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THE COUNTY SUPERINTENDENT IN A COUNTY-UNIT
SYSTEM ADAPTABLE TO KANSAS

A thesis presented to the Graduate Faculty of the
Fort Hays Kansas State College
in partial fulfillment of the requirements
for the Degree of
Master of Science

by

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ABSTRACT

R-26-55

THE COUNTY SUPERINTENDENT IN A COUNTY-UNIT SYSTEM ADAPTABLE TO KANSAS

Introduction

This study was prompted, in part, by the realization that there does exist an urgent need to strengthen the intermediate educational agency if it is to continue as a progressive force in the education of children in Kansas.

The comprehensiveness of the study was limited by sociological, topographical, and environmental factors directly related to the office of county superintendent of schools and by existing educational statutory provisions.

The specific problem of this study is to ascertain, with as few modifications as possible at a later date, how the office of county superintendent in a county-unit system could be made adaptable to Kansas.

Method and Procedure

The data for the study were obtained from historical research, written correspondence, personal interviews, school laws of the states, and recommendations of leading educators.

It is the desire of the writer that the material herein contained should develop a greater appreciation of the intermediate agency, facilitate, encourage, and ultimately help improve the educational system in Kansas.

The Evolution of the Office of County Superintendent Of Public Instruction in the United States

The role the county superintendent plays is one of vital importance when consideration is given the more than three thousand office holders in forty-six states of the United States.

Complete democratic control over education existed from 1635 to 1654, at which time the enactment of state laws began transferring certain functions of rural school supervision from the people to special representatives known as, selectmen, school committees, or school commissioners. These groups soon adopted the policy of designating one of their number, or appointing an individual more qualified, to supervise the schools.

The intermediate agency often evolved from some other established county office. Legislative provisions gradually provided for a county school officer, thus, the county superintendency began as an arm of the state department of education--as a downward extension of state administrative control.

The duties of the early county superintendent of education were largely clerical and statistical in nature, a fact which has continued despite efforts by leading educators to break away from tradition and develop an intermediate agency primarily concerned with supervision.

The Evolution of the Office of County Superintendent Of Public Instruction in Kansas

The present educational system as found in Kansas and the stature which the office of county superintendent of schools has assumed has evolved as a result of adopting the educational statutes of other states, revising or amending them as desired, and through legislative enactment.

With additional duties placed upon the office came increased prestige, much of which has been lost as a result of a weakness in the statutory conception of the office.

Examination of recent legislative acts indicates the sincerity of purpose upon the part of the state legislators to advance and improve the intermediate agency; however these acts were soon insufficient to meet the rapid change taking place during this transitory period.

The present trend toward increasing the status of the county superintendent of schools is to create a new county-unit system of education and to take the office away from partisan politics.

The County Superintendent in a County-Unit System Adaptable to Kansas

Based upon established principles of administration, such as, planning, organizing, staffing, directing, coordination, reporting, and budgeting; the writer submits the

following as a recommendable form for a county-unit system of education for the state of Kansas:

The Office of County Superintendent of Public Instruction

How Chosen. The county superintendent of schools shall be appointed by the county board of education.

Term of Office. A county superintendent of schools shall hold a term of office during good behavior and successful service from the first secular day in August following his election and until his successor is elected and qualified.

Qualifications. The county superintendent of schools shall be required to meet those qualifications as required by law.

Place of Office. The office of the county superintendent of schools shall be located in the county seat.

Vacancy in Office. Any vacancy is filled by the county board of education. A person filling said vacancy shall be required to meet those qualifications as prescribed by law.

Oath and Bond. The county superintendent of schools shall qualify by subscribing to the oath required of county officers and shall assume a surety bond as prescribed by law.

Compensation. The yearly salary of the county superintendent of schools shall be in accordance with a formula prescribed by law.

Powers and Duties. The county superintendent of schools shall have such powers and duties as are prescribed by law.

The County Board of Education

Size of the Board. The county board of education shall be comprised of five members.

How Chosen. The county board of education shall be elected on a non-partisan basis by all of the qualified electors of the county exclusive of those residing in municipal separate school districts. Membership to the

county board shall be selected from each commissioner district of the county of which said member is a resident and two members-at-large from territory outside the cooperate limits of cities of the first and second class. In counties having five or more townships, provision shall be made that no township have more than one representative on the board of education.

Term of Office. The term of office for members of the county board of education shall be for a period of four years. The terms of office shall be overlapping in such a manner that an entirely new board will not be elected at any election.

Qualifications. A candidate for membership to the county board of education may be of either sex and must be an eligible voting member of the county or commissioner district in which he is a resident. No person serving as an employed member of the educational system shall be eligible to hold a position on the county board of education.

Election. A candidate for membership to the county board of education shall file, or there shall be filed in his behalf, with the county clerk not later than the time required for filing by other county officials, a nominating petition by a designated number of voters as prescribed by law. In case there are two or more nominees for a position on the county board of education, the two candidates receiving the highest number of votes in the primary election shall be the candidates in the general election. Proper non-partisan ballots shall be distributed to the township precincts in the commissioner districts and to the voting precincts in cities of the first and second class.

The first county board of education shall be elected for terms of varying lengths, so as to provide for staggered terms of four years, three members to be elected at one general election and two at the next. Terms for the first elected board shall be as follows: From Commissioner District #1--four years; District #2--four years; District #3--two years; members-at-large--the member receiving the greatest number of votes--four years; the other member-at-large--two years.

On the first Monday of January, following each biennial general election, each county board of education shall organize and elect, for a two-year term, a president from its own membership and report same promptly to the state superintendent of schools.

Meeting. The county board of education shall hold regular meetings. The minimum number of five meetings shall be prescribed by law. The county board of education shall adopt a schedule for these meetings with provision for special meetings.

Vacancy in Board. A vacancy occurring in the county board of education shall be filled in a manner as prescribed by law. Special provision shall be made concerning the treasurer of the county board of education requiring said member to subscribe to an oath of office and a surety bond before filling such a vacancy.

Compensation. Members of the county board of education shall be paid upon presentation of an itemized sworn statement, for all actual expenses incurred on official business at the order of the county board of education.

Powers and Duties. The county board of education shall have such powers and duties as are prescribed by law.

It is further recommended that continued effort be expended which will establish the dignity the office of county superintendent of schools must have if it is to continue as a progressive force in the education of children in Kansas.

ACKNOWLEDGMENT

The writer wishes to give special acknowledgment of his appreciation to Dr. Kirk E. Naylor, who has supervised and directed the preparation of this thesis.

Grateful appreciation is also extended to Dr. Robert T. McGrath, Dr. Ira O. Scott, and Dr. W. Clement Wood.

Acknowledgments are also due LaVerne Arnold, county superintendent of schools, Osborne County, Kansas, the state superintendents of public instruction, and leaders in the field of education, who so willingly contributed material used in the development of major portions of this study, and to his wife, Betty, for her assistance, encouragement, and typing of the manuscript.

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CHAPTER I

INTRODUCTION AND STATEMENT OF THE PROBLEM

The term "county superintendent" has little meaning when it reminds one of a single individual in a particular situation; however when consideration is given the more than three thousand county superintendents in the United States, each endeavoring to further the educational enterprise to the best of his ability, the significance of the office assumes a forceful impact.

Few people realize the important role the county superintendent plays in facilitating and improving the educational program. He is an active participant, actually involved in every phase of the educational program, especially in rural areas. Within the past few years, numerous studies have been made regarding various aspects of the educational system. For example, studies have been concerned with improving administration, supervision, curriculum, certification standards for teaching personnel, teacher tenure, school plant facilities, drop-outs, hidden costs, and many other aspects of education having a direct connection with the school. A few of these studies have been primarily concerned with improving the educational standards by first increasing the effectiveness of the office of county superintendent. Such studies have created greater

interest and served to focus the attention of educators toward an effort to bring about needed reforms at this important level of educational service.

The state of Kansas, at the present time, through the co-ordinated efforts of the State Department of Public Instruction and the Kansas State Teachers Association, is attempting a satisfactory solution to this most urgent and pressing problem. The pattern as set forth and followed by the county-unit states in establishing a more effective intermediate agency seems to be paving the way and giving added impulse to this movement. It is hoped that the effort expended will establish the dignity which the office must have if it is to continue as a progressive force in the education of children in Kansas.

THE PROBLEM

Statement of the problem. The specific problem of this study is to ascertain, with as few modifications as possible at a later date, how the office of county superintendent in a county-unit system could be made adaptable to Kansas.

The writer became interested in the problems confronting county superintendents, as an intermediate agency, while working with them as an elementary principal. Interest in the problem became focused on such factors as: the actual

divergence in professional qualifications, the minimum requirements established by the state legislature, the lack of effective leadership said office should exercise, varying salaries and many other discrepancies found within the office throughout the state.

This situation must be improved if the status of the county superintendent of schools is to attain the prestige desired of its office holder. The method whereby such an improvement may be made indicates the problem and also the importance of this study.

Importance of the study. The increasing importance of the office of county superintendent of schools has been gradually accepted by the people. As a result of this fact, it has been the contention of leading educators in Kansas that greater attention should be given to methods whereby the county superintendency could be strengthened. A number of studies have been made in an effort to strengthen the county superintendents' position as a more successful intermediate agency, thus creating the greater effectiveness of the educational system. These studies have failed as a result of biased opinions and self-condemnation of effort made by many of the county superintendents of schools in Kansas.

This study, "The County Superintendent in a County-Unit System Adaptable to Kansas," is one of current interest. A comprehensive study endeavoring to develop a better understanding of the office of county superintendent of schools and

setting forth a definite procedure in its establishment in a county-unit system must be based upon sound principles of good administration and findings of leading educators. If this study will in any way facilitate, encourage, and ultimately help improve the educational system in Kansas, as concerned with the county superintendent of schools, it will have definite value.

CLARIFICATION OF TERMS

Definition of terms used. In an effort to reduce confusion and uncertainty upon the part of the reader, it is believed that a definition of terms which are often misconstrued and confusing is an imperative part of this study.

County school organization. The term "county school organization" includes all the schools within the territorial and civil limits of the county that are under the jurisdiction of a single administrative organization. The two types of county organization considered in this study may be grouped as either the county as the local school unit where all local functions are performed through the local representative of the state or as the intermediate agency where the local school district performs most of the local functions and deals with the state not directly but through the county board of education.

County-unit system. The county-unit system, as the term implies, includes only those school systems within the county, city schools usually excepted, which act as a unit under a board of education. County-unit systems differ greatly as to organization, methods of support, and school systems to be included. Definite classification would be difficult, however the writer assumes that under a county-unit system the county is recognized as the local administrative unit in the state, also that the county is under the jurisdiction of a recognized board of education possessing delegated powers and specific functions.

Intermediate agency. The intermediate agency is an office which lies between the local school district and the state and to which has been assigned responsibilities for educational leadership, for the coordination of local districts, and for limited control in certain specific functions.

CHAPTER II

THE EVOLUTION OF THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION IN THE UNITED STATES

Introduction

One of the most important and common features of the school system in the United States is the office of the county superintendent of schools. This chapter seeks to show the development of the office of county superintendent as an intermediate agency, playing an ever increasing role in the educational system of our country.

Origin of the Office

The present role of the county superintendent of schools is the product of gradual evolution--an evolution which parallels, and is a part of, the evolution of our school system. The educational system employed throughout the United States has not been the result of haphazard guess work, but a development constantly retaining the best and discarding the poor. The office of county superintendent of schools did not come into being through any concerted plan but rather grew out of necessity.

In the early days, when society was much less complex and when the needs for education were not as great as today, schools were administered by the people who met regularly in town meetings and decided all questions viva voce.

This complete democratic control over education was to exist only for a short period of time. Complete democratic control of the schools existed from 1635, the date of the establishment in Massachusetts of the first schools which were truly public, to 1654, when the Massachusetts Colony enacted a state-wide law which delegated certain functions of government to selectmen.¹ Among these functions were the general direction and control of the schools of the town.

The history of rural school supervision may be traced from this transfer of powers from the people to special representatives. In Massachusetts the authority was first invested in the town itself, then to selectmen, and in 1789 to the school committee, who later selected one of their own body as supervisor of common schools, and still later were permitted to engage for this work someone not a member of the committee.²

The founding fathers of our country foresaw the importance of an educated electorate and advocated a system of free public schools as a function of the individual states. This fact was borne out in the formation of the

¹ Ward G. Reeder, The Fundamentals of Public School Administration (New York: The Macmillan Company, 1951), p. 8.

² Katherine M. Cook and A. C. Monahan, "Rural School Supervision," United States Bureau of Education Bulletin, (Washington, D. C.: United States Government Printing Office, 1919), p. 18.

constitution which delegated the matter of school control to the several states but had at the same time, through the Ordinance of 1787 attempted to foster education by setting aside one section of each township to be used for the schools of the state.

In time, public opinion came to accept the proposition that education was a state function and provisions were made for putting this important concept into action. Among the most important of these provisions was the establishment of a chief state school officer to represent the state in educational matters. New York made provision for the first state superintendency in 1812.³ The early duties of this state official were largely statistical, clerical, and promotional in character. The only reason for considering the chief state school officer here is that his functions and duties created a pattern for emergence of the county superintendency.

Schools were being widely established through local enterprise even before education had won full recognition by the state; however as local school districts were created by law, the state delegated designated functions to these local units for the direct administration of the schools. As the state's role became more influential, it soon became evident that a need existed for an intermediate administrative

³ Reeder, op. cit., p. 9.

officer to serve between the state educational office and the local school district. With continued complexity of society and increasing needs for education, pressure began to demand such an agency to aid in carrying much of the state superintendent's burden. The school land sections needed to be looked after by someone representing the larger interests of the state. Organized information relative to the condition of school buildings, school enrollments, programs of study, certification of teachers, and expenditures was almost non-existent. Without such knowledge the state superintendent of schools faced an impossible task of giving constructive leadership to a state educational system comprised of hundreds of small local administrative units. The state's urgent need for collecting such data was an important factor in creating the county school superintendency.⁴ To meet these problems, it was natural to turn to the county, a political unit for administrative and governmental affairs already existing in every state except Rhode Island. So the county superintendency began as an arm of the state department of education--as a downward extension of state administrative control.⁵

⁴ American Association of School Administrators, The American School Superintendency, Thirtieth Yearbook, (Washington, D. C., 1952), p. 44.

⁵ Ibid., p. 45.

A New York State Law of 1705 authorized local taxpayer associations for the organization and operation of schools. This law provided for town school commissioners who apportioned state funds among each town's several districts, conferred with district trustees concerning the qualifications of teachers, and exercised a measure of supervisory control over the program of studies. Such recognition of intermediate functions was perhaps, the first step toward the intermediate district administrative officer commonly known as the county superintendent.⁶

In the year 1841, New York modified their old system and established through new legislation a state deputy superintendent to be appointed by each county board of supervisors. In 1843, the name was changed to "county superintendent of common schools." This system was abolished from 1847 to 1856 when it was again reinstated with modifications.⁷

Supervision, as considered in its professional sense, first began in the larger cities and filtered into rural areas. This was the actual beginning of professional supervision. Soon rural areas and small towns were joining in sufficiently large numbers to engage a supervisor to devote all his time to the schools involved in such an

⁶ Ibid., p. 45.

