his time to the very laborious and important work of codifying the school laws. Although he did not succeed in getting it through the legislature, his version was substantially the same as that of the Law of 1873 and much credit is therefore due him.

As was true of many of his predecessors, he advocated more careful school enumerations and filing of reports, county supervision, and the establishment of normal schools.²

²Education in Ohio, Centennial Volume, p. 344.
Thomas W. Harvey was born on December 18, 1821 in Vermont; he was a
the son of a farmer. He was educated in the district schools of Vermont
and in Concord, Lake County, Ohio, where the family moved in 1833. After
self-education in the higher branches, he entered Western Reserve
Teachers' Seminary at Kirtland, Ohio, in 1845. He was an industrious
and diligent student, a tactful teacher, a warm and loyal friend, and a
tried and trusted leader.

From 1836 to 1841 he worked at the printer's trade on the Republican,
a Painesville, Ohio, newspaper. In 1841, he became a teacher; in 1851
he was elected superintendent of schools at Massillon, where he put into
practical operation the Akron Law relating to the proper grading of
schools, a regulation which he had strongly advocated; in 1871, he was
elected Commissioner of Common Schools; and in 1877, superintendent of
schools at Painesville. After 1883 he was institute instructor, education-
al lecturer, and a member of the Boards of Trustees of Lake Erie Seminary
and Grand River Institute.

He died on January 20, 1892.¹

**His work as State Commissioner of Common Schools.**

"A full biography of Dr. Harvey would be almost a complete history of
public education in Ohio for the last half century. Every true education-
al reform has had him at the helm".² This quotation serves as an index
of the many and important activities of his administration. The
Commissioner's reports of this six-year period cover all the questions of

²Ibid.
administrative policy and educational philosophy of that time. Among the newer interests which he recognized were the recommendation for the appointment of a Board of Institute Managers, the introduction of mechanical drawing into the public schools as a branch essential to the skillful mechanic, and the appointment of a "truant marshall in every city" to counteract the evils of irregular attendance although he is "in doubt about the policy of an immediate compulsory attendance law".\(^1\) He did much to "systematize, broaden, and make more efficient the country schools of the state".\(^2\)

In 1873 the school laws were codified, and though not much more was included than in the laws of 1853, the codification did bring the laws together and make more certain the various administrative duties and powers.

Charles Selden Smart
State Commissioner of Common Schools
1875 – 1878

Charles Selden Smart was born on February 25, 1835 in Charlestown, Virginia; he was the son of an architect. He was educated in the district schools of Ohio, and then attended Ohio University from which he was graduated with honors. He read law under Judge Welch of the Ohio State Supreme Court, and at the same time he carried on a scientific and classical course at Ohio University from which he received a B.A. degree in 1864, and a M.A. degree in 1867.

Mr. Smart was an exceptional scholar, an able teacher, and a good administrator. During 1875–1878, he served as State Commissioner of Common Schools.\(^3\)

He died in 1878.

\(^1\)Ohio School Report, 1873, Harvey.
\(^2\)Burns, James J., Educational History of Ohio, p. 414.
\(^3\)Ibid.
His work as State Commissioner of Common Schools.

In his first report (1875) he gave large emphasis to the many severe problems of the township schools. He said, "Give to the township schools the same administration of school system that has been given to the city and village districts, and the schools of the township districts will be as efficient, as wisely and as economically managed, as prolific of good results as those of the city and village districts".¹

Much of his time during the first two years of his term was spent in preparation for the Ohio School Exhibit at the Philadelphia International Exposition, the responsibility and management of this exhibit being his.

In his later reports he severely criticized the continued carelessness in the filing of reports by the school districts, the frequent use of institutes for the profit of the managers rather than for the good of the teachers, and the disproportionate amount spent on high schools in comparison with the expenditures for grade schools. He strongly advocated the establishment of really good and supervised kindergartens.

James J. Burns
State Commissioner of Common Schools
1873 - 1881

James J. Burns was born on October 26, 1838 in Brownsville, Licking County, Ohio; he was the son of a Methodist Protestant minister. He was educated in the Steubenville public schools, and later read law at Natchez, Mississippi. According to his biography, his early teaching experience was received in the Tiltonsville, Ohio, schools in 1857 and in the academy at Union Church, Jefferson County, Mississippi, of which he was principal in 1858. Upon his return to Ohio, he became principal of the Washington schools in Guernsey County, and later he served as

¹Twenty-Second Annual Report of the Commissioner of Common Schools, 1876, p. 59.
principal at St. Clairsville, Belmont County. In 1878-1881, he became Commissioner of Common Schools. After service in the Chillicothe, Lancaster, Dayton, Canton, and Defiance schools, Mr. Burns became associated with the Ohio Teachers' Reading Circle, and "contributed a little to the 'making of many books' of which 'there is no end'."\(^1\)

He died in 1911.

**His work as State Commissioner of Common Schools.**

By direction of the General Assembly, an edition of the School Laws was prepared and distributed by him in 1879. In his report for 1880, Mr. Burns, who had a gift for flowery language, discussed the impropriety of "over-dressing" at high school commencements, the suggestions for a State Board of Education to take the office of commissioner "out of politics" (which he questioned), the waste caused especially by employment of poor teachers, the problem of child labor as a cause of non-attendance, and the need for emphasis upon and the encouragement of the reading of good books. He concluded his report by stating that Ohio's school system was inferior to that of most other states, that something should be done to obtain better qualified teachers, that every district should be under the supervision of a skilled expert, and that each township should be a school district.

Daniel F. DeWolf
State Commissioner of Common Schools
1881 - 1884

Daniel F. DeWolf was born in 1824, in Lenox, New York. He attended Oberlin College, but left (1844) at the end of his sophomore year. He was granted an honorary A.M. degree by Miami University (1854), an honorary A.M. degree by Oberlin College (1867), and an honorary Ph.D. degree by Wooster University (1874).

After the Civil War, during which he served with the 55th Ohio Infantry, he returned to teaching. He served as superintendent of schools in Norwalk, Tiffin, and Toledo. "To his energy, watchfulness and judgment, the Toledo schools were much indebted for the good degree of efficiency and success which attended them for the 12 years of his service".¹ During his school superintendency at Toledo, the schools were carefully graded, and German, gymnastics, and music were introduced into the course of study. From 1876–1880, he was a professor of modern languages and rhetoric at Western Reserve University, from which he resigned to become State Commissioner of Common Schools.

He was the author of several elementary school text-books; the best known of these books was his *Intellectual Speller* which was used extensively as a textbook for twenty-five years. He also did considerable writing for educational journals. He was an ardent advocate of equal educational opportunities for all races.

He died in Marietta, Georgia, on August 18, 1903.²

**His work as State Commissioner of Common Schools.**

Mr. DeWolf's discussions as Commissioner of Common Schools gave particular "attention to the sanitary condition of school buildings and premises, and to the best care that science suggests to the pupils and to the need for a knowledge of individual and social economy, and of elementary science".³ In line with his interest in improving the individual he published a syllabus of lessons on the human body.

In his report for the year 1883, he includes under "plans for the management and improvement of common schools" essays on such topics as these:

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¹ History of Toledo, Wagner, p. 616.
² Data from Letter (December 14, 1942) of Frederick C. Waite, Professor Emeritus of Western Reserve University.
(1) Professions and their relation to society.

(2) Suggestions as to the cheapest and most feasible plan for the professional education of teachers by legislative provision.

(3) The growing interest in practical as distinguished from mere book education.

(4) The growing necessity for simplifying the management of township schools and facilitating the establishment of higher schools than the primary in these districts.

Leroy D. Brown
State Commissioner of Common Schools
1884 – 1887

Leroy D. Brown was born on November 3, 1848 in Noble County, Ohio. He was educated in the district schools, and then in the graded school at Senecaville. He entered an academy at Athens for partial college preparation, and in 1869 he enrolled in the preparatory department of Ohio Wesleyan University; he was graduated from Ohio Wesleyan University.

At the age of 16 he enlisted in Company H, 116 O.V.I., where he served until the end of the Civil War. He taught his first school in 1866-1867, and continued to teach while he was in college. In 1871 he was appointed county school examiner in Noble County; thereafter he was school examiner in nearly every county in which he taught. He served as superintendent of schools at Newport, Belpre, Eaton, and Hamilton, and became State Commissioner of Common Schools in 1884.

Upon leaving the commissioner's office, he engaged in the banking business for a short time in Alliance, but soon went to Reno, Nevada, as president of the State University of Nevada. From this position he went to the superintendency of the Los Angeles schools. Wherever he was, he was always active in educational associations.

He died on January 13, 1898.\(^1\)

His work as State Commissioner of Common Schools.

Mr. Brown was the first Commissioner to hold office under the Act of March 27, 1884 which provided for the triennial election of "a state commissioner of common schools, who shall hold office for the term of three years from the second Monday of July succeeding his election"¹

... instead of the second Monday of January, as heretofore.

Like many of his predecessors, he urged and recommended the improvement of the county schools by "the concentration of authority in one board of education for each township district", and by better supervision and increased library facilities.

He believed that "a complete system of secondary education is essential to the success of elementary education..." He was also one of the strongest advocates of a state board of education for Ohio; on this matter he said: "It is unfortunate that Ohio is without a State Board of Education with authority to decide what is a high school, a normal school, a college or university", and thus end the system of "selling degrees" carried on by unscrupulous institutions. He continued: "A State Board of Education, composed of the State Commissioner of Common Schools, the presidents of the three state colleges, and three other persons appointed by the Governor and confirmed by the Senate is, in my judgment the most pressing need of public instruction in Ohio".²

During his incumbency, the General Assembly, in 1886, appropriated $5000 to establish a normal department at Ohio University - "the first money ever appropriated by the state for the professional preparation of teachers".³

²Ohio School Report, 1885, Brown, p. 5.
³Burns, James J., Educational History of Ohio, p. 311.
Eli Todd Tappan
State Commissioner of Common Schools
1887 - 1888

Eli Todd Tappan was born on April 30, 1824 in Steubenville, Ohio; he was the son of Judge Benjamin Tappan, United States Senator from Ohio, from 1839 to 1845. He was educated in the Steubenville schools and by private tutors, and continued his education at St. Mary's College, Baltimore, Maryland, until 1842 when he left to study law. He received his M.A. degree in 1860. He received the degree of LL.D. from Williams College in 1873 and the same degree from Washington and Jefferson College in 1874.

From 1846-1848, Mr. Tappan published a weekly newspaper, the Ohio Press, in Columbus, and for about nine years thereafter he practiced law in Steubenville. He gradually became interested in educational work, and in 1854 he delivered a lecture on Arithmetic in Steubenville. His interest was in mathematics, and he taught this subject in Steubenville schools, in Ohio University, and in the Mt.Auburn (Cincinnati) Young Ladies' Institute. He served at various times on the Board of State School Examiners, as president of Kenyon College (1869-1975), as president of both the Ohio Teachers' Association and the National Education Association, and as member from Ohio on the National Council on Education. In 1865 he wrote the geometry and trigonometry books for the Ray series of mathematical textbooks.

He died in office on October 23, 1888. ¹

His work as State Commissioner of Common Schools.

Dr. Tappan's term of office was cut short by death, but his short experience showed him the necessity of adding his voice to the voices of the chief state school officials who had gone before him. He recommended to the General Assembly legislation that would speed up, and require more

¹Ohio School Report, 1888, Hancock, p. 6.
accuracy and consistency in, the reports filed by County Auditors, that
would bring more and better supervision to township schools, and that
would make more effective the work of the State Board of Examiners in
the certification of worthy and able teachers.

John Hancock
State Commissioner of Common Schools
1888 - 1891

John Hancock was born on February 19, 1825, near Felicity in Clermont
County, Ohio; he was the son of a carpenter. His early education was
received in the district schools, in Clermont Academy, and in Farmer's
College at College Hill, Cincinnati. He did not complete his college
course, but he continued his study in the library of his foster mother,
and this study, according to one biographer, "did more to shape his career
than the schools he attended".

He taught in the Clermont County schools and in Amelia, Batavia, and
New Richmond; he then taught in the Upper Race Street school of Cincinnati
(1850), and of this school he later became principal. From the principal-
ship of the First Intermediate School, he was promoted to the superintendency
of the Cincinnati schools in 1867. He later went to the superintendency of
the Dayton schools. In 1886 he attended the World's Fair at New Orleans
as Ohio's educational representative and returned to the superintendency
of the Chillicothe schools. In 1888 he was appointed Commissioner of
Common Schools to fill the vacancy caused by Dr. Tappan's death, and then
was himself elected to the office in 1889.

"He was a ready writer and large contributor to educational periodi-
cals". He was always active in the Ohio Education Association, the National
Teachers' Association (now the N.E.A.), and the National Council on Education.

He died in office on June 1, 1891. 1

1Burns, James J., Educational History of Ohio, pp. 411-412. Biography by
Samuel Findley.
His work as State Commissioner of Common Schools.

Just as had many of his predecessors, Mr. Hancock believed and urged that the township should be made the school administrative unit, that each township should have a school board and a superintendent, "and that these be subordinate to a county board of education, who are in turn subordinate to a State Board of Education, having general supervision over the whole system."

In addition, he added his voice to the voices of persons who recognized the need of establishing separate state normal schools. He frequently discussed the training and the tenure of teachers.

Charles C. Miller
State Commissioner of Common Schools
1891 - 1892

Charles C. Miller was born in 1856, in Baltimore, Fairfield County, Ohio; he was the son of a carriage maker. His early education was obtained in the rural schools, and then in the Fairfield Union Academy at Pleasantville, from which he was graduated in 1876. After teaching school one year, he entered the Ohio State University in 1877 and was graduated an honorary in 1883. In 1903, he received / Ph.D. degree from Ohio University.

His early teaching experience was secured in the rural schools. His administrative experience was obtained as superintendent of schools at Eaton (Preble County), at Ottawa (Putnam County), at Sandusky, at Hamilton, and at Lima. He served as the Commissioner of Common Schools, 1891-1892, and as state school examiner in 1901. He was the first alumnus of The Ohio State University to be appointed to membership on the Board of Trustees of that institution. 2 He died in 1927.

1Ohio School Report, 1888, Hancock, p. 22.
His work as State Commissioner of Common Schools.

Mr. Miller was appointed to the office of commissioner upon the death of Commissioner Hancock. He resigned before completing the term. He was the first commissioner to act as Secretary of the School Book Board.

Oscar Taylor Corson  
State Commissioner of Common Schools  
1892 - 1898

Oscar Taylor Corson was born on May 3, 1857, near Camden, Ohio; he was the son of a farmer. He was educated in the public schools. He attended and was graduated from Ohio Wesleyan University. In 1888 he received an honorary M.A. degree from his alma mater; and in 1907, a LL.D. degree from Wooster University.

A varied experience as a teacher in rural schools (1875-1878), as principal of Fair Haven schools (1878-1879), as superintendent of schools of Camden (1880-1883), of Granville (1883-1887), and of Cambridge (1887-1891), fitted him for the work of State Commissioner of Common Schools to which he was elected in 1892. While in office (1895), he became editor of the Ohio Educational Monthly. He was a trustee of The Ohio State University from 1899-1913, president of the State Teachers' Association, corresponding secretary and treasurer of the State Reading Circle Board, and a popular speaker upon educational topics. ¹ He died April 14, 1928.

His work as State Commissioner of Common Schools.

In his various school reports during his several terms of office, Mr. Corson recommended "the subsidizing of colleges, universities, or normal schools of the state that would establish normal departments approved by the State Board of Examiners". He favored increased library facilities; he upheld the Workman² and Boxwell Laws (1892); and in all cases he favored the

¹ Ohio Schools, and Ohio Blue Book, p. 30.
² The Workman Law provided that children who passed the Boxwell Examination might be admitted to any high school of their choice in the state of Ohio.
"permissive features" of the school laws which left the control of schools (excepting school-age and teachers' qualifications) to local authorities.

During the years when he was State Commissioner of Common Schools, the Workman Law, the Boxwell Law, the law for optional free text-books, and the legislation granting women the right to vote for school board members and to hold school board membership, were enacted. During his administration, Ohio University opened (1897) a pedagogical department.

**Lewis D. Bonebrake**  
State Commissioner of Common Schools  
1898 - 1904

Lewis D. Bonebrake was born on August 23, 1859 at Westerville, Ohio. His elementary and high school education was received in the schools of Westerville. His college work was done at Otterbein University from which he was graduated.

Mr. Bonebrake obtained his school administrative experience as superintendent of schools at Sparta, at Elmore, at Athens, and at Malvern. This experience served him well as Commissioner of Common Schools from 1898 - 1904.

**His work as State Commissioner of Common Schools.**

The administration of Mr. Bonebrake is memorable because in 1902, after 85 years of struggle, during which long period the recommendation and exhortation of almost every chief state school official was heard in favor of it, a law was enacted (the Seese Bill) creating and establishing two state normal schools (at Ohio and Miami) "to provide the proper theoretical and practical training for all students desiring to prepare themselves for the work of teaching" and setting up an annual state tax for those schools, "the rate to be designated at least once in two years,
to build up the Ohio and Miami University fund" for the maintenance of the schools.

In addition, his term of office saw enactments which permitted boards of education to provide for the conveyance of school children at public expense, which provided for the classification of high schools, and which arranged for the publishing of the School Code of 1904.

Edmund A. Jones  
State Commissioner of Common Schools  
1904 - 1909

Edmund A. Jones was born on February 11, 1842 at Rockville, Massachusetts; he was the son of a teacher. His early education was received in the common schools of Rockville, and his college preparatory work was done at Mt. Hollis Academy, Massachusetts. He attended Amherst College from 1860-1862, withdrawing for service in the Civil War with Company B, 42nd Massachusetts Regiment. When discharged from service because of wounds received in battle, he resumed his studies at Amherst College, graduating with a B.A. degree in 1865, and receiving a M.A. degree in 1868. In recognition of his thirty-five years of educational leadership in Ohio, Ohio University conferred upon him an honorary Doctor of Philosophy degree in 1903.

He was a teacher and principal in Lake Forest Academy, Lake Forest, Illinois; superintendent of schools of Massillon, Ohio, 1869-1875 and 1875-1904; and superintendent of schools of Marietta, 1873-1875. From 1904 to 1909 he served as State Commissioner of Common Schools. Other positions that he held were secretary of the Massillon Board of Trade, treasurer of the McClymonds Public Library, trustee of Charity Hotch school and of Wooster College, member of the Ohio State Board of School Examiners and of the board of control of the Ohio Reading Circle, and
president of the Ohio Teachers' Association. He was also associated actively with many other civic and educational organizations.¹

He died on December 23, 1926.

His work as State Commissioner of Common Schools.

Mr. Jones' report for 1904 was devoted to the changes in the administration of school affairs which was made by the new school code, adopted in April, 1904. This enactment added to the work of the Commissioner of Schools the duty of preparing uniform questions for the county examinations of teachers.

His report for 1905 is interesting because it points out the "wholly inadequate provisions" for the housing and carrying on the work of the Commissioner and the State Department of Education. The new duties calling for the preparation of the uniform questions for county examinations and the approving of courses of study submitted by the elementary schools had necessitated the employing of a new clerk. He said, "This gives us three clerks and two stenographers in one room that is poorly lighted and miserably ventilated. The same room must also be used as a reception room for visitors and all who come on business with the office. The commissioner's private office is a part of the same room, separated from the rest by a partial partition about seven feet high".²

The unfortunate lack of space was improved in 1906. In this year also the office of Commissioner of Common Schools was made one of biennial election, and the salary of the office was raised to $4000 per annum, an annual increase of $2000.

¹Burns, James J., Educational History of Ohio, pp. 455-456.
²Ohio School Report, 1900, Jones.
In his report for 1906-1908 he made special pleas for appropriations to carry out the Minimal Salary Law, for the legal authority to appoint two school inspectors, for the more careful chartering of colleges, for the participation of a greater number of school districts in centralization, for more attention to be given to industrial education, and for provision for more normal schools.

John W. Zeller  
State Commissioner of Common Schools  
1909 - 1911  
January 22, 1943  
John W. Zeller was born in the "Black Swamp" region of northwestern Ohio, of German-born parents. His early education was received in the Hancock County rural schools, where he began teaching at the age of seventeen.

While teaching, he continued his studies and was admitted to the bar. For twenty-five years he was superintendent of the Findlay schools, carrying his administration ably through the mushroom-like expansion of that city. He was always an enthusiastic and active proponent of educational associations.\(^1\) He died April 7, 1926.

His work as State Commissioner of Common Schools.

In 1909, according to a 1908 law, two high school inspectors were appointed by Mr. Zeller, and this began a new venture in the State Department of Education of Ohio.

Mr. Zeller carried on his predecessors' exhortations in behalf of the urgent school problems. He exhorted especially on the need for school centralization and for county superintendents of schools.

In his final report, he urged that something be done to make possible the rendering of a more accurate state school report in a shorter time, in order that it might be of more use to school officials and employees and other citizens of the state.

Frank W. Miller
State Commissioner of Common Schools, 1911-1912; and
State Superintendent of Public Instruction, 1912-1916

Frank W. Miller was born on January 23, 1866. His education was
obtained in the Dayton public schools, Lebanon Normal, Dartmouth College,
and Cornell University. He taught in the rural schools from 1887-1889
and in the Dayton high schools from 1893 to 1911. In 1911 he was
elected State Commissioner of Common Schools, which title was changed
to that of State Superintendent of Public Instruction in 1912. In 1916,
he became superintendent of schools in Dayton. From 1937 to 1941 he
was a member of the Ohio Legislature.¹

His work as State Commissioner of Common Schools and as State
Superintendent of Public Instruction.

In his first report, Mr. Miller pointed out the benefits that had
been gained from the high school inspectors and that would be derived from
a uniform school textbook law for the elementary school grades. In 1914,
the first Board of High School Inspectors was created by statute, and
for the board the state superintendent was to serve as ex-officio chairman.

In 1913 the state superintendent was given power to authorize state
expenditures for local classes for handicapped children – blind, deaf,
crippled.

In his report for 1912, Mr. Miller changed from the custom of his
predecessors of including "articles on certain subjects of interest to
the schools". He began the practice of publishing such articles in
pamphlet form, in order that the articles might have more general distribu-
tion. He thereby kept the annual report for strictly statistical data.

