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THE EVOLUTION OF SCHOOL ADMINISTRATION IN MONTANA

BY

FRANK J. BURNNEY

(Offered as a partial fulfillment of the  
requirements for the degree of Master of  
Arts at the University of Montana, 1924)

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THE EVOLUTION OF SCHOOL  
ADMINISTRATION IN MONTANA

PART I.

THE EVOLUTION OF STATE ADMINISTRATION

INTRODUCTION.

The problem presented in this thesis was suggested to me by my graduate adviser, Professor Freeman Daughters, the latter part of May, 1923, and I immediately began to search for data bearing on the subject. In securing and presenting these data in the form of a thesis, the writer has spent about twenty weeks.

It should be noted at the outset that the writer lays no claim to either an elaborate or an exhaustive treatment of the subject, for there are so many evidences of the Evolution of School Administration in this state that it would be well nigh impossible for me to mention all of them, or even to know them. So I have attempted to show only the "trend" of such evolution by tracing the movement from the proceedings of the first legislative assembly at Barnack, in 1764, to the close of the legislative assembly of 1921.

This discussion has been divided into three major parts, the evolution of state administration, the evolution of county administration, and the evolution of district administration. Each part is divided into chapters, and each chapter represents a rather distinct unit in the method of treatment.

At the close of each chapter is given a short summary of the subject as I see it, and if those who read these pages do not entirely agree with the opinions herein stated, they will please keep in mind that these summaries are based upon the limited data at present available and obvious conclusions drawn therefrom.

The administration of the component parts of the University of Montana has been discussed only in the most general way, since the administration of these institutions is much too complex for the writer to be able to discuss intelligently from his present source of information.

In the preparation of this thesis acknowledgement is due to Professor Freeman Daughters for valuable suggestions and assistance; to Dr. Paul C. Phillips and the library staff for the use of valuable information found in the "treasure room" of the University library; and last, but not least, to Honorable William J. Jadeson, Sr., for his kindness in allowing me the use of his valuable library of Montana laws and documents.

Note: The numbers in parentheses refer to references at the close of each chapter.

CHAPTER I.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Creation of Office,- The office of Superintendent of Public Instruction was created by the first legislative assembly, which met at the City of Bannack, December 15, 1864. This assembly provided that the Superintendent of Public Instruction should be elected by the territorial assembly on joint ballot, commissioned by the territorial governor, and hold office for one year, or until his successor was elected and qualified. In the event of a vacancy it was the duty of the governor to appoint some suitable person to fill such vacancy until the meeting of the next session of the legislative assembly. (1)

The legislature continued to elect the Superintendent until the legislative assembly of 1871, when provision was made for the appointment of the Superintendent of Public Instruction by the governor, by and with the advice and consent of the Legislative Council. He was to enter upon the duties of his office on or before the twentieth day after his appointment, and hold office for two years, or until his successor was appointed and qualified. (2)

Powers and Duties,- No mention of the powers and duties of the Superintendent of Public Instruction was made until the convening of the fifth legislative assembly, which provided that he should keep his office at some place where there was a Post Office, and give notice of his residence by publication, for at least three consecutive weeks, in some newspaper published in the territory. (3)



I have been unable to find other data concerning the legal duties of the Superintendent until the meeting of the legislative assembly of 1871. This assembly passed laws which quite clearly defined his powers and duties, the more important of which were the following: To adopt a course of study and rules and regulations for all the public schools of the territory; to have printed all regulations and circulars necessary for the effectual administration of his office; to make a biennial report to the governor containing a statement of the condition of the public schools of the territory showing the number of children in each county, the number attending both public and private schools and the average daily attendance, the number not attending any school, the amount raised by county, district and other sources of revenue for school purposes, the amount expended for salaries of teachers and for building and furnishing school-houses; to prepare and cause to be printed suitable forms for making all reports and conducting all necessary business pertaining to his office; to furnish each county superintendent with suitable diplomas and certificates, and prepare a school register to be furnished to each school district in the territory; to have all school laws printed in pamphlet form, and annex to these laws forms for making reports and conducting the general school business; to have printed a course of study, rules and regulations, a list of the textbooks adopted by him for use in the public schools of the territory, and such suggestions on school architecture as he might deem useful; to travel in the different counties of the territory so far as possible without neglecting his official duties, during at least three months in the year, for the purpose of visiting schools, consulting with county superintendents, and addressing public assemblies on subjects pertaining