⁷ Ibid., p. 46.

organization. The organizing of rural areas into such units paved the way for the existing types of school districts commonly found today, such as, town, township, parish, and county.

The earliest attempts toward rural supervision were confined to the management of funds and other material services. Later came the idea of supervisory visitation, examination of teachers and pupils, and limited controlling powers, as delegated to the supervisor, over specific aspects of the schools. The most literal adoption of supervisory duties of the early committees by later township and county supervisors helps show the gradual evolution of the office of county superintendent of schools. The following paragraph, taken from a study made by Ralph M. Edwards,⁸ gives definite dates showing this gradual development:

New York led the way in 1814, providing inspectors of common schools in each township. As early as 1824, civil commissioners in Missouri were required to appoint "visitors" to the schools once in three months to examine teachers, grant licenses, and exercise general supervisory powers. The civil commissioners' places, ten years later, were taken by three trustees with similar duties. In 1825, 1827, 1828, 1829, 1834, and 1839 respectively, Ohio, Vermont, New Hampshire, Michigan, Pennsylvania, and North Carolina passed legislative acts providing for supervisory educational offices.

⁸ Ralph M. Edwards, The County Superintendent and Rural School Supervision, (Kansas State Teachers College of Emporia: Bulletin of Information, July 1940), Vol. 20, No. 4, p. 8.

Cubberley⁹ states that the county superintendent as a regular county official and his duties first began about 1830, became common by 1860, and were definitely established by 1880. Delaware in 1829 was the first state to enact legislation establishing the county superintendency; however Delaware soon abolished the practice. New York established the office of county superintendent of schools in 1841, discontinued it in 1847 due to its unpopularity, but revived it eight years later. Other states followed suit in relatively rapid order. Establishment of the office followed widely different plans but soon became the common practice. By 1879, only four of the thirty-eight states of the union had not created the office, however, of these thirty-four states that had established the office seven had already abolished it.

The following paragraph shows the evolution of the county superintendency to a greater extent:

Some states established the office and later abolished it; then later still reinstated it. Mississippi, Texas, California, Idaho, and Arizona followed this pattern. Maine, New Hampshire, New York, and Vermont at one time had county superintendents, later abolishing the office and establishing in its place the superintendency district or the supervisory union as the intermediate units. Connecticut, Massachusetts, and Rhode Island are the only states that have never had a school official representing the county as a whole. At present, county

⁹ Ellwood P. Cubberley, State School Administration (Boston: Houghton Mifflin Company, 1927), pp. 97-99.

and rural superintendents function in all states except Delaware and Nevada. In these states the functions are performed by the local units or school districts with help from the State Department.¹⁰

Developing Status of the County Superintendent

The office of county superintendent of schools, as it is found in forty-six states of the United States, developed gradually, yet in a most natural and acceptable manner.

The supervisory capacity of the early selectmen became inadequate to meet the rising demands placed upon education. The school committee soon found that it was unable to cope with existing situations in a satisfactory manner. Later, the town or township officers of the New England States began discovering that the task of supervising the schools was too complicated for them as a group and began the policy of selecting one of their number to act as a supervisory official of the schools. The various states, having boards of education whose duties included control and supervision of education, soon found it much more satisfactory to delegate this responsibility to someone with a knowledge of the educational field and work with this official toward the improvement of the school system. The continuation of such a policy increased the importance of this individual to the

¹⁰ The County Superintendent of Schools in the United States (Washington D. C.: National Education Association, Yearbook 1950), p. 31.

extent that he was soon placed on the public payroll. Thus began the trend toward supervision at the county level. Provision was gradually made for a county school officer by amendment of or during a revision of the constitution of the state and by statute laws. This established county school officer, known as a county superintendent of education, a county school superintendent, or a county superintendent of public instruction, often evolved out of some other established county office. Frequently, the general overseeing of the public schools was added to the duties of such officers as the county clerk, auditor, or probate judge. In other states it grew out of the chairmanship of a county board of school visitors.

The state superintendent of education had become an established part of the educational system by 1830. It was only natural that the county superintendent should become a minor officer under the state officer. Cubberley¹¹ states that the office of county superintendent of schools began about 1835, and 1870 was common in most of the older states. Figure I, page 15, of this study, shows the year during which provision was made for a county superintendent in the various states.

The duties of the early county superintendents were largely clerical and statistical in nature, a fact which has

¹¹ Ellwood P. Cubberley, Public School Administration (New York: The Riverside Press, Cambridge, 1922), p. 46.

Name of State	Yr. State was admitted to the Union	Yr. State provided for a Dept. of Educ.	Yr. provision was made for a co. supt.	Yr. co.-unit plan was provided
Alabama	1819	1854	1856	1903
Arizona	1912	1871	1879	
Arkansas	1836	1853	1866	
California	1850	1849	1852	
Colorado	1876	1861	1870	
Connecticut	1788	1838		
Delaware	1787	1875	1829	
Florida	1845	1845	1853	1835
Georgia	1788	1868	1866	1867
Idaho	1890	1864	1874	1942
Illinois	1818	1845	1844	
Indiana	1816	1843	1872	1947
Iowa	1846	1841	1858	1950
Kansas	1861	1858	1858	1953
Kentucky	1792	1838		1908
Louisiana	1812	1833	1847	1879
Maine	1820	1846	1852	1852
Maryland	1788	1826	1865	1865
Massachusetts	1788	1837		
Michigan	1837	1829	1867	1949
Minnesota	1858	1851	1864	1927
Mississippi	1817	1846	1846	1903
Missouri	1821	1839	1853	
Montana	1889	1864	1883	
Nebraska	1867	1856	1869	
Nevada	1864	1861		
New Hampshire	1789	1846	1850	
New Jersey	1787	1845	1867	
New Mexico	1912	1863	1884	1949
New York	1788	1812	1841	
N. Carolina	1789	1852	1840	1900
North Dakota	1889	1864	1862	
Ohio	1803	1837	1847	
Oklahoma	1907	1890	1893	
Oregon	1859	1849	1850	1945
Pennsylvania	1789	1834	1854	
Rhode Island	1790	1843		
S. Carolina	1788	1868	1868	
South Dakota	1889	1864	1862	
Tennessee	1796	1836	1866	1907
Texas	1845	1854	1873	1947
Utah	1896	1851	1866	1905
Vermont	1791	1845	1888	
Virginia	1788	1870	1845	1922
Washington	1889	1861	1889	
West Virginia	1863	1864	1862	1933
Wisconsin	1848	1848	1861	
Wyoming	1890	1869	1873	

FIGURE 1

YEAR PROVISION WAS MADE FOR STATES EDUCATIONAL DEVELOPMENT

continued despite efforts by leading educators to break away from tradition and develop an intermediate agency primarily concerned in a large measure with supervision.

The first duties placed upon the office of county superintendent of schools were concerned with recording boundary changes of existing districts, apportioning the income from funds to the districts; checking that teachers employed possessed a teacher's certificate, making visitations to the schools and making recommendations to both the teacher and school board members. The county superintendent of schools collected figures as to expenditures, attendance, and reported this information concerning his county to the state. His duties were relative simple and required little professional training or skill. No state, as late as 1880, required the county superintendent to be a graduate of a college or a normal school and none required him to be experienced in the "arts of teaching."¹²

The office of county superintendent of schools gradually became accepted by the populace as one of the best means at their disposal, whereby they could improve the existing educational system. As this point of view spread, the office assumed additional duties with its increased importance. Many of these duties were handed down from the

¹² The County Superintendent of Schools in the United States, op. cit., p. 42.

state as delegated powers, while other duties were collected from the districts. Thus, the evolution of the office has increased the status of the county superintendent from that of a minor county officer to that of a county educational leader.

The intermediate agency has gained additional prestige as its officer has assumed greater responsibility as a community leader. The county superintendent of schools often plays an important role in such undertakings as-- advising the juvenile court, working with other county agencies such as the Department of Health, Social Welfare, and Agriculture Offices, sponsoring organized drives such as the Red Cross, and affording leadership to many rural youth organizations.

Office qualifications, as provided by law, range from no educational requirements or experience whatsoever, to a master's degree with special designated courses of study and several years of professional experience, as is indicated by the following chart:

Name of State	Years of College	Educational Requirements	Years of Experience
Alabama	4	adm. certificate	3
Arizona	4	24 hours in educ.	0
Arkansas	4	18 hours in educ.	5
California	4	adm. certificate	0
Colorado	3	teaching cert.	1
Connecticut	6	30 hours in educ.	7
Florida	4	adm. certificate	0
Georgia	4	18 hours in educ.	3
Idaho	2	teaching cert.	2
Illinois	4	adm. certificate	4
Indiana	5	M.A. adm. certificate	5
Iowa	5	adm. certificate	5
Kansas	1	teaching cert.	2
Kentucky	4	adm. certificate	2
Louisiana	5	12 hours in educ.	5
Maine	4	18 hours in educ.	3
Maryland	4	M.A. - equivalent	2
Massachusetts	4	adm. certificate	8
Michigan	4	20 hours in educ.	5
Missouri	2	teaching cert.	2
Montana	2	special cert.	3
Nebraska	1	teaching cert.	0
New Hampshire	5	adm. certificate	5
New Jersey	4	24 hours in educ.	0
New Mexico	0	none specified	0
New York	4	30 hours in educ.	5
North Carolina	4	supt. certificate	3
North Dakota	2	teaching cert.	2
Ohio	5	35 hours in educ.	6
Oklahoma	4	adm. certificate	4
Oregon	4	adm. certificate	3
Pennsylvania	5	adm. certificate	6
South Carolina	0	none specified	0
South Dakota	2	15 hours in educ.	2
Tennessee	4	18 hours in educ.	2
Texas	2	teaching cert.	0
Utah	5	M.A. adm. certificate	3
Vermont	5	24 hours in educ.	5
Virginia	5	15 hours in educ.	5
Washington	4	20 hours in educ.	2
West Virginia	4	12 hours in educ.	5
Wisconsin	4	adm. certificate	2
Wyoming	2	39 hours in educ.	0

FIGURE 2

QUALIFICATION REQUIREMENTS FOR COUNTY SUPERINTENDENT OF SCHOOLS

The method of attaining the office of county superintendent and the length of the term of office varies greatly among the states as indicated in Figure 3. The most common way of entry is by a common popular election vote, but the superintendent may be selected by a county board of education, appointed by the chief executive state school officer with the approval of a county board, selection in a convention of township trustees or local school boards, elected by a vote of the school committees from the several towns included in a supervisory union, or selected by a special board whose only function is the election of a superintendent.

The length of term, which the county superintendent may hold office, ranges from one to an indefinite number of years. In case of an indefinite term, the term can be terminated only by action of the chief state school officer.

The established policy of selecting county officials from among the electorate by popular vote also became the established method for securing the office of county superintendent. This policy, established early, has been followed down to the present regardless of the many disadvantages of such a method and remains the most common plan for selecting the superintendent of education for our counties.¹³

¹³ Cubberley, op. cit., p. 47.

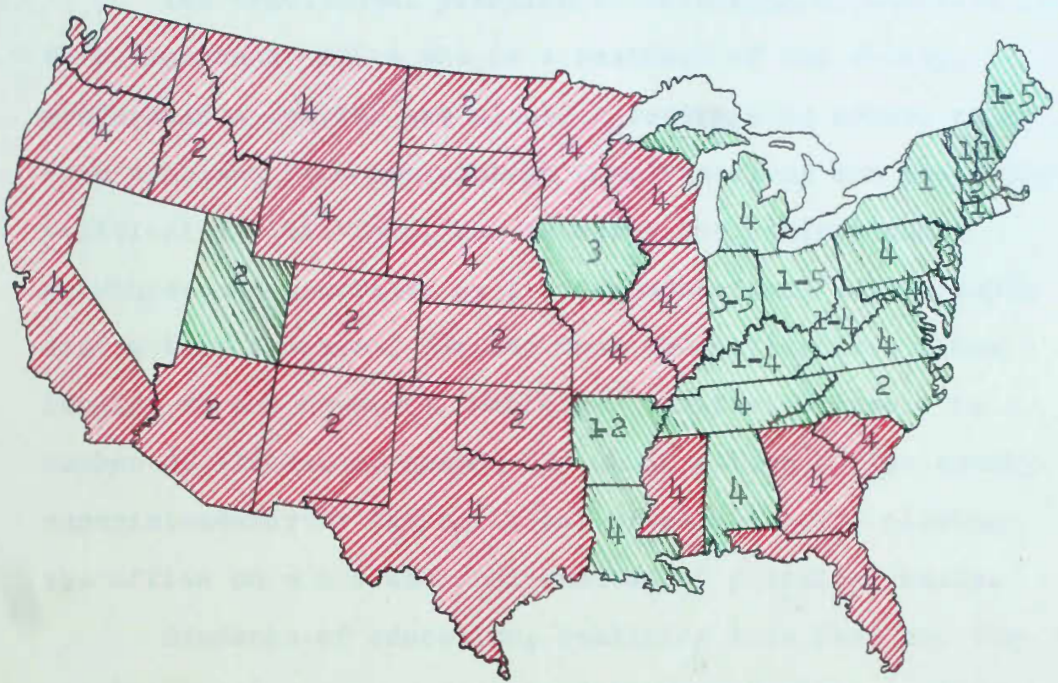


FIGURE 3

METHOD OF SELECTING COUNTY SUPERINTENDENT OF SCHOOLS
and
TERM OF OFFICE BY STATES

Method of Securing Office



Popular election



Appointed by a board



No intermediate school organization



Figures on states indicate length of term

The traditional practice of selecting a candidate for this important office who is a resident of the county, preferably a native, has placed a restraining power, which when combined with low minimum qualifications and necessary political affiliations, has retarded the professional growth deemed necessary by leading educators. Cubberley¹⁴ states that increased demands upon the office have given impulse to the movement, which has manifested itself in a number of states, to change the whole nature of the county superintendency by taking it out of politics and placing the office on a professional instead of political basis.

Students of education, realizing this fact and the growing concern, have endeavored through various studies to emphasize this problem, hoping in turn to be rewarded by public concern which would ultimately bring about desired legislation resulting in an improved intermediate agency.

The writer wishes to emphasize, at this point, that despite such retarding influences, the office of county superintendent of schools has not lost stature, but increased its prestige due to the untiring efforts of its officers, who have endeavored to attain professional qualifications above the minimum requirements established by law.

¹⁴ Cubberley, op. cit., p. 48.