¹Ohio Legislative History, 1909-1912, p. 197.
During his administration, the Law of 1914 was enacted; this law restated in toto the duties of the state superintendent of public instruction. At the same time the New Rural School Code was enacted; this code provided, among other things, for the county supervision of schools through a county superintendent.

Frank B. Pearson  
State Superintendent of Public Instruction  
1916 - 1920

Frank B. Pearson was born in Catawba, Clark County, Ohio. He began his education in the Clark County schools, and then attended Wooster College, from which he was graduated in 1888.

His was a varied experience. He was professor of Latin at Macalester College, St. Paul, Minnesota. He returned to Columbus, Ohio, to become principal of East High School, which position he filled for eleven years, when he resigned to become high school visitor for The Ohio State University (1908-1914). From 1914 to 1916 he was state high school inspector, and in 1916 he was appointed State Superintendent of Public Instruction. He was the author of several books on education; he served as the managing editor of the Ohio Educational Monthly, 1901-1916.¹

He died in Columbus on September 26, 1938.

His work as State Superintendent of Public Instruction.

In 1918 the State Board of Vocational Education, as a result of the approval by the General Assembly in 1917 of the Smith-Hughes Act, was established, and the state superintendent was made an ex-officio member of the Board. Mr. Pearson devoted a large portion of his time and energy to the introduction of this important work throughout the state.

¹Ohio Legislative History, 1913-1917, p. 151.
Vernon M. Riegel  
State Director of Education  
1920 - 1927

Vernon M. Riegel was born in May, 1876 in Fairfield County, Ohio. He attended the public schools of Fairfield County, Fairfield Union Academy, National Normal School at Lebanon, and The Ohio State University College of Law.

He was admitted to the bar in 1899. However, his interests turned to education and he spent several years as a teacher in Fairfield County, in Wood County, and in Marion County. He became superintendent of schools in Prospect, and from there he went to the county superintendency of schools of Marion County. In 1920 he was appointed State Director of Education, he being the first chief state school official to serve under that title. Since leaving office in 1927, he has conducted the Riegel Teachers' Employment Agency, Columbus, Ohio.¹

His work as State Director of Education.

During Mr. Riegel's administration an assistant state director of education was provided for by statute. The Director of Education became an ex-officio member of the board of trustees of Kent, Bowling Green, and Wilberforce Universities, and a member of the board of trustees of the Ohio Archaeological and Historical Society, of the State Library Board, and of The Ohio State University board of trustees (with power to speak, but not to vote).

During this period, too, the increase of state aid to weak school districts involved a closer connection with and supervision of county schools, and brought an expanded state department of education. Several divisions were added to meet the new demands. These divisions were:

¹Ohio Schools, Biographical data also from a letter to the author.
Vocational Rehabilitation (for persons disabled in industry or otherwise), Act of June 2, 1920; Special Education (handicapped children), 1921; Film Censorship, 1921; High School Supervision; Geological Survey; Visual Education, 1925; Certification (State Board of School Examiners begun in 1864).

John L. Clifton
State Director of Education
1927 - 1931

John L. Clifton was born on June 13, 1881 at Etna, Ohio. He was educated in the Etna public schools, in Ohio University from which he received a B.A. degree, and in The Ohio State University from which he received a Ph.D. degree.

His early educational experience was received as a teacher in the rural schools of Licking County; and then as superintendent of schools at Homer, 1903-1907, and at Mendon, 1907-1911. From 1911 to 1913 he was in the Examining Division of the State Department of Education, and from 1913 to 1916 he was assistant state superintendent of schools. He joined the faculty of The Ohio State University in 1916, from which he took a leave of absence from 1927 to 1931 to serve as State Director of Education; he returned in 1931 to The Ohio State University as Professor of Education, in which capacity he is still serving.

His work as State Director of Education.

During Mr. Clifton's administration, the State Department of Education continued the expansion, begun under Mr. Riegel, and added many divisions which reflected the demands and the trends in the educational thinking of the times. The divisions added, or operating under new titles were: Teacher Training; Music; Child Accounting; Adult Education; Examination and Licensing; Scholarship Tests; Health and Physical Education; Guidance; Radio (Audio) Education (School of the Air); Educational Research; Parent Teacher Association.
Beverly O. Skinner
State Director of Education
1931 - 1935

Beverly O. Skinner was born on February 16, 1875 in Redfield, Perry County, Ohio. His early education was received in the Perry County schools. He continued his education, receiving a B.S. degree from Wilmington College, a M.S. from Ohio University, and a Ph.B. from the University of Chicago.

He taught in the rural schools of Ohio from 1893-1896, and was a high school principal from 1898 to 1903. He went to Streator, Illinois, as superintendent of schools (1903-1907) and returned to Ohio to become superintendent of schools of Athens (1907-1916), and of Marietta (1916-1928). From 1928 to 1931 he was President of Wilmington College, which position he left to become State Director of Education, 1931-1935. Upon leaving the directorship, he retired to manage his farm near Marysville, but soon became active as a lecturer for farmers' institutes.¹

His work as State Director of Education.

Mr. Skinner's first report covered a period in which the financial condition of the schools had reached a critical stage. "Retrenchment in expenditures were necessitated by low revenues, bank failures, decreased public incomes, depletion of boards' credit, unemployment and the general economic upheaval".² This serious condition led to the appointment of "The School Survey Commission", whose suggestions resulted in aid through the Liquid Fuel and Intangible Tax, and the eventual inauguration (June, 1935) of the School Foundation Program, providing for the partial per-capita financing of the schools.

¹The Ohio Blue Book, p. 338.
In the meantime, under retrenchment necessities, the following staff members of the Department of Education were eliminated in 1931:
Director of Scholarship Tests; Director of Guidance; Director of Research and Statistics; Assistant Director of the School of the Air; Supervisor of Visual Instruction; Supervisor of Physical and Health Education; Supervisor of Teacher Training; Supervisor of Special Rehabilitation; Supervisor of Rural Schools; and the Assistant Supervisor in Trades and Industries.\(^1\)

However, by some shifting of divisions, by gratuitous and part-time service, and by other special arrangements, the work of the state department continued to be carried on effectively in spite of the financial difficulties. The organization of the department under Mr. Skinner was as follows:

(1) Public Instruction
   Music
   Physical and Health Education
   High School Supervision
   Visual Instruction
   College Curricula
   Statistical Research
   Child Accounting and School Finance

(2) Special Classes for the Deaf, Blind, and Crippled

(3) Vocational Education
   Home Economics
   Trades and Industries
   Agriculture
   Vocational Rehabilitation

(4) Radio - Ohio School of the Air

(5) Educational Equalization

(6) Publications (formerly Certification)

(7) Scholarship

(8) Associate Divisions
   State Library
   Film Censorship
   Geological Survey
   Parent Teacher Association
   State School for the Blind
   State School for the Deaf

During this administration, too, the department moved (1933) from the limited quarters in the state house annex to the new state office building.

E. Leslie Bowsher
State Director of Education
1935 - 1937

E. Leslie Bowsher was born on September 30, 1890 at Gridersville, Ohio. He was educated in the public schools of Ohio. He received a B.A. degree from Defiance College in 1913 and a M.A. degree from the University of Michigan in 1926.

He has served as superintendent of schools at Waverly, Wauseon, and Ashland; and since 1937, he has been superintendent of schools of Toledo. He has taught in the summer schools of Defiance College and Bowling Green State University; he was a trustee of the latter institution from 1922-1927. He was appointed State Director of Education on August 15, 1935, and served until August 15, 1937, when he resigned to accept the superintendency of schools in Toledo, which position he still holds.¹

His work as State Director of Education.

During Mr. Bowsher's administration, the organization of the State Department of Education remained about the same as in the preceding administration. Two new divisions were added: the Division of Higher Education and Certification, and the Division of Pupil Transportation.

Problems which confronted this administration were the putting into effect of the Foundation Program, the new teacher certification laws, the reorganization of local school units in rural areas, the revision of the high school standards, and the reorganization of the Teacher Training division.

Edward N. Dietrich
State Director of Education
1937 - 1941

Edward N. Dietrich was born on June 4, 1887 in Pike County, Ohio, and was educated in the Pike County schools. He attended Ohio Wesleyan University from which he received a B.A. degree and The Ohio State University from which he received a M.A. degree. While Director of Education, he was awarded an honorary LL.D. degree by Ohio Wesleyan University.

His early experience as a teacher was received in the schools of Pike and Ross counties and in East High School, Columbus. He was superintendent of schools in Geneva and also in Bucyrus, leaving this latter position to become assistant state director of education in 1935. Upon Mr. Bowsher's resignation, he was appointed State Director of Education for the term of 1937-1941. Recently he has joined the faculty of Ohio Wesleyan University to assist in the teaching of the Naval Training Unit there.

His work as State Director of Education.

Mr. Dietrich's administration carried on the policies begun by Mr. Bowsher. Keeping step with the changing world conditions, provision was made for the following new divisions: Emergency Schools; Distributive Education; Defense Training Schools; and Conservation.
Summary.

This chapter has presented (1) short biographical sketches of the men who have occupied the position of chief state school official in Ohio, and (2) the salient features of their administrations as presented in their Annual Reports. The purpose has been two-fold: (1) to bring together for quick reference salient personal and educational data on these educational administrators, and (2) to show how slow and laborious has been the development of the educational system of a typical American state.

In the first half-century after Ohio finally made permanent provision for a chief state school official, the annual reports are largely discussions of educational theories, practices, and recommendations rather than of educational achievements. This is perhaps understandable, because firm foundations are usually slow in shaping.

It took almost forty years to establish the office of chief state school official; then, after only three years of existence, it was discarded for sixteen years, before being re-established. It took seventy-five years to bring about county school supervision, and eighty-five years were required to obtain state normal schools. In 1811 the Commissioner of Common Schools was still seeking some means of making the state school reports more accurate and speedy. Since the time of the first chief state school official (1837), there have been favorable expressions for a state board of education; and a half-century ago, Commissioner Brown made specific recommendations for such a board; these recommendations have been reiterated time and time again, but to no avail. Verily, the "mill of education grinds slowly".
In the last quarter of a century, the State Department of Education has had more cooperation from the General Assembly; it has, therefore, made more rapid progress, and many new divisions have been added to its organization. Perfection, though, has not been reached as later chapters will show.

Note: The data for the above biographies were obtained variously, as follows:

- *Who's Who in America*.
- Monroe's *Encyclopedia of Education*.
- Appleton's *American Biography*.
- Letters from subject or subject's family.
CHAPTER V

A RE-CODIFICATION OF THE PRESENT LAWS PERTAINING
TO THE ORGANIZATION OF THE OHIO DEPARTMENT OF EDUCATION

The Nature and Scope of this Re-codification.

In the preceding chapters the evolution in Ohio of the office of
chief state school official and the State Department of Education have
been discussed. In the succeeding chapters the present status of that
office and department will be examined, and recommendations looking
toward the improvement of them will be made. The present chapter will
deal with a proposed re-codification of the present laws pertaining to
that office and department.

Much of the last year (1942) was spent by the author in a study of
the present school laws of Ohio. On the basis of that study, many
changes in the laws were recommended to the 95th General Assembly,
which met in January, 1943. Of particular interest to the problems
of this dissertation were the sections of law dealing with the State
Superintendent of Public Instruction and with the various divisions of
the State Department of Education. Some of those sections have been
recommended to be changed completely, others to be changed only in some
of their wording, and still others to undergo no change at all. This
chapter deals only with more or less minor changes which should be made
in the present school laws. It does not deal with the more fundamental
changes that are needed; those changes will be discussed in the final
chapter of this work.
New Divisions Needed by the Ohio Department of Education.

Through the enactment in 1921, by the 84th Ohio General Assembly, of a code reorganizing all of the administrative departments, bureaus, divisions, and commissions of state government then existing, the present plan of organization of the administrative departments of state government in Ohio was established. The plan of organization that was then set up, including not only the administrative departments that were then created but also the various offices provided for within the several departments, has with the exception of a few minor changes made by succeeding legislatures, remained in operation during the last two decades.

The code which was enacted in 1921 created only the two following divisions within the State Department of Education: (1) the Division of Examination and Licensing, and (2) the Division of Film Censorship. At that time, there was little or no need for additional divisions to be specifically provided for by statute. But the 21-year period that has since elapsed has been marked by a broad expansion of the duties and responsibilities with which the Department of Education is charged. This expansion has resulted both from a widening of the scope of the fields of activity existing in 1921 and through the addition of numerous fields in which the Department of Education did not then engage. New divisions should now be created to care for these widened and widening activities. These new divisions that are needed will be discussed herewith.

In 1921, the work of the department, in distributing state school funds under the provisions of the educational equalization law then in effect, was a simple task compared with the present task of apportioning funds in accordance with the Foundation Program law, enacted in 1936,
for state support of all public schools. In 1921, only a small percentage of the state's school districts received financial aid from the state; under the present law, however, all of the 1,646 school districts are eligible for, and receive, state financial support. In 1921, the administration of the educational equalization law involved the distribution of only a few million dollars; today, however, the amount of state money annually distributed is in excess of $48,000,000. Inasmuch as this particular function of the State Department of Education is primarily one of bookkeeping and accounting, since the apportionment to each school district is determined by formulae written into the statutes, the function should be divorced from the instructional phases of the work of the department through the creation by statute of a Division of School Finance.

Through legislation enacted in 1935, it became the duty of the Director of Education to establish standards and courses of study for the preparation of teachers, to provide for the inspection of teacher training institutions, to approve such institutions as maintain satisfactory training procedures, and to properly certificate the graduates of such approved institutions. In order to carry out the requirements of the statute just mentioned, it would be desirable to have a separate division to which would be assigned all of the duties just enumerated and any other duties related to teacher preparation and certification. It is, therefore, recommended that there be created within the department a Division of Teacher Training and Certification.

During recent years, Ohio has made marked progress in the field of special education, that is, education for handicapped children. All of the legislation now in the Ohio statutes relative to the establishment and maintenance of classes for blind, deaf, and crippled children, to
the payment of tuition for and the transportation of children in such
classes, to the home instruction for crippled children, and to the in-
struction for children of school age who are patients in tuberculosis
hospitals, has been enacted since 1921. The sections of the statutes,
which pertain to the instruction of handicapped children, confer upon
the Director of Education the authority to see that the provisions of
the various sections are complied with.

Section 7761 of the General Code provides that the Director of
Education shall select some competent person or persons to inspect, at
least once a year, all of the classes for deaf, blind, and crippled
children that are established in accordance with the provisions of
Section 7755 of the General Code. It is further provided by statute
that the Director of Education shall prescribe standard requirements for
day schools for the deaf, blind, and crippled, and for other instruction
of such children entitled to state reimbursement; these requirements shall
include the conditions under which such schools shall be conducted, the
methods of instruction and supervision, the qualifications of teachers
and the conditions and terms under which they are to be employed, the
special equipment and agencies for instruction provided, and the conditions
of the rooms and buildings in which the schools are held. Furthermore,
under the provisions of Section 7755 of the General Code, the Director
of Education has the responsibility of distributing the state funds
appropriated by the legislature which subsidize the cost of conducting
the classes that are maintained for handicapped children; since this work
is definitely in a field distinct from the ordinary phase of public
instruction carried on by a state department of education, there should be
established by statute a separate division of Special Education.
It was the intent of the legislature, when it enacted the reorganization code of 1921, to attach to the then existing nine administrative departments all of the existing boards, commissions, and agencies of the state government that it wished to retain. The text of Section 154-46 clearly shows that it was the judgment of the General Assembly that seven state boards, namely, (1) the state board of accountancy, (2) the state medical board, (3) the nurses' examining committee, (4) the state board of optometry, (5) the state board of pharmacy, (6) the state dental board, and (7) the state board of embalming examiners should be attached to the Department of Education. However, an unusual provision was written into Section 154-46; instead of making a definite provision that these boards should be attached to the Department of Education for administrative purposes, the law conferred upon each of the seven boards the authority "to delegate to the Department of Education any of the powers or duties in them vested by law with respect to the matters and things concerning which the department is herein directed to make recommendations". The same section further provided that "the Department of Education is hereby authorized and required to exercise any such duty so delegated with like effect in law as if the same had been exercised by the board so delegating such power". Emphasizing the fact that the legislation was permissive and not obligatory, leaving to the membership of each board the right to determine whether or not it would establish any administrative relationship with the Department of Education, the concluding sentence of the existing section provides that "Nothing in this chapter shall be so construed or applied as to compel the delegation of any such powers or duties". In conjunction with Section 154-46, the legislature sought to make provision for the administration of the
examining and licensing boards, in the event they elected to delegate any of their powers or duties to the Department of Education; this was done by creating under Section 154-46 the Division of Examining and Licensing within the Department of Education.

With the exception of the Division of Examining and Licensing, none of the boards mentioned above has elected to delegate any of its powers or duties to the Department of Education. Since those provisions of Sections 154-46 that refer to these boards are meaningless, they should be repealed. With these provisions no longer a part of the statutes, the provision in Section 154-46, which authorizes a Division of Examining and Licensing within the Department of Education, becomes obsolete and Section 154-46 should therefore be amended to remove such provision.

With Section 154-6 amended to remove the provision for a Division of Examination and Licensing, Section 154-13 becomes obsolete and it should also be repealed.

Changes in and Codification of Present Laws.

In order to have available in a single unit for convenient reference the legislation pertaining to the powers and duties of the chief state school official and the divisions under his direction, the sections of the Ohio Laws which deal with these particular areas have been gathered together below. Rather than to paraphrase and thus give only a partial view of the laws, it was decided to quote in verbatim the sections as they have been proposed to the 95th General Assembly.
1. SUPERINTENDENT OF PUBLIC INSTRUCTION: 
   APPOINTMENT AND TERM.

Recommended Section

Sec. 154-46. There shall be a superintendent of public instruction, appointed by the governor, who shall act as the director of education. He shall hold his office for a term of four years, and until his successor is appointed and qualified, such term commencing on the second Monday of July.

Constitutional. O. Const., Art. VI, Sec. 4 governs the appointment of the superintendent of public instruction, and, under the provisions of said section, the term of a person appointed by the governor to fill a vacancy in said office begins at the date of the appointment and qualification of said person and continues for the full term of four years. 1916 O.A.G. p. 292.

Reasons for Recommendation

The proposed Section 154-46 contains all of the important provisions of existing Section 352 of the General Code, and in substantially the same language. The proposed section provides statute law to meet the requirement of Art. VI, Section 4, of the Ohio constitution which provides that "A superintendent of public instruction to replace the state commissioner of common schools, shall be included as one of the officers of the executive department to be appointed by the governor, for the term of four years, with the powers and duties now exercised by the state commissioner of common schools until otherwise provided by law, and with such other powers as may be provided by law". The proposed section contains a provision not found in existing Section 352, namely, that the superintendent of public instruction shall act as the Director of Education, as is provided for in Section 154-3.
Since the records (books, papers, etc.) which the Department of Education is required to keep are so voluminous, it is quite unlikely that any Director of Education would have available elsewhere than in his office adequate facilities and sufficient space for their proper storage; since, therefore, there is no imminent danger of the director's office being removed any great distance from the state house, the concluding sentence in Section 352, which provides that "He shall have an office in or near the state house, in which the books and papers pertaining to his office shall be kept", need not be incorporated in proposed Section 154-46.

2. WHO NOT ELIGIBLE TO BE STATE SUPERINTENDENT.

Recommended Section

Sec. 154-46a. No one who is interested financially or otherwise in any book publishing or book selling company, firm or corporation, shall be eligible to appointment as superintendent of public instruction. If any superintendent of public instruction becomes interested financially or otherwise, in any book publishing or book selling company, firm or corporation said superintendent of public instruction shall forthwith be removed from office by the governor. (104 v. 225, 226.)

(Note: Formerly Section 352-1 of the General Code.)

Reasons for Recommendation

The proposed Section 154-46a is identically the same as existing Section 352-1 of the General Code which makes ineligible for appointment as superintendent of public instruction any one who has any financial or other interest in any book publishing or book selling company. It further provides that if any superintendent of public instruction becomes interested in any book publishing or book selling company, he shall be removed from office by the governor.
3. BOND OF STATE SUPERINTENDENT, AMOUNT AND WHERE FILED.

Recommended Section

Sec. 154-46b. Before entering upon the discharge of the duties of his office, the superintendent of public instruction shall give a bond to the state in the sum of ten thousand dollars, with two or more sureties approved by the secretary of state, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the secretary of state and the oath of office indorsed thereon, shall be deposited with secretary of state and kept in his office. (103 v. 529; R. S. 355.)

(Note: Formerly Section 353 of the General Code.)

Reasons for Recommendation

The proposed Section 154-46b contains exactly the same language as existing Section 353 of the General Code, except that it provides that the Superintendent of Public Instruction shall give bond, for the faithful discharge of the duties of his office, in the sum of $10,000; existing Section 353 provides that the bond shall be for $5,000. The proposed change is in conformity with Section 154-14 of the General Code which provides that the director of an administrative department, each assistant director and each officer whose office is created by Section 154-6 of the General Code shall give bond of not less than $10,000.

4. DUTIES OF STATE SUPERINTENDENT.

Recommended Section

Sec. 154-46c. The superintendent of public instruction while holding such office shall not perform the duties of teacher or superintendent of a public or private school, or be employed as teacher in a college or
hold any other office or position of employment. He may visit and
inspect schools and attend educational gatherings either within or
without the state, and deliver lecturers on topics calculated to sub-
serve the interests of popular education, and his necessary and actual
expenses therefor when properly verified shall be paid by the state.
(104 v. 225, 225; R.S. 356, 357.)

(Note: Formerly Section 354 of the General Code.)

Reasons for Recommendation

In proposed Section 154-46c there are incorporated without change
the provisions that are found in Section 354 of the General Code. In
addition to authorizing the state superintendent to visit schools and
attend educational gatherings either within or without the state and to
address public gatherings in the interest of education, this section
provides that the state superintendent shall not hold any other office or
position of employment.

5. SUPERVISION BY STATE SUPERINTENDENT OF
SCHOOL FUNDS AND REPORTS.

Recommended Section

Sec. 154-46d. The superintendent of public instruction shall have
such supervision of the school funds of the state as is necessary to
secure their safety and distribution as provided by law. He may require
of auditors and treasurers of counties, boards of education, teachers,
clerks and treasurers of such boards, and other local school officers,
copies of all reports made by them in pursuance of law. He may also
require of such officers any other information he deems proper in relation
to the condition and management of schools and school funds. (104 v. 225,
225; R.S. 358.)