to the welfare of the public schools; and to keep his office at some place where there was a Post Office. He was allowed three hundred dollars per year for traveling expenses, and three hundred dollars for general office expenses. (4)

The legislative assembly of 1885 created the textbook commission and provided that the Superintendent should be a member of this commission. His duties as a member of such commission were as follows: To correspond with textbook publishers and ask them to send samples of textbooks to the Commission, with the prices at which they would be furnished to the dealers or to district trustees in the territory; to notify all publishing companies who failed to comply with the terms of their contracts either in the prices agreed upon or the quality of the textbooks furnished, that they must comply with the terms of their contracts. If the publishing companies continued to fail to meet the conditions of their contracts, the Superintendent was to bring suit in the name of the Territory of Montana to enforce and collect the bonds of the companies so failing. (5)

Salary, Bond, and Office Expenses.- The first legislative assembly provided that the Superintendent of Public Instruction should receive a salary of two thousand dollars per annum. (6) No mention is made of any bond requirements or office expenses, but it is reasonable to believe that he was required to give a bond for the faithful performance of his official duty and that he was allowed something for office expenses. The legislative assembly of 1871 provided that the Superintendent should give a bond in the sum of two thousand dollars, and that he might spend not to exceed three hundred dollars per annum for traveling expenses and a like amount

for office expenses. (7)

The legislative assembly of 1874 decreased the salary of the Superintendent from two thousand dollars per annum to twelve hundred dollars. The assembly of 1887 made provisions for allowing the Superintendent five hundred dollars per annum traveling expenses in visiting the schools of the territory, but lowered his allowance for office expenses to two hundred dollars per annum. (8)

The foregoing data are all that I have been able to find of a statutory nature concerning the Territorial Superintendent, but some idea of the condition of the early territorial schools may be had from the reports of some of the territorial Superintendents, the main points of such reports being given below.

To show the importance of providing a system of education for the Territory of Montana, Honorable Sidney Edgerton, the first territorial governor, in his first message to the first legislative assembly said in part: "It will devolve upon you to devise some system of education to meet the immediate wants of the people. The government, in the Organic Act, has set aside two sections of land in each township, the proceeds from the sale of which are to be used for a public school fund. However, these lands are not yet available and it may be years before any considerable advantage can be realized from them. There are hundreds of children in the territory, and these should not grow up in ignorance. A self-governing people must be educated or anarchy and destruction will soon follow and usurp the authority of government. Hence, one of the highest and most solemn duties of the state is to provide for the education of its children. It is easier to educate the boy than

to punish the man. If the education of the boy is neglected, the punishment of the man will be necessary, for crime and ignorance go hand in hand." (9)

Thomas J. Dimsdale was the first Superintendent of Public Instruction, serving from 1864 to 1865, but I have been unable to find any data concerning his administration. A. H. Barrett was the second Superintendent of Public Instruction, serving from 1865 to 1866, though Sanders, in her History of Montana, Volume I, page 203, says that A. H. Barrett was the first Superintendent and served from September 8, 1865, to March 3, 1867. The third Superintendent was A. M. S. Carpenter, who served from 1866 to 1867. I have been unable to find any data concerning the administration of either of the three Superintendents mentioned above. Thomas H. Campbell was the fourth Superintendent, serving from 1867 to 1869. Superintendent Campbell, in his report of November 30, 1869, gives us the first official information concerning the condition of the schools of the territory at this early period. He said in part: "Madison County, with her present population and school tax, will be able to maintain about ten schools, the majority of them for a greater part of the year. Meagher County has been organized by the county superintendent into districts, but no schools have been taught in this county. In Deer Lodge County the schools are well sustained in the organized districts and the people generally are showing a lively interest in the subject of education. In Gallatin County I have only the statistical report of the county superintendent, but I infer, from the number of organized districts and the number of children being taught, that the valley county is not behind in her educational facilities, and that her schools are in a healthy condition. Lewis and Clark County has only three