The magnitude and importance of the task performed by the intermediate agency is overwhelming and almost beyond one's comprehension. County superintendents have control over fifty-four percent of the nation's total teaching force, 189,000 rural school buildings, 5,700,000 children transported by 100,000 vehicles which exceeds a cost of \$177,000,000 annually, and 16,000,000 children between the ages of five and nineteen years of age.¹⁵

The increased status of the county superintendent has also magnified the problems connected with the office. Major problems confronting the office today are not only concerned with the county educational officer but also all personnel directly under the jurisdiction of the office. Current interest is centered on increasing and equalizing salaries, educational opportunities, office and staff, and formulating an adequate method of finance.

Numerous studies during recent years, point out many of the problems which county superintendents of schools face in every part of the country. Teachers possessing the higher qualifications established by the state departments of education, are attracted away from the poorly arranged and often meagerly equipped rural schools toward those school systems offering greater personal freedom, additional

¹⁵ The County Superintendent of Schools in the United States, op. cit., p. 25.

opportunities to do good work, providing a sick leave policy, salary schedules, and increased tenure of position. As a result of this trend, those teachers lacking experience or having sub-standard certificates are often employed in positions directly under the jurisdiction of the county superintendent of schools. Children from the rural areas graduate under these handicaps, enter high school, and are expected to compete on a favorable basis with other students who previously have had better educational opportunities. The antiquated system of property taxation, which continues to be the chief source of school support, places a handicap upon the intermediate agency, whereby it is impossible in many instances, to compete on an equal basis with city school systems. In numerous instances, the county superintendent of schools, even though having a limited amount of time away from clerical work for supervisory activities, finds himself confronted with the fact that many of those teachers employed under his jurisdiction resent having one less qualified giving advice.

Whatever may be disclosed regarding the training, experience, or efficiency of the county superintendents, the fact still remains, that the salary is insufficient to command the services of a completely trained educational

leader for this potentially important position.¹⁶

As a part of the natural evolution of our American Educational System, the recent trend has been toward increasing the efficiency of the intermediate agency. This movement has taken place to a large extent in those states having the county intermediate district superintendency. The writer believes the following statistics from the material compiled in the February 1950 Yearbook, The County Superintendent of Schools in the United States,¹⁷ will aid the reader in understanding the exact position the county superintendent now holds throughout the United States:

Over 2,000 county superintendents, or three-fourths of the total number in the nation, function in 27 states using the county intermediate district plan of organization. . . . In some of the county intermediate district states (Arkansas, California, Colorado, Indiana, Illinois, Minnesota, Nebraska, New Jersey, North Dakota, South Dakota, Oregon, Texas, and Wyoming) the school systems in one or more counties have been organized as county basic units.

Only 16 of the 27 states have county boards of education for each county.

There are 12 county-unit states. . . where administrative functions below the state level are performed directly by the local district which is either a county or an independent (usually a city) unit. All schools, except for those in independent districts, are administered by the county superintendent.

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¹⁶ F. P. O'Brien, The County Superintendent of Schools as Supervisor of Instruction (Bureau of School Service and Research, Vol. 27, No. 11 Lawrence: University of Kansas, 1926), p. 8.

¹⁷ The County Superintendent of Schools in the United States, op. cit., pp. 32-33.

In the 12 county-unit states there are 910 county (parish in Louisiana, division in Virginia) superintendents. Each county district has a board of education which operates as the policy-making body for all schools (except for those in independent districts) in the county.

The County Superintendent in the County-Unit System

The role of the superintendent in a county-unit school system compares favorably with a combination of the duties performed by city school administrators and the intermediate agency common of the county district. The county superintendent's work in the county-unit system is different; he cannot follow the exact pattern of the city school administration without losing touch with reality--the reality, the distinctiveness, the uniqueness of Rural America.¹⁸

The county-unit system has placed the superintendent on the frontier of educational progress. The success of this venture remains uncertain; however it has gained wide acclaim in most instances where such an attempt has been made. Those states, which have discarded the county intermediate district in preference to the county-unit system, have occasionally made necessary changes to improve the existing educational system.

¹⁸ The County Superintendent of Schools in the United States, op. cit., p. 39.

The duties and responsibilities of the county superintendent in the county-unit system vary in many respects among the states employing such a system.

Carr¹⁹ lists the essential features of a county-unit organization for education approximately as follows:

1. The establishment by law creating a county educational organization which is to be the unit for administration and supervision of all schools within its jurisdiction, an exception being made for cities under the supervision of a city superintendent. Such an organization might easily encompass several counties or a large county might be divided into county school districts.
2. City school districts may join with the county as a part of the school district.
3. A county board of education comprised of five or six members (preferably five) to be elected from the county school district and to have much the same powers and functions as a city board of education for a city.
4. The county board of education to select the county superintendent of schools, who is also directly responsible to the state, fix his salary, and supervise the educational program.
5. This official to be the executive officer of the county board of education and a recognized professional and executive head of the educational system of the county. The number of additional assistants to be determined by the board.
6. The county board of education to have control of all schools within the county outside of independent school districts. This board shall have approximately the same powers and duties as common to the city superintendent, such as, consolidation of schools, designating curriculum, and approval of the annual budget of expenditures.

¹⁹ William G. Carr, The Reference Shelf (New York: H. W. Wilson Company, 1922), pp. 48-50.

7. The county school tax to be levied on all property within the county-unit system.

The present trend toward strengthening the intermediate agency seems to be giving support to the county-unit type of educational system in rural areas. Educational critics have taken both the affirmative as well as the negative point of view as to the value of the county-unit system compared to the county district superintendency. The divergence of thought on the topic narrows when consideration is given to only areas which can easily be classified as rural.

The following map shows the type of school organization and administration found within the various states:

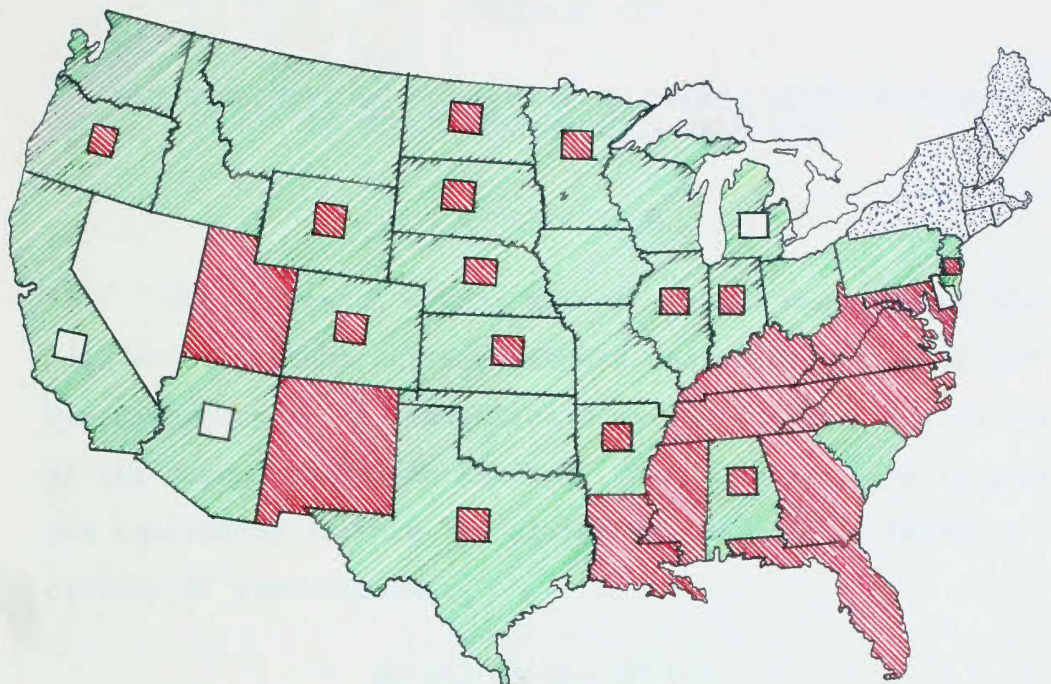








FIGURE 4

TYPE OF SCHOOL DISTRICT ORGANIZATION BY STATES

Administrative Unit Used

-  County-unit system
-  County intermediate district
-  Supervisory union
-  County intermediate district and county-unit system
-  County intermediate district with provision for a county-unit system but no such district organized
-  No intermediate school organization

CHAPTER III

THE EVOLUTION OF THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION IN KANSAS

Introduction

The office of county superintendent has assumed the role of leadership and contributed most effectively to the strengthening of the educational system and the unification of the common school in Kansas. This chapter seeks to show the increasing stature the office has assumed in nearly a century of its existence.

Origin of the Office

The present educational system, as found in Kansas, has evolved as a result of adopting the educational statutes of other states and revising or amending them as desired.

The first Territorial Legislature of Kansas, which met at Pawnee on July 3, 1855, proslavery as it was well known, adopted the Missouri statutes as the statutes of the Kansas territory. These statutes established independent school districts and provided for four elective district officers--one inspector and three trustees. Provision was also made that the children of the township be instructed free of cost, actually the establishment of the common concept of public education.

The first anti-slavery legislature, which met in regular session in 1858, repealed and revised the school laws to correspond more closely with those of northern school systems. Patterned after the statutes of Ohio, this legislature created the office of county superintendent, to be filled by annual election, and gave this office the power to create and alter school districts. The office of inspector was abolished and the members of the district board were given the titles of director, treasurer, and clerk.

The educational provisions, as adopted by the Wyandotte Constitution in 1859, set the pattern of the present school system. The office was abolished by the territorial legislature of 1860, only to be reinstated by the Constitution.

Developing Status of the County Superintendent

The Kansas pioneers believed that through the application of reason an informed citizenry would make wise personal and political choices. This belief was translated into public policy by the adoption of the state constitution in 1859 which provided in part, that "the legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement, by establishing a uniform system of common schools and schools of a higher grade."²⁰

²⁰ Ethan P. Allen, director, Your Government. (Bulletin of the Bureau of Government, Vol. 6, No. 2. Lawrence, Kansas: University of Kansas Press, October 15, 1950), p. 15.

Emerging into statehood, Kansas became the first state that began its educational system with a constitutional officer in each county known as a county superintendent of schools. The constitutional requirement and the manner of choosing the officer, together with the two year term of office, remains unchanged to the present day.

The duties of the early county superintendents were mainly those of a glorified clerk who gathered statistical information for the state and who kept the required county records.

One clearly administrative duty of great importance, however, was placed upon the county superintendent. This was to lay out the county into conveniently sized and located districts, in the total, to include all land within the county and thus, in the aggregate, all real estate in the state was to be included in some common school district and taxed for the maintenance of schools.²¹ Following the original formation of districts, he was to make such change in the district boundaries as he deemed advisable to serve the educational needs of the communities under his jurisdiction.

The qualifications required of the earlier superintendent were small. Outside of possessing a teacher's

²¹ J. D. Everett, "The Status of County Superintendents in Kansas 1949," (Unpublished Master's thesis, The University of Kansas, Lawrence, 1949), p. 42.

certificate, the only thing necessary was to obtain more votes than any other candidate. The office holder's training was on a par with most of those under his supervision and his judgment was highly regarded as well as his advice sought.

A century of great rapidity in changing social standards, increasing public demand, and a changing environment forced the intermediate educational agency in Kansas to assume greater responsibilities. With these additional duties placed upon the office came increased prestige, much of which has been lost as a result of a weakness innerent in the statutory conception of the office.

A compilation of the Kansas Statutes, in progressive summary form, as found in Appendix A of this study, indicates that a restricting force is hampering the development of the office of county superintendent of schools and thus limiting the status such an office should attain.

The office was created under pioneer conditions for a pioneer day, with duties in keeping with concepts of the time. The statutes of this early day remain, with minor changes, in effect at the present.

J. D. Everett²² substantiates the above in his study from which the following paragraph has been taken:

²² Ibid., p. 44.

At irregular intervals and in response to insistent voices, the salary schedules of all county officers would come up for revision, but the question of higher qualifications for this particular office along with adequate compensation was always handed down to the following legislatures which in turn were quite willing to pass it on to the next.

The inflationary period of World War II found the county superintendent of schools in an office which required less qualifications and received lower compensation than many of those over whom he was, to all intents, a superior officer. This situation was described by W. A. Stacy, at that time, assistant state superintendent, as intolerable.

The past decade has been a period of transition resulting in many changes directly affecting the intermediate educational agency in Kansas.

A study concerning the developing status of the county superintendent in Kansas would not be complete without some word regarding the school reorganization laws of 1945 and 1947, because of the changes which these laws made in the schools of the state and in the personnel of the office. The voluntary consolidations in the preceding decade, together with those consolidated by the reorganization committees, reduced the number of one teacher school districts in the state by more than fifty percent.²³

²³ Everett, op. cit., p. 47.

The legislature of 1945 made an increase in the salaries of county officials, twenty percent being added to the salary as provided for in the previous years. This was increased to thirty percent in 1947. In 1949 a new schedule was set up for all county officials.²⁴ Appendix B of this study contains the most recent proposal relating to the state's school finance fund and providing for the payment of compensation therefrom to county superintendents of public instruction.

The 1953 legislature provided for a county-unit system of education granting the counties of the state an optional choice of educational organization.

Examination of the above legislative acts will indicate the sincerity of purpose upon the part of the state legislators to advance and improve the intermediate agency. It is evident that these acts were soon insufficient to meet the rapid change taking place during this transitory period.

Radical changes are looked upon with disfavor and legislators are prone to meet only the existing need. This is true of the recent legislative act providing for the county-unit system.

The present trend toward increasing the status of the county superintendent in Kansas is away from partisan politics.

²⁴ Ibid., p. 44.

The County Superintendent in the County-Unit System

The 1953 legislature passed a law²⁵ permitting the creation of a county board of education in certain counties, and prescribing the powers, duties, authority, liabilities and jurisdiction of such county boards of education, providing for the disorganization of the community high school district and the common school district in such counties, authorizing the issuance of bonds and the making of certain tax levies.

This law (House Bill 277), as found in Appendix C, sets forth the pattern governing the establishment and future of the county-unit system of education in Kansas. A restricting force is evident and will delay the rapid development of the county-unit as the intermediate educational agency.

Greeley County school patrons voted on February 23, 1954, to place the schools in the county under the jurisdiction of a board of education, composed of five members, to function as a single administrative unit. The board of education may operate the number of schools in the county that it thinks desirable and possesses duties and powers comparable to that of the board of education found in city school systems.

²⁵ Kansas. Session Laws Passed by the Fifty-Fifth Regular Session, 1953. Fred Voiland, Jr., State Printer Topeka, Kansas, 1953. Chapter 355. House Bill No. 277.

The superintendent of schools as elected by the board of education, will replace the title "The County Superintendent of Public Instruction" and will have charge and control of the public schools of the county subject to the orders, rules, and regulations of the board.

The action of the Greeley County voters should set a desirable pattern for other counties having few school districts.

CHAPTER IV

THE COUNTY SUPERINTENDENT IN A COUNTY-UNIT SYSTEM ADAPTABLE TO KANSAS

Introduction

The Kansas Constitution wisely established three separate yet cooperative educational levels of administrative organization. The State Department of Education was created to meet the educational needs of its citizenry. The office of county superintendent of schools was established as the intermediate educational agency and in the early days of statehood exerted great influence in forming our educational system. The provision was made for a board of education to administer the needs of the local educational unit--the district.