(Note: Formerly Section 355 of the General Code.)
Reasons for Recommendation

The proposed Section 154-46d contains the same provisions that appear in Section 355 of the General Code. In this section it is provided that the superintendent of public instruction shall supervise the distribution of the school funds of the state. The section also vests in him the authority to require county auditors and treasurers, local school officials, and teachers in the schools to submit to him copies of all reports that are prepared by them in accordance with law. He may require also from the same officials the submission of any other information which in his judgment is related to the condition and management of the schools of the state.

6. COLLATION BY STATE SUPERINTENDENT OF SCHOOL LAWS.

Recommended Section

Sec. 154-46e. The superintendent of public instruction shall collate the laws relating to schools and teachers' institutes, and provide an appendix of forms and instructions for their execution. He may revise such collation and appendix as often as changes therein are in his opinion necessary. (106 v. 508, 509; 10½ v. 225, 226; R.S. 360.)

Interpretation given by state commissioner in printed book of school laws may be considered as advice. State v Trustees, 2 O.D. 363, 1 O.D. 532.

(Note: Formerly Section 356 of the General Code.)

Reasons for Recommendation

A compilation of laws on any subject, to be complete, should be annotated with the decisions of the courts and the opinions of the Attorney General interpreting the various sections of the statutes. This observation would particularly apply to Ohio's school laws, which are poorly organized in their arrangement in the state's General Code of statute law,
and many sections of which are so ambiguous that their interpretation has required many court decisions and innumerable opinions of the Attorney General.

7. STATE SUPERINTENDENT TO PRESCRIBE FORMS AND REGULATIONS FOR REPORTS AND PROCEEDINGS.

Recommended Section

Sec. 154-46f. The superintendent of public instruction shall prescribe suitable forms and regulations for the reports and other proceedings required by the school laws, with such instructions for the organization and government of schools as he deems necessary, and transmit them to the local school officers, who shall be governed thereby in the performance of their duties. (104 v. 225, 227; R.S. 359.)

(Note: Formerly Section 357 of the General Code.)

Reasons for Recommendation

The proposed Section 154-46f would retain in the statutes the requirement in Section 357 of the General Code which provides that suitable forms and regulations for the reports and other proceedings required by the school laws shall be prescribed by the superintendent of public instruction and transmitted by him to the local school officers. The only change suggested is that of renumbering the section.

8. PUBLICATION AND DISTRIBUTION BY STATE SUPERINTENDENT OF ARBOR DAY MANUAL.

Recommended Section

Sec. 155-46g. The superintendent of public instruction shall issue each year a manual for arbor day exercises. The manual shall contain matters relating to forestry and birds, including a copy of such laws
relating to the protection of song and insectivorous birds as he deems proper. He shall transmit copies of the manual to the superintendent of city, village, and rural schools and to the clerks of boards of education, who shall cause them to be distributed among the teachers of the schools under their charge. On arbor day, and other days when convenient, the teachers shall cause such laws to be read to the scholars of their respective schools and shall encourage them to aid in the protection of such birds. (104 v. 225, 227; 97 v. 470, 14.)

(Note: Formerly Section 358 of the General Code.)

Reasons for Recommendation

In proposed Section 154-46g are incorporated the same provisions now found in Section 358 of the General Code. This section requires the state superintendent of public instruction to issue annually a manual for Arbor Day exercises and to distribute copies of such manual to the school superintendents and clerks of boards of education of the state. The purpose of this section, which has been a part of the statutes for many years, is to provide school teachers with material for teaching conservation. The section provides that the manual published shall contain matters relating to forestry and birds, and shall include also pertinent sections of law relating to the protection of song and insectivorous birds. There is the further provision that on Arbor Day and at other convenient times school teachers shall cause such laws to be read to their pupils, and shall encourage them to aid in the protection of such birds.

9. STATE SUPERINTENDENT TO REQUIRE REPORTS FROM PRIVATE SCHOOLS.

Recommended Section

Sec. 154-46h. Each year the superintendent of public instruction shall require a report of the president, manager or principal of each
seminary, academy or private school. The report shall be made upon blanks furnished by the superintendent and contain a statement of such facts as he prescribes. The president, manager or principal shall fill up and return the blanks within a time fixed by the superintendent of public instruction. (104 v. 225, 227; R.S. 363.)

A "private school" as distinguished from a "public school" is a school administered otherwise than by duly constituted public school authorities who are a part of the public school system of the state and supported from funds other than public school funds. Parochial schools are private schools. (Quigley v State, 5 O.C.C. 1933 O.A.C. No. 1409.)

(Note: Formerly Section 359 of the General Code.)

Reasons for Recommendation

Section 359 of the General Code provides that the superintendent of public instruction shall require an annual report from each seminary, academy or private school maintained in the state. It is further provided that the report shall contain such information as is desired by the superintendent of public instruction and shall be prepared on forms furnished by the superintendent. In order that the Department of Education may have adequate information relative to the private schools of the state, the provisions of Section 359 should remain in the General Code. It is suggested, therefore, that the section be retained, but that it be numbered Section 154−46h.

10. ANNUAL REPORT OF STATE SUPERINTENDENT TO GOVERNOR.

Recommended Section

Sec. 154−461. The superintendent of public instruction shall make an annual report to the governor, which shall contain a statement of the amount and condition of the funds and property appropriated for purposes of education; the number of common schools in the state, the number of
scholars attending such schools, their sex and the branches taught; the number of private or select schools in the state so far as can be obtained, the number of scholars attending such schools, their sex and the branches taught; the number of teachers' institutes, the number of teachers attending them, the number of instructors and lecturers employed therein and the amount paid to each; the estimates and accounts of expenditures of the public school funds, plans for the management and improvement of common schools, and such other information relative to the educational interests of the state as the superintendent deems important. (104 v. 225, 227; R.S. 361, 362.)

Reasons for Recommendation

It is recommended that existing Section 360 of the General Code, which requires the state superintendent of public instruction to make an annual report to the governor, be retained.

11. INSPECTION OF STATE WELFARE INSTITUTIONS
    BY STATE SUPERINTENDENT.

Recommended Section

Sec. 154-46. The superintendent of public instruction shall inspect personally or by deputy at least annually institutions under the control of the department of public welfare which employ teachers, and shall make a report on the teaching, discipline and school equipment in these institutions to the proper managing board and to the governor.

Reasons for Recommendation

Section 1851-3 of the General Code provides that all institutions under the control of the board of administration which employ teachers shall be inspected at least annually by the superintendent of public
instruction or his deputy and that the superintendent shall submit a report on the teaching, discipline and school equipment in such institutions to the managing board and to the governor. Under the provisions of the government reorganization code enacted in 1921, the Ohio board of administration was abolished. The code created the Department of Public Welfare and vested in that department all of the powers and duties previously imposed upon the board of administration, including the control of the state institutions that had been under the supervision of the board of administration. The provisions of Section 1851-3 should remain in the statutes. The section should be amended, however, so that it refers to the institutions under the control of the department of public welfare instead of the board of administration, and it should be re-numbered 154-46j.

12. DIVISION OF FILM CENSORSHIP IN DEPARTMENT OF EDUCATION TO EXAMINE AND CENSOR FILMS: FEES.

Recommended Section

Sec. 154-47. It shall be the duty of the division of film censorship of the department of education to examine and censor as herein provided, all motion picture films to be publicly exhibited and displayed in the state of Ohio, and when necessary the division of film censorship may designate certain of the assistants furnished to it by the department of education, who under the direction and supervision of the division of film censorship may examine motion picture films. Such films shall be submitted to the division and passed and approved by the division before they shall be delivered to the exhibitor for exhibition. The division shall charge a fee of three dollars for each reel of film to be censored which does not exceed one thousand lineal feet and three dollars for each one
thousand lineal feet or fractional part thereof. All moneys so received shall be paid each week into the state treasury to the credit of the general revenue fund, except as otherwise provided in Section 154-47a of the General Code. (116 v 100; 115 v 199; 106 v 326; 103 v 400, 3. Eff. July 16, 1935.)

Rejection of a film based on "general knowledge of director of education as censor, and without further examinations, will be set aside. State v Clifton, 118 O.S. 91, 160 N.E. 625.

It would constitute an abuse of discretion to pass a motion picture film which has been bootlegged into this state in violation of Sec. 6554 U.S. Comp. Stat. (Sec. 405 U.S. Code of Laws). 1927 O.A.G. No. 829.

Under G.C. Sections 871-48, 871-49, the board of censors are authorized to examine and censor vitaphone and movietone picture films and if necessary order the elimination of objectionable matter that is to be either seen or heard and as an incident to such authority said board may require the exhibitor to furnish continuity sheets showing the words, whether spoken or sung, which are to be reproduced as a part of the picture and explanatory of and otherwise characterizing the same in all cases where it is practicable to furnish such continuity sheets. (1928 O.A.G. No. 2218.)

(Note: Formerly Section 871-48 of the General Code.)

Reasons for Recommendation

Section 871-48 of the General Code should remain in the statutes in its present form. This section creates the authority under which the division of film censorship examines and censors all motion picture films before they are publicly exhibited in the state. The section further provides that the division shall charge a fee of three dollars for each one thousand feet of film censored. The section should be numbered 154-47.
13. APPROPRIATION OF FILM-CENSORSHIP MONEYS
FOR EDUCATIONAL PURPOSES.

Recommended Section

Sec. 154-47a. Fifty per cent of all moneys received from the
motion picture license fees collected under the provisions of Section
154-47 of the General Code, in excess of such amount as shall be
necessary to pay the operating expenses, including salaries, of the
division of film censorship shall be paid into a fund to be used by
the director of education for disseminating information relative to the
history, scenic beauties, natural resources, and industries of Ohio, and
for the creation, maintenance, administration and regulation of a suitable
collection of visual and other educational aids for loan to the education
institutions of Ohio. The total sum so set aside annually from the fees
collected under the provisions of Section 154-47 of the General Code are
hereby and hereafter appropriated for the use of the department of
education. Such funds shall be expended only upon the authority of
vouchers approved by the director of education and no expenditures from
such funds may be made except for the purposes enumerated in this section.

Reasons for Recommendation

Proposed Section 154-47a contains substantially the same provisions
that are found in existing Section 371-48a. The proposed section is
broader, however, in that it provides that the sum set aside and appro-
priated for the use of the Department of Education shall not necessarily
be restricted to the furnishing of visual aids to the educational insti-
tutions of the state, but may be used to provide other educational aids
as well. The section is further strengthened by placing directly with
the Director of Education the authority for the dissemination of informa-
tion relative to the history, natural resources, and industries of Ohio.
14. WHAT FILMS SHALL BE APPROVED AND PASSED: OFFICIAL STAMP; RECALL OF FILM.

Recommended Section

Sec. 154-47b. Only such films as are in the judgment and discretion of the department of education of a moral, educational or amusing and harmless character shall be passed and approved by such department. When a film has been censored by the department of education a certificate showing the approval or rejection of such film shall be issued to the party submitting the film. When a film is passed and approved by the department of education such film shall be given an approval number which shall be shown on the certificate issued by the department of education to the party submitting the film. Such certificate shall also show the title of such film and all eliminations ordered from such film by the department of education. For each film so approved there shall also be issued by the department of education an official leader or stamp of approval of not less than five feet in length bearing the words "Approved by the Ohio Department of Education" and the number assigned to such film on the certificate of approval. Such official leader or stamp of approval shall also contain an outlined map of the state of Ohio with the great seal of the state of Ohio printed thereon. The department of education shall be authorized to recall any film for recensoring or to revoke any certificate permitting the exhibition of any film in the state of Ohio, whenever in the judgment of the department of education the public welfare requires it. Before any motion picture film shall be publicly exhibited all eliminations ordered by the department of education shall have been made by the person or persons loaning, renting or leasing such film or films to the exhibitor.
for exhibition, and there shall be projected upon the screen the
design of the official leader or stamp of approval of not less than
three feet in length, issued by the department of education for such
film. (106 v. 325; 103 v. 399, 400, 4.)

Constitutional. C.C. Sec. 871-49 (103 v. 400)
providing that the censors shall approve of only such
films as in their judgment are of a moral, educational
or amusing and harmless character is not void for in-
definiteness. Mutual Film Co. v Indus. Com., 236 U.S.
230, 35 S. Ct. 387, 59 L.Ed. 552.

(Note: Formerly Section 871-49 of the General Code.)

Reasons for Recommendation

The proposed Section 154-47b contains the same provisions relative
to the censoring and approval of films and the issuance of certificates
for approved films that are found in existing Section 871-49 of the
General Code. The only change made is that wherever the term "board of
censors" is found in the present statute there has been substituted
"Department of Education". This change makes the provisions of this
section conform to the provisions of proposed Section 154-47, which
places the authority for censoring films upon the division of film
censorship in the Department of Education. When the statute providing
for a board of censors was repealed by the legislature, Section 871-49
was not amended to agree with the new legislation.

15. CENSOR BOARD MAY WORK IN CONJUNCTION WITH
SIMILAR BOARDS.

Recommended Section

Sec. 154-47c. The department of education may work in conjunction
with any censor, censor board or boards of legal status of other states
as a censor congress and the action of such congress in approving or
rejecting films shall be considered as the action of the department of
education and all films passed, approved, stamped and numbered by such congress, when the fees therefor have been paid to the Ohio department of education, shall be considered approved by the Ohio department of education. (103 v. 400, 5.)

Constitutional. See note under G.L. Sec. 154-47b citing Mutual Film Co. v Indus Com.

(Note: Formerly Section 871-50 of the General Code.)

Reasons for Recommendation

The proposed Section 154-47c would confer upon the Department of Education the authority to work in conjunction with censor boards of other states as a censor congress and provides that the action of such congress in the approval of films shall be deemed to be the action of the Department of Education. The provisions are the same as those of existing Section 871-50, except that they place the authority with the Department of Education instead of with the board of censors.

16. ALL FILMS MUST BE CENSORED.

Recommended Section

Sec. 154-47d. No films may be publicly shown or exhibited within the state of Ohio unless they have been passed and approved by the department of education or the censor congress and stamped and numbered by the department of education, or censor congress, as provided herein. (103 v. 400, 6.)

(Note: Formerly Section 871-51 of the General Code.)

Reasons for Recommendation

The provision in proposed Section 154-47d prohibiting the public showing within the state of Ohio of any film that has not been passed and approved by either the Department of Education or the censor congress
is the same as that now found in Section 871-51 of the General Code, with the exception that the term Department of Education has been substituted for the word board (board of censors), which appears in the present statute.

17. ENUMERATION OF UNLAWFUL ACTS REGARDING FILM CENSORSHIP AND PENALTIES THEREFOR.

Recommended Section

Sec. 15441-47e. Any person, firm or corporation who shall publicly exhibit or show any motion picture within the state of Ohio unless it shall have been passed and approved by ** ** the department of education shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, for the first offense, and shall be fined not less than three hundred dollars nor more than five hundred dollars for each separate subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver any film or films to any exhibitor or other person for public exhibition within the state of Ohio before such film or films shall have been passed and approved by ** ** the department of education, shall upon conviction thereof, be fined not less than three hundred dollars nor more than five hundred dollars, for the first offense, and shall be fined not less than five hundred dollars nor more than one thousand dollars for each separate subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver any film or films to any exhibitor or other person for public exhibition in the state of Ohio before eliminations, ordered by ** ** the department of education have been made, shall upon conviction thereof, be fined not less than three hundred dollars nor more than five hundred
dollars, for the first offense and not less than five hundred dollars nor more than one thousand dollars for each separate subsequent offense. Any person, firm or corporation who shall publicly exhibit or show any motion picture or film within the state of Ohio without having first projected upon the screen the design of the official leader or stamp of approval of not less than three feet in length, assigned to such film as shown on the certificate issued by ** ** the department of education, shall upon conviction thereof be fined not less than twenty-five dollars nor more than three hundred dollars, for each offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver to an exhibitor or other person for public exhibition within the state of Ohio, any motion picture film to which is not attached or which is not accompanied by the leader of approval of not less than three feet in length, assigned to such film as shown on the certificate issued by ** ** the department of education, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, for each offense. Any person, firm or corporation who shall publicly exhibit or show any motion picture within the state of Ohio that contains parts or sections that have been ordered eliminated by ** ** the department of education, or that contains any part or parts which have been added to the motion picture after the same has been censored and approved by ** ** the department of education, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, for the first offense, and shall be fined not less than three hundred dollars nor more than five hundred dollars for each separate subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver any film or
films to any exhibitor or other person for public exhibition within
the state of Ohio, which film or films contain parts or sections that
have been ordered eliminated by ** ** the department of education or
which contain any part or parts that have been added after the original
film or films have been censored and approved by ** ** the department
of education, shall upon conviction thereof, be fined not less than
three hundred dollars nor more than five hundred dollars for the
first offense, and shall be fined not less than five hundred dollars
nor more than one thousand dollars for each separate subsequent offense.
Any person, firm or corporation who shall publicly exhibit or show
within the state of Ohio any motion picture when the certificate per-
mitting the exhibition thereof has been revoked under the provisions of
Section 154-47b of the General Code, shall upon conviction thereof, be
fined not less than twenty-five dollars nor more than three hundred
dollars for the first offense, and shall be fined not less than three
hundred dollars nor more than five hundred dollars for each separate
subsequent offense. Any person, firm or corporation acting as a distri-
butor of motion picture films who shall deliver to any exhibitor or
other person for public exhibition within the state of Ohio any motion
picture when the certificate permitting the exhibition thereof has been
revoked under the provisions of Section 154-47b of the General Code,
shall upon conviction thereof, be fined not less than three hundred
dollars nor more than five hundred dollars for the first offense, and
shall be fined not less than five hundred dollars nor more than one
thousand dollars for each separate subsequent offense. (115 v. 309;
110 v. 348; 106 v. 325; 103 v. 400, 7. Eff. Sept. 25, 1933.)

(Note: Formerly Section 871-52 of the General Code.)
Reasons for Recommendation

Proposed Section 1544-47e contains all of the provisions found in existing Section 371-52 of the General Code relative to unlawful public exhibition and unlawful distribution for public exhibition of certain motion picture films. This section specifically makes unlawful: both the public showing and the delivery by a distributor to an exhibitor for public showing of any motion picture that has not been approved by the Department of Education, the delivery by a distributor to an exhibitor for public showing of any motion picture before eliminations ordered by the Department of Education have been made, the public showing of any motion picture without first projecting upon the screen the official leader or stamp of approval issued by the Department of Education, the delivery by a distributor to an exhibitor for public showing of any motion picture which is not accompanied by the leader of approval, both the public showing and the delivery by a distributor to an exhibitor for public showing of any motion picture that contains parts that have been ordered eliminated by the Department of Education or that contains any parts that have been added to the motion picture after the original film was censored and approved, and both the public showing and the delivery by a distributor to an exhibitor for public showing of any motion picture for which the certificate permitting the exhibition there has been revoked. The proposed section makes provision for the same penalties as are now in the statute for violation of any of the provisions of the section. The only change is the elimination wherever it occurs in the present statute, of the term "the Ohio Board of Censors".
18. COUNTERFEITING OFFICIAL LEADER OR STAMP OF APPROVAL PROHIBITED; PENALTY.

Recommended Section

Sec. 154-17f. Any person or agent, employee or officer of a corporation or firm who shall counterfeit such hereinbefore described leader or stamp of approval or use or have in his possession such a counterfeit leader or any similar designation not issued by the department of education, shall upon conviction thereof, be fined not less than one hundred dollars nor more than three hundred dollars, or be imprisoned not less than thirty days nor more than one year, or both for each offense. (106 v. 325, 326.)

(Note: Formerly Section 371-52a of the General Code.)

Reasons for Recommendation

Existing Section 371-52a of the General Code makes it unlawful for anyone to counterfeit the official leader or stamp of approval issued as evidence that a motion picture has been censored and approved. The section also provides a penalty for such unlawful act. The provisions of Section 371-52a are embodied in proposed Section 154-17f, with the exception that the leader is designated as one issued by the Department of Education, whereas the present law refers to it as issued by the board of censors.

19. COURTS HAVING JURISDICTION OVER FILM CENSORSHIP DECISIONS

Recommended Section

Sec. 154-17g. A justice of the peace, mayor or police judge shall have final jurisdiction within his county in a prosecution for a violation of any provision of the laws of Ohio relating to the
regulation and censoring of motion picture films. (106 v. 325, 327.)

(Note: Formerly Section 871-52b of the General Code.)

Reasons for Recommendation

The proposed Section 154-47g provides that a justice of the peace, mayor or police judge shall have final jurisdiction within his county in a prosecution for a violation of any provision of the laws of the state relating to the regulation and censoring of motion picture films. This same provision now appears in the statutes in Section 871-52b of the General Code.

20. PETITION FOR HEARING OVER A FILM-CENSORSHIP DECISION.

Recommended Section

Sec. 154-47h. Any person in interest being dissatisfied with any order of the department of education relative to the censoring of motion picture films may commence an action in the supreme court of Ohio, against the department of education as defendant to set aside, vacate or amend any such order on the ground that the order is unreasonable or unlawful and the supreme court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The department of education shall be served with summons as in other civil cases. The answer of the department of education shall be filed within ten days after service of summons upon it and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer said action shall be at issue and shall be advanced and assigned for trial by the court, upon the application of either party, at the earliest possible date.
Reasons for Recommendation

Section 871-53 of the General Code provides a remedy at law for any person who is dissatisfied with any order relative to the censoring of a motion picture film. It provides that such person may file a petition for hearing on the reasonableness and lawfulness of any such order as is provided in the case of persons dissatisfied with the orders of the Industrial Commission. This reference to the Industrial Commission is accounted for by the fact that Section 871-53 was enacted several years prior to the passage of the reorganization code of 1921. At the time of its passage, there was a board of censors of motion picture films, under the supervision of the Industrial Commission. The reorganization act abolished the board of film censors and created the division of film censorship within the Department of Education. The section has been entirely rewritten and is numbered 154-47h. The proposed section, instead of incorporating by reference a method of appeal, definitely outlines a procedure for appeal. The proposed section provides that any person who is dissatisfied with any order of the Department of Education relative to the censoring of a motion picture film may commence an action in the Ohio Supreme Court to set aside or amend such order. There is further provision that the Supreme Court shall have exclusive jurisdiction to hear and determine such action.