organized districts two of which, in the Prickly Pear Valley, sustain good schools during the winter months. The Helena district has three common schools with an aggregate attendance of one hundred eighty-one pupils. The interest manifested and the zeal and energy displayed by the present efficient board of directors in Helena are worthy of the highest commendation. I may be permitted to note, also, the select school of Professor E. W. Stone, numbering from twenty to thirty students, as an institution in the territory pushing forward the great work of education. Professor Stone is now conducting a course of lectures in Helena, which he proposes to extend through the winter months, from which we anticipate good results by placing the whole subject of education in a clear and impressive light before the people." (10)

The financial condition of the schools from 1868 to 1882 is shown in the following table of statistics:

<u>"Sources of Revenue</u>	<u>1868</u>	<u>1880</u>	<u>1881</u>	<u>1882</u>
Special tax, school houses		\$ 2931	\$ 5635	\$ 8890
Special tax, teachers		2325	431	5089
<u>Total District Taxes</u>	<u>0000</u>	<u>5256</u>	<u>6066</u>	<u>13923</u>
County school tax	\$ 10431	\$ 64643	\$ 84008	86149
Fines, district courts	00000	100	688	745
Fines, probate judges	00000	2346	724	1140
Fines, Justices of the peace	991	1470	1084	804
From other sources	619	6912	1978	1313
<u>Total County Revenue</u>	<u>\$ 12091</u>	<u>\$ 75471</u>	<u>\$ 88482</u>	<u>\$ 89151</u>
<u>Total Revenue, all Sources</u>	<u>12091</u>	<u>78729</u>	<u>94550</u>	<u>104127</u>

(11)

The following data are taken from Superintendent Hedges's report of 1884. "There are two hundred school districts in the territory, those in the larger places employing several teachers for about nine months, but the smaller districts have only about four months terms. The average length of term being between five and six

months.

There are about fourteen thousand children of school age in the territory, and fifty-four per cent of this number have been enrolled in the schools the past year. If the enrollment were reckoned on the age of actual attendance--five to fifteen years--there would have been about seventy per cent of these children enrolled, and the per capita of money spent on education would be as great as that of any state in the Union. The value of the public school buildings is nearly two hundred and fifty thousand dollars, and about two hundred thousand dollars have been spent for the support of the schools during the past year.

There are no normal schools in the territory for the training of teachers and relatively high wages are paid to induce teachers to come from other states. The average wages paid teachers for all grades is about sixty dollars per month."

Superintendent Howey was authorized by the Secretary of the Interior, March 10, 1882, to select seventy-two sections of land for the use of the University of Montana. Concerning the selection of this land, Mr. Howey said: "That in view of the fact that the best portions of land belonging to the public domain will soon be taken up, I deem it advisable to act at once." (12) The location of the land selected was as follows: Seven sections in the Miles City district, ten sections in the Bozeman district, and fifty-five sections in the Helena district. The land selected was for the most part along water courses and in localities which were rapidly settling up. Superintendent Howey estimated the land to be worth one hundred and fifty thousand dollars, which, at five per cent interest, would yield an annual income of seven thousand five

Superintendent Egbert W. Smith, in his report of 1879, said that the schools gave fair promise of expanding their benefits with the growth of population and wealth in the territory. He believed that the main causes which prevented the best results from the schools were sparsely settled rural districts, short school terms, and small but costly schools. However, he thought these difficulties might be overcome under the influence of a wisely administered system of supervision. He gave much interesting data concerning the schools from 1873 to 1879, the following being the most important:

SCHOOL CENSUS	WHITE	COLORED	TOTAL	INCREASE
1873	3500	17	3517	
1875	3308	29	3337	320
1876	4233	33	4271	434
1877	4550	31	4581	200
1878	5267	48	5317	734
1879	5237	48	5287	570

The number and classification of the schools, with the number of pupils enrolled were as follows:

YEAR	GRAD	UNGRAD	ENROLLED	INCREASE
1873	3	87	1881	
1875	6	90	2492	617
1876	4	94	2734	236
1877	7	93	2625	-109
1878	7	91	3277	652
1879	25	107	3909	632

The marked increase in the number of graded schools in 1879 was doubtless caused, in part, by the method of counting, as all the grades occupying one building were sometimes reported as one school.

Superintendent Smith makes the following comment on the importance of grading the schools. "Grading has done more than any other one thing to make the public schools successful and popular with all

classes. It is feature of superiority that belongs to the public school system, since private schools have too few pupils for successful grading. Grading reduces the work of the teacher one-half, or rather, it affords double efficiency. Another advantage of graded schools is the generous rivalry among pupils of similar attainments to be promoted from grade to grade."

From the same report we find another evidence of progress in the nature of the construction of school buildings, as follows:

YEAR	ADDOE	IOG	FRAME	BRICK	TOTAL
1873	1	58	11	1	71
1879	0	68	24	7	99

In 1873 the average rate of county school tax levy was three mills, and \$31,350 were collected as a result of such levy. In 1879 the average rate of county school tax levy was 3.7 mills, and the amount received from such levy was \$51,110. This material increase in the amount raised was no doubt due to the rapid increase in wealth and population in the territory.

The average length of school term and the average cost per month per pupil enrolled were as follows:

YEAR	DAYS	COST PER MONTH PER PUPIL
1873	82 1/2	\$3.16
1875	92	3.57
1876	100	3.57
1877	82	2.57
1878	88	2.98
1879	105	2.55

In all of the graded schools and in some of the ungraded the terms were from eight to ten months in length, but other ungraded schools had very short terms, many of them not more than three months.

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The wages paid to teachers were rather high for the time, yet there was no normal school for the training of teachers. Institutes were seldom held, and when they were held they were too short to do much in the matter of professional training. Under such conditions, Superintendent Smith thought it a wise policy to encourage trained teachers to come from other states.

Concerning the supervision of rural schools, Superintendent Smith said: "The schools should have effective county supervision to gather and tabulate data, detect incompetency, correct mismanagement, eliminate errors, enforce regulations, and guide educational work to legitimate success."

In the matter of selecting the county superintendents and certification of teachers, Superintendent Smith had the following to say: "The method of selecting the county superintendent is very objectionable because politics and partisanship are allowed to govern such selection. The county superintendent should be selected by the trustees, as this would make the office more representative of the school interests and keep it out of politics. But whatever the method of selecting this official, none but the foremost teachers in education and experience should be eligible to the office. There should be a better way of examining teachers than the mere formality of a few sets of questions to test scholarship. The science and art of teaching should be made subjects of special inquiry; and above all, the teacher's real ability in the school room should be the determining factor for certification. Efficient city supervision brings efficient city schools and efficient county supervision will aid in making the rural schools efficient."

nt Smith's criticism of the method of certificating

teachers might be considered quite in keeping with out own advanced ideas on the subject. His main objections were as follows: "(1) Aims to test only the applicant's information of the elementary branches to be taught, and is therefore based on the absurd theory that any one with such information is a teacher; (2) it makes persons judges of teachers who are neither teachers nor scholars, nor competent experts: (3) it sets up as many standards of qualification as there are examiners, each one making the test as simple or as rigid as he may choose; (4) it does not recognize professional eminence and makes no distinction between normal training and long successful experience, and those who have neither; (5) it has a tendency to fill our schools with certified incompetents to the professional detriment of teachers and injury to pupils."