The office of county superintendent of schools and a board of education having jurisdiction of a school district, which when enlarged to include the entire county, represents the necessary components for a county-unit system of education.

The establishment of the first county-unit system of education in Kansas, was made possible as a result of the educational organization provided for by the constitution of the state.

The first studies made on the advisability of a county-unit system of education, endeavoring to discover a better intermediate educational system for the rural areas, were based on the belief that Kansas would be able to establish such a system based on that of another state.

The first recommendations presented by the Council for the Improvement of Rural Education in Kansas have to an extent been discarded. The following paragraph indicates that such recommendations concerning a county-unit system would be difficult to enact:

The council realized that it would be most difficult under the present system to bring a professional salary to county superintendents as long as the office was considered as one of the county offices, for it has been and probably would continue to be, impossible to obtain special consideration for the office of county superintendent. It was also questionable as to whether legislation to raise qualifications for the office was realistic at that time in view of the low salaries paid.

The main retarding force of the present county-unit system is the circumstances which must prevail within the county and the necessary steps that must be taken to establish such a system of education.

Administrative Principles of Educational Organization

Leading educators in the field of school administration differ in their listing and method of interpreting principles of school administration. A thorough study and evaluation of these differences indicate the basic concept of each educator as being closely related. This divergence of material, which is apparent to the student of school administration at first, becomes less significant and of little importance when he discovers the difference to be the individuality of the author and his means of expression.

The writer, after a study of outstanding educational authorities, such as Jesse B. Sears, E. P. Cubberley, Ward G. Reeder, Arthur B. Moehlman, Paul R. Mort, E. A. Otto, and Julian E. Butterworth; sets forth the following as good principles of educational administration, which closely conform to the list prepared by W. Brooke Graves, an outstanding authority on general administration, who has accepted the coined work POSDCORB which has been generally used and widely quoted when referring to principles involved in administration:

Planning. To plan the administrative process means simply the working out in broad outline the things that need to be done and the method for doing them in order to accomplish the purpose set for the educational enterprise.

Adequate planning for a county-unit system of education in Kansas would help to bring about greater ability to deal with certain problems that cannot be provided by the ordinary locality, especially outside the larger cities, such as establishing greater curriculum objectives, specialization in a curriculum field, and provision for special supervision. Planning for a greater economy, both energy and money, may justify a county-unit taking over a certain function even though the local school district in many cases performs it efficiently.

Organizing. Organizing means the establishment of the formal structure of authority through which subdivisions are arranged, defined, and coordinated for the defined objective.

Julian E. Butterworth²⁶ set forth the following as criteria for evaluating the local school organizational plan:

1. Bases for selection of the board--Selection from wards of a city or from sections of a township or county or from county and villages is not ideal. Such forms tend to encourage group or sectional representation. Election at large is recommended.

2. Size of board--Size alone does not guarantee that the board of education will be representative. The experience, openmindedness, and aggressive interest in education of each member are far more significant.

If the board is too small it may more easily be dominated by one of its members. A large membership encourages frequent delegation of problems to committees makes possible "trading" of votes among members, and stimulates forensics rather than a careful weighing of facts.

²⁶ Julian E. Butterworth, Rural School Administration (New York: The Macmillan Company, 1926), p. 148-151.

3. Elimination of politics--Every precaution should be taken to secure that type of organization that will eliminate, as far as possible, the entrance of political (partisian or other) considerations into the formulation of policies.

Staffing. Staffing or selecting the whole personnel function of the educational unit results in bringing in adequately prepared staff members and maintaining favorable conditions of work. Staffing is primarily the role of the chief school administrator. The selection of his chief subordinates and faculty members should be approved by the board of education.

The board of education, whether it be of a city, local school district, or a county-unit form of educational organization, should select the chief professional officer. Unless the board of education which is responsible for educational results has this privilege of appointment it becomes difficult to determine where praise or blame should be placed.

The chief professional officer should recommend action regarding all other staff members of the school system. All policies formulated under democratic administration, and definite assignments of staff members should not be considered as authoritative until approved, formally by the board.

The administrative principle of staffing has, without a doubt, been one of the strongest arguments for the county-unit system of education.

Directing. Directing is the continuous task of making decisions and formulating them in specialized and general orders and instructions empowering other members of the staff to act and serving as leader of the educational enterprise.

General supervision becomes a part of directing and great care should be taken by the board of education in selecting the chief professional officer. Smaller local or district schools many times are handicapped financially or otherwise and have difficulty of obtaining the choice candidate for directing the educational enterprise of that community.

Coordinating. Coordination as an element of the administrative process is referred to as the task of inter-relating the various parts of the work in a harmonious relationship, to the end that they will function together effectively. The amount of coordination necessary depends upon the size of the educational enterprise. Efficient coordination of the various educational factors within the larger educational unit would have a tendency toward equalizing educational opportunities over an increased area for a greater number of students.

Reporting. Reporting means keeping those to whom the executive is responsible informed as to what is going on,

which thus includes keeping himself and his subordinates informed on matters of both general and educational control through records, research, and inspection.

Jesse B. Sears²⁷ lists the four essentials of control as follows: power, instruments through which power becomes effective, applying the power, and reporting the evaluation.

Budgeting. Budgeting comprises all that is inherent in the form of fiscal planning, accounting, and administrative control. The budget is the great controller of finance for any public educational system. The strongest factor in bringing about the change in the organization of the educational system in many rural areas has been the matter of finance.

The accounting system is actually a control as it guarantees integrity in the conduct of school business and provides facts and analysis whereby the educational and economic significance of all transactions may be worked out as needed.

The county as the element in the administrative organization of public school education lends itself most readily to the adaptations needed in improving educational opportunities in rural areas. Varying conditions in different areas of the state will necessitate adaptations to the areas concerned.

²⁷ Jesse B. Sears, The Nature of the Administrative Process (New York: McGraw-Hill Book Company, 1950), p. 39.

Based upon the principles of educational organization and administration as found within this chapter, careful selection of the best and most common aspects of county-unit systems of education found in the existing county-unit states, and recommendations of leading educational authorities, the writer submits the following as a desirable form for county reorganization from the intermediate district to a county-unit system of education for the state of Kansas:

The County Superintendent of Public Instruction

The educational needs of a county can best be met by providing a county superintendent of public instruction who is appointed by an elective county school board. The county school board, elected on a non-partisanship basis, would select a highly qualified and trained professional educator whose qualifications could be set by law. In that way he would be freed of the necessity of waging political campaigns and getting votes and could therefore perform better professional services. He would serve at the pleasure of the board which is elected by the people.

Legislative provision should be made concerning presently elected county superintendents of schools enabling them to serve the remainder of their unexpired terms. Higher standards and qualifications for the office of county superintendent of public instruction should be required by

law; however on a graduated scale, thus enabling many county superintendents to qualify in order to meet the statutory requirements for the office over a designated period of years. An increase in salary to compensate for increased educational requirements should be enacted by the legislation.

It is interesting to note at this time in the study that in 1947 and 1948 Kansas had next to the lowest median salary for county superintendents in the nation and at present thirty-one states have higher educational qualifications for this important office than does Kansas.

The following list, arrived at by the author after careful consideration of the data and information contained in this study, comprises the major responsibilities which the county superintendent in a county-unit educational system has as a result of the duties which they are expected and compelled to perform:

1. The county superintendent should serve at all times as the professional advisor of the county board, but shall have no vote in the determination of policies by the board.
2. The county superintendent is expected to serve as, or to direct the work of, the business manager and purchasing agent for the schools.
3. The county superintendent is the administrator of all phases of the school program.
4. The county superintendent is the professional leader and advisor of all members of the educational staff.
5. The county superintendent should serve as leader in interpreting the school to the community and the community to the schools.

6. The county superintendent's duties should compare favorably with those of the city school administrator, yet retaining the intermediate educational agencies relationship to the state.

One of the major criticisms against a county-unit system of education is that during the process of reorganization, school territory under the administrative control of the county superintendent often becomes attached to a city school system, and as a result the county superintendent's jurisdiction is reduced. The territory under his control must finance the office of county superintendent, and with reducing the amount of territory the valuation of property often becomes so small that it is extremely burdensome for the reduced portion under the county superintendent to finance the salary and other expenses dealing with the office.

Legislative provisions could be made limiting county-unit organization to those rural areas where the above mentioned problem would not likely occur.

The County Board of Education

The county school board should be elected on a non-partisan basis by all of the qualified electors of the county exclusive of those residing in municipal separate school districts. No person serving as an employed member of the educational system should be eligible to hold a position on the county board. Membership to the county board should be selected from each commissioner district of the

county of which said member is a resident and two members-at-large from territory outside the cooperate limits of cities of the first and second class. In counties having five or more townships provision should be made that no township have more than one representative on the county board of education.

Legislative provision should be made enabling present boards of education to continue in office until the first Monday of the next year. The newly created county school board could assume its duties on this date, having been elected at the general election in November on a non-partisan ballot. In case there are two or more nominees for a position on the county board of education, the two candidates receiving the highest number of votes in the primary election shall be the candidates in the general election. Proper non-partisian ballots would be distributed to the township precincts in cities of the first and second class. Vacancies on the board would be filled by appointment by the county board of education until the next general election.

The first county board of education should be elected for terms of varying lengths, so as to provide for staggered terms of four years, three members to be elected at one general election and two at the next. The Council for the Improvement of Rural Education in Kansas²⁸ suggests that

²⁸ Council for the Improvement of Rural Education, "Recommendations for County Board of Education," (unpublished memorandum, Kansas State Teachers Association, Topeka, Kansas, July 9, 1952).

terms of the first elected board might be as follows: From Commissioner District #1--four years; District #2--four years; District #3--two years; members-at-large--the member receiving the greatest number of votes--four years; the other member-at-large--two years.

On the first Monday of January, following each biennial general election, each county board of education shall organize and elect, for a two-year term, a president from its own membership and report same promptly to the state superintendent of schools.

The term of office of members of the county board being four years results in terms which are overlapping so there cannot be an entirely new board at any election.

The names of candidates for membership to the board of education will be placed on the ballot after first being nominated upon petition by a designated number of electors of the commissioner district, or in case of the members to be elected-at-large, on petition by a designated number of the county electors.

The legislature of Kansas should provide for and require an oath of office and surety bond for members elected to the county board before assuming office.

The county board of education should hold regular meetings each month, adopting their own schedule for these meetings with provisions for calling special meetings.

Provision should be made so that special meetings would take place only when called by the county superintendent or by the county board or on request of a majority of its members; provided that such actions taken at special meetings shall have the same force and effect as if taken at a regular meeting. A majority of the members constituting a quorum must be present if business transactions are to be made.

Members of the county board of education shall be paid, upon presentation of an itemized sworn statement, for all actual expenses incurred on official business at the order of the board of education.

The following is a list of the more important powers and duties possessed by county boards of education:

1. Consolidation and establishment of school districts within the county outside of city school districts of the first or second class is a function of the county board.

2. It is the duty of the county board of education to select, appoint, and fix the salary of the county superintendent of public instruction and serve as an advisory body to this official.

3. Each board is empowered to act as a board of control over all schools under its jurisdiction, enter into agreements with other school districts, and have general charge of budgeting and carrying out all financial obligations of the district.

4. The county board of education has jurisdiction over purchasing such specialized instructional materials and devices as may be needed in improving instruction in the schools under the supervision of the county superintendent, approve the courses of study, and maintain school transportation services within the county.

5. It is the duty of the board of education to stand as a buffer between its professional groups and lay citizens within the school district.

The Kansas State Teachers Association meeting held at Topeka on June 11, 1954, went on record as approving a resolution to submit for enactment by the Legislature of the State of Kansas a proposal relating to schools. This proposal would create a county board of education in each county, provide for an election of members thereof, and prescribe powers and duties if enacted as a law. A copy of this proposal is contained in the Appendix D of this study.

The extent to which the proposed form for a county-unit system of education, as submitted by the writer, could be put into effect in Kansas is questionable; however thought and consideration was primarily concerned with those counties having a small number of schools.

There is definitely a need for revision of the educational system at the intermediate level to more adequately meet the needs of the rural students. Acknowledgement of this fact increases the significance of the following statement:

"THE FOUNDATION OF EVERY STATE IS THE EDUCATION OF ITS YOUTH"

CHAPTER V

SUMMARY AND CONCLUSIONS

The purpose of this study is two fold; to reveal the evolution of the office and the developing status of the county superintendent of public instruction in both the United States and the state of Kansas; second, to propose a county-unit system of education adaptable to Kansas based on established principles of administration, county-unit systems of other states, and recommendations of leading educators.

The role the county superintendent plays in facilitating and improving the educational program is one of vital importance when consideration is given the more than three thousand county superintendents in the United States, each endeavoring to further the educational enterprise to the best of his ability.

The office of county superintendent of schools, as is found in forty-six states of the United States, is the product of gradual evolution--an evolution which parallels, and is a part of, the evolution of the school system. The office did not come into being through any concerted plan but grew out of necessity.

Complete democratic control over education existed from 1635, the date of the establishment in Massachusetts of the first schools which were truly public, to 1654, when the

colony enacted a state-wide law which transferred certain functions of rural school supervision from the people to special representatives.

Other states began following the same pattern as adopted by Massachusetts and as a result of the Ordinance of 1887, which set aside one section of each township to be used for the schools of the state, the school committees, by 1789, began selecting one of their own body as supervisor of common schools, and still later were permitted to engage for this work someone more qualified and not a member of the committee.

In time, public opinion came to accept the proposition that education was a state function as set forth in the Constitution of the United States. The state of New York made provision for putting this important concept into action by establishing the first state superintendency in 1812.

With continued complexity of society and increasing needs for education, it soon became evident that an intermediate educational agency was needed to aid in carrying much of the state superintendent's burden. To meet this need the county superintendency became quite common in the eastern states by 1830, as a downward extension of state administrative control.

Rural areas and small towns soon began joining in sufficiently large numbers to engage a supervisor to devote all his time to the schools involved in such an organization,

which paved the way for the existing types of school districts commonly found today, such as, town, township, parish, and county.

The adoption of supervisory duties of the early committees and later township officers by county supervisors and continued acceptance of additional duties increased the importance of this officer to the extent that he was soon placed on the public payroll.

Provision was gradually made for a county school officer by amendment of or during a revision of the constitution of the state and by statute law. This officer was commonly known as a county superintendent of education, a county school superintendent, or a county superintendent of public instruction.

The intermediate agency, which began about 1835 and was common in most of the older states by 1870, often evolved from some other established county office. It was also a common practice, and one which has continued, for them to be elected along with other county officers at the regular election through the means of partisan politics.

The duties of the early county superintendents of education were largely clerical and statistical in nature, a fact which has continued despite efforts by leading educators to break away from tradition and develop an intermediate agency primarily concerned in a large measure with supervision.