21. APPOINTMENT OF AN ADVISORY BOARD OF FILM CENSORSHIP; TERM, ETC.

Recommended Section

Sec. 154-47i. An advisory board of three members is hereby created in the department of education, to be known as the advisory
board of film censorship. The members of this board shall be appointed by the governor, to serve during his pleasure, and shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their official duties. Such board shall assist and advise the department of education in the examination and censorship of motion picture films. (109 v. 122, Eff. April 26, 1921.)

Director of education cannot refuse application to exhibit film upon his general knowledge but has a duty under G.C. §71-46, §71-49 to examine motion picture films before approval or rejection. Action brought under G.C. §71-53. State v Clifton, 118 O.S. 91, 160 N.E. 625.

The director of the department of education, by virtue of G.C. §15-3 and other related sections, is the executive head of such department and is clothed with full power of authority relative to the managing, supervising and directing of such department, including the division of film censorship, and, on the other hand, is charged with the full responsibility for actions taken in the name of the department. 1922 O.A.G. p. 269.

The advisory board created under G.C. §15-17 exercises no executive or managerial functions, but is authorized to assist the department of education in the censoring of films by its counsel, advice and information. If the director chooses, he may accept the judgment of such board as the basis of his final action in connection with the censoring of films. However, in the final analysis, the department of education must take the necessary action, which in effect is the action of the director. 1922 O.A.G. p. 269.

(Note: Formerly Section §15-17 of the General Code.)

Reasons for Recommendation

The proposed Section §15-171 contains the same provisions that are found in Section §15-17 of the General Code. This section provides for an advisory board of film censorship of three members, to be appointed by the governor. The members of the advisory board receive no salary for their services but are entitled to actual and necessary expenses incurred in the performance of their official duties. While,
as has been held by an opinion of the Attorney General (1922 Opinions of the Attorney General, page 269), the advisory board exercises no executive functions and the Director of Education may accept or reject the judgment of the board in determining final action in connection with the censoring of a film, it is believed that particularly in the reviewing of films dealing with controversial questions such a board can render a valuable service and that therefor the provision for such a board should be retained in the statutes.

22. FURTHER POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION

Recommended Section

Sec. 154-48. The department of education shall have all the power and perform all the duties **1** vested in the superintendent of public instruction. **2** (109 v. 122. Eff. April 26, 1921.)

(1) now

(2) and those vested in the state geologist.

Reasons for Recommendation

As was pointed out in the discussion of proposed amendments to Section 154-6, it was the intent of the General Assembly when it enacted the reorganization code of 1921 to attach to the nine administrative departments that were then created all of the existing boards, commissions and agencies of the state government that it did not desire to abolish. Apparently for no reason other than difficulty in determining the administrative department to which the office of state geologist should be attached for administrative purposes, there was a provision written into Section 154-48 which transferred the powers of the state geologist to the Department of Education. There is no
practical reason for continuing the office of state geologist under
the administration of the Department of Education and the proposed
amendment to Section 154-48 would remove it therefrom.

23. STATE BOARD OF VOCATIONAL EDUCATION
ESTABLISHED; DUTIES; EMPLOYMENT OF
TECHNICAL ASSISTANTS.

Recommended Section

Sec. 154-49. A state board of vocational education is hereby
established in the department of education, in order to carry out the
provisions of the law accepting the acts of Congress providing for
cooperation with the states in the promotion of such education. Such
board shall be composed of the **1** superintendent of public
instruction, the director of commerce, the director of agriculture,
the director of industrial relations, and the director of finance.
The **2** superintendent of public instruction shall be chairman and
executive officer of the board. Upon the recommendation of the **3**
superintendent of public instruction, the board may employ such
technical assistants as may be necessary and prescribe their duties
and compensation. **4** (109 v. 122. Eff. April 26, 1921.)

(4) In all other respects, the state board of vocational
education shall exercise the powers and perform the
duties vested in the state board of education by
Secs. 367-5, 367-6, and 367-7 of the General Code.

(1) director of education

(2) director of education

(3) director of education

Reasons for Recommendation

Section 154-49 of the General Code creates within the Department
of Education a state board of vocational education and provides that
the Director of Education shall be the chairman and executive officer
of such board. The position of administrative head of the Department of Education is a constitutional office and since the position as designated in the constitution is that of Superintendent of Public Instruction, Section 154-49 should be amended by substituting the term Superintendent of Public Instruction for that of Director of Education wherever the latter designation appears. With amendments proposed to Sections 367-5, 367-6 and 367-7 of the General Code, the concluding sentence in Section 154-49 becomes repetitious and should be removed by amendment.

24. PROVISION OF CONGRESS FOR VOCATIONAL EDUCATION ACCEPTED BY OHIO.

Recommended Section

Sec. 154-49a. The provisions of an Act of Congress entitled: "An act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", are hereby accepted by the state of Ohio. (107 v. 579, l.)

Moneys appropriated by the general assembly for co-operation with the federal government in vocational education may not be lawfully expended for the salary of a director of vocational education, including industrial training and home economics. 1917 O.A.G. p. 1769.

In matching the expenditure of federal money allotted to the state under the provisions of the Smith-Hughes law, the federal money expended in the state at large should be matched annually by combining the sums expended during the year by the local districts and the state board of education for vocational education. 1920 O.A.G. p. 328.

(Note: Formerly Section 367-1 of the General Code.)
Reasons for Recommendation

Existing Section 367-1 of the General Code, under which the state of Ohio accepts the provisions enacted by the Congress of the United States relative to vocational education should be retained in the statutes in its present form. This section, however, should appear in the General Code as Section 154-49a.

25. SUBJECTS OF INSTRUCTION FOR WHICH FEDERAL FUNDS ARE ACCEPTED BY OHIO.

Recommended Section

Sec. 154-49b. The benefits of all funds appropriated under the provisions of said act are hereby accepted as to:

(a) Appropriations for the salaries of teachers, supervisors and directors of agricultural subjects.
(b) Appropriations for salaries of teachers of trade, home economics and industrial subjects.
(c) Appropriations for the preparation of teachers, supervisors and directors of agricultural subjects and teachers of trade and industrial and home economics subjects. (108 v. Pt. 1,356; 107 v. 579, 2.)

(Note: Formerly Section 367-2 of the General Code.)

Reasons for Recommendation

The provisions of existing Section 367-2, which section enumerates the subjects for which federal funds for vocational education are accepted, do not require any amendment. The section, however, should become Section 154-49b.
26. CO-OPERATION OF STATE BOARD OF VOCATIONAL EDUCATION WITH FEDERAL BOARD; DIRECTORS, SUPERVISORS AND ASSISTANTS; COMPENSATION AND EXPENSES; AUTHORITY GRANTED.

Recommended Section

Sec. 131-19c. The state board of vocational education shall have all necessary authority to co-operate with the federal board for vocational education in the administration of said act of congress and of any legislation pursuant thereto enacted by the state of Ohio, and in the administration of the funds provided by the federal government and the state of Ohio under the provisions of this act, for the promotion of vocational education in agriculture, commercial, industrial, trade and home economics subjects. The board shall have authority to appoint such directors, supervisors and other assistants as may be necessary to carry out the provisions of this act, and fix their compensation; such appointments to be made upon the nomination of the secretary of the board. The salaries and traveling expenses of such directors, supervisors and assistants, and such other expenses as may be necessary to carry out the provisions of this act, shall be paid upon the approval of the board. They shall have full authority to formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education in Ohio; and to provide for the preparation of teachers of such subjects, and to expend federal and state funds appropriated under the provisions of this act for any purposes approved by the federal board for vocational education. They shall have authority to make studies and investigations relating to pre-vocational and vocational education in such subjects; to promote and aid in the establishment by local communities of schools, departments and classes, giving training in such subjects; to co-operate
with local communities in the maintenance of such schools, departments
and classes; to establish standards for the teachers, supervisors and
directors of such subjects; and to co-operate in the maintenance of
schools, departments, or classes supported and controlled by the public
for the preparation of teachers, supervisors and directors of such subjects.
(108 v. Pt. 1, 356; 107 v. 579, 5.)

Actual and necessary expenses of members of the State
board of education and expenses of the state board itself,
other than clerical services, are a proper charge against
appropriations made by the general assembly for co-operation
with the federal government in vocational education.

City boards of education may establish and maintain
vocational schools to which adults may be admitted, and may
erect and equip suitable buildings, or set apart and use
buildings under the control of the board of education for
such purposes in the same manner and within the same limita-
tions as it establishes and maintains buildings for other
school purposes; however, said schools should not be estab-
lished for the exclusive use of adult pupils, but should be
established for all who are eligible to attend.
1920 O.A.G. p. 539.

The state board of vocational education is authorized to
expend funds allotted to the state of Ohio for the same purpose,
for the promotion of vocational education as a part of the
public school system of the state. In so doing, it has authority
to provide and pay public school teachers for the teaching of
vocational subjects to classes conducted as part-time classes
for persons, who have entered upon employment as defined in
Sec. 11 of the act of congress of 1917, U.S.C., p. 609, at
shops in class rooms adjoining such shops, in buildings near
such shops or elsewhere. 1927 O.A.G. No. 771.

A board of education can conduct its vocational classes
outside the limits of the school district and can use its
educational funds in the conduct of such classes.

Schools of each district including vocational educational
classes, shall be free to all youth between six and twenty-one
years of age, who are children, wards or apprentices of actual
residents of the district, including children of proper age who
are inmates of a county or district or of any public or private
children's home or orphans' asylum located in such district,
and other persons than those mentioned in G.C. 7631, may be
admitted to the schools of the district, including its vocational
classes, upon such terms or upon the payment of such tuition as
the board of education of the district may prescribe.

(Note: Formerly Section 367-5 of the General Code.)
Reasons for Recommendation

The purpose of existing Section 367-5 of the General Code is to authorize the state board of vocational education to co-operate with the federal board for vocational education in the administration of federal and state laws relative to vocational education and to confer upon the state board full authority to formulate plans for the promotion of vocational education in the public schools of Ohio. The term state board of vocational education should be substituted for the term board of education that appears in the statute now in effect. Otherwise the section need not be amended, but it should be renumbered Section 154-49c.

27. APPROVED SCHOOLS TO RECEIVE STATE VOCATIONAL MONEY EQUAL IN AMOUNT TO FEDERAL MONEY.

Recommended Section

Sec. 154-49d. Any school, department, or class giving instruction in agriculture, commercial, industrial, trade and home economics subjects approved by the state board of vocational education and any school or college so approved, training teachers of such subjects, which receives the benefit of federal moneys so herein provided, shall be entitled also to receive for the salary of teachers of said subjects an allotment of state money equal in amount to the amount of federal money which it receives, as herein provided, for the same year.

Reasons for Recommendation

Existing Section 367-6 provides that each school district receiving federal funds for vocational education shall be entitled to receive a like amount of state money for the same purpose. This provision should remain in the statutes unchanged. The existing section has a further provision which authorizes the state board of vocational education to
recommend to each session of the General Assembly the amount of money which needs to be appropriated by the state to provide allotments to local districts and for such other expenditures as may be necessary for administration. This latter provision should be repealed since under Ohio budget laws the Director of Education submits budget estimates to the General Assembly. The amended section should be numbered 154-49d.

28. STATE TREASURER TO BE CUSTODIAN OF VOCATIONAL FUNDS.

Recommended Section

Sec. 154-49e. The state treasurer is hereby designated as the custodian of all funds received from the United States treasury for vocational education under the terms of this act. All money so received or appropriated by the state of Ohio for the purposes contemplated in the act of congress and in this act, or in acts supplementary thereto, shall be disbursed in accordance with law, upon the order of the state board of vocational education.

Reasons for Recommendation

Existing Section 367-6 designates the treasurer of state as the custodian of all funds received from the federal government for vocational education. The section further provides that all such funds together with funds appropriated by the state of Ohio for vocational education purposes shall be disbursed upon the order of the state board of education (sic.). This should be amended to read the "state board of vocational education". No other amendment to this section is suggested. The section number should be changed to 154-49e.
29. ACCEPTANCE BY OHIO OF BENEFITS OF FEDERAL
ACT PROVIDING FOR PROMOTION OF VOCATIONAL
REHABILITATION OF PERSONS DISABLED IN IN-
DUSTRY, ETC.

Recommended Section

Sec. 154-49f. The State of Ohio does hereby, through its legislative
authority, accept the provisions and benefits of the act of congress, en-
titled "An act to provide for the promotion of vocational rehabilitation
of persons disabled in industry or otherwise and their return to civil
employment," approved June 2, 1920, and will observe and comply with all
requirements of such act. (109 v. 310. Eff. August 16, 1921.)

The act of congress referred to is U.S. Code, Title 29,
Section 33 et. seq.

(Note: Formerly Section 367-8 of the General Code.)

Reasons for Recommendation

Under Section 367-8 of the General Code, the provisions enacted by the
Congress of the United States for the promotion of vocational rehabilitation
of persons disabled in industry are accepted by the state of Ohio. This
section does not require any amendment. It should be numbered 154-49f.

30. STATE TREASURER TO BE CUSTODIAN OF FUNDS
RECEIVED BY THE STATE.

Recommended Section

Sec. 154-49g. The state treasurer is hereby designated and appointed
custodian of all moneys received by the state from appropriations made by
the congress of the United States for the vocational rehabilitation of
persons disabled in industry or otherwise, and is authorized to receive
and provide for the proper custody of the same and to make disbursements
therefrom upon the order of the state board of vocational education.
Reasons for Recommendation

Section 367-9 designates the state treasurer the custodian of funds received from the federal government for vocational rehabilitation. The section also authorizes him to disburse such funds upon the order of "the state board herein designated". This should be amended to read "the state board of vocational education". The section should be numbered 154-49g.

31. COOPERATION OF STATE BOARD OF VOCATIONAL EDUCATION; COURSES FOR VOCATIONAL TRAINING; ASSISTANTS.

Recommended Section

Sec. 154-49a. The state board of vocational education is hereby designated as the state board for the purpose of co-operating with the said federal board in carrying out the provisions and purposes of said federal act providing for the vocational rehabilitation of persons disabled in industry or otherwise and is empowered and directed to co-operate with said federal board in the administration of said act of congress; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise and provide for the supervision of such training; to appoint such assistants as may be necessary to administer this act and said act of congress in this state; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the federal government of this state for the vocational rehabilitation of such persons.

Reasons for Recommendation

The purpose of existing Section 367-10 is to authorize the state board of vocational education to co-operate with the federal government in
administering the provisions of federal legislation providing for the vocational rehabilitation of persons disabled in industry. The first sentence of the statute has been rewritten to designate the state board of vocational education as the controlling board. Otherwise the proposed section is the same as the present section. The section should be numbered 154-49h.

32. FORMATION OF PLAN OF COOPERATION; APPROVAL BY GOVERNOR.

Recommended Section

Sec. 154-49j. It shall be the duty of the state board of vocational education and the industrial commission of Ohio to formulate a plan of cooperation in accordance with the provisions of this act and said act of congress, such plan to become effective when approved by the governor of the state.

Reasons for Recommendation

The proposed Section 154-49j contains the provisions found in Section 367-11 of the General Code which make it the duty of the state board of vocational education and the state Industrial Commission to formulate a plan for vocational rehabilitation. The only change in this section is the substitution of "state board of vocational education" for "state board of education".

33. AUTHORITY TO RECEIVE GIFTS, DONATIONS, ETC.; WHERE DEPOSITED; REPORT TO GOVERNOR

Recommended Section

Sec. 154-49j. The state board of vocational education is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in
industry or otherwise as in the judgment of the state board are proper
and consistent with the provisions of this act. All the moneys
received as gifts or donations shall be deposited in the state treasury
and shall constitute a fund to be called the special fund for the voca-
tional rehabilitation of disabled persons, to be used by said board to
defray expenses of vocational rehabilitation in special cases, including
the payment of necessary expenses of persons undergoing training. A full
report of all gifts and donations offered and accepted, together with the
names of the donors and the respective amounts contributed by each, and
all disbursements therefrom shall be submitted annually to the governor
of the state by the state board of vocational education.

Reasons for Recommendation

Existing Section 367-12 of the General Code authorizes the state board
created to co-operate with the federal board for vocational education in
the administration of the provisions of the federal vocational act to
receive gifts and donations to be used by the board to defray expenses of
vocational rehabilitation in special classes for persons disabled in
industry. This section should be retained in the statutes. The first
sentence has been rewritten, naming the state board of vocational education
as the authority empowered to receive gifts. Otherwise the section has not
been changed. It should be renumbered 154-49j.

34. DIRECTOR OF EDUCATION EX-OFFICIO TRUSTEE
OF STATE UNIVERSITIES.

Recommended Section

Sec. 154-50. The **1** superintendent of public instruction shall
be ex-officio a member of the board of trustees of Ohio State University,
Ohio University, Miami University, Kent state **2** university, Bowling
Green state **3** university, and of the **4** college of education and
industrial arts at Wilberforce University, with power to speak, but not
to vote in such a board of trustees. The membership in each of such
boards herein provided for shall be in addition to the membership thereof
as otherwise provided by law. (109 v. 123. Eff. April 26, 1921.)

(1) director of education
(2) normal school and of the board of trustees of
(3) normal school
(4) combined normal and industrial department

Reasons for Recommendation

Under the provisions of statutes now in force, the Director of
Education is an ex-officio member, with power to speak but not to vote,
of the board of trustees of each of Ohio's six state supported universities.
For three of the institutions - Bowling Green, Kent, and Wilberforce -
authority for such membership is established under the provisions of
Section 154-50 of the General Code; for the Ohio State University, under
Section 154-56; for Miami University, under Section 7939 and for Ohio
University, under Section 7931-1.

Membership on the board of trustees of all of the six state supported
institutions for higher education should be authorized under one section
of statute by the enactment of the proposed amendments to Section 154-50.
This section was enacted originally by the legislature in 1921 and refers
to the Bowling Green and Kent institutions as normal schools, which they
were at that time. Since then, however, the classification of each of
these two schools has been changed by legislative enactment from normal
school to state university, and such change in designation is made in the
amendments here proposed. The proposed amendments to this section further
provide that the designation of Director of Education be changed to
Superintendent of Public Instruction.
35. STATE LIBRARY BOARD; APPOINTMENT OF MEMBERS; TERM; ETC.

Recommended Section

Sec. 154-51. A state library board is hereby created in the department of education, to be composed of the **1** superintendent of public instruction, as chairman, and four other members **2** to be appointed by the governor. The first appointments under this section shall be as follows: One member for a term of two years, one member for a term of four years, one member for a term of six years and one member for a term of eight years. Thereafter one member shall be appointed each two years for a term of eight years. The members **3** shall receive no compensation, but shall be paid their actual and necessary expenses incurred in the performance of their duties. (109 v. 123. Eff. April 26, 1921.)

(1) director of education

(2) The members other than the director of education shall

(3) other than the director of education

Reasons for Recommendation

Section 154-51 of the General Code created a state library board of five members and provides that the Director of Education shall be the chairman of the board. The four other members are appointed by the governor, for a term of eight years. The expiration of terms is so arranged that an appointment to membership on the board is made each two years. The members receive no compensation for their services as board members, but they are reimbursed by the state for actual and necessary expenses that are incurred in attending meetings of the board. Under the amendments here proposed the section would designate the superintendent of public instruction instead of the Director of Education as a member
and chairman of the board. The other proposed amendments to the section would make minor changes in the construction of the first and concluding sentences of the section, without changing the provisions of the section.

36. STATE LIBRARIAN; APPOINTMENT; POWERS; DUTIES.

Recommended Section

Sec. 154-52. The state library board shall appoint **1** and fix the compensation of a state librarian, who shall **2** be the secretary of said board, and under the direction and supervision of the board **3** shall be the head of the library service of the state, with power to appoint and remove all assistants and heads of departments in the state library service. The state librarian shall hold office during the pleasure of the state library board. (109 v. 123. Eff. April 26, 1921.)

(1) and may remove

(2) ,

(3) ,

Reasons for Recommendation

Sec. 154-52 of the General Code provides for the appointment by the state library board of a state librarian and partly defines the powers and duties of the librarian. Section 154-54 of the General Code further defines the state librarian's powers and duties and specifically provides that he shall be secretary of the state library board.

By amending Section 154-52, the essential provisions of these two sections shall be incorporated within one section of the statutes. Section 154-54 should, therefore, be repealed, and Section 154-52 should be amended to provide that the state librarian shall be the secretary of the library board.
There should also be incorporated into Section 154-52 a provision giving to the library board the authority to fix the salary of the state librarian. At present the statutes are silent on this point. A ruling of the Attorney General (1921 Opinions of the Attorney General, at page 1159) holds that the state library board has no authority to fix the salary of the state librarian and he cannot legally receive any salary except as provided by the legislature.

Since the authority to appoint a state librarian is vested in the state library board, that board shall also have the authority to determine the librarian's tenure of office. That the legislature so intended is apparent from the provision found in Section 154-52 which provides that "The state library board shall appoint and may remove a state librarian". This section would be strengthened, however, by deleting the words "and may remove" and by inserting at the end of the section the following sentence: "That state librarian shall hold office during the pleasure of the state library board".

36. DIRECTOR OF EDUCATION A MEMBER OF BOARD OF TRUSTEES OF OHIO ARCHAEOLOGICAL AND HISTORICAL SOCIETY; HOW MONIES FOR SUPPORT OF SOCIETY SHALL BE DRAWN FROM TREASURY.

Recommended Section

Sec. 154-55. The **1** superintendent of public instruction shall be a member of the board of trustees of the Ohio archaeological and historical society, in addition to the members constituting such board under the other laws and regulations pertaining to the membership thereof. **2**

(109 v. 123. Eff. April 26, 1921.)

(1) director of education

(2) No moneys appropriated for the use or support of the Ohio archaeological and historical society shall be withdrawn
from the state treasury for such use until the board of trustees of said society, as constituted when this section takes effect, shall consent to the provisions hereof and file duplicate certificates of such consent in the offices of the secretary of state and the auditor of state.

Reasons for Recommendation

Section 154-55 of the General Code provides that the director of education shall be a member of the board of trustees of the Ohio archaeological and historical society. When this section was enacted by the legislature in 1921, there was written into it the further provision that no moneys appropriated for the use or support of the society could be withdrawn from the state treasury for such use until the board of trustees of the society, as constituted at the time the section went into effect, had consented to the provisions of the section and filed duplicate certificates of such consent in the offices of the secretary of state and the auditor of state. This latter provision is meaningless now and should be taken out of the section. The section should be further amended to provide that the superintendent of public instruction, rather than the director of education, shall be a member of the society's board of trustees.