Superintendent Smith also recommended a Territorial Board of Education with the Territorial Superintendent as its executive officer.

By the year 1879, the date of the adoption of the State Constitution, the duties and powers of the Superintendent of Public Instruction seem to have been quite well organized and the importance of the office beginning to be recognized by the better class of people, as will be noted in the constitutional provisions concerning the powers, duties, and minimum requirements of qualification of the Superintendent.

The framers of the State Constitution placed the office of Superintendent of Public Instruction among the executive offices of the state and provided that the Superintendent was to hold office for four years, keep his office at the state capitol, and perform such duties as were prescribed by the constitution and the laws of the state. He was to be elected by the qualified voters of the state

at the time and place of voting for members of the legislative assembly. In the event of a tie vote between the two leading candidates, the succeeding legislative assembly was to elect by joint ballot one of the two candidates. The constitution also provided that his minimum qualifications should be at least thirty years of age at the time of his election, a citizen of the United States, and have resided within the state or territory of Montana at least two years preceding his election. His salary was fixed at twenty-five hundred dollars per annum until further action by the state legislature. In the event of a vacancy in the office by death, resignation, or otherwise, it was the duty of the governor to fill such vacancy by appointment, the appointee to hold office until his successor was elected and qualified. (13).

Another evidence of the importance attached to the Superintendent's office by the framers of the State Constitution is found by his being made a member of the State Board of Land Commissioners, which board had the direction and control of the leasing and sale of the school lands of the state, and the lands granted or which might thereafter be granted for the support and benefit of the various state educational institutions, under such regulations and restrictions as might be prescribed by law. (14)

The Enabling Act provided that all laws which were valid in the Territory of Montana at the time of the adoption of the State Constitution should remain in full force and effect until they were supplemented by legislative action in the regular legislative assemblies of the new state. So there seems to have been little school legislation in the new state until the legislative assembly of 1895. However, the first legislative action concerning the Superintendent

by the new state is found in the proceedings of the legislative assembly of 1893. The Superintendent was given the power to revoke any state or life diploma for incompetency or immoral conduct. The same assembly provided that the Superintendent should be secretary of the State Board of Education. (15)

The next legislation concerning the Superintendent was enacted by the legislative assembly of 1895, when the constitutional provisions as to the time and manner of election, term of office, etc., were enacted into law, and in addition, the minimum qualifications, as stated in the constitution, were made stronger by requiring that the Superintendent should hold a certificate of the highest grade issued in some state, or that he be a graduate of some reputable university, college or normal school. He was also required to give bond in the sum of ten thousand dollars, with not less than two sureties, to be approved by the governor and the attorney general. (16)

Powers and Duties.- Many of the laws concerning the powers and duties of the Superintendent, as enacted by the legislative assembly of 1895, seem to be a repetition of the territorial enactments on the same subjects, with this difference, the laws enacted at this session of the legislative assembly were more explicit and more clearly defined the Superintendent's powers and duties. It was his duty to preserve in his office the books, maps, charts, works on education, school reports and school laws of other states, plans for school buildings, and other articles of educational interest and value which might come into his possession as such officer. He was given the general supervision of the public schools of the state, though he undoubtedly had this supervision under territorial laws, though no statement of such power can be found. (17)

This legislative assembly also provided that the Superintendent of Public Instruction should prepare and furnish through the county superintendents to the school officers lists of publications approved by him as suitable for school libraries. These lists were to contain a statement of the lowest prices at which such publications could be purchased by the districts. He was also to prescribe rules and instructions for the proper care and use of the school libraries and such other information relative thereto as he might think needful. (13)

The Superintendent was also given large powers, for that time, over the certification of county teachers. It was his duty to prepare all questions for the examination of applicants for county certificates, and prescribe rules and regulations for conducting such examinations. After a study of the history of education in the United States, I find very few of the central and western states giving the Superintendent the authority to prepare examination questions for teachers' county certificates at this early date. (14)