The office of county superintendent of schools, despite many retarding influences, has not lost stature but increased its prestige due to the untiring efforts of its officers, who have assumed an overwhelming number of additional tasks and attained professional qualifications above the minimum requirements established by law.

As a part of the natural evolution of the American Educational System, the recent trend has been toward increasing the efficiency of the intermediate agency. This movement, which has taken place to a large extent in those states having the county intermediate district superintendency, has placed the county superintendent on the frontier of educational progress. The success of this venture remains uncertain, however it has gained wide acclaim in most instances where such an attempt has been made.

The present educational system, as found in Kansas, and the stature which the office of county superintendent of education has assumed in nearly a century of its existence has evolved as a result of adopting the educational statutes of other states and revising or amending them as desired. It was only natural that at the beginning of statehood provision was made in the Wyandotte Constitution for the office of county superintendent of schools.

The duties of the early county superintendents were mainly those of a glorified clerk who gathered statistical information for the state and who kept the required county

records. The qualifications required of the earlier office holders were small. Outside of possessing a teacher's certificate, the only thing necessary was to obtain more votes than any other candidate.

The office of county superintendent of schools has consistently grown in the number of functions performed due to great rapidity in changing social standards, increasing public demand, and a changing environment. Through legislative enactment, the state has continually increased the county superintendent's responsibilities. With these additional duties placed upon the office came increased prestige, much of which has been lost as a result of a weakness in the statutory conception of the office.

Qualifications and compensation have been raised from time to time by the legislatures but through the past decade have fallen far behind that of other positions of like requirements. Examination of recent legislative acts will indicate the sincerity of purpose upon the part of the state legislators to advance and improve the intermediate agency; however these acts were soon insufficient to meet the rapid change taking place during this transitory period.

The 1953 legislature made an effort to improve the intermediate educational agency in Kansas by providing for a county-unit system of education.

The present trend toward increasing the status of the county superintendent of schools is to create a new county-unit system of education and to take the office away from partisan politics.

The writer, having completed a study of principles of administration as established by outstanding leaders in the field of education, sets forth the following as good principles of educational administration:

Planning. To plan the administrative process means simply the working out in broad outline the things that need to be done and the method for doing them in order to accomplish the purpose set for the educational enterprise.

Organizing. Organizing means the establishment of the formal structure of authority through which subdivisions are arranged, defined, and coordinated for the defined objective.

Staffing. Staffing or selecting the whole personnel function of the educational unit results in bring in adequately prepared staff members and maintaining favorable conditions of work.

Directing. Directing is the continuous task of making decisions and formulating them in specialized and general orders and instructions empowering other members of the staff to act and serving as leader of the educational enterprise.

Coordination. Coordination is the interrelating of the various parts in a harmonious relationship, to the end that they will function together effectively.

Reporting. Reporting means keeping those to whom the executive is responsible, himself, and his subordinates informed on matters of both general and educational control.

Budgeting. Budgeting comprises all that is inherent in the form of fiscal planning, accounting, and administrative control.

Based upon the principles of educational administration, selection of the best and most common aspects of county-unit systems of education found in existing county-unit states, and recommendations of leading educational authorities, the writer submits the following as a desirable form for a county-unit system of education for the state of Kansas:

THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.

How Chosen.

The county superintendent of schools shall be appointed by the county board of education.

Term of Office.

A county superintendent of schools shall hold a term of office during good behavior and successful service from the first secular day in August following his election and until his successor is elected and qualified.

Qualifications.

The county superintendent of schools shall be required to meet those qualifications as required by law.

Place of Office.

The office of the county superintendent of schools shall be located in the county seat.

Vacancy in Office.

Any vacancy is filled by the county board of education. A person filling said vacancy shall be required to meet those qualifications as prescribed by law.

Oath and Bond.

The county superintendent of schools shall qualify by subscribing to the oath required by county officers and shall assume a surety bond as prescribed by law.

Compensation.

The yearly salary of the county superintendent of schools shall be in accordance with a formula prescribed by law.

Powers and Duties.

The county superintendent of schools shall have such powers and duties as are prescribed by law.

THE COUNTY BOARD OF EDUCATION.

Size of the Board.

The county board of education shall be comprised of five members.

How Chosen.

The county board of education shall be elected on a non-partisan basis by all of the qualified electors of the county exclusive of those residing in municipal separate school districts. Membership to the county board shall be selected from each commissioner district of the county of which said member is a resident and two members-at-large from territory outside the cooperate limits of cities of the first and second class. In counties having five or more townships, provision shall be made that no township have more than one representative on the county board of education.

Term of Office.

The term of office for members of the county board of education shall be for a period of four years. The terms of office shall be overlapping in such a manner that an entirely new board will not be elected at any election.

Qualifications.

A candidate for membership to the county board of education may be of either sex and must be an eligible voting member of the county or commissioner district in which he is a resident. No person serving as an employed member of the educational system shall be eligible to hold a position on the county board of education.

Election.

A candidate for membership to the county board of education shall file, or there shall be filed in his behalf, with the county clerk not later than the time required for filing by other county officials, a nominating petition by a designated number of voters as prescribed by law. In case there are two or more nominees for a position on the county board of education, the two candidates receiving the highest number of votes in the primary election shall be the candidates in the general election. Proper non-partisan ballots shall be distributed to the township precincts in the commissioner districts and to the voting precincts in cities of the first and second class.

The first county board of education shall be elected for terms of varying lengths, so as to provide for staggered terms of four years, three members to be elected at one general election and two at the next. Terms for the first elected board shall be as follows: From Commissioner District #1--four years; District #2--four years; District #3--two years; members-at-large--the member receiving the greatest number of votes--four years; the other member-at-large--two years.

On the first Monday of January, following each biennial general election, each county board of education shall organize and elect, for a two-year term, a president from its own membership and report same promptly to the state superintendent of schools.

Meetings.

The county board of education shall hold regular meetings. The minimum number of five meetings shall be prescribed by law. The county board of education shall

adopt a schedule for these meetings with provision for special meetings.

Vacancy in Board.

A vacancy occurring in the county board of education shall be filled in a manner as prescribed by law. Special provision shall be made concerning the treasurer of the county board of education requiring said member to subscribe to an oath of office and a surety bond before filling such a vacancy.

Compensation.

Members of the county board of education shall be paid upon presentation of an itemized sworn statement, for all actual expenses incurred on official business at the order of the county board of education.

Powers and Duties.

The county board of education shall have such powers and duties as are prescribed by law.

The following lists, as arrived at by the author, suggests the major responsibilities which the county superintendent and the county board of education would have in the recommended county-unit system of education:

THE COUNTY SUPERINTENDENT

1. The county superintendent should serve at all times as the professional advisor of the county board, but shall have no vote in the determination of policies by the board.
2. The county superintendent is expected to serve as, or to direct the work of, the business manager and purchasing agent for the schools.
3. The county superintendent is the administrator of all phases of the school program.
4. The county superintendent is the professional leader and advisor of all members of the educational staff.

5. The county superintendent should serve as leader in interpreting the school to the community and the community to the schools.

6. The county superintendent's duties should compare favorably with those of the city school administrator, yet retaining the intermediate educational agencies relationship to the state.

THE COUNTY BOARD OF EDUCATION

1. Consolidation and establishment of school districts within the county outside of city school districts of the first or second class, is a function of the county board.

2. It is the duty of the county board of education to select, appoint, and fix the salary of the county superintendent of public instruction and serve as an advisory body to this official.

3. Each board is empowered to act as a board of control over all schools under its jurisdiction, enter into agreements with other school districts, and have general charge of budgeting and carrying out all financial obligations of the district.

4. The county board of education has jurisdiction over purchasing such specialized instructional materials and devices as may be needed in improving instruction in the schools under the supervision of the county superintendent, approve the courses of study, and maintain school transportation services within the county.

5. It is the duty of the board of education to stand as a buffer between its professional groups and lay citizens within the school district.

In conclusion it is the belief of the writer that one of the most important and difficult problems facing public education in the state of Kansas is that of finding a system of educational organization which is in keeping with present social and economic structure.

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APPENDIX A

A COMPILATION OF THE KANSAS STATUTE LAWS
SHOWING THE EVOLUTION OF
THE OFFICE OF THE COUNTY SUPERINTENDENT OF SCHOOLS

Duties of a County Superintendent
As Provided for in the 1949 Statute Laws

72-201. Term of office. That the term of office of the county superintendent of public instruction shall begin on the first Monday of July of each odd year, beginning with the year 1923.

In 1899 the law read "The term of office of the county superintendent of public instruction shall begin on the second Monday of May of each odd year, beginning with the year a.d. 1901."

In 1921 the law read as it does in 1949.

72-202a. Qualifications in counties over 15,000. In order to be eligible to hold the office of county superintendent of public instruction in a county having a population of more than 15,000, a person, at the time of his filing for said office, or at the time of his appointment to fill a vacancy in said office, must: (1) Have a four year college degree and teacher's certificate valid in Kansas. (2) Have had at least five years teaching or supervisory experience in the public schools in Kansas of which at least two years was in the elementary schools in any of the grades one to eight, inclusive. (3) Have been engaged in such teaching or supervision for at least one year of the three school years immediately preceding the date of filing for such office or his appointment to fill such vacancy. (4) All persons serving as county superintendent on July 8, 1947, shall be qualified to seek reelection, as long as they shall continuously hold said office.

72-202b. Qualifications in counties of 15,000 or less. In order to be eligible to hold the office of county superintendent of public instruction in any county having a population of 15,000 or less, a person must have: (1) At least sixty (60) semester hours of college training; (2) a teacher's certificate valid in Kansas; (3) had at least five years' teaching or supervisory experience in the public schools of Kansas, of which at least two years was in the elementary

schools in any of the grades one to eight inclusive; (4) been engaged in such teaching or supervisory for at least one year of the three school years immediately preceding the date of filing for such office, or his appointment to fill such vacancy. Any person holding or having been elected to the office of county superintendent at the time of taking effect of this act shall be qualified to seek reelection so long as he shall serve continuously.

In 1899 the law was "That a person to be eligible to the office of county superintendent of public instruction must hold a first- or second-grade certificate or a state certificate, or be a graduate of an accredited college or normal school, and must have taught at least 18 months; provided, that this act shall not apply to any person now holding the office of county superintendent."

In 1903 the law read "That a person to be eligible to the office of county superintendent of public instruction must hold a professional certificate, first- or second-grade certificate, or a state certificate, or be a graduate of an accredited college or normal school, and must have taught at least eighteen months; provided: That this act shall not apply to any person now holding the office of county superintendent."

In 1947 the law read as it does in 1949.

72-203. Oath and bond. The county superintendent of public instruction shall, before he enters upon the duties of his office, take and subscribe an oath of affirmation to support the constitution of the United States and of the State of Kansas, to faithfully discharge the duties of said office, and execute to the State of Kansas a bond in the sum of one thousand dollars, conditioned to the faithful performance of his official duties; which bond, after having been approved by the board of county commissioners, together with his official oath, shall be filed in the office of the county clerk.

In 1861 the law read "The county superintendent of public instruction shall have charge of the common school interests of the county. He shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and of the State of Kansas, and faithfully to discharge the duties of his office, which oath or affirmation shall be filed in the office of the county clerk."

In 1923 the law read "The county superintendent of public instruction shall, before he enters upon the duties of his office, take and subscribe an oath of affirmation to support the constitution of the United States and of the state of Kansas, to faithfully discharge the duties of such office, and execute to the state of Kansas a bond in the sum of one thousand dollars, conditioned to the faithful performance of his official duties; which bond, after having been approved by the board of county commissioners, together with his official oath, shall be filed in the office of the county clerk."

72-204. Duties of county superintendent; quarterly reports, certification of assessed valuations of school districts. It shall be the duty of the county superintendent of public instruction to visit each school in his county at least once each term of six months, correcting any deficiency that may exist in the government of the school, the classification of the pupils, or the methods of instruction in the several branches taught; to make such suggestions in private to the teachers as he shall deem proper and necessary to the welfare of the school; to note the character and condition of the schoolhouse; furniture, apparatus, and grounds, and make a report in writing to the district board, making such suggestions as in his opinion shall improve the same, to examine the accounts and record books of the district officer's, and see that they are kept as required by law; to encourage the formation of associations of teachers and educators for mutual improvement, and as far as possible, to attend the meetings of such associations, and participate in the exercises of the same; to attend the normal held in his county, using his influence to secure the attendance of teachers; to make daily a personal inspection of the work of the institute in session, and keep a record of the same in his office, and do such work in connection with the exercises of the institute as he may deem necessary; to hold a public meeting in each school district of his county at least once every year for the purpose of discussing school questions and elevating the standards of education; to keep his office open at the county seat, Saturday of each week, and in counties in which the county superintendent receives a salary of more than six hundred dollars per annum, he shall keep his office open when not necessarily absent attending to his official duties. He shall keep a complete record of his official acts; a record of the name, age, and post-office address of each candidate for a teacher's certificate, with the number of weeks said candidate has attended a normal school or institute, the number of weeks he has taught, his standing in each study,

and the date of issue and expiration of each certificate granted. He shall keep a register of the teachers employed in his county, giving name of teacher, number of the district in which he is employed, date of opening and closing term, salary per month, grade of certificate, and date of superintendent's visit. He shall keep a record of the semiannual apportionments of the state and county school funds, and such other statistical records as shall be required in making reports to the state superintendent of public instruction. He shall make out and transmit to the state superintendent on the last Monday of March, June, September and December of each year, a report, showing the number of school visits made, with the average length of time spent in such visits; the number of consultations held with school officers; the number of days his office has been kept open; the number of district treasurers' and clerks' record books examined; the number of teacher's meetings attended; the number of public lectures delivered; and such other information as the state superintendent may require regarding the duties of such county superintendent; and until such report shall have been forwarded to the state superintendent, and a copy thereof filed with the county clerk for publication, and that fact certified by the said county superintendent to the board of county commissioners, the warrant for his salary shall not be drawn. The county superintendent shall obtain from the county clerk, at least ten days before the time for holding the annual school meeting each year, a certified statement of the total assessed valuation of the property in each school district in his county, and immediately certify the same to the several school-district clerks of his county, for the information of the annual school meeting; and it is hereby made the duty of said county clerk to make out said certified statement and deliver the same to the county superintendent.

In 1861 the law read "He shall visit each school in the county, at least once each term, for the purpose of examining into the condition of the school, of ascertaining the text books used, and of giving such advice as he may deem proper, in reference to the course of studies pursued, and the general interests of the school. He shall examine, annually, all persons offering themselves as teachers of common schools in his county, in regard to moral character, learning, and ability to teach school, and he shall give each person examined and found qualified to teach, a certificate, signed by him, officially; and, and person receiving such certificate, shall be deemed a qualified teacher, within the meaning of this act.