37. STATE SCHOOLS FOR BLIND AND FOR DEAF; POWERS AND DUTIES OF DEPARTMENT.

Recommended Section

Sec. 154-56. The state school for the deaf and the state school for the blind shall be under the control and supervision of the department of education. The superintendent of public instruction shall appoint and fix the compensation of a superintendent for the state school for the deaf and a superintendent for the state school for the blind. Such superinten-
dents shall serve during the pleasure of the superintendent of public instruction.

Reasons for Recommendation

It is recommended that Section 154-46 be repealed in its entirety and that there should be enacted a new section, to be known as Section 154-56, the provisions of which will place the state school for the deaf and the state school for the blind under the control and supervision of the department of education.

There are a number of sections of the statutes in addition to Section 154-46 which attempt to establish administrative relationship between the department of education and these two schools, namely Sections 154-47, 1872, 1876, and 1885-1. In no instance, however, is the statutory provision as clear and definite as it should be. These two schools, at one time, were attached to the Department of Public Welfare. The legislature exercised sound judgment when it transferred them from the Public Welfare Department, which has the responsibility for administering the state's penal and correctional institutions and also those for the mentally ill, to the Department of Education. Unquestionably it is the Department of Education, rather than any other department of state government, that should have the responsibility for the administration of these two schools.

It is the purpose of proposed Section 154-56 to provide in clear and unambiguous terms that the responsibility for the control and supervision of the school for the deaf and of the school for the blind shall be vested in the Department of Education. With that responsibility should go necessary authority and it is, therefore, provided in the proposed section that the superintendent of each school shall be appointed by and his salary shall be fixed by the superintendent of public instruction. There is included the
further provision that each such superintendent shall serve during the
pleasure of the superintendent of public instruction.

38. ADMISSION OF PUPILS TO STATE SCHOOL
FOR DEAF.

Recommended Section

Sec. 154-56a. The state school for the deaf shall be open to receive
such deaf and blind-deaf persons, residents of this state, who, due to
such handicap cannot be educated in the public school system of this
state and who, in the judgment of the superintendent of public instruction
and the superintendent of the school for the deaf, are suitable persons to
receive instructions according to the methods employed in such school.

Reasons for Recommendation

The proposed Section 154-46a sets up the provisions relative to the
admission of pupils to the state school for the deaf. It provides that
the school shall be open to receive such deaf and blind-deaf persons,
residents of Ohio, who because of their handicap can not be educated in the
public schools of the state.

39. ADMISSION OF PUPILS TO STATE SCHOOL
FOR BLIND.

Recommended Section

Sec. 154-56b. The state school for the blind shall be open to receive
such blind persons, residents of this state, who, due to such handicap,
can not be educated in the public school system of this state and who,
in the judgment of the superintendent of public instruction and the
superintendent of the school for the blind, are suitable persons to receive
instructions according to the methods employed in such school.

(Note: Formerly Sections 1872-1873 of the General Code.

See Section 154-56a.)
Reasons for Recommendation

The proposed Section 154-56b is analogous to Section 154-56a and sets up the provisions relative to the admission of pupils to the state school for the blind. It provides that the school shall be open to receive such blind persons, residents of Ohio, who because of their handicap cannot be educated in the public schools of the state.

40. WHEN BLIND OR DEAF PUPILS MAY BE RETURNED TO PARENTS OR GUARDIAN.

Recommended Section

Sec. 154-56c. The superintendent of the state school for the deaf or the superintendent of the state school for the blind with the approval of the superintendent of public instruction may return to its parents, guardian or proper agency any pupil under his jurisdiction who is not making sufficient progress in its school or industrial work to justify its continuance as a pupil in such school.

Reasons for Recommendation

The proposed Section 154-56c sets up a provision whereby the superintendent of either school may, with the approval of the superintendent of public instruction, return to the pupil's parents or guardian any pupil enrolled in his school who is not making sufficient progress in school or industrial work to justify his continuance as a pupil in the school.

41. WHAT MAY BE TAUGHT TO DEAF OR BLIND PUPILS.

Recommended Section

Sec. 154-56d. The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, for their respective schools and subject to the rules and regulations of the state
civil service, employ suitable teachers, nurses and other help necessary to provide the proper instruction and care for the pupils under their jurisdiction. Such superintendents shall organize systematically the literary and vocational education of the pupils under their jurisdiction.

Reasons for Recommendation

The proposed Section 154-56d grants to the superintendent of each of the two schools the authority to employ the teachers, nurses, and other assistants required for the instruction and care of the pupils in his school. The section provides that such employment shall be subject to the rules and regulations of the state civil service commission. In the proposed section, there is a further provision which directs each superintendent to organize systematically the literary and vocational education of the pupils under his jurisdiction. This latter provision is now found in Section 1876 of the General Code, which should be repealed. Existing Section 1877, which provides that trades and arts adapted to the capacities and wants of the deaf shall be taught, should likewise be repealed.

42. PROVISION FOR HIGHER EDUCATION FOR BLIND PUPILS; APPROPRIATION; WHO MAY RECEIVE INSTRUCTION.

Recommended Section

Sec. 154-56e. The superintendent of public instruction may assist any pupil enrolled in the state school for the blind to obtain a higher education by providing a reader for such pupil to read from text books and pamphlets used by such pupils while in attendance as regularly matriculated students in any college, university, technical or professional school located in this state and authorized by law to grant degrees if in his judgment such pupil will receive sufficient benefit thereby to render him more efficient as a citizen.
Reasons for Recommendation

The proposed Section 154-53e is intended as a substitute for existing Section 1885-1, which section should be repealed. The proposed section authorizes the state superintendent of public instruction to assist any pupil enrolled in the state school for the blind to obtain a higher education by providing a reader for such pupil to read from textbooks used by the pupil in his studies while in attendance as a regularly matriculated student in any college, university, technical or professional school located in Ohio. This same provision, in somewhat different form, appears in existing Section 1885-1. A further provision in the existing section, that any fund appropriated for such purpose shall be distributed under the direct supervision of the director of education has been omitted from the proposed section.

43. WARRANTS OF STATE AUDITOR, HOW STAMPED.

Recommended Section

Sec. 242-1. All warrants of the state auditor on the state treasurer for payments from the state public school fund to a school district shall be stamped across their face "for deposit only". (116 v. H. 415, 2. Eff. August 17, 1939.)

Former Section 242-1 (107 v. 639, 640) was repealed by 109 v. 132.

Reasons for Recommendation

Section 242-1 of the General Code should be repealed. This section, which provides that all warrants of the state auditor on the state treasurer for payments from the state public school fund to a school district shall be stamped across their face "for deposit only", is meaningless today since there is no longer a state public school fund. Provision for such a fund is made in Section 7595 of the General Code. Before 1939, state funds
apportioned to local school districts were paid from the public school fund. The resources of the fund consisted of moneys appropriated thereto by the General Assembly, together with the proceeds of a number of taxes earmarked for such fund. The practice of earmarking taxes for the public school fund was abandoned by legislation enacted in 1939. Beginning in 1939 and continuing since that time, the legislature has appropriated from the state's general revenue fund the sum of money needed to meet the state's obligation to local school districts in accordance with the Foundation Program law of state support of public schools. Since January 1, 1939, payments to local school districts have been made from the general revenue fund of the state.

Summary.

In this chapter, minor changes have been recommended to clarify and simplify the existing statutes as they relate to the Department of Education of the State of Ohio. Previous chapters have pointed out the slow growth of an adequate code of school law for the state. It can be readily seen from a reading of these sections of law and the influences leading to major changes through the years from 1837 to the present that a constant and large opportunity exists for a progressive reorganization of the Ohio Department of Education. Some of the more fundamental changes which should soon be made in the reorganization of the department will be made in Chapters VI and VII, especially in Chapter VII.

\[1\] The above recommended changes in the Ohio school laws have been passed by the House of Representatives and in all probability will be passed by the Senate at an early date.
CHAPTER VI

PRESENT STATUS OF THE STATE DEPARTMENTS OF
EDUCATION IN THE UNITED STATES

The Tendency Toward Centralization in Education.

During recent years, many nation-wide studies, dealing with state
departments of education and state boards of education or other central
educational authority, have been made. These studies have shown that
the trend in all states is more and more toward the centralization of the
control and the support of public education. This trend, as pointed out
in a recent publication by the Southern States Work-Conference on School
Administrative Problems, "is chiefly due to the following factors: the
development of transportation facilities, the national shift from an
agrarian to a technological civilization, the concentration of wealth in
favored areas, and the growing public consciousness of the fact that
education is not solely a matter of local concern but rather of vital
necessity to the welfare of the state and the nation". 1

It is possible, of course, for even the best trend to carry too far.
In their enthusiasm for the good features of a new movement the proponents
of the movement often fail to foresee the dangers of exaggerated and
excessive application of the principles on a general scale. No whole is
stronger than its parts; hence, the importance of the small unit in
school administration must not be lost in the strengthening of the state
and the nation. Efficient and lasting democracy must protect the right

1 State Responsibility for the Organization and Administration of Education.
Bulletin No. 1 (1942), Southern States Work-Conference on School
Administrative Problems

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of individual initiative and self-determination. Governments which do not give that protection are likely to become totalitarian and to stifle the individual.

Thus far, this study has been concerned with the evolution of Ohio's educational system, from the time of the first state superintendent of common schools in 1837 and a simple unorganized system to a complex and highly organized system which ranks among the best in the nation. It has been noted that growth has come too rapidly; changes have often occurred too suddenly for a complete assimilation, and, though progress was made, more permanent and better results might have accrued if time had been taken to dovetail the various parts of the system more smoothly together.

The story of the growth of Ohio's system of state school administration, as set forth in the preceding chapters, is an example of this uncertain, irregular, and erratic development. For twenty-four years following its admission to statehood in 1802, Ohio's schools were wholly local concerns. Then, for a brief period, under the inspired administration of Samuel Lewis, as state superintendent of common schools, some unity and direction on a state-wide scale were inaugurated; but the public was not yet ready to accept a strong central educational authority, and not until a half century after its admission to the Union did Ohio permanently establish the office of chief state school official. Since then, school development has continued to be sporadic. At times, an able state superintendent and a cooperative legislature have made constructive improvements in the state educational program; at other times, many worthwhile innovations and additions have been lost because of lackadaisical chief state school officials and unsympathetic legislatures.
The time has come when Ohio should establish a strong and efficient central educational authority, so that with the cooperation and help of local school units an efficient educational program in all of the schools of the state could be carried on continuously, rather than being carried on sporadically according to the mood of the legislature or the varying desires and abilities of "politically" appointed chief state school officials. To determine the nature of the reorganization which is to be recommended, the experience of all the states with chief state school officials and with state boards of education is needed, and will be given in this chapter.

In order to determine the present status of the chief state school official and the state board of education, and the general financial situation for education, a questionnaire with specific questions regarding these matters was sent to the chief state school official of each state in November, 1942. There have been 44 replies received. Florida, New Jersey, North Carolina, and South Carolina did not reply, although South Carolina and Florida sent bulletins and directories that included much of the information sought. In the fact of the pressure of war-time problems and correlated demands upon the time of state educational administrators, this would seem to be a satisfactory response. A copy of the questionnaire which was used is shown in Appendix A of this work.

A perusal of the following tabular summaries\(^1\) of the responses shows that state departments of education are tending to be reorganized in the

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\(^1\)The data for the four states - Florida, New Jersey, North Carolina, South Carolina - from which no replies were received - were assembled from educational directories and from reports of these states, and from the two recent studies: (1) The State Board and State Department of Education by Ward G. Reeder, 1939, Ohio Education Association, Columbus; and (2) State Boards of Education and Chief State School Officers, Their Status and Legal Powers by W. S. Deffenbaugh and Ward W. Kersecker, Bulletin, 1940, No. 6, Monograph No. 1, U.S. Office of Education.
direction of a stronger central and educational authority, either under
a state board of education or under a larger and more efficiently
staffed state department of education. Of course, as has been pointed
out in the preceding chapters of this study, reorganization of forms
of government are usually made slowly and grudgingly.

The State Board of Education.

The need for state boards of education as a means of directing
educational institutions and policies has been recognized since the close
of the Revolutionary War when New York in 1784 established its State
Board of Regents. Since then, every state in the Union has established
at least one state board which exercises some large or small educational
function. Moreover, 39 states have recognized the need for a central
board to determine general educational policies and to counsel upon major
administrative problems of their school system; they have thus established
state boards of education that exercise some control over the elementary
and the secondary schools of the state. These boards, of course, vary
a great deal in the powers and duties which have been assigned to them by
the legislatures.

In Table IV the states which have complete state boards of
education, and other state boards for other educational purposes, are
indicated; the type of provision, whether statutory or constitutional,
is also indicated in the table. In Table V are summarized the data
concerning the other types of controlling boards for education and
concerning the number of states that have each type.
TABLE IV

STATE BOARDS OF EDUCATION AND OTHER CONTROLLING BOARDS OF EDUCATION IN THE VARIOUS STATES, 1942.

<table>
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<tr>
<th>State</th>
<th>Constitutional Provision for State Board</th>
<th>Statutory Provision for State Board</th>
<th>Has Only One State Board</th>
<th>Has Other Boards of Educational Control</th>
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<td>Wyoming</td>
<td>x</td>
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</table>

* Has Advisory State Board of Education only.
TABLE V

SUMMARY OF THE OTHER TYPES OF CONTROLLING BOARDS FOR EDUCATION IN THE VARIOUS STATES, 1942

<table>
<thead>
<tr>
<th>Board for</th>
<th>Number of States</th>
</tr>
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<tbody>
<tr>
<td>Elementary Education*</td>
<td>25</td>
</tr>
<tr>
<td>Secondary Education*</td>
<td>36</td>
</tr>
<tr>
<td>Higher Education</td>
<td>5</td>
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<td>State Colleges*</td>
<td>18</td>
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<tr>
<td>Teacher Certification</td>
<td>7</td>
</tr>
<tr>
<td>School for Blind**</td>
<td>19</td>
</tr>
<tr>
<td>School for Deaf**</td>
<td>17</td>
</tr>
<tr>
<td>Handicapped Children</td>
<td>6</td>
</tr>
<tr>
<td>Penal Institutions</td>
<td>13</td>
</tr>
<tr>
<td>Charitable Institutions</td>
<td>10</td>
</tr>
<tr>
<td>Vocational Education</td>
<td>14</td>
</tr>
<tr>
<td>Agricultural Education</td>
<td>7</td>
</tr>
<tr>
<td>Medical Examinations</td>
<td>23</td>
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<tr>
<td>Dental Examinations</td>
<td>23</td>
</tr>
<tr>
<td>Pharmacy Examinations</td>
<td>23</td>
</tr>
<tr>
<td>Nurses Examinations</td>
<td>23</td>
</tr>
<tr>
<td>Architect</td>
<td>17</td>
</tr>
<tr>
<td>Accountancy</td>
<td>17</td>
</tr>
<tr>
<td>Cosmetology</td>
<td>18</td>
</tr>
<tr>
<td>Barber Examinations</td>
<td>21</td>
</tr>
<tr>
<td>Embalming</td>
<td>19</td>
</tr>
<tr>
<td>Optometry</td>
<td>19</td>
</tr>
<tr>
<td>Others***</td>
<td>4</td>
</tr>
</tbody>
</table>

*Special board for each state college is provided in some states.

**Five states combine these schools under one board.

***Others include Arts and Crafts Commission, Teachers' Retirement, State University Board, Pupil Transportation, and Negro Education.

#Have directors or supervisors in these areas; 39 states exercise general supervision in these fields.
Thirty-nine states have full-fledged state boards of education, that is, boards possessing some control over elementary and secondary education; however, two of these states (Colorado and Massachusetts) call them Advisory Boards on Education — that is, advisory to the chief state school official. The nine states that do not have a full-fledged state board of education are Illinois, Iowa, Maine, Nebraska, North Dakota, Ohio, Rhode Island, South Dakota, and Wisconsin. All of these nine states, excepting Maine and South Dakota, reported special controlling boards numbering from 6 to 17, not counting separately the boards for state college administration which were tabulated under one heading, "state colleges". ¹

This study reveals that of the 39 states which now have a full-fledged state board of education, 18 make constitutional provision for the board, while the remaining 21 have only statutory provision for it. In the 1940 study by the U.S. Office of Education,² the same results were found; but in Reeder's 1939 study 17 had constitutional provision and 22 had statutory provision.³

Since the most recently established state boards of education have now existed almost a quarter of a century, it is evident that approximately five-sixths of the states which have state boards of education have found them to be an effective means of administering their state educational enterprises. Iowa is now engaged in the process of creating a "State Board of Public Instruction" which will have some control over elementary, secondary, and junior college education. If the Iowa proposal is carried through,

¹In the report by the U.S. Office of Education, Bulletin No. 6, Monograph No. 1, South Dakota is shown as having 3 separate boards.
²U.S. Office of Education, Bulletin No. 6, Monograph No. 1, p. 3.
Iowa will make the fortieth state with a state board exercising some control over elementary and secondary school education.

However, there is still too great a division of educational responsibility, even in those states which have state boards of education; this is indicated by the varying numbers of controlling boards. Such a division is likely to lead to "passing the buck", friction, and instability. On this point the Southern States Work-Conference on School Administrative Problems points out: "Lack of coordination in educational effort is present in differing degrees in every state. Serious maladjustments frequently develop in the total educational enterprise because of the multiplicity of agencies dealing with the administrative function at the state level".1

In the answers to the questionnaire, it was seen that Ohio has the largest number of separate state boards for special educational functions of any state. Such a multiplicity of boards cannot help resulting in overlapping, confusion, and indefiniteness of regulations and policies. Ohio has much to gain by the adoption of a state board of education which would absorb the functions of many, if not all, the present state boards. Summarizing briefly, the advantages to be gained from having a state board of education are these:

(1) It would be more representative and more democratic; (2) Appointments to offices and positions would more likely be made on the basis of merit and less likely because of "politics"; (3) Such a body would have greater prestige with the legislature, school officials and employees, and the public; (4) It would give greater stability and continuity to state educational policies, because long-term planning would be more possible.2

All large business enterprises have their boards of directors; and it is reasonable to suggest that education, which is the biggest and most important business of the state, should have its "board of directors", that is, a state board of education. The purposes of such a central educational authority, as pointed out in the Southern States Work-Conference, should be: (1) leadership and direction, (2) consultation and advice, (3) research and planning, (4) implementation, (5) management, (6) certification of personnel, (7) accounting and reporting, (8) co-ordination, and (9) increasing the effectiveness of local school administration. These services are already being provided in part by the Ohio state department of education, but, if they were backed by the prestige and stability made possible through long-term planning, such as a state board of education would provide, their extent and effectiveness would be multiplied many fold. For these reasons it is hoped that Ohio will soon join the ranks of the overwhelming majority of the states that now have a state board of education. Some of the states have had such a board for more than a century, and few states have ever abolished their board after having established it.

**Composition and Selection:**

From Table VII, which is a summary of Table VI, it is seen that the number of members on state boards of education varies from 3 to 12, with the average number being 7.7.¹ The most popular method of selecting the members of the state board of education is appointment by the Governor. In the twenty-one states reporting ex-officio members, 12 have the chief state school official; 3 have both the Governor and the chief state school official; and 2 have the Governor, the chief state school official, the president of the state university, and the presidents of the two state

---

¹Reeder reported an average of 7.6 members in his 1939 study.
### TABLE VI

**The Number, Selection, and Legal Qualifications of Members of State Boards of Education in the Various States, 1942**

<table>
<thead>
<tr>
<th>State</th>
<th>Number of Members</th>
<th>Elected by the People</th>
<th>Appointed by</th>
<th>Legal Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Governor</td>
<td>Legislature</td>
<td>Chief State School</td>
</tr>
<tr>
<td>Alabama</td>
<td>11</td>
<td>9</td>
<td>2</td>
<td>x</td>
</tr>
<tr>
<td>Arizona</td>
<td>8</td>
<td>3</td>
<td>5</td>
<td>x</td>
</tr>
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<td>Arkansas</td>
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<td>9</td>
<td>4</td>
<td>x</td>
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<td>California</td>
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<td>x</td>
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<td>6</td>
<td>5</td>
<td>yrs.</td>
</tr>
<tr>
<td>Florida</td>
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<td>5</td>
<td>4</td>
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<td>x</td>
</tr>
<tr>
<td>Idaho</td>
<td>6</td>
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<td>3</td>
<td>yrs.</td>
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<td>2</td>
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<td>2</td>
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<td>91</td>
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<td>x</td>
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<td>6</td>
<td>x</td>
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</tbody>
</table>

1 Approval of Senate is necessary.  
2 Approval of Governor is necessary.  
3 Through convention of school board members.  
4 State specifically indicates that board is composed of all lay members.  
5 Bipartisan board specified.  
6 Ex-officio member is State Superintendent elected by the people.  
7 Membership wholly ex-officio.
### TABLE VII

**SUMMARY OF NUMBER OF MEMBERS OF STATE BOARDS OF EDUCATION IN THE VARIOUS STATES, 1942.**

<table>
<thead>
<tr>
<th>Number of Members</th>
<th>Number of States</th>
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</tr>
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<td>4</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
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</table>

*Average Number of Members: 7.7*

### TABLE VIII

**SUMMARY OF METHODS OF SELECTION AND LEGAL QUALIFICATIONS OF MEMBERS OF STATE BOARDS OF EDUCATION IN THE VARIOUS STATES, 1942.**

<table>
<thead>
<tr>
<th>How Selected*</th>
<th>No. of States</th>
<th>Legal Qualifications**</th>
<th>No. of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected by people</td>
<td>6</td>
<td>Age</td>
<td>3</td>
</tr>
<tr>
<td>Appointed by Governor</td>
<td>29</td>
<td>Residence</td>
<td>26</td>
</tr>
<tr>
<td>Appointed by Legislature</td>
<td>1</td>
<td>Educational Preparation</td>
<td>9</td>
</tr>
<tr>
<td>Appointed by Chief State School Officer</td>
<td>2</td>
<td>Educational Experience</td>
<td>8</td>
</tr>
<tr>
<td>Ex-Officio Membership</td>
<td>24</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Some states have members selected in two of the ways mentioned below.

** Some states have no legal qualifications; others have several legal qualifications.
teachers' colleges; 2 have the Governor, the chief state school official, and the secretary of state or the attorney general of the state; and 2 have the Governor, the chief state school official, and two public officials.

The tendency is to require no legal qualifications for state board of education members, except that of residence in the state and in certain localities of the state.

In two states, the members must not be engaged in school work; in several other states, one or more of the members must be "actually engaged in teaching"; in several other states the members "must not be connected with any textbook company". Requirements pertaining to educational preparation and educational experience are practically nil, being prescribed by only eight of the forty-eight states.

In answer to the question: "What method or combination of methods (for selection of members to the State Board of Education) would you prefer? Why?", the following answers were received from the various states:

Alabama - "Either by election of the people or by a convention of school board members. The State Board of Education is a very important policy-forming body in the state. Therefore, the people should be given an opportunity to express themselves directly on educational policy by voting directly for the state school board members or indirectly by voting for local school board members who are authorized to select state school board members. I would recommend that the State Superintendent of Education be appointed by the State Board of Education, provided that the State Board is selected by democratic procedure, such as a vote of the people or by a convention of local school board members".
Arizona - "(1) Staggered terms for Board Members. (2) Fewer members from institutions of higher learning (now has 3). (3) At least 2 or 3 lay members".

Arkansas - "The present set-up of gubernatorial appointment with the approval of the State Senate is satisfactory, because it gives the Governor interest in the situation; nine year terms prevents full control".

Georgia - "Governor appoints ten members - one from each congressional district (confirmed by Senate). Terms of office have varying lengths, from 1-10 years. No ex-officio members. All vacancies to be filled for remainder of term by Board itself". It will give (1) permanency of policy, and (2) prevent political interference".

Idaho - Appointments by Governor "solely upon consideration of their ability to efficiently serve the interests of the people and of education in this state, without reference to locality, occupation, politics, or religion" have served satisfactorily.

Iowa - "Our new School Code will set up a 'Board of Public Instruction' which will be separate from the Board of Education. This new board will have some control over Elementary, Secondary, and Junior College Education with educational supervision over all other educational phases of such institutions as the schools for the deaf, blind, correction, orphanages, etc.".

Louisiana - "Election of 8 members by people and appointment of 3 by governor; the system operates efficiently".

Maryland - "Appointment by the Governor. Outstanding citizens of the state consider it an honor to serve on the State Board of Education. Many of these persons would not consider running for election".

Michigan - "Would have "larger elected board - more representative of lay opinion". Now has only 3 members elected by people, and 1 member (the state superintendent of public instruction) ex officio."
Mississippi - "Have members elected, who, in turn, would appoint the chief state school officers. The Board should be a policy-making Board, and the chief state school officer should be executive. This plan should reduce politics to a minimum and increase effectiveness".

Missouri - "Appointment by governor on a bi-partisan basis would tend to remove office from political control or influences".

Montana - "Present method (appointed by Governor) satisfactory. Bill to remove ex-officio members was defeated in 1942".

Nevada - "Prefer popular election; it is more responsive to the people".

New Hampshire - Appointment by governor. "Present method is satisfactory. Decided upon after thorough study".

New Mexico - "Appointment by Governor, as we now have it".

Oregon - "Believe that a board of 7 members appointed by the Governor would be satisfactory. Each member to be appointed for seven years, one expiring each year. No ex-officicio members. Governor and Secretary of State are busy people. Education is important enough to warrant a lay board with sufficient time to consider problems".

Pennsylvania - "Appointment by Governor, approved by Senate - staggered terms. This gives real promise for high type personnel. It has been the practice of Governors to select outstanding men and women in the business and professional world".

Tennessee - "Present method (appointment by Governor) is satisfactory".

Texas - "Members elected from districts or by a combination of educational agencies". It would "remove political partisanship and secure people who know the public schools and their needs".

Utah - "... the local members of school boards hold a convention to elect one state board member for a period of 7 years, except in the most populated divisions which elect three instead of one". There is an election each year in only one division of the seven regional ones in the
state. Very satisfactory.

Vermont - "By Governor in consultation with the Commissioner of Education or Chief State School Officer, so people with some background in educational work can be appointed".

Washington - "Prefer our present combination (3 members in educational field appointed by Governor, 4 members appointed by chief state school officer) with possible addition of 2 lay members, appointed on recommendation of State Superintendent. Gives balance of professional".

West Virginia - "Appointment by the Governor with their (Board Members) terms made constitutional. Boards serving by mere appointment change membership when Governors change. Prefer election by people to this method".

Wyoming - The present appointment "of six members of the State Board of Education by the Chief State School Officer with the approval of the Governor is satisfactory".

These methods, suggested by incumbent chief state school officers, for selecting the members of State Boards of Education show a two-to-one vote in favor of appointment of members by the Governor, with a tendency to qualify this by approval of the Senate or upon the recommendation of the chief state school officer. These suggestions also favor staggered terms for the various members, as making for more permanency of policy and less political play.

In the light of the foregoing discussion and comments, it would seem that a state board of education provided for by the Constitution, consisting of nine members (originally bi-partisan), having staggered terms (one appointee each year), appointed by the Governor would be the most effective. As many of the chief state school officials indicated
in their comments, this type of board would be less inclined to
deteriorate into a political "football" and would be sufficient in
number to be representative and effective, and yet not unwieldy.

The tendency to not require any legal qualifications, except
residential ones, seems a little strange. An enterprise as important
as education can surely demand that its policy builders be successful
at least in their own lines of endeavor, have had a minimum education
requirement, and that some of them have more than a lay knowledge of
the problems of the schools. The requirement by some states that
members shall not be connected with any textbook company is a very good
precautionary measure.

Compensation and Number of Meetings:

From the data of Table IX it is seen that the number of meetings
held per year by state boards of education varies considerably, although
almost two-thirds of the states indicate the holding of monthly or
quarterly meetings.

It would seem that monthly meetings would attract persons of high
calibre who feel that serving in such a position is a civic duty; such
meetings would be frequent enough to keep the members in touch with
school problems and policies.

In the matter of compensation, all states pay the actual and
necessary expenses of the board members, 4 pay a salary, and 13 provide
a per diem honorarium. This indicates that membership on the state
board of education is usually looked upon as an honor and a duty, and
not as a means to an end; this is as it should be.
NUMBER OF MEETINGS HELD BY, AND COMPENSATION PAID TO, STATE
BOARDS OF EDUCATION IN THE VARIOUS STATES, 1942.

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<thead>
<tr>
<th>State</th>
<th>Meetings Specified</th>
<th>Meetings Not Specified</th>
<th>Indefinite</th>
<th>Compensation</th>
<th>Salary</th>
<th>Per Diem</th>
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# Not specified, but actually held.
**Seldom collected.
# To be proposed, 1943
1 For not more than 10 days.
2 If not a public official.

*Hold other positions paid by state.
### TABLE X

PROVISION FOR THE OFFICE, AND TITLE OF CHIEF STATE SCHOOL OFFICIAL IN THE VARIOUS STATES, 1942.

<table>
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<th>State</th>
<th>Provision for the Office</th>
<th>Title of the Office</th>
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<tr>
<td>Wyoming**</td>
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*Superintendent of Free Schools is the exact title.

**
The Chief State School Official

The chief state school official is the administrative head of the state department of education in every state of the Union. Although the office has several titles in the various states, from the data of Table X it is evident that the title of Superintendent of Public Instruction is the most commonly used; the next most frequently found title is that of Commissioner of Education.

Provision for the office of chief state school official is made almost as often by statute as by constitution, thirty-two states reporting constitutional provision, twenty-four reporting statutory provision. That makes a ratio of 4 to 3. Eight states reported that they have both constitutional and statutory provisions. If these are deducted, the ratio is 3 to 2 in favor of constitutional provision. The provision for the chief state school official should be a constitutional one, for this makes it a permanent office that cannot be abolished by the vagaries of a "wild-cat" legislature, as happened once in Ohio in 1840. Besides, the importance of the position is deserving of the distinction of being required by constitutional provision.

Selection and Legal Qualifications:

Table XII indicates that in approximately two-thirds of the states the selection of the chief state school official is by the election of the people, which method has usually been used since the beginning of the office. The office of chief state school official is one of the most important offices in the government of any state. Its influence reaches into every home of the state, present and future. The filling of such an important office should not, therefore, be left to the chance selection of an ever-shifting popular vote. The office of chief state school official
TABLE XI

METHOD OF SELECTING THE CHIEF STATE SCHOOL OFFICIAL IN THE VARIOUS STATES, 1942

<table>
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<tr>
<th>State</th>
<th>Method of Selection</th>
<th>Method Provided for by</th>
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<tr>
<td>Delaware</td>
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<tr>
<td>Florida</td>
<td>x</td>
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</tr>
<tr>
<td>Georgia</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
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<tr>
<td>Illinois</td>
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<tr>
<td>Indiana</td>
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<td></td>
</tr>
<tr>
<td>Iowa</td>
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</tr>
<tr>
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<td>x</td>
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</tr>
<tr>
<td>Kentucky</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
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<td></td>
</tr>
<tr>
<td>Maine</td>
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<tr>
<td>Maryland</td>
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<tr>
<td>Massachusetts</td>
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<td>Nevada</td>
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<td>New Hampshire</td>
<td></td>
<td></td>
</tr>
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</tr>
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<tr>
<td>Oregon</td>
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<td></td>
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<tr>
<td>Pennsylvania</td>
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<tr>
<td>Rhode Island</td>
<td></td>
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</tr>
<tr>
<td>South Carolina</td>
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<tr>
<td>South Dakota</td>
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<td></td>
</tr>
<tr>
<td>Tennessee</td>
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<td></td>
</tr>
<tr>
<td>Texas</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Vermont</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Washington</td>
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</tr>
<tr>
<td>West Virginia</td>
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<td></td>
</tr>
<tr>
<td>Wisconsin</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

¹Data for Florida, New Jersey, North Carolina, and South Carolina were taken from U.S. Office of Education, Bulletin 1940, No. 6, Monograph No.1, pp. 29-30
²By State Board with Governor's approval.
### TABLE XII

LEGAL QUALIFICATIONS REQUIRED OF THE CHIEF STATE SCHOOL OFFICIAL IN THE VARIOUS STATES, 1942

<table>
<thead>
<tr>
<th>Kind of Legal Qualifications Required</th>
<th>Number of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having qualifications specified</td>
<td>32</td>
</tr>
<tr>
<td>Having no qualifications specified</td>
<td>10</td>
</tr>
<tr>
<td><strong>Type of qualifications:</strong></td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>12</td>
</tr>
<tr>
<td>Residence</td>
<td>17*</td>
</tr>
<tr>
<td>College preparation:</td>
<td></td>
</tr>
<tr>
<td>None specified</td>
<td>19</td>
</tr>
<tr>
<td>Graduation from college or university</td>
<td>17</td>
</tr>
<tr>
<td>Master's degree</td>
<td>1</td>
</tr>
<tr>
<td>Graduation from normal school</td>
<td>2**</td>
</tr>
<tr>
<td>Other types of preparation</td>
<td>3***</td>
</tr>
<tr>
<td><strong>Professional Experience</strong>#</td>
<td></td>
</tr>
<tr>
<td>None specified</td>
<td>19</td>
</tr>
<tr>
<td>3-5 years</td>
<td>9</td>
</tr>
<tr>
<td>7-10 years</td>
<td>2</td>
</tr>
<tr>
<td>Hold life or valid certificate</td>
<td>4</td>
</tr>
<tr>
<td>Actively engaged in education</td>
<td>2</td>
</tr>
<tr>
<td>Actual teaching and administrative experience</td>
<td>6</td>
</tr>
<tr>
<td>Other types of experience#</td>
<td>3</td>
</tr>
</tbody>
</table>

1 Six states did not answer this question.

* Some states require "residence" only; other states require from 6 months to 5 years of residence.

** Idaho and Michigan specify college or normal.

*** These overlap - some states requiring two or more of these qualifications.

# Not to be interested financially or otherwise in book publishing or book selling company or firm.
<table>
<thead>
<tr>
<th>State</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Must be a resident of the state for 2 years; no particular age; graduate of university or college; 5 years of experience in public school work.</td>
</tr>
<tr>
<td>Arizona</td>
<td>Must be a resident of the state for 5 years.</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Need not be a resident of the state or of any particular age. He must be a person of good moral character, recognized as a leader in the field of education; qualified technically and by experience to direct the work of the Department of Education; must hold the Master's degree from an accredited institution; must have had 10 years of experience as a teacher, five of which must be of an administrative or supervisory nature; and must have a valid state teacher's certificate.&quot; (Reorganized on July 1, 1941.)</td>
</tr>
<tr>
<td>California</td>
<td>No legal requirements.</td>
</tr>
<tr>
<td>Colorado</td>
<td>Must be a state resident; 30 years of age.</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Board makes rules on qualifications. None specified by statute.</td>
</tr>
<tr>
<td>Delaware</td>
<td>College graduate, with 5 years of experience as teacher or administrator.</td>
</tr>
<tr>
<td>Florida</td>
<td>No legal requirements.</td>
</tr>
<tr>
<td>Georgia</td>
<td>Must be a resident of state for 1 year; 30 years of age; have 3 years of educational experience, or hold college degree or professional certificate.</td>
</tr>
<tr>
<td>Idaho</td>
<td>Must be resident for 6 months; no particular age; graduate of approved normal school, college, or university; actively engaged in educational work; holder of valid or state life certificate.</td>
</tr>
<tr>
<td>Illinois</td>
<td>Must be a resident of the state for 1 year; 21 years of age.</td>
</tr>
<tr>
<td>Indiana</td>
<td>No legal requirements.</td>
</tr>
<tr>
<td>Iowa</td>
<td>Must be a resident of the state for 1 year; no particular age; hold B.A. or B.S. degree; have 5 years of experience as teacher, supervisor or administrator.</td>
</tr>
</tbody>
</table>
Kansas: Must be a resident of the state and a legally qualified voter.

Kentucky: Must be a resident of the state for 2 years; 30 years of age.

Louisiana: Must be a resident of the state for 2 years; 21 years of age; with 5 years of actual teaching experience.

Maine: No legal requirements.

Maryland: "He must be an experienced and competent educator; a graduate of a standard college, having not less than two years of special academic and professional graduate preparation in a standard university; not less than 7 years experience in teaching and administration".

Massachusetts: No legal requirements.

Michigan: Must be a resident of the state; no particular age; graduate of college or normal school; 5 years of experience as teacher or superintendent.

Minnesota: Academic and professional preparation and administrative experience in public education necessary to perform the functions of the office.

Mississippi: Must be a resident of the state for 2 years; 21 years of age.

Missouri: Must be a resident of the state for 5 years; 25 years of age and a male citizen.

Montana: Must be a resident of the state for 1 year; 35 years of age; college graduate with professional training and experience (required by law, but not by constitution).

Nebraska: Hold highest grade of teaching certificate issued by the state and in force at time of election.

Nevada: Must be a resident of the state for 6 months; 18 years of age; hold a Bachelor’s degree plus 20 hours of credit in educational subjects by actual attendance; have 45 months of successful teaching experience, 20 months of it being in Nevada.

New Hampshire: Must have general educational experience of requisite type.

New Jersey: No legal requirements.

New Mexico: No legal qualifications.

New York: No legal requirements.
North Carolina:  No legal requirements.

North Dakota:  Must be a resident of the state for 1 year; 25 years of age; a college graduate with B.S. degree or equivalent, and hold the highest grade of state teacher's certificate.

Ohio:  "He may not be interested financially or otherwise in any book-publishing or book-selling company or firm".

Oklahoma:  Must be a resident of the state; "no specified professional preparation set by law".

Oregon:  Must be a resident of the state for 6 months; no other qualifications required.

Pennsylvania:  No legal qualifications required.

Rhode Island:  No legal requirements.

South Carolina:  No legal requirements.

South Dakota:  No legal requirements.

Tennessee:  "He must be qualified to teach in the school of highest standing over which he has authority".

Texas:  No legal requirements, other than he "must not have received campaign funds from any textbook-publishing company".

Utah:  Must be a resident of the state for two years or more; have at least a Bachelor's degree, and hold the highest grade of teacher's certificate.

Vermont:  Must have special training and experience in educational work.

Virginia:  "He is required to be an experienced educator".

Washington:  Must be a resident of the state and a qualified voter.

West Virginia:  No legal requirements.

Wisconsin:  "Must be a qualified voter; hold highest form of certificate issued by state; and have taught and supervised for at least 5 years".

Wyoming:  Must be a resident of the state; 25 years of age. "The State Commissioner of Education (the second chief state school official) must be of scientific and literary attainments; versed in history, theory and principles of education; with practical knowledge or the organization and management of schools; must be a graduate of a four-year college or university or have an equivalent education and training; and must be an experienced educator actively engaged in educational work".

performs important duties of a technical nature, and for the performance of these duties persons of technical preparation are required; such persons can seldom be secured through the "wheel of political fortune".

From a survey of many opinions and numerous studies on the question, it is believed that the selection of the chief state school official by the state board of education is best. The chances are good that appointment by the state board will be on merit, with less likelihood of political, residential, or similar restrictions entering into the picture.

A further glance at Tables XII and XIII brings out the fact that there is little tendency among the states toward specifying qualifications except those of residence and a small amount of professional preparation. Almost half of the states do not specify any professional experience at all, although one (Arkansas) requires 10 years of experience 5 of them to be in administrative or supervisory work. Since Arkansas is one of the Southern states with a revised educational organization as recommended by the Southern States Work-Conference, perhaps it is an indication of coming trends. To show the qualifications as indicated by each state, a summary of them is provided in Table XIII.

When the importance of the position of chief state school official is considered, it is little less than amazing to find that nineteen states still require nothing in the way of professional preparation for holding the office, and only seventeen states require graduation from college or university. Similarly amazing is the fact that so few states make any requirements of professional experience. The least that should be acceptable for any state is a Master's Degree or its equivalent and five years of successful administrative experience, preferably in the public schools; at least these requirements should be written into the statutes of the state.
**TABLE XIV**

TERM OF OFFICE OF THE CHIEF STATE SCHOOL OFFICIALS IN THE VARIOUS STATES, 1942.

<table>
<thead>
<tr>
<th>Term, Method of Dismissal, Etc.</th>
<th>Number of States</th>
<th>Individual States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Length of term:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 years</td>
<td>1</td>
<td>Minnesota</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
<td>Massachusetts, New Jersey</td>
</tr>
<tr>
<td>4</td>
<td>2*</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>Maine</td>
</tr>
<tr>
<td>2</td>
<td>12**</td>
<td>Delaware</td>
</tr>
<tr>
<td>Indefinite</td>
<td>1</td>
<td>Delaware, New Hampshire, New York, Rhode Island, Vermont</td>
</tr>
<tr>
<td><strong>May be dismissed for cause by Legislature - Impeachment</strong></td>
<td>17***</td>
<td>Arkansas, Connecticut, Delaware, Maryland, Minnesota, New Hampshire, New York, Vermont, Maine, Massachusetts, Michigan, North Dakota, Ohio, Rhode Island, Tennessee, Virginia</td>
</tr>
<tr>
<td><strong>State Board - Hearing</strong></td>
<td>8</td>
<td></td>
</tr>
<tr>
<td><strong>Governor - Hearing</strong></td>
<td>8</td>
<td>Maine, Massachusetts, Michigan, North Dakota, Ohio, Rhode Island, Tennessee, Virginia</td>
</tr>
<tr>
<td><strong>Courts - Trial</strong></td>
<td>1</td>
<td>Kansas</td>
</tr>
<tr>
<td><strong>People - Recall</strong></td>
<td>3</td>
<td>Arizona, Nevada, Wisconsin</td>
</tr>
<tr>
<td>None specified</td>
<td>6</td>
<td>California, Florida, New Jersey, New Mexico, North Carolina, South Carolina</td>
</tr>
<tr>
<td><strong>May not be dismissed</strong></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>Dismissal or non-dismissal provided for</strong></td>
<td>19#</td>
<td>Colorado, Indiana, Mississippi, Oregon, Utah</td>
</tr>
<tr>
<td><strong>By constitution</strong></td>
<td>20##</td>
<td></td>
</tr>
<tr>
<td>Not specified</td>
<td>10</td>
<td>Alabama, California, Colorado, Florida, Indiana, Mississippi, New Jersey, North Carolina, South Carolina</td>
</tr>
</tbody>
</table>

Eligible for Re-election

| Yes                             | 38               | Alabama           |
| No                              | 1                |                   |
| On indefinite tenure            | 3                | New Hampshire, New York, New Jersey |
| Did not specify                 | 6                | California, Connecticut, Florida, New York, North Carolina, South Carolina |

Provided for:

| By Constitution                 | 15               | Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Virginia, Washington, West Virginia |
| By Statute                      | 19###            |                   |
| Not specified                   | 18####           |                   |

Note: See the next page for the footnotes for Table XIV.
Footnotes for Table XIV.

*Alabama, California, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

**Arizona, Arkansas, Colorado, Idaho, Indiana, Kansas, Michigan, New Mexico, North Dakota, South Dakota, Tennessee, Texas.


#Arizona, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Virginia, Washington, West Virginia, Wisconsin.


####Arizona, California, Colorado, Connecticut, Florida, Maine, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, South Carolina, Texas.
Term of Office and Tenure:

From the data in Table XIV it is seen that the term of office in most states is comparatively short, average 3.4 years for all states reporting. Reeder also showed 3.4 years in 1939.¹ In almost all states the chief state school official is eligible for reelection. Among those chief state school officials reporting, the Vermont incumbent is serving his third term of 4 years, and the Delaware incumbent is serving his 22nd one-year term. Except in four of the states, the chief state school official may be dismissed for cause — usually specified as "immorality, misconduct in office, insubordination, incompetency, willful neglect of duty".

As was pointed out under the earlier discussion of the State Board of Education, what is needed for an efficient and progressive administration of educational policy in a state is the possibility of making and carrying out a long-term plan. This is not at all possible under a two-year appointment of the chief state school official and not much more so under four-year terms, which is the usual term of office in most of the 25 states having four-year terms. The chief state school official should be appointed by the state board for a term of at least four years, with tenure extended as long as his services are satisfactorily efficient. There should always, of course, be reserved the right to dismiss him for proved incompetency, misconduct in office, etc.