In 1876 the law read "It shall be the duty of the county superintendent to acquaint himself, so far as practicable, with the character and condition of each school in his county, noting any deficiency that may exist, either in the government of the school, the classification of its pupils, or the method of instruction employed in the several branches, and shall make suggestions in private, to the teachers, as to him shall appear proper and necessary to the good order of the school and the progress of the public-school interests; he shall note the character and condition of the school houses, so far as possible, and make such suggestions to the several schools, district boards, as, in his opinion, shall seem conducive to the comfort and progress of the pupils of the several schools. It shall be the duty of the county superintendent to aid the teachers in all proper efforts to improve themselves in their profession; for this purpose he shall encourage the formation of associations of teachers and educators for mutual improvement; shall so far as practicable, attend the meetings of such associations, and give advice and instruction in regard to their conduct and management as, in his judgement, will contribute to their greater efficiency. He shall also examine the accounts of school-district treasurers, and see that they are kept in a business-like manner. He shall keep his office open at the county seat at least one day in the week, notice of which day shall be given once by publication, in counties where a newspaper is published."

In 1881 the law was changed to read as it does in 1949.

72-205. Annual or semiannual conventions or school district boards; compensation; record of attendance. The county superintendent of public instruction in each county in the state shall hold annually not more than two conventions of members of school-district boards for the purpose of consultation and instruction of school matters of said county. Each district board may designate one or more members of said board to attend said convention; each member who shall attend said meeting shall be allowed the sum of five dollars (\$5) each, to be paid from the school-district funds in the manner prescribed by law. The county superintendent shall keep a record of the attendance of all members of district boards at each session of the convention and shall issue to each member a certificate of attendance; and no warrant shall be drawn for the payment of the attendance of any member of a school-district board until said certificate of attendance has been filed with the school-district clerk.

In 1915 the law read "The county superintendent of public instruction in each county in the state shall hold annually not more than two conventions of members of school-district boards for the purpose of consultation and instruction of school matters of said county. Each member of a school district thus designated who shall attend said meeting may be allowed the actual expenses incurred in attending said convention, not to exceed two dollars each, said expenses to be paid from the school-district funds in the manner prescribed by law. The county superintendent shall keep a record of the attendance of all members of district boards at each session of the convention and shall issue to each member a certificate of attendance; and no warrant shall be drawn for the payment of the attendance of any member of a school-district board until said certificate of attendance has been filed with the school-district clerk."

72-206. Apportionment of school funds. Within five days after receiving the certificate of the state superintendent of public instruction informing him of the amount of state school funds which has been apportioned to his county, the county superintendent shall apportion the same, together with the unapportioned county school fund in the county treasurer, among the school districts and parts of districts in such county in the ratio of the number of persons of school age student residing in each district or part of district, as shown by the last annual reports of the several clerks of such districts and parts of districts; and he shall draw his order on the county treasurer in favor of each of the several school-district treasurers for the amount apportioned to such district: Provided, That no district in which a common school has not been taught at least three months the last preceding school year shall be entitled to receive any of either of said funds.

In 1861 the law read "On the second Monday of March in each year, or as soon thereafter as he shall receive the certificate of the state superintendent, certifying the amount apportioned to his county for the use of common schools for the current year, he shall apportion such amounts to the several districts or parts of districts within the county, in proportion to the number of children residing in each, over the age of five and under the age of twenty-one years, as the same shall appear from the last annual reports of the clerks of the respective districts, and he shall draw his order on the county treasurer, in favor of the several district treasurers, for the amount apportioned to each district, Provided, No district shall be entitled to receive

any portion of the common school fund in which a common school has not been taught at least three months during the year.

In 1876 the law read "On the third Monday in March and on the third Monday in July, or as soon thereafter as he shall receive the certificate of the state superintendent signifying the amount appropriated to his county for the use of common schools the current year, the county superintendent of public instruction shall apportion such amount, together with all the county school funds for the same purpose, to the several districts or parts of districts within the county, in proportion to the number of children residing in each, over the age of five and under the age of twenty-one years, as the same shall appear from the last annual reports of the clerks of the respective districts; and he shall draw his order on the county treasurer in favor of the several district treasurers for the amount apportioned to each district: Provided, No district shall be entitled to receive any portion of the common school fund, in which a common school has not been taught at least three months during the year ending July thirty-first."

In 1923 the law read the same as in 1949.

72-207. Annual report to the state superintendent. He shall on or before the fifteenth of October of each year, make out and transmit in writing to the state superintendent of public instruction a report bearing date October 1, containing a statement of the number of school districts or parts of districts in the county, and the number of children and their sex, resident in each, over the age of five and under the age of twenty-one years; a statement of the number of district schools in the county the length of time a school has been taught in each, the number of scholars attending the same, their sex, the branches taught and the text books used, the number of teachers employed in the same, and their sex; a statement of the number of private or select schools in the county so far as the same can be ascertained, and the number of teachers employed in the same, their sex, and the branches taught; a statement of the number of graded schools in the county, the length of time school has been taught in each, and the number of scholars attending the same, their sex, and the branches taught, the number of teachers employed in the same, and their sex; a statement of the condition of the normal school, where such school has been established, the number of students attending the same, their sex, the number of teachers employed in the same, and their sex; a

statement of the county normal institute; a statement of the number of academies and colleges in the county, the number of students attending the same, and their sex, the number of teachers employed in each, and their sex; a statement of the amount of public money received in each district or parts of districts, and what portion of the same, if any, has been appropriated to the support of graded schools; a statement of the amount of money raised in each district by tax, and paid for teacher's wages, in addition to the public money paid therefor; the amount of money raised by tax or otherwise for the purpose of purchasing school site, for building, hiring, purchasing, repairing, furnishing or insuring such schoolhouse, or for any other purpose allowed by law in the district or parts of districts.

In 1861 the law read "He shall, between the first and twentieth days of November of each year, make and transmit in writing, to the state superintendent of public instruction, a report, bearing date on the first day of November of each year, containing a statement of the number of school districts or parts of districts in the county, and the number of children and their sex, resident of each, over the age of five and under the age of twenty-one years; a statement of the number of school district schools in the county, the length of time a school has been taught in each, the number of scholars attending the same, their sex, the branches taught, and the text books used; the number of teachers employed in the same, and their sex; a statement of the number of private or select schools in the county, so far as the same can be ascertained, and the number of scholars attending the same; the number of teachers employed in the same, their sex and the branches taught; a statement of the number of graded schools in the county, the length of time school has been taught in each, and the number of scholars attending the same, their sex and the branches taught, the number of teachers employed in the same, and their sex; a statement of the condition of the normal school, where such school shall be established, the number of students attending the same, their sex, and the number of teachers employed in the same, and their sex; a statement of the number of academies and colleges in the county, and the number of students attending the same, and their sex, the number of teachers employed and their sex; a statement of the amount of public money received in each district or parts of districts, and what portion of the same, if any, has been appropriated to the support of graded schools; a statement of the amount of money raised by tax or otherwise for the purpose of purchasing school site, for building, hiring, purchasing, repairing, furnishing, or insuring such school houses or for

any other purpose allowed by law in the district or parts of districts, and such other information as the state superintendent of public instruction may require."

In 1881 the law read as it does in 1949.

72-208. Filling vacancy in board of directors of school district. Should a vacancy occur in a board of directors in any school district, it shall be the duty of the county superintendent to appoint some suitable person, a resident of the district, to fill the same; and the person so appointed shall continue in office until the next annual meeting thereafter, and until his successor is elected and qualified.

In 1861 the law read "If a vacancy should occur in the district board, in any district, the county superintendent shall appoint some suitable person to fill such vacancy."

In 1869 it reads the same as in 1949.

In 1876 the law read as it does in 1949 except it added "Provided, That no such appointment shall be made except upon a petition signed by a majority of the legal voters of the district."

In 1881 the law read as it does in 1949.

72-209. Vacancy in office of county superintendent; how filled. When a vacancy occurs in the office of county superintendent of public instruction by death, resignation or otherwise, notice thereof shall be given by the county clerk to the board of county commissioners, who shall as soon as practicable, appoint some suitable person to fill the vacancy; Provided, That if the board of county commissioners are unable to make such appointment from the residents of the county, the county clerk shall notify the state superintendent of public instruction, who shall appoint some legally qualified person who is a resident of Kansas to fill the said vacancy regardless of the place of residence of such person; and the person receiving such appointment shall, before entering upon the discharge of the duties of the office, acquire a residence in said county by removing thereto, and shall file his oath or affirmation and bond in the county clerk's office, as provided by law, and shall hold his office until his successor is elected and qualified.

In 1861 the law read "If a vacancy occurs in the office of county superintendent of public instruction, by death, resignation or otherwise, notice thereof shall be given by the county clerk to the board of county commissioners, who shall, as soon as practicable, appoint some suitable person to fill the vacancy, and the person receiving such appointment shall, before entering upon the discharge of duties of the office, file his oath of affirmation in the county clerk's office, as hereinbefore provided, and he shall discharge all the duties of the office of county superintendent of public instruction, until a successor is elected and qualified."

In 1911 the law read the same as it does in 1949.

72-210. Annual reports by clerks of school districts. He shall see that the annual reports of the clerks of the several school districts and parts of districts in his county are made correctly and in due time.

In 1861 the law read "He shall see that the annual reports of the clerks of the several school districts in his county are made correctly, and in due time."

In 1881 the law read as it does in 1949.

72-211. Administration of Oaths. County superintendents shall have power to administer oaths in all cases in which an oath is made necessary by any provision of the school law, except in the qualifying of county superintendents and their sureties.

In 1881 the law read the same as it does in 1949.

72-212. Records for school-district officers; funds not to be diverted. The county superintendent of public instruction of the respective counties in this state may purchase for each organized school district in his county, not having sufficient records, one set of school-district records, consisting of district clerk's records and order books, district treasurer's book, and a teacher's daily register. Each of said books shall contain such printed forms and instructions as will enable the teacher and the school-district officers to perform with correctness and accuracy their several duties as required by law: Provided, The entire set of said records as above enumerated shall not

exceed in cost four dollars for each set, and the said superintendent shall draw his order or warrant on the county treasurer, in favor of the person he purchases said books of, for the amount of the purchase money, and it is hereby made the duty of said county treasurer to pay said warrant or order out of any money in his hands belonging to the respective districts in his county; Provided, That no funds in the hands of the county treasurer belonging to the several school districts in his county shall be diverted from the object for which said fund is raised; and the said superintendent shall deliver the said books to the district board of each district.

In 1870 the law read "That the county superintendent of public instruction of the respective counties in this state may purchase for each organized school district in their county one set of school district records, consisting of district clerks record, order book, district treasurer's book, and a teacher's daily register; each of said books shall contain such printed forms and instructions as will enable the teacher and the school-district board to perform with correctness and accuracy their duties as required by law: Provided, The entire set of said records as above enumerated shall not exceed in cost seven dollars for each set, and the said superintendent shall draw his order or warrant on the county treasurer in favor of the person he purchases said books of, for the amount of the purchase money; and it is hereby made the duty of said county treasurer to pay said warrant or order out of any money in his hands belonging to the respective districts of his county; Provided, That no funds in the hands of the county treasurer belonging to the several school districts in his county shall be diverted from the object for which said fund was raised; and the said superintendent shall deliver the said books to the district board of each district."

In 1881 the law read as it does in 1949.

72-213. New school districts or change in boundaries; appeal from action of county superintendent. It shall be the duty of the county superintendent of public instruction to divide the county into a convenient number of school districts, and to change such districts when the interests of the inhabitants thereof require it; but only after twenty days notice thereof, by written notice posted in at least five public places in the district to be changed; but no new school district shall be formed containing less than fifteen persons of school age, no district shall be so changed as to reduce its school population to less than fifteen, and

none having a bonded indebtedness shall be so reduced in territory that such indebtedness shall exceed five percent of their assessed property evaluation: Provided, That any person interested may appeal to the board of county commissioners from the action of the county superintendent; and Provided further, That the restrictions as to school population and assessed valuation of this section shall not prevent desirable changes in school-district boundaries when the proposed alteration of boundaries is approved by the board of county commissioners. The county superintendent shall number school districts when they are formed; and he shall keep in a book for that purpose a description of the boundaries in each school district and part of district in his county, with plot of the same, date of organization, date and full record of all changes of boundaries, and list of district officers in his county, the date of election or appointment, and the time the term of each is to expire.

In 1861 the law read "It shall be his duty to divide the county into a convenient number of districts, and to alter the same when the interests of the inhabitants of the several districts may require it; and, if any county shall have been imperfectly or partly districted he shall proceed, as soon as practicable, to complete and perfect the districting of said county, and he shall describe and number the school districts of the county, and file the papers, containing such description, in his office."

In 1876 the law read "It shall be his duty to divide the county into a convenient number of districts, and to alter the same when the interests of the inhabitants of the several districts may require it: Provided, That no district having a bonded indebtedness shall be so reduced in the territory that the total amount of such indebtedness shall exceed five per cent. Upon the property-valuation of the district, and if any county shall have been imperfectly or partly districted, he shall proceed as soon as practicable to complete and perfect the districting of said county, and he shall describe and number the school districts of the county, and file the papers containing such description in his office."

In 1881 the law read "It shall be the duty of the county superintendent of public instruction to divide the county into a convenient number of school districts, and to change such districts when the interests of the inhabitants thereof require it; but only after twenty days notice thereof, by written notice posted in at least five public places in the district to be changed; but no new

school district shall be formed containing less than fifteen persons of school age, no district shall be so changed as to reduce its school population to less than fifteen, and none having a bonded indebtedness shall be so reduced in territory that such indebtedness shall exceed five percent of their assessed property evaluation: Provided, That any person interested may appeal to the board of county commissioners from the action of the county superintendent. Such superintendent shall number school districts when they are formed, and he shall keep in a book for that purpose a description of the boundaries of each school district and part of district in his county, with plot of the same, date of organization, date, and full record of all changes of boundaries, and a list of district officers in his county, the date of election or appointment, and the time the term of each is to expire."

In 1907 the law read as it does in 1949.

72-214. Same; Notice of formation or change; election of officers. Whenever a school district shall be formed in any county, or whenever any school district or district's shall be changed or altered in any county, the county superintendent of public instruction of such county shall within fifteen days thereafter prepare a notice of the formation of such district, describing its boundaries and stating the number thereof, or in the case of a change or alteration in any district or district's such notice shall describe the boundaries of such district or districts which have been so changed or altered and state the number or numbers thereof. He shall cause the notices thus prepared to be posted in at least five public places in each and every district which shall have been so changed, altered or affected, and in the case of the formation of a new district, in the event there shall be no appeal, he shall in ten days thereafter in like manner appoint a time and place for a special district meeting for the election of officers and the transaction of such business as is prescribed by law for special school district meetings.

In 1876 the law read "Whenever a school district shall be formed in any county the county superintendent of public instruction of such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries, and stating the number thereof. He shall cause the notice thus prepared to be posted in at least five public places in the district, and in case there shall be no appeal, shall in ten days thereafter, in like manner, appoint a time and place for the first district meeting."