With such an arrangement, the official could plan more enthusiastically and whole-heartedly a progressive educational program, knowing that his work would not be limited to the whims or campaign promises of newly elected governors. Ohio has had many instances of progressive chief state school officials being professionally slaughtered by political

# Table XV

Annual Salaries of the Chief State School Officials in the Various States, 1942

<table>
<thead>
<tr>
<th>Amount of Salary</th>
<th>No. of States Paying this Salary</th>
<th>Constitutional Provision</th>
<th>Statutory Provision</th>
<th>State Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>$15,000</td>
<td>2</td>
<td></td>
<td>New York</td>
<td>New Jersey</td>
</tr>
<tr>
<td>12,000</td>
<td>1</td>
<td></td>
<td>Pennsylvania</td>
<td></td>
</tr>
<tr>
<td>10,000</td>
<td>2</td>
<td></td>
<td>Connecticut</td>
<td>Maryland</td>
</tr>
<tr>
<td>9,000</td>
<td>2</td>
<td>Illinois</td>
<td>Massachusetts</td>
<td></td>
</tr>
<tr>
<td>7,500</td>
<td>3</td>
<td>Louisiana</td>
<td>Michigan</td>
<td>Virginia</td>
</tr>
<tr>
<td>7,000</td>
<td>1</td>
<td></td>
<td>Delaware</td>
<td></td>
</tr>
<tr>
<td>6,500</td>
<td>1</td>
<td></td>
<td>Ohio</td>
<td></td>
</tr>
<tr>
<td>6,000</td>
<td>4</td>
<td>Georgia</td>
<td>Georgia</td>
<td>North Carolina</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rhode Island</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>West Virginia</td>
</tr>
<tr>
<td>5,250</td>
<td>1</td>
<td></td>
<td>Alabama</td>
<td></td>
</tr>
<tr>
<td>5,000</td>
<td>13*</td>
<td>California</td>
<td>Arkansas</td>
<td>New Hampshire</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nebrasxa</td>
<td>Florida</td>
<td>Vermont</td>
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<td></td>
<td></td>
<td></td>
<td>Indiana</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Maine*</td>
<td></td>
</tr>
<tr>
<td>4,800</td>
<td>2</td>
<td></td>
<td>Oklahoma</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Wyoming</td>
<td></td>
</tr>
<tr>
<td>4,500</td>
<td>2</td>
<td>Kentucky</td>
<td>Arizona</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mississippi</td>
<td>Iowa</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Washington</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4,000</td>
<td>5</td>
<td>Idaho</td>
<td>Oregon</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Montana</td>
<td>Utah</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nevada</td>
<td>Washington</td>
<td></td>
</tr>
<tr>
<td>3,600</td>
<td>3</td>
<td>New Mexico</td>
<td>Colorado</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>South Dakota</td>
<td>Kansas</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Missouri</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>South Dakota</td>
<td></td>
</tr>
<tr>
<td>3,000</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,400</td>
<td>1</td>
<td>North Dakota</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*and Minnesota, South Carolina, Tennessee, Texas, Wisconsin.

1 Limited to this amount by statute.

2 With approval of Governor, this amount may be paid.
machinations, not always of the opposite party. Besides, selection of the chief state school official by the state board would end the tendency to appoint older men to the position as a fitting end to a successful career and the opposite tendency to appoint younger men to the position as a mere stepping stone to a better and larger career. Also, when the office is removed from the direct ties of political appointment, a chief state school official is not restricted by the bickerings and demands of other office seekers or holders and can make decisions solely for the good of the schools without regard for political debts. He is then indeed a free agent to carry out the policies decided upon by the state board of education.

Compensation:

The chief state school official is the head of the greatest public enterprise in the state, and he should receive a salary commensurate with the magnitude and importance of his responsibilities. He should receive at least as much as the president of the state university, the superintendent of schools of the larger cities, and the pastors of the larger churches.

A perusal of Table XV will reveal that the annual salaries of the chief state school officials in the various states have a range from $2,400 to $15,000. The average salary of the chief state school officials elected by the people is $5,030; of the ones appointed by a state board, $8,062; and of the ones appointed by the governor, $8,750.

The salary of Ohio's chief state school official, $6,500, ranks twelfth in amount. Surely, Ohio with its vast resources, its large population, its excellent educational program, can afford to pay a salary equal to that of any other state. Only in this way can the state expect to attract and hold educators of the highest type in this office.
The State Department of Education.

"The professional service of the state department of education covers the whole scope of public education. As an agent of the legislature and of the state board of education, the department represents the authority of the state in seeing that certain minimum standards are observed. 

At the same time, the department should give creative leadership in education throughout the state." Such service necessarily entails great responsibilities, and they cannot be carried on without adequate provision for the proper type of personnel and the mechanics of administration.

Basic to any educational program, because its limitations impose real restrictions upon the kind and the amount of service that can be rendered, is the legislative appropriation for the department of education. To arrive at some comparison of the appropriations of the various states in this respect, the following question was submitted to the chief state school officers: "What is the total budget for the present fiscal year of your state department of education for current expenses (salaries, travel, supplies, etc.)? . . . and "What is the total budget for salaries for your state department of education for the present fiscal year? - (1) Professional, (2) Clerical."

Evidently some confusion arose in the minds of the chief state school officials as to just what to include in the budget figures. Nevertheless, the data for this part of the questionnaire are tabulated in Table XVI with the reservation that the submitted figures in some instances gave evidence of confusion and inaccuracy, because they do show the extreme differences that exist in the appropriations for state departments of education in the various states and likewise for the salaries paid to those educational workers.
TABLE XVI

AMOUNT OF FISCAL APPROPRIATIONS FOR STATE DEPARTMENTS OF EDUCATION, 1942.

<table>
<thead>
<tr>
<th>Amount of Appropriation</th>
<th>Number of States</th>
<th>Individual States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fiscal Appropriation</td>
<td>5</td>
<td>Connecticut, Maine, Pennsylvania, Rhode Island, Washington</td>
</tr>
<tr>
<td>$1,000,000 - up</td>
<td></td>
<td>Vermont, Texas</td>
</tr>
<tr>
<td>$500,000 - $1,000,000</td>
<td>2</td>
<td>Missouri</td>
</tr>
<tr>
<td>$400,000 - $499,000</td>
<td>1</td>
<td>Colorado, Louisiana, Ohio</td>
</tr>
<tr>
<td>$300,000 - $399,000</td>
<td>3</td>
<td>Arizona, Georgia, Virginia</td>
</tr>
<tr>
<td>$200,000 - $299,000</td>
<td>3</td>
<td>See list below</td>
</tr>
<tr>
<td>$100,000 - $199,000</td>
<td>12*</td>
<td>Idaho, Indiana, Mississippi, Nevada, New Hampshire, North Dakota, Utah</td>
</tr>
<tr>
<td>$50,000 - $99,000</td>
<td>7</td>
<td>California, Iowa, Kansas, Nebraska, Oregon, South Dakota Florida, Massachusetts, New Jersey, New Mexico, New York, North Carolina, South Carolina, Tennessee, Wyoming</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>None Specified</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

Salary Budget Professional

| $500,000 - up                  | 1                | Maine                                                  |
| $400,000 - $499,000            | 0                |                                                        |
| $300,000 - $399,000            | 1                | Texas                                                  |
| $200,000 - $299,000            | 1                | Connecticut                                            |
| $100,000 - $199,000            | 6                | Florida, Louisiana, Minnesota, Missouri, Ohio, Virginia |
| $50,000 - $99,000              | 10               | Alabama, Arkansas, Delaware, Illinois, Kentucky, Maryland, Michigan, Montana, Vermont, Wisconsin |
|                                | 7                | Arizona, Idaho, New Hampshire, Oklahoma, Utah, Washington, West Virginia |
| $25,000 - $49,000              | 6                | Colorado, Iowa, Nebraska, Nevada, North Dakota, Oregon |
| $24,000                        | 2                | The 16 remaining states did not reply to this question |

*Alabama, Arkansas, Delaware, Illinois, Kentucky, Maryland, Michigan, Minnesota, Montana, Oklahoma, West Virginia, Wisconsin.
TABLE XVI
(CONTINUED)

<table>
<thead>
<tr>
<th>Amount of Appropriation</th>
<th>Number of States</th>
<th>Individual States</th>
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</thead>
<tbody>
<tr>
<td>Salary Budget Clerical</td>
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<td></td>
</tr>
<tr>
<td>$ 200,000 - up</td>
<td>0</td>
<td>Texas</td>
</tr>
<tr>
<td>100,000 - $ 199,000</td>
<td>1</td>
<td>Arkansas, Florida, Louisiana, Ohio, Maine</td>
</tr>
<tr>
<td>50,000 - 99,000</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>25,000 - 49,000</td>
<td>9</td>
<td>Alabama, Arizona, Illinois, Minnesota, Missouri, Oklahoma, Virginia, West Virginia, Wisconsin</td>
</tr>
<tr>
<td>12,000 - 24,000</td>
<td>9</td>
<td>Colorado, Delaware, Iowa, Kentucky, Maryland, Michigan, Montana, Nebraska, Vermont</td>
</tr>
<tr>
<td>- - 11,000</td>
<td>5</td>
<td>Idaho, Nevada, North Dakota, Oregon, Utah</td>
</tr>
<tr>
<td>Not Specified</td>
<td>19</td>
<td>The 19 remaining states did not reply to this question.</td>
</tr>
</tbody>
</table>
The approximate average appropriations for the states reporting are:

(1) total fiscal - $225,600; professional - $79,100; and clerical - $30,800. When such extremes exist in the appropriations for education in the various states, school enrollments notwithstanding, there is bound to be a similar inequality of educational advantages for the children of these various states.

Ohio's fiscal appropriation for the state department of education for 1942 was $305,000; of this amount, $175,000 went for professional salaries, and $85,000 went for clerical salaries. Ohio's annual expenditure of more than $100,000,000 for public education in the state, $50,000,000 of which is appropriated by the legislation in accordance with the Foundation Program, is an indication of the gigantic enterprise that the chief state school official and his staff must administer. Yet, for the administration of this huge fund and the many responsibilities and branches which it involves, the department of education has less equipment, less office space, and less personnel than many of the larger cities of the state possess for much smaller problems and services. Here again, Ohio can make much improvement. One needs only to visit the state department of education buildings at Harrisburg, Pennsylvania, and at Albany, New York, to see the goals towards which Ohio might rise to better the mechanical end of the great educational enterprise.

From Table XVII it is seen that there are great differences in the numbers of employees in the state departments of education in the various states. Size and population are of course determining factors, but it is interesting to note that the average number of professional workers and the average number of clerical workers is about the same. In the 1940 tabulation given in the Educational Research Service, Circular No. 5,
the median number of professional staff members in the various states was 23.75 and the average (arithmetic mean) number was 31.72, as against a median of 21.5 for clerical employees and an average (arithmetic mean) of 41.45.

Ohio has 46 professional and 65 clerical employees in its state department of education. Considering the high position of education and the vastness of its appropriations, the department is far from being adequately staffed in comparison with other states.

Tables XVIII and XIX present the various services performed through supervisors and other workers in the several state departments of education. This list reveals that state departments of education are generously accepting their responsibilities of leadership and guidance. It is interesting to note that while most of the states have divisions for elementary and secondary supervision and vocational education, only a small number of the states have awakened to the need for like service in the areas of visual education, music, and research.

While Ohio, in comparison with many states, has a very diversified and large number of services, it still has much to do in the fields of Guidance, Curriculum, Instruction, Radio Education, Rural Education, and Research. Besides, much could be gained in Ohio and other states if the division of Vocational Education were unified under a Director of Vocational Education, working out of the State Department of Education.

Among the divisions most commonly mentioned by the various states as desirable to add are: Curriculum Advisory, Psychologist, Special Education, Research, Audio-Visual, Rural, Distributive, and Library. Music, Art, Physical Education and Health are mentioned by those not having them.
<table>
<thead>
<tr>
<th>No. of Employees*</th>
<th>Professional</th>
<th>Individual States</th>
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<tbody>
<tr>
<td>202</td>
<td>1</td>
<td>New York</td>
</tr>
<tr>
<td>106</td>
<td>1</td>
<td>California</td>
</tr>
<tr>
<td>100 - 90</td>
<td>2</td>
<td>Connecticut, Texas</td>
</tr>
<tr>
<td>79 - 61</td>
<td>1</td>
<td>Pennsylvania</td>
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<tr>
<td>60 - 51</td>
<td>2</td>
<td>Missouri, Virginia</td>
</tr>
<tr>
<td>50 - 41</td>
<td>4</td>
<td>Louisiana, Massachusetts, North Carolina, Ohio</td>
</tr>
<tr>
<td>40 - 36</td>
<td>2</td>
<td>Minnesota, Georgia</td>
</tr>
<tr>
<td>35 - 31</td>
<td>4</td>
<td>Delaware, New Jersey, South Carolina, Tennessee</td>
</tr>
<tr>
<td>30 - 26</td>
<td>2</td>
<td>Mississippi, New Hampshire</td>
</tr>
<tr>
<td>25 - 21</td>
<td>4</td>
<td>Alabama, Kansas, Maryland, Montana</td>
</tr>
<tr>
<td>20 - 16</td>
<td>7</td>
<td>Arkansas, Florida, Illinois, Maine, New Mexico, Oklahoma, Wisconsin</td>
</tr>
<tr>
<td>15 - 11</td>
<td>7</td>
<td>Colorado, Indiana, Kentucky, Michigan, South Dakota, Utah, Vermont</td>
</tr>
<tr>
<td>10 - 6</td>
<td>10</td>
<td>Arizona, Idaho, Iowa, Nebraska, Nevada, North Dakota, Rhode Island, Washington, Wyoming, Oregon</td>
</tr>
<tr>
<td>5 - 0</td>
<td>1</td>
<td>Oregon</td>
</tr>
<tr>
<td></td>
<td>Clerical</td>
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<td>444</td>
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<td>332</td>
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<tr>
<td>79 - 61</td>
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<tr>
<td>50 - 41</td>
<td>5</td>
<td>Massachusetts, Missouri, South Carolina, Louisiana, Texas</td>
</tr>
<tr>
<td>40 - 36</td>
<td>4</td>
<td>Connecticut, Georgia, New Jersey, Tennessee</td>
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<tr>
<td>35 - 31</td>
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<td>Alabama, Minnesota, North Carolina, Virginia</td>
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<tr>
<td>30 - 26</td>
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<tr>
<td>25 - 21</td>
<td>5</td>
<td>Arkansas, Kentucky, Maine, Michigan, Missouri</td>
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<td>20 - 16</td>
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<td>Delaware, Illinois, Indiana, Montana, Nebraska, New Mexico, Oklahoma, Washington, West Virginia</td>
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<td>15 - 11</td>
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<td>Arizona, Colorado, Iowa, Kansas, Maryland, Wisconsin</td>
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<tr>
<td>10 - 6</td>
<td>7</td>
<td>New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont</td>
</tr>
<tr>
<td>5 - 0</td>
<td>3</td>
<td>Idaho, Nevada, Wyoming</td>
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</tbody>
</table>


**Only 10 states reported part time employees.

<table>
<thead>
<tr>
<th>Average Number of Employees</th>
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<tbody>
<tr>
<td>Full Time</td>
</tr>
<tr>
<td>Professional</td>
</tr>
<tr>
<td>Clerical</td>
</tr>
<tr>
<td>Part Time**</td>
</tr>
<tr>
<td>Professional</td>
</tr>
<tr>
<td>Clerical</td>
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</tbody>
</table>
### TABLE XVIII

**DEPARTMENTAL SERVICES RENDERED BY STATE DEPARTMENTS OF EDUCATION IN THE VARIOUS STATES, 1942.**

<table>
<thead>
<tr>
<th>Services</th>
<th>Alabama</th>
<th>Alaska</th>
<th>Arizona</th>
<th>Arkansas</th>
<th>California</th>
<th>Colorado</th>
<th>Connecticut</th>
<th>Delaware</th>
<th>Florida</th>
<th>Georgia</th>
<th>Hawaii</th>
<th>Idaho</th>
<th>Illinois</th>
<th>Indiana</th>
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<th>Kentucky</th>
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<th>Maryland</th>
<th>Massachusetts</th>
<th>Michigan</th>
<th>Minnesota</th>
<th>Mississippi</th>
<th>Missouri</th>
<th>Montana</th>
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**States:**
- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- Florida
- Georgia
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana

**Note:** The table indicates the services rendered by state departments of education in various states in 1942. Each service is marked with an 'x' if provided by the state department. Services such as Safety Education, Indian Education, Supervisory, and Library are listed along the top, and states are listed along the side. The table does not include all states, indicating gaps in the data.
### TABLE XVIII

(continued)

|-----------------------------------------------|-------|---------|------------|----------|-------------|----------|---------|---------|--------|--------|----------|---------|------|--------|----------|-----------|-------|----------|-----------------|-----------|-----------|-----------|-------------|-------------|---------------|--------------|-----------|-------|---------|---------|----------|------------|---------------|-----------|---------|
### TABLE XIX

DEPARTMENTAL SERVICE RENDERED BY STATE DEPARTMENTS OF EDUCATION IN THE VARIOUS STATES, 1942.

<table>
<thead>
<tr>
<th>Name of Service</th>
<th>No. of States</th>
<th>Name of Service</th>
<th>No. of States</th>
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<td>16</td>
<td>(School Attendance)</td>
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<td>Pupil Transportation</td>
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<td>14</td>
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<td>Music</td>
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<td>5</td>
<td>Textbooks</td>
<td>6</td>
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<td>Architecture</td>
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<td>11</td>
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<td>15</td>
<td>Research</td>
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<td>15</td>
<td>Library</td>
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<td>18</td>
<td>Legal Advisor</td>
<td>5</td>
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*Data for New Jersey and North Carolina were taken from Educational Research Service, A.A.S.A. and Research Division of M.E.A., Circular No. 5, May 1940, p. 27.*
Recommendations of the chief state school officials for their present departments of education, which are indicative of present thinking along the lines of reorganization, are the following:

Arkansas: "Increase staff to cover several fields now somewhat neglected, as transportation, physical education and health. Need full-time man (in normal times) to work on school district reorganization".

Arizona: "Lump sum appropriation with authority to pay salaries comparable to those paid in the field for similar work".

Delaware: "Additional supervision of physical and health education, and manual arts and commercial courses". School Libraries.

Georgia: Suggests these changes:

(1) More adequate supervisory force.
(2) Increased salaries for teachers.
(3) Broaden curriculum in vocational field, particularly in trades and industrial education.
(4) Enlarge field of visual education and library service.
(5) Provide teacher retirement plan.
(6) Increase equalization fund.
(7) Expand vocational rehabilitation.
(8) Abolish district system of taxation and administration.
(9) Provide for county unit system of administration.

Idaho: "Elected State Board of Education with overlapping terms, appointive Commission of Education with the highest qualifications in Education to be found in the state. Closer coordination with Vocational Education and State Department of Education".

Iowa: Add "Division of Finance and Administration, Division of Plant Maintenance and Planning".

Indiana: "Longer term of office. — Board of Education appointed by Governor from list secured upon recommendation of educators". Also add secondary and elementary divisions.

Kentucky: Feels that eight divisions are "too many".

Maryland: Would add divisions of music, art, visual and auditory education, and a psychologist in connection with special education and child guidance clinic.
Michigan: "... have superintendent appointed by a larger State Board of Education ... more employees ... greater integration with vocational education and department staff".

Minnesota: Add Director of Instruction to unify work of all divisions. Combine Statistics and Accounting. Would add more supervisors in grade schools, high schools, rural schools, and one in health-physical education.

Missouri: Professional staff should be placed on a permanent merit basis.

Montana: "More clerical assistance, more office space, more funds for printing and supervision". Add supervisor of Health and Physical Education.

North Dakota: Appointment of Superintendent, change in salary, addition of other staff members. "Placing Vocational Education in Department of Public Instruction - it is under the Board of Higher Education".

Oklahoma: Add Department of Negro Education and Department of Health.

Rhode Island: "Add Divisions of Elementary and Secondary Education".

Texas: "Reorganization into more compact divisions - such as, (1) Administration and Finance, (2) Supervision and Instruction, (3) Vocational Education, so as to better correlate the program". (A lack of space for all divisions in one building prevents this at present.)

Utah: Addition of divisions.

Vermont: (1) Add more supervisors in Elementary, Industrial Arts, and Exceptional Children divisions; add more social workers, and more clerks.
(2) Double amount of state-aid ... $25 - $30 per A.D.A. pupil.
(3) Make University of Vermont a state institution. (Now private.)
(4) Have state trade schools or regional trade schools for boys and girls in every section of state.
(5) Return Free Public Library Commission, and add visual aids division including a film library, victrola-record service, visual aids loan service, art loan service.
(6) Install a Hollereth punched card system for tabulating reports and share with the State Department of Agriculture.

Virginia: Division of Higher Education should be added.
Washington: Need "additional personnel for instructional supervision and for supervision of school building program."

West Virginia: Eliminate Board of School Finance - re-establish Research.

Summary.

From this chapter, the data of which have been derived from questionnaire reports submitted by 44 of the 48 states of the Union, a picture of the present status of state departments of education, the chief state school official, and state boards of education is obtained.

The chapter reveals that in every state which reported there is a centralized authority for education, though in most of these states a more unified educational program would result if many of the separate controlling boards in those states were brought under the authority of a single state board and if improvement toward a more representative and meritorious selection of the member or members of the central authority were provided for.

Many state departments of education have enlarged their fields of service - in some there is almost too great a multiplicity of departments to allow for efficiency; in others, too few. The chapter reveals likewise that though a chief state school official is found in every state, the variations in his salary, duties, qualifications, and tenure are very great.

There is, of course, a great variation in the funds available for educational purposes in the several states. While some variation is necessary and desirable, there should be a move toward bringing the upper and lower ranges closer together, for education, while definitely a state function, can no longer be looked upon as a wholly local or state interest.

As has been shown in the discussion, Ohio's position in many respects is an enviable one, in other respects it leaves much to be desired.
CHAPTER VII

RECOMMENDATIONS FOR THE REORGANIZATION OF THE OHIO STATE DEPARTMENT OF EDUCATION.

It is the unanimous belief of our leaders today that the education of the people is the best means of bringing order out of chaos. Making provision for formal education is the biggest business of a community, of a state, and of the nation; the "profit" to be derived from that business is an educated citizenry which would be able to plan and to cope intelligently with the urgent and complicated problems of our everchanging civilization.

The realization of the importance of careful educational planning implies trained and efficient educational leadership on the local, the state, the national, and the international level. In this work, we are concerned with the problem of educational leadership on the state level.

To assure efficient leadership on the state level necessitates careful and cooperative planning. To have careful and cooperative planning requires: first, constructive thinking; second, the consideration and approval of plans and policies by a policy-forming authority; and, third, the execution of these plans and policies in an effective and efficient manner. Such a plan calls in each state for a central educational authority which would eliminate many conflicting policies and procedures. The lack in Ohio of this directive agency is a handicap to educational progress.

Preceding chapters have presented the story of the evolution and development of the Ohio State Department of Education. A casual study of this evolution and development evidences the reluctance of the people
to accept new ideas and policies pertaining to school organization and administration. On the state level, it took fifty years of planning and promotion, through the untiring efforts of some of the greatest educational leaders of our country, to establish the office of chief state school official. It took nearly another century to establish legal authority for that official to actually function as the head of the schools rather than to merely continue as a figurehead. During the past century, educational leadership has been unsuccessfully urging and recommending the creation of a State Board of Education which would become the policy-making body above mentioned.

In this final chapter there is developed a proposal for the re-organization of the State Department of Education which would offer a more efficient administration of public education in Ohio. The plan which is proposed is peculiar to Ohio since it takes into consideration special surveys, past educational policies, statutes, and other practical and theoretical suggestions and recommendations of school administrators, teachers, college people, and the lay public of Ohio.

State Board of Education.

A State Board of Education is recommended for Ohio, because it would assure the advantages of a central policy-determining authority to consider the great number of important educational problems arising with reference to the state public school system. In such a board, the Superintendent of Public Instruction would have the counsel and advice of an official representative group to assure the confidence of the people in the discharge of the duties of his responsible office.
The State Board of Education should be provided for by an amendment to the constitution. Constitutional provision would guarantee greater stability for the new organization, and is necessary in order to take precedence over the present procedure. Besides, such an arrangement would imply vital concern on the part of the public in educational matters and an assurance of their approval if a state board is to be obtained. Through this arrangement the people of Ohio would become acquainted with the problems of and the need for an efficient administration of schools, and this acquaintanceship on the part of the public would assure a more effective and intelligent consideration of needed educational legislation in the future.

A State Board of Education would bring about broad fundamental changes in the necessary machinery of the state and would assure long-time planning for education. The responsibility for the many and complex problems arising with reference to the state school system would devolve upon the members of the state board who would determine policies upon the recommendation of the state superintendent. Furthermore, since the tenure of office of the members of the board would be longer, and that of the state superintendent likewise, a more far-reaching and stable educational plan for the state could be attempted. The brevity of the guiding influence of educational thinking is one of the most serious handicaps of education today on the state level. This is a natural result of periodic changes of educational leadership. In Ohio, these changes have usually occurred every four years; and often they have changed every two years, because of the changing gubernatorial administrations.

In an attempt to end this constantly shifting educational generalship, the following amendment was submitted by the legislature to the people of Ohio at the November 7, 1939 election:
There shall be a state board of education to be constituted by law, whose members shall serve without compensation. There shall be a director of education who shall be appointed by the state board of education. The respective powers and duties of the board and of the director shall be prescribed by law.

That proposed amendment was defeated. Among the various reasons that have been advanced to explain the defeat of the amendment were: (1) educational leadership was not properly organized; (2) the people were not sufficiently informed of the advantages to be gained by a State Board of Education over the present arrangement; and (3) many local boards misunderstood the plan and thought that the state board would take the control of local schools away from them. The fact remains, however, that it was probably defeated because of a lack of united effort and a complete understanding on the part of both public officials and electorate. Accompanied by proper and careful planning and publicity relating to the reasons why Ohio should have a State Board of Education, the following amendment should be soon offered to the electorate to take the place of Section 4 of Article VI of the Ohio Constitution:¹

There shall be a state board of education, composed of nine members to be constituted by law. The members of the board shall serve without compensation. There shall be a state superintendent of public instruction who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be prescribed by law.

**Number of members:**

The State Board of Education which is recommended for Ohio should consist of **nine** members. Such a board would have the advantage of not being too large to work efficiently; but it would be large enough (if membership were distributed properly) to bring the needed diversity of views and experience from the various geographical sections and population groups of the state.

¹This or a more complete amendment containing the following suggestions might be used.
Term of office:

The term of office for each state board member should be nine years; the members of the first board should be appointed for terms from 1 to 9 years, so that there would be a new member appointed each year. Such an arrangement would make difficult the "stacking" of a board by any governor, and, in any event, it would also be conducive to evolutionary rather than to revolutionary policies. This is important, because effective public school administration depends upon the assurance of continuity of planning, which the nine-year membership gives, and provision for changing policy as necessary to the times, which the staggered appointments make possible. When a vacancy in membership occurs, the new member should be appointed by the governor for the unexpired term.

Selection and composition:

The members of the State Board of Education should be appointed by the governor. No member should be appointed who has any connection with a textbook publishing or distributing company or any school supply house which does business in Ohio.

The membership should be free from the pressures of any group or groups, and should be directly representative of the people. The appointment of members by the governor should be restricted so that not more than five of them shall be of the same political party.

Although there is some trend toward the election of the members of the State Board of Education, especially election by a convention of members of local school boards, as being a more direct expression of the people's interest in education, this is not recommended for Ohio because of the multiplicity of school boards in the state. Election of members by popular vote is frowned upon, because as with many elective offices not qualification but party backing and able oratory would determine the
election of members to the board; some states, though, make use of this method with satisfaction. The state board of education should be as free from political partisanship as possible, and popular election is not a means to this end. At this point, it should be noted that for the most part the states which have superintendents of public instruction elected by popular vote are usually among the less progressive states in education. It is recommended that the members of the state board in Ohio should be appointed by the Governor, who is the people's representative and who is finally responsible to them for each branch of the state government. The restrictions on the appointment of the board and the annual appointment of one member gives adequate protection against "politics", as explained in preceding paragraphs.

Compensation:

There shall be no salary attached to the office of member of the State Board of Education; of course, necessary and actual expenses for travel and subsistence in connection with board meetings should be provided for. In school administration it is agreed that any person who has no more interest in the schools than the salary has no place on a board of education. The best school board members want to "give", rather than to "get".

Powers and duties:

The powers and duties of the state board of education should be the following, with these and other duties as well as those of the superintendent of public instruction to be prescribed by law. The State Board of Education should, upon the recommendation of the state superintendent, perform the following duties:
(1) Determine general educational policies for the state department of education.
(2) Adopt regulations and minimum standards for the administration and supervision of the schools.
(3) Approve minimum standard conditions under which all diplomas and degrees are issued.
(4) Adopt rules and regulations for the certification of teachers.
(5) Print and distribute suggested courses of study.
(6) Adopt rules and regulations for grading and standardizing schools.
(7) Adopt rules and regulations for the construction of school buildings.
(8) Adopt rules and regulations governing the special education of the handicapped children.
(9) Present to the Governor a budget for the operation of the State Department of Education.
(10) Present to the Governor a state public school budget, and recommend needed changes in appropriation bills and school law.

The State Board of Education should likewise perform the following duties:

(1) Establish qualifications and fix compensation for the state superintendent of public instruction.
(2) Appoint the state superintendent of public instruction, his assistant, or assistants.
(3) Present the superintendent's report to the Governor.
(4) Decide appeals from decisions of the state superintendent.
(5) Direct and develop public sentiment for education.

In addition to promoting efficiency and longer-term planning, the concentration of state educational authority in a State Board of Education would eliminate the need for many of the separate, conflicting and overlapping boards, such as those for vocational education and the state library, and would bring greater unity, economy, and effectiveness into the state educational program. Still greater economy of effort and expenditure could be realized if Ohio had a special building for carrying on its educational enterprise, such as Pennsylvania provides for its State Department of Education; at the same time, greater service could be rendered because all of the separately housed and directed boards could be brought under one central authority.
The Chief State School Officer.

The chief state school officer of Ohio, known by constitution as the State Superintendent of Public Instruction, should be appointed by the State Board of Education. This is the most desirable method, because such a body would likely be guided in its selection by the qualifications and the general merit of the applicant, and would not be swayed by "politics" which often is the chief qualification of the gubernatorial appointee.

Authorization by Constitution:

As has been pointed out above, there should be constitutional provision for the state superintendent of public instruction. This would give permanency to the office, and also power of direction to the superintendent, who otherwise would be merely a supervisor and not a superintendent.

Term of office:

The term of office should be at least four years in length, with indefinite tenure if his services prove satisfactory. A shorter term would not allow for the putting into operation any "long-range" program. It has been the misfortune of Ohio to have directors of education changed so frequently, on the average every 3.5 years, that many have not had the time to plan a long-range program; and many of those that have had the courage to attempt constructive and long-range programs have had the fruits of their work destroyed, before they were well begun, by political machination or by lack of appropriation by an unsympathetic legislature.

Qualifications:

Previous chapters of this work have stated and reiterated the importance of the office of chief state school official. On the importance of the office Reeder says:
"In its potentialities for public service, the office of the chief state school official is easily the most important educational position in the state. It is more important than the presidency of any of the state universities or the superintendency of the largest local school system in the state. It gives general direction and supervision to all school officials and employees of the state. It directs and supervises the expenditure of millions of dollars annually. And more important than all, its ministrations are bound to affect the welfare of all the future citizens of the state."\(^1\)

For such a position of grave responsibilities, there should be some minimum professional qualifications prescribed. The holder of the office should be a graduate of an approved college, should have had 2 or 3 years of graduate work of a professional nature, and should have had at least ten years of successful experience in the field of education, five of them in an administrative or supervisory capacity in the public schools. This latter qualification should be emphasized, because the direction of the schools of the state should never be placed in the hands of a well-meaning, well-prepared educational theorist, who has never had any actual experience in the public school classroom or with the problems of public school administration. No one without such experience could likely bridge the gap between the theory and practice and really appreciate and understand the complexities and intricacies of administering the state's public school system. There should be no restrictions as to residence or age, for ability is not bounded by state lines or years of life. Like the members of the state board, the superintendent of public instruction should have no business or financial connection with textbook concerns or publishing companies doing business in Ohio.

**Salary:**

The salary should be left to the judgment of the state board. It should compare favorably to those of other states and should be compatible

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with the importance and responsibilities of the office. It should be
on a level at least with those of presidents of state universities and
of the heads of large city school systems. Only in this way will the
highest type of educational administrator be attracted and held. As
the study for the improving of education in the Southern States expresses
it:

"If the fundamental importance of public education to
a democracy is to be recognized and if the state is to be
charged with primary responsibility for this function, then
certainly the salary of the chief state school official should
reflect the attitude of the people toward the importance of
his work." ¹

Ohio has much yet to do in this respect, for the present salary of
its chief state school official is less than that of many city superintend-
ents, deans and presidents of universities and colleges, and others in
like positions.

Powers and duties:

The state superintendent of public instruction should be the
executive officer of the state board of education, and he should propose
and recommend state policies in the field of education to the board.
His would be the task of coordinating and integrating the various phases
of the state educational enterprise.

His duties are too many and broad to permit of a detailed statement
of them, but an indication of their general nature follows:

(1) Recommend policies, standards and regulations for the
approval of the State Board of Education, and serve as
its advisor.
(2) Execute the regulations and policies of the State Board
of Education.
(3) Have general supervision of the public schools of the state.

¹"State Responsibility for the Organization and Administration of
Education", Southern States Work-Conference on School Administration
(4) Prepare suggested courses of study for the schools and curricula for teacher training institutions.

(5) Prepare the public school budget.

(6) Make reports to the state board regarding the status of the schools and their needs.

(7) Recommend desirable legislation for the improvement of the schools.

(8) Interpret the school laws and regulations of the state board and make decisions in controversies involving the administration of the schools.

(9) Select the personnel of his professional and clerical staff, subject to the approval of the board.

(10) Direct generally the work of the staff and coordinate its activities.

(11) Keep the public informed of the needs, conditions, and activities of the school.

Such an arrangement would challenge the chief state school official and would attract to the position the most able educators of the state and the nation, whereas at present the position is too often considered to be the crowning laurel of an educational career or a mere stepping stone to a better and more lucrative position.

The State Department of Education.

Under the type of organization which has been previously recommended, the function of the State Department of Education would be to carry out, under the direction of the chief state school officer, the professional duties as assigned by the policy-fixing state board of education and by the statutes of the state.

To perform this function efficiently, there needs to be a well-planned organization that would work not only in cooperation but in co-ordination as well, so that there would be no over-lapping, confusion, or conflict of activities. This could best be achieved by having a few major divisions under which would be placed the correlated departments, the staff members of which are the direct links between the local schools and central educational authority.

The purpose of this central educational authority should not be to impose rules and restrictions from without but to encourage and help the local units to a fuller and more complete realization of their responsibilities. The State Department of Education, through able and sensible
staff members, would furnish leadership in sound educational theory and practice, of such a kind that school administrators would seek guidance and help from it for the improvement of their curricula, and the improvement of their instructional procedures and processes.

In the last decade, Ohio has done much to improve the service of its State Department of Education, but the scenes have shifted so rapidly that the organization is still somewhat confused. A study of Figure 1 shows the 1938 organization and the inter-relation of divisions. Figure 2 shows a similar organization for 1942. It is true that Ohio's State Department of Education has made provision for many of the present-day special divisions of education; and in number of services attempted the department ranks high among the states of the nation. But there is much more than just "having" the divisions; there is also needed a sufficient staff to carry out these services, a staff which is lacking at present, and also a salary budget, which can offer salaries that will attract leaders in the various fields. And just as necessary is a coordination of these departments. Some reorganization is being carried on at present, but a complete and wholly efficient reorganization cannot be made until a State Board of Education is provided and the department is regarded as professional as the state universities.

Figure 3 shows the proposed reorganization of the State Department of Education. A study of Figure 3 reveals the Governor-State Board-State Superintendent relationship, and the new lines of interrelation between the superintendent and his staff.

Under this recommended reorganization, it will be noted that a few main divisions are proposed — namely, those of (1) Administration and Finance, (2) Law, (3) Publicity and Research, and (4) Instruction.
The work of the Ohio Scholarship Tests is financed by the sales of test materials. The Director of Scholarship Tests works under the general direction of an Advisory Committee of twelve appointed by the Director of Education.

** In cooperation with the Ohio State University.

**FIGURE 2.- ORGANIZATION OF THE OHIO STATE DEPARTMENT OF EDUCATION, 1938.**

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Under these will be found all the other many and necessary divisions of the state public educational system. There will be achieved by these fewer main divisions a greater unity of purpose and objectives, a greater coordination of effort, and a higher degree of cooperation between the departments and members of the staff.

The Directors of these four main divisions will constitute, along with the Superintendent of Public Instruction and his assistant, an Advisory Council whose purpose will be to integrate, coordinate, and establish cooperation between the various divisions and subdivisions and all educational forces and institutions in the state.

There are added two new divisions - (1) Law, and (2) Publicity and Research. These need no brief with anyone familiar with the many questions involving legal interpretations that arise in connection with the administration of the schools or the need for research in instructional and administrative areas.

Under the Division of Administration and Finance are found all the departments concerned with the direct administration of this office and financial apportionment to the schools. The personnel of this division should be more than doubled to safeguard the expenditure of state school funds.

Under the Division of Instruction are found new departments in Art, Radio-Audio Education, Business Education, and Adult Education. More definite help should be given to art instruction, especially to the many schools that have no special art instructors. Radio education, with particular emphasis on transcription records of important programs, is a desired service to be added. Supervision in business education is much needed at the present time in the schools of Ohio. Adult Education is a
large problem now with the preparation of war workers and civilian defense courses, and will in the post-war period loom even larger in assistance to discharged soldiers and to citizenship seekers.

There are indicated two associate groups, responsible directly to the state superintendent: (1) those like the State School for the Deaf, State School for the Blind, Film Censorship, State Library, and Geological Survey already under the State Department; and (2) the state institutions of higher learning whose Boards of Trustees should be directly responsible to the State Board of Education and the State Superintendent of Public Instruction for all teacher training curricula, if a greater degree and more uniform efficiency in teacher preparation is to be had.

Adequate personnel is sadly lacking in practically every division of the Ohio Department of Education. The Department has been too long regarded as a mere inspection agency. These "inspectors", who often are poorly prepared and too often mere "political" appointees, have frequently taken the easy way out by performing merely perfunctory functions. It is hoped that this study of the past and present conditions of the department may lead to a complete reorganization along progressive lines. A well organized and properly financed State Department of Education for Ohio would in the long run be most economical. Waste and duplication can only be eliminated by efficient, constructive, and able leadership. As Caleb Mills said many years ago, "Without leadership, the people perish".

Reorganization is much needed not only in the State Department of Education but on the local level. And, if I may be permitted to step outside of the immediate problem of this dissertation, I might also add that higher education in Ohio has just "grown" and that it needs careful study from the standpoint of reorganization if it is to give the best of service to the people of Ohio at a reasonable cost.
I cannot urge too strongly a reorganization of the Ohio Department of Education, of the local organization of public schools, and of the state supported institutions of higher learning. Today, as Director of Education, I keenly feel it my sincere duty to plead for what I see to be for the best interest of Ohio's greatest treasure - her boys and girls.

When and if the people of Ohio provide for a reorganization of their central educational authority, then the schools of the state and the children of the people will receive even better and greater dividends upon their investment in Ohio's great educational enterprise. In proportion as Ohio gives more service to its children for each dollar invested it will come nearer to the goal of its founders, namely, "the best of schools for all of the children" - a national as well as a state gain.
APPENDIX A
QUESTIONNAIRE USED IN THE STUDY.

THE STATE BOARD AND THE STATE DEPARTMENT OF EDUCATION

(Please return to Kenneth C. Ray, State Director of Education, Columbus, Ohio)

I. THE STATE BOARD OF EDUCATION

1. Do you have a full-fledged state board of education - that is, one which has some control and supervision over the elementary and secondary schools of your state?

2. If you do not have one full-fledged state board of education, do you have state boards performing similar educational functions in the state?

   (1) Put an X after the name of each such board in the following list that functions as a separate educational board in your state.

   Elementary Education
   Secondary Education
   Higher Education
   State Colleges
   Teacher Certification
   School for the Blind
   School for the Deaf
   Handicapped Children
   Penal Institutions
   Charitable Institutions
   Vocational Education
   Agricultural Education
   Medical examinations
   Dental examinations
   Pharmacy examinations
   Nurses examinations
   Architecture
   Accountancy
   Cosmetology
   Barber examinations
   Embalming
   Optometry
   List any others:

The questions below apply to those states that have a full-fledged board of education, as indicated in Question 1.

3. How many members are there on your state board of education?

4. Selection and term of office:

   (1) How many members are ----
       (a) elected by the people?
       (b) appointed by the governor?
       (c) appointed by the state legislature?
       (d) appointed by the chief state school officer?
       (e) members ex officio?

   (1) Who are they? Give their titles.
(2) What method or combination of methods would you prefer? 

______________________________________________________________

______________________________________________________________

Why?

______________________________________________________________

______________________________________________________________

(3) Are there any legal qualifications prescribed for them? 

If so, indicate what these requirements are by notations with respect to the following topics:

(a) Age

(b) Residence

(c) College and university preparation

(d) Educational experience

(e) Political affiliation

(f) List any other specifications:

______________________________________________________________

______________________________________________________________

5. Compensation:

(1) Are the members of the state board paid a salary?

If so, how much?

______________________________________________________________

(2) If the members are not paid a salary, are they paid a per diem honorarium, and if so how much?

(a) How many meetings are specified for each year?

(3) Does your state pay actual and necessary expenses?

______________________________________________________________
II. THE CHIEF STATE SCHOOL OFFICIAL

1. If your state has more than one chief state school official, please give the exact title of each.________________________________________________________

2. Is provision made for the office of chief state school official,
   (1) by the constitution?__________
   (2) by statute?__________

3. Give the official title of the chief state school officer.
   ___________________________________________________________________

4. Is he selected by ______
   (1) Election by the people?__________
   (2) Appointment by the governor?__________
   (3) Appointment by the State Board?__________
   (4) Appointment by other person or body?
      (a) If so, name it._________________________________________________

5. Is the manner of selecting the chief state school official provided for by
constitution or by statute?_____________________________________________

6. Are there any legal qualifications conditioning his appointment?__________
   (1) Does he have to be a resident of the state?_____ How long?__________
   (2) Does he have to attained any particular age?____ What?__________
   (3) Does he have to have completed any specified professional preparation?
      (a) What?_____________________________________________________
   (4) Does he have to have had any specified educational experience?
      (a) What?
      (b) By constitution or statute?________________________________

7. What is the salary paid to the chief state school official?_______________

8. How is his salary determined? Indicate by an X.
   By State Board?________
   By Constitution?________
   By Statute?________

9. What is the length of the term of the chief state school official?________
   (1) Can he be dismissed for cause before the expiration of his term?
      (a) By whom?
      (b) How?
      (c) By constitution or statute?___________________________________

10. Is the chief state school official eligible for re-election or re-appointment?
    (1) By constitution or statute?_________________________________
III. GENERAL

1. What is the total budget for the present fiscal year of your state department of education for current expenses (salaries, travel, supplies, etc.)?

2. What is the total budget for salaries for your state department of education for the present fiscal year?

   (1) Professional $____________________________
   (2) Clerical ________________________________

3. What is the number of full-time employees in your state department of education?

   (1) Professional ________________
   (2) Clerical ________________

4. What is the number of part-time employees in your state department of education?

   (1) Professional ________________
   (2) Clerical ________________

5. List the divisions and positions within the state department of education, or send the latest directory from which this information may be procured.

6. What divisions would you suggest be added or removed to make your state department of education more effective?

7. If wholly unhampered by legislation or financial considerations, what changes would you suggest in your state department of education for the improvement of education in general in your state?
APPENDIX B

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AUTOBIOGRAPHY

I, Kenneth Clark Ray, was born in McConnelsville, Ohio, November 17, 1901. I received all of my elementary and secondary school education in the public schools of Morgan County and McConnelsville. I received my undergraduate college education at Muskingum College, from which I obtained the degree of Bachelor of Science in Education in 1925. I received the degree of Master of Arts in 1931 from Ohio University. At the present time, I am serving as Director of Education of Ohio.