In 1861 the law read "Whenever a school district shall be formed in any county, the County Superintendent of Public Instruction of such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries, and stating the number thereof, and appointing a time and place for the first district meeting. He shall cause the notice thus prepared, to be posted in at least five public places in the district, at least ten days before the time appointed for such meeting."

In 1921 the law read as it does in 1949.

72-215. Deputy during sickness or absence; delivery of books to successor. He shall discharge such other duties as may be prescribed by law, and in cases of sickness or temporary absence he may employ a deputy. He shall deliver to his successor, within ten days after the expiration of his term of office, all books and papers appertaining to his office.

In 1861 the law read "He shall discharge such other duties as may be prescribed by law, and he shall deliver to his successor, within ten days after the expiration of his term of office, all books and papers appertaining to his office."

In 1869 the law read as it does in 1949.

72-216. Assistant in certain counties; oath; duties; salary. That in counties employing more than 235 teachers, exclusive of cities of first and second class, the county superintendent of public instruction is hereby authorized to appoint an assistant. Said assistant shall take the proper oath of office, which shall be filed with the county clerk. He shall act as the deputy of the county superintendent of public instruction and shall perform the duties not inconsistent with law, which the county superintendent may require, and he shall receive a salary of one thousand dollars per year to be paid from the general fund of the county in monthly or quarterly installments.

In 1917 the law read the same as it does in 1949.

72-217. Forsfeiture of office and liability for damage. Every county superintendent who shall neglect or refuse to perform any act which it is his duty to perform, or shall

corruptly or oppressively perform any such duty, shall forfeit his office, and shall be liable on his official bond for all damages occasioned thereby, to be recovered in the name of the state, for the benefit of the proper party, district or county.

In 1861 the law read "Every county superintendent who shall neglect or refuse to make and deliver to the state superintendent of public instruction his annual report, as required by this act, within the time limited therefor, shall be liable to pay to the county the full amount of money lost to the county by such neglect or refusal, with the interest thereon, to be recovered by the county treasurer in the name of the county."

In 1881 the law read as it does in 1949.

72-218. Furnishing county clerk with description of boundaries. The county superintendent is hereby required to furnish the county clerk with a description of the boundary of each school district, on or before the last Monday in May of each year.

In 1867 the law read "The county superintendent is hereby required to furnish the county clerk with a description of the boundary of each school district, on or before the first Monday in August of each year."

In 1887 the law read the same as it does in 1949.

72-219. Boundary line records lost or destroyed; reestablishment. That in all counties in the state of Kansas where the records of the boundary lines of school districts heretofor established in the state have been lost or destroyed, it shall be the duty of the superintendent of public instruction of said county to reestablish said lines as nearly as possible, upon the lines theretofore established, and for this purpose he may examine such witnesses as to him or the parties in interest shall seem proper and sufficient to give him such information as is necessary to carry out the provisions of this act.

In 1911 the law read the same as it does in 1949.

72-220. Same; mistake in reestablishment. That in any county where the records of the boundary lines of school districts heretofore established have been lost or destroyed,

and an attempt has been made to reestablish said lines, where it becomes evident to the county superintendent that the attempted reestablishment has been wrong, and that a mistake has been made in the reestablishment, the said superintendent shall have the same right to reestablish said lines as conferred in section 1 (72-219) herein, notwithstanding the attempted reestablishment theretofore made.

In 1911 the law read the same as it does in 1949.

72-221. Counties of over 120,000; public-health nurse; appointed by county superintendent; qualifications. The county superintendent of public instruction of each county in this state having a population in excess of 120,000 inhabitants, shall have the authority to appoint a public-health nurse to work in the public schools of each county; such public-health nurse must be a registered nurse of this state as defined by laws of this state and must have had at least nine months experience as a public-health nurse.

In 1925 the law read the same as it does in 1949.

72-222. Same; duties. It shall be the duty of such public-health nurse to make inspections and to give health and hygiene instruction and demonstrations to pupils in the public schools in such county outside the corporate limits of cities of the first and second class, and to advise with the school boards and instructors in such schools in all matters affecting health, hygiene and sanitation in connection with such schools, and assist in the prevention of epidemics, and to perform such other duties as are usually performed by public-health nurses, under the direction and supervision of the county superintendent.

In 1925 the law read the same as it does in 1949.

72-223. Same; salary; tax levy. The salary of such public-health nurse shall be fixed by the superintendent of public instruction of such county, but shall not exceed two thousand four hundred sixty dollars (\$2,460) per annum. Such salary shall be paid in monthly installments, and the county commissioners of any such counties shall provide said nurse with transportation, equipment, blanks, stationery, postage, and such other things as shall be reasonably required in the performance of the duties of such public-health nurse, and

they shall provide a fund for the payment of the above items and salary by levying a tax upon all taxable property in such county outside of the corporate limits of cities of the first and second class.

In 1911 the law read "The salary of such public-health nurse shall be fixed by the superintendent of public instruction of such county, but shall not exceed one thousand eight hundred dollars (\$1,800) per annum. Such salary shall be paid in monthly installments, and the county commissioners of any such counties shall provide said nurse with transportation, equipment, blanks, stationery, postage, and such other things as shall be reasonably required in the performance of the duties of such public-health nurse, and they shall provide a fund for the payment of the above items and salary by levying a tax upon all taxable property in such county outside of the corporate limits of cities of the first and second class."

In 1925 the law read as it does in 1949.

72-224. Same; employment after 1926. No public-health nurse shall be employed under the terms of this act to commence work until January 1, 1926.

In 1925 the law read the same as it does in 1949.

APPENDIX B

BILL NO. _____
BY _____

AN ACT relating to the state's school finance fund and providing for the payment of compensation therefrom to county superintendent of public instruction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. As compensation for his duties in administering the distribution of the state school finance fund within his county, each county superintendent of public instruction shall receive the following amounts to be paid from the state school finance fund:

- (1) The sum of three hundred dollars (\$300.00):
- (2) For each name appearing on the annual census of children residing in the county, an amount based on the superintendent's college training, as follows:

Less than 90 semester hours	\$.10
90-119 inclusive semester hours15
120-149 inclusive semester hours20
More than 149 semester hours or master's degree25:

Provided, that each superintendent shall be given a credit of six (6) semester hours for each full school year (not to exceed five (5) years) of actual teaching or supervising experience in any public school either within or without the state or as a county superintendent in the state: Provided further, That the maximum amount payable under this act shall not exceed \$_____. The state superintendent of public instruction shall compute the amount each county superintendent is entitled to receive under this act and on or before March 1 of each year shall certify the same to the controller of the state department of administration. The controller shall draw his warrant upon the state treasurer payable to the county superintendents entitled to payment as provided in this act on vouchers executed by now or may be hereafter provided by law signed by the state superintendent of public instruction.

Section 2. This act shall take effect and be in force from and after its publication in the statute book.

APPENDIX C

CHAPTER 355

CREATION OF A COUNTY BOARD OF EDUCATION IN CERTAIN
COUNTIES

House Bill No. 277

An Act relating to schools, providing for the creation of a county board of education in certain counties, and prescribing the powers, duties, authority, liabilities, and jurisdiction of such county boards of education, providing for the disorganization of the community high-school district and the common-school district in such counties, authorizing the issuance of bonds and the making of certain tax levies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. The provisions of this act shall apply to any county in which there is only one common-school district and in which there is no high school except a community high school.

Sec. 2. The district board of the common-school district in any such county may call a special school district meeting in the manner prescribed by section 72-403 of the General Statutes Supplement of 1951. At such meeting a proposition to disorganize such common-school district and the community high-school district and to establish in lieu thereof a county board of education shall be submitted to the electors for their approval or rejection. The notice for such meeting shall state the proposition to be voted on. The ballot submitting the proposition shall be substantially in the following form: Shall common-school district No. _____ of _____ county, Kansas, and community high-school district of _____ county, Kansas, be disorganized and a county board of education established to govern, maintain and operate all the public schools in the county? To vote for such disorganization and change make a cross X mark in the square after the word "Yes." To vote against such disorganization and change made a cross X mark in the square after the word "No."

Yes ☐
No ☐

Sec. 3. At such special meeting, the proposition shall be deemed adopted if a majority of the legal electors voting thereon shall vote in favor of such proposition. If such proposition be adopted said common-school district and said community high-school district shall be disorganized and, thereupon all public schools in said county shall be under the jurisdiction, supervision and management of the county board of education therein provided for. The clerk of the board of the common-school district holding such election shall immediately certify to the county superintendent, the county clerk and the county treasurer the results of the election.

Sec. 4. Said county board of education shall consist of five (5) members to be elected as hereinafter provided. If such proposition be adopted, at such special meeting five (5) persons shall be elected as members of said board who shall hold their respective offices until twelve o'clock noon of the second Monday of January of the first odd-numbered year occurring after their election. At the first general election held after such special meeting the county board of education consisting of five (5) members shall be elected, the members to be elected to positions which shall be designated as positions number 1, 2, 3, 4, and 5, and each of the persons elected to positions numbers 1 and 2 shall hold office for a period of two (2) years and each of the persons elected to positions number 3, 4, and 5 shall hold office for a period of four (4) years. Their successors shall be nominated and elected as hereafter provided and shall hold their respective offices for a term of four (4) years. Candidates for positions on the board except those elected at the special meeting, shall be nominated and elected in like manner as candidates for county offices are nominated and elected: Provided, That candidates for membership on the board shall not run as members of political parties and candidates for nomination at the primary shall file a declaration of candidacy with the county clerk in substantially the following form: "I hereby declare my candidacy for nomination for the office of member of the county board of education, position No. _____ of the _____ county board of education, at the primary election to be held on the _____ day of _____ 19____. My residence is _____. Signed: _____." and no filing fee shall be required. No person shall vote for more than one candidate for one position at the primary. The candidates for the same position receiving the greatest and next greatest number of votes at the primary shall be the candidates of such position at the general election.

In case of a vacancy occurring on the board prior to expiration of the term, the remaining members of the board, shall appoint a successor who shall possess the qualifications hereinafter prescribed for elected members and such appointee shall hold his office for the remainder of the unexpired term. No person shall be eligible to be a candidate for membership on or be a member of the board unless he is a qualified elector of the county. No member of the board shall receive any pay or emolument for his services, except that members may be paid their actual and necessary traveling expenses incurred in the performance of their official duties.

Sec. 5. Upon the disorganization of said common-school district and said community high-school district all moneys on hand, due and owing and all real and personal property of said common-school district and said community high-school district shall become and be property of the county board of education: Provided, That before any moneys or property of the common-school district and community high-school district are turned over to the treasurer of the county board of education, said county board of education shall employ a licensed municipal accountant to make an audit of the moneys, accounts and records of the treasurer and clerk of the common-school district and of the treasurer and secretary of the community high-school district. All taxes levied by or for or paid to the common-school district and the community high-school district, prior to or after their disorganization, shall belong to the county board of education and such taxes when paid shall be credited by the county treasurer to the county board of education and paid out to or for the county board of education in the manner provided by law. All valid bonded and other indebtedness and all valid accounts receivable of the common-school district and of the community high-school district which are in existence at the time of their disorganization shall become the debts and accounts receivable of the county board of education. Such bonds shall be retired and interest paid thereon as provided by their indentures and other debts shall be paid and accounts receivable shall be collected as provided by law. All legal contracts entered into by the district board of such common-school district and by the board of trustees of such high-school district shall become the contracts of the county board of education to the same extent as if the same had been originally entered into or made by the county board of education.

Sec. 6. At the regular meeting on the first Monday of February of each year, the board shall organize by the election of a president and vice-president from its members,

each of whom shall serve for one year and until his successor is elected and qualified. The board shall elect a clerk for a term of one year, who may not be a member of such board, and who shall receive for his services such compensation as the board may allow. The board shall also elect a treasurer, to serve at the pleasure of the board, who shall receive for his services such compensation as the board may allow, and who may not be the same person as the clerk nor a member of the board. The board, at such time as it may deem expedient, shall elect a qualified superintendent of schools, who shall not be a member of such board, for a term of one or two years as the board may choose, and whose term shall begin on the first Monday in August. The superintendent shall have charge and control of the public schools of the county subject to orders, rules and regulations of the board, and shall receive for his services such compensation as the board shall allow. Annual reports of the president, clerk, superintendent and all of the several committees shall be submitted to the board on or before the first Monday in August each year. The fiscal year of the board shall close on the last day of June each year.

Sec. 7. Such county board of education shall constitute a body corporate and politic, possess the usual powers of a corporation for public purposes, under the name and style of "The board of education of the county of _____ of the state of Kansas" and in such name may contract, sue and be sued, and acquire, hold and convey real and personal property in accordance with law. The board may adopt and use a common seal.

Sec. 8. Regular meetings of the board shall be held on the first Monday of each month, or if such day be a legal holiday, on the following day. Special meetings may be called at any time by the president of the board or by joint action of any two members thereof. Written notice, stating the time and place of any special meeting and the purpose for which called, shall, unless waived, be given each member of the board at least two (2) days in advance of such meeting, and no business, other than that stated in the notice, shall be transacted at such meeting.

Sec. 9. The president of the board shall preside at all meetings of the board, appoint all committees whose appointment is not otherwise provided for, and sign all warrants ordered by the board to be drawn upon the treasurer for school moneys. In the absence of the president or his inability to act, the vice-president shall perform the duties of the president. In the absence or inability to act of

both the president and vice-president, the remaining members shall select a member to act in that capacity.

Sec. 10. The clerk of the board shall attend all meetings of the board; shall keep an accurate journal of its proceedings; and shall have the care and custody of the records, books and documents of the board. He shall countersign all warrants drawn upon the treasurer by order of the board and shall keep an accurate account of all moneys paid to the treasurer for the account of said board, and of all moneys paid or orders drawn on the treasurer by order of the board. He shall prepare and submit to the board an annual report showing (a) the money received by the treasurer since the last report, and from what source received; (b) the amount of all sinking funds and how invested; (c) all moneys disbursed and the purposes for which expended; (d) the balance of the general fund in the hands of the treasurer; and (e) the number, date and amount of all bonds issued by said board and of all bonds purchased for the sinking fund. Before entering upon the discharge of his duties the clerk shall file his oath of office with the board, and shall give bond in the sum of one thousand dollars, to be approved by the board. The records of the board shall, at all reasonable times, be open for and available to public inspection.

Sec. 11. The treasurer shall deposit all moneys belonging to the board in accordance with the provisions of chapter 9, article 14 of the General Statutes of 1949 and acts amendatory thereof and supplemental thereto. He shall attend all meetings of the board when required to do so; shall prepare and submit in writing monthly reports of the finances of the board; and shall pay money belonging to the board only upon warrants signed as provided in section 9, and countersigned by the clerk. Before entering upon the discharge of his duties, the treasurer shall furnish a corporate surety bond, in an amount fixed by the board, to be approved by the board.

Sec. 12. The board shall establish and maintain a system of free public schools at all time for all children residing in the county and may make all necessary rules and regulations for the government and conduct of such schools, consistent with the laws of the state. The board may divide the county into districts for purposes of attendance by pupils. The board shall have the title to, and have the care and keeping of all school buildings and other school property belonging to the board of education. The board may, in its discretion, open any or all school buildings for community purposes, and may adopt rules and regulations governing such use of school buildings. School buildings

and other school properties not needed by the board of education may be sold by the board, at private or public sale, upon the affirmative recorded vote of at least four members of the board, at a regular meeting. Conveyances shall be executed by the president of the board and attested by the clerk.

Sec. 13. No expenditure involving an amount greater than five hundred dollars (\$500) shall be made by the board, except in accordance with the provisions of a written contract, and no contract involving expenditure of more than one thousand dollars (\$1,000) for the purpose of erecting any school building or making any other improvements shall be made except upon sealed proposals, and to the lowest responsible bidder.

Sec. 14. Any board, upon determining that it is necessary to purchase or improve a school site or sites, to construct, equip, furnish, repair, remodel or make additions to any building or buildings used for school purposes, may submit to the electors of the county the question of issuing general obligation bonds of the board for one or more of the above purposes, and upon the affirmative vote of the majority of those voting thereon, the board shall be authorized to issue such bonds. The board shall adopt a resolution stating the purposes for which bonds are to be issued and the estimated amount thereof. The board shall give notice of said bond election in the manner prescribed in section 10-120 of the General Statutes of 1949 or any amendments thereto and said election shall be held in accordance with the provisions of the general bond law. Any board may issue, without an election but with the written approval of the state superintendent of public instruction, bonds in an amount not exceeding five thousand dollars (\$5,000) to pay for needed repairs on school buildings or equipment, but the aggregate amount of such bonds outstanding at any time shall not exceed ten thousand dollars (\$10,000). The aggregate amount of bonds of a board outstanding at any time (exclusive of bonds specifically exempted from statutory limitations) shall not exceed seven percent (7%) of the assessed valuation of tangible taxable property within the county.

Sec. 15. The county board of education of any such county is hereby authorized and empowered to levy taxes in each year for the following school purposes, but said board shall not fix a rate of levy in any one year on each dollar of the assessed tangible valuation in any such county in excess of the following-named rates:

General fund	18.00 mills
Construction and repair of buidlings	3.00 mills
Equipment and maintenance of industrial-train- ing schools or departments	0.25 mill
To purchase, lease, establish and supervise playgrounds	0.15 mill

Provided, That the aggregate of all tax levies of any such county board of education, except levies for the payment of bonds and interest thereon and except levies for the transportation fund, is hereby limited to 20 mills on each dollar of assessed tangible valuation of such school district:

Provided further, It is hereby declared to be the intention of the legislature to provide an aggregate limit for all tax levies of such county boards of education, except levies for the payment of bonds and interest thereon and except levies for the transportation fund, and the aggregate limit prescribed in this section shall include all other tax levies of such county boards of education authorized by law unless specifically exempted by the law authorizing such levy.

Sec. 16. All the powers, duties, authority, jurisdiction and liabilities now or hereafter conferred or imposed by law on boards of education of cities of the first class which are not in conflict with the provisions of this act are hereby conferred and imposed upon such county boards of education and any such county board of education shall have the power to levy taxes on all the taxable tangible property in the county in like manner and for like purposes as boards of education of cities of the first class are now or hereafter authorized by general laws to levy taxes upon the taxable tangible property in such first-class city school district.

Sec. 17. This act shall take effect and be in force from and after its publication in the official state paper.

Approved April 2, 1953.

Published in the official state paper April 7, 1953.

APPENDIX D

PRELIMINARY PROPOSAL FOR
COUNTY SUPERINTENDENTS

Effective Date: 1961

Not to be enacted until the 1957 or 1959 Legislature

AN ACT relating to schools, creating a county board of education in each county, providing for an election of members thereof, and prescribing powers and duties.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. County board of education; establishment. There is hereby created in each county a county board of education consisting of five members to be chosen as hereinafter provided.

SECTION 2. Same; powers and duties. The county board of education shall constitute an advisory body to the county superintendent of public instruction, shall recommend to the county superintendent measures as in the judgment of the board will improve the educational services within the county and shall have the following other powers and duties: (1) to appoint a county superintendent of schools provided in this chapter and fix his salary. The board shall also fix traveling expense of the superintendent. Upon the recommendation of the county superintendent, the county board may appoint an assistant county superintendent and such other supervisory, and clerical assistants, as are deemed necessary and fix their salaries and duties. During the absence or disability of the superintendent, the assistant superintendent shall perform all the duties of the county superintendent; (2) to enter into agreements with the governing bodies of school districts within the county, or with another county, state or any other governmental agency to provide cooperative services in such fields as health, vocational education, music, art, guidance, library, and special education, and in such other fields as may be deemed necessary; (3) to enter into agreements with the county boards of education or school district governing bodies in adjoining or adjacent counties to provide such joint educational services as may be most efficiently furnished by cooperative action between counties; (4) to conduct a continuous survey of school transportation services within the county and to make such recommendations to school boards as it believes will result in more efficient, safe, and economical pupil transportation, and to conduct such

other surveys and make such other recommendations as it believes will be in the best interests of the schools; (5) to purchase, upon recommendation of the county superintendent, such specialized instructional materials and devices as may be needed in improving instruction in the schools under the supervision of the county superintendent, and to purchase or lease a suitable vehicle for the transportation of such equipment to and from the schools where used; (6) to employ, upon recommendation of the county superintendent, such full or part-time supervisory and clerical assistants as are deemed necessary and are not otherwise provided by law, and to fix their salaries and duties; (7) to provide additional space for the office of county superintendent if that provided by the county is not deemed adequate; (8) to periodically inspect the office of county superintendent for the purpose of determining whether or not such office possesses the proper and necessary equipment which will enable such office to dispose of its business promptly and accurately and to keep permanent and systematic records of the same, and if the board finds such equipment inadequate it shall make recommendations to the board of county commissioners for the proper additions.

SECTION 3. County Superintendent. In each county of the state, the county board of education shall appoint a county superintendent whose term of office shall continue during good behavior and successful service from the first secular day in August following his election and until his successor is elected and qualified. The first regular term under the provisions of this act shall begin the first secular day in August following the election. The president of the board shall certify the appointment to the county clerk and to the state superintendent of public instruction.

Qualifications of superintendent. The county superintendent may be of either sex, shall be a graduate of an accredited university or college, or a four year course above the secondary level in an accredited normal school, the holder of an administrator's certificate and shall have had at least five years experience in administrative or supervisory work or in teaching; provided that anyone serving as a legally qualified county superintendent on the first Monday in August preceding the passage of this act, shall be deemed qualified to fill the office of county superintendent. The qualifications of an assistant county superintendent shall be the same as for the county superintendent.

Oath and bond. The county superintendent shall qualify by subscribing to the oath required by county officers and filing a bond as provided by law.

Vacancies filled. Vacancies in the office of county superintendent shall be filled for the unexpired term by the county board of education in the same manner in which the county superintendent is regularly appointed for the unexpired term. If a vacancy is not filled by the county board within forty days the state superintendent of public instruction shall appoint a county superintendent who shall serve until the next regular election and until his successor is elected and qualified.

Jurisdiction and duties. The county superintendent shall have such powers and duties as are prescribed by law.

SECTION 4. Same; interpretation. Neither this act nor any part of it shall be construed as repealing or amending any act applying to the powers and duties of district school boards, boards of education or boards of trustees of community high school districts.

SECTION 5. Election areas. The territory of the entire county, exclusive of cities of first and second class, shall be divided into four election areas by the county commissioners, as nearly of equal size and contiguous territory as possible, to be designated as the first position, the second position, the third position, and the fourth position election areas. In the event of changes in the limits of school districts, the county board of education shall make any such adjustments as may be necessary to equalize the territorial size of the election areas, provided that no such change shall be made less than sixty days prior to the date of the annual school election. Provided that a county having only one school district, the board of said school district shall be the county board of education.

County board--election. The county board of education shall consist of five members, electors of the county, one member to be elected from each of the four election areas by the electors of the respective areas, one member, the fifth position, to be elected at large from the area of the county school system by the electors thereof. All the members of the county board of education shall be first elected at the regular general election and reported to the County Clerk.

SECTION 6. Same; terms of office. At the first primary and general elections following the effective date of this act, there shall be nominated and elected three members of the county board of education for terms of four years and two members of the county board of education for terms of two years, as follows: The terms of the members elected to position No. 1, position No. 3, and position No. 5 shall be four years; the terms of members elected to position No. 2 and position No. 4 shall be two years. Thereafter, as terms of the members of the county board of education expire, each member shall be elected for a term of four years.

SECTION 7. Same; election. The nomination and election of the county board of education shall be governed by the general laws relating to primary and general elections insofar as the same can be made applicable and except as herein otherwise expressly provided. A separate ballot shall be provided therefor on which shall be printed the names of candidates for the county board of education by position, but no political designation shall be placed opposite the names of such candidates, at the primary and at the general election a proper ballot for members of the county board of education shall be given to each legal elector who presents himself at the polls to vote. Separate ballot boxes shall be provided the judges and clerks of the election for the deposit of such ballots as have been voted. The results of such election shall be canvassed as provided by law for primary and general elections, respectively.

SECTION 8. Same; nomination. Each candidate for nomination as a member of the county board of education shall file or there shall be filed in his behalf with the county clerk not later than the date and hour required for filing by other county officials, a nominating petition signed by at least twenty-five electors of the election area in which he resides: Provided, That the petition of a candidate for nomination as a member-at-large of the board shall be signed by at least twenty-five electors of the county. Such petition shall state the name and address of residence of the candidate, the position on the county board of education for which the elector desires to be a candidate, the commissioner district and township of which the candidate is an elector, whether or not the candidate is an employee of a school board, board of education, or board of trustees, and each signer of a nominating petition shall clearly indicate his place of residence and the date of signing. The county clerk, upon determining that the elector is eligible to become a candidate for a position on the board to be filled

at the next general election, shall cause the elector's name to be placed on the proper primary election ballot or ballots. The names of the two persons receiving the highest number of votes in the primary election for each position on the board to be filled by election shall be placed upon the ballot as candidates for such position on the board at the succeeding general election.

SECTION 9. Same; electors. Only qualified electors residing within the county, outside of cities of first and second class, shall be eligible to vote for candidates for members-at-large on the county board of education.

SECTION 10. Same; vacancy; compensation. Members elected to the county board of education shall take office on the second Monday in January next after their election and shall qualify by filing their oath of office with the county clerk. In case of a vacancy occurring in said board, such vacancy shall be filled by appointment by the remaining members of the board and such appointed member shall hold his office for the unexpired term: Provided, That any vacancy occurring more than fifty days previous to the date provided by law for filing nomination papers and leaving an unexpired term of more than one year shall be filled at the next general election thereafter and at the election therefor shall be designated on the ballots and returns of election as follows: "To fill the unexpired term." Each member of the board shall receive five (\$5) dollars per day for the time actually and necessarily employed in the discharge of his official duties which number of days shall not exceed twenty-five in one fiscal year, and in addition thereto the sum of seven (7¢) cents per mile for each mile necessarily traveled in performing his official duties.

SECTION 11. Same; chairman; secretary; treasurer; executive officer. At the first regular meeting in each year, the county board of education shall select from its membership a chairman and a treasurer who shall serve for a term of one year and until their successors are elected and qualified. The county superintendent of public instruction shall serve as secretary, ex-officio, of the board; shall keep an accurate record of the proceedings of the board and shall have the care and custody of the records, books, and documents of the board. The secretary shall keep an accurate account of all moneys paid or orders drawn on the treasurer by order of the board. He shall prepare and submit to the board an annual report covering all receipts

and expenditures during the preceding year. The county superintendent of public instruction also shall serve as executive officer of the board and shall carry out such assignments as the board may direct.

SECTION 12. Same; treasurer; bond; duties; compensation. The treasurer of the county board of education, before assuming his duties shall furnish a corporate surety bond in an amount to be fixed by the board and approved by the board, and cost of such bond shall be paid from the funds of the county board of education. All money received by the board from any source shall be deposited by the treasurer in accordance with article 14 of chapter 9 of the General Statutes of 1949 and acts amendatory thereof and supplemental thereto, and shall be paid out upon direction of the board, upon orders duly signed by the chairman and countersigned by the secretary. The treasurer shall submit in writing to the board a monthly report of finances of the county board of education. The county board of education may allow and pay the treasurer such compensation deemed just, not to exceed \$120 per annum.

SECTION 13. Same; records of the board. All records of the county board of education shall, at all reasonable times, be open for and available to public inspection.

SECTION 14. County board of education; meetings. The county board of education shall hold at least one regular meeting in each quarter of the year at a time and place to be fixed by the board and such other special meetings as may be deemed necessary or advisable. Special meetings may be called by the chairman or by joint action of any three thereof by a call filed with the secretary of the board. The secretary of the board shall give written notice to each member of the board stating the time and place of the special meeting, the purpose for which called, and such notice, shall, unless waived, be given each member of the board at least two days in advance of such meeting. Four members of the board shall constitute a quorum for the transaction of business.

SECTION 15. Same; budget; tax levies. On or before the first day of July of each year the county board of education, after consultation with the board of county commissioners, shall prepare a budget for the county for the ensuing fiscal year ending June 30, which budget shall

clearly show receipts from all sources and amounts needed: Provided, That the budget of the county board of education shall include the salary of the county superintendent, assistants, deputies, attendance officers, clerical and stenographic help, travel expense, stationery, postage, supplies, freight, automobile expense and such other expenses incident to the conduct of the office of county superintendent. The board of county commissioners shall then make an appropriation and certify to the county clerk the amount of tax necessary to be levied on all the tangible taxable property, except territories under the jurisdiction of boards of education of first and second class cities of the county, sufficient to raise the budget of the county board of education, which tax levy shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the aggregate tax levy limitation of the county prescribed by section 79-1947 of the General Statutes of 1949 or acts amendatory thereof or supplemental thereto: Provided, That the rate of levy shall not exceed one mill.

SECTION 16. Same; effective date. This act shall take effect and be in force from and after its publication in the official state paper.

APPENDIX E

CONCURRENT RESOLUTION NO. _____

BY _____

A PROPOSITION to amend section 1 of article 6 of the constitution of the state of Kansas, relating to the election of county superintendents of public instruction.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF KANSAS, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas is hereby submitted to the qualified electors of the state for their approval or rejection: That section 1, article 6, of the constitution of the state of Kansas be amended so as to read as follows:

"Section 1. The state superintendent of public instruction shall have the general supervision of the common-school funds and educational interests of the state, and perform such other duties as may be prescribed by law. A superintendent of public instruction shall be selected by each county by such method and with such duties and term of office as the legislature shall prescribe."

Section 2. This proposition shall be submitted to the electors of the state at the general election in the year 1956 for their approval or rejection. The amendment hereby proposed shall be designated on the ballot by the following title: "Providing for selecting county superintendents of public instruction" and shall be voted for or against as provided by law under said title.

Section 3. This resolution shall take effect and be in force from and after its publication in the statute book.