In the matter of preparing a course of study to be used in all the public schools of the state, the legislative assembly of 1895 made little change from the requirement stated in the territorial codes, but this assembly provided that the Superintendent should prescribe rules and regulations for holding teachers' institutes in the various counties in the state, and made it obligatory for teachers to attend these institutes. (20)

Another evidence of the increasing interest taken in the schools by the people through their legislators is shown by this assembly making it the duty of the Superintendent to council with and ad-

wise the county superintendents in all matters pertaining to the welfare of the schools, and when requested, give them written answers to questions concerning the interpretation of the school laws. It was his duty to decide on all appeals from the decisions of the county superintendents; to attend and assist at teachers' institutes; aid and encourage teachers in better qualifying themselves for the profession of teaching; and to address public assemblies on subjects pertaining to the welfare of the public schools of the state. (21)

A number of clerical duties were prescribed, such as keeping a record of his official acts; having the school laws printed once every four years, with his decisions and official opinions thereon; transmitting a biennial report to the governor showing the general condition of the schools as to finance, attendance, number of teachers employed, the condition of the state educational institutions, and general information and recommendations relative to the educational interests of the state; to apportion the state school moneys to the various counties in the state according to law; and to keep his books open for the inspection of those interested. (22)

The first law providing for office assistance to the Superintendent was passed by the legislative assembly of 1895. This law provided that he might appoint one clerk at an annual salary of fifteen hundred dollars. This clerk was also to be the clerk of the State Board of Education. It will be noted that the clerical duties of the Superintendent were not very exacting at this time. (23)

No further legislation concerning the Superintendent was enacted until 1907, when the legislative assembly amended the law concerning the power of the Superintendent to revoke state and life cer-

tificates, and provided that these papers might be revoked for incompetency or immorality, or any other cause that would have required the State Board of Education to refuse to grant it if known at the time the certificate was granted. This assembly gave the Superintendent the power to grant temporary certificates on certain conditions, and raised his salary to three thousand dollars per annum. (24)

The legislative assembly of 1913 made a rather complete revision of the powers and duties of the Superintendent, but changed his general powers and duties only in minor details. He was required to be a graduate of some reputable university, college or normal school recognized by the State Board of Education as being of EQUAL RANK with the university and normal school of Montana. He was given authority to appoint one deputy at an annual salary of twenty-one hundred dollars, and one additional clerk at an annual salary of twelve hundred dollars. Provision for the additional assistance in the department of education shows the increased interest the people were taking in the educational affairs of the state. It also shows that the powers and duties of the office were being expanded to give the people much greater service and expert advice along educational lines. (25)

The legislative assembly of 1917 empowered the Superintendent to establish normal training courses in the high schools under certain conditions, and made appropriations for these courses to be used under the direction of the Superintendent. The same law provided that the Superintendent should prepare normal training outlines to be used in such high schools. He was given the power to issue second grade certificates to pupils graduating from such normal train-

The legislative assembly of 1919 made provision for the Superintendent to add to his official staff, in addition to those already provided for, one high school supervisor at an annual salary of twenty-five hundred dollars, one additional rural school supervisor at an annual salary of twenty-five hundred dollars, and that the same salary (twenty-five hundred dollars) be paid to the supervisor already in service.(28)

In 1921, the legislative assembly increased the salary of the Superintendent to thirty-six hundred dollars per annum, and gave him the power to appoint two stenographers at an annual salary of twelve hundred dollars each. (29)

Some interesting data concerning the condition of the schools and the recommendations of the Superintendents are found in the biennial reports of the Superintendents. W. W. Welch, in his report of 1902, says that some of the best schools in the state are rural schools; that the employment of relatives by school boards was retarding the general progress of the schools; and that libraries were very inadequate and carelessly kept. He recommended the consolidation of rural and village schools as the best solution to the rural school problem.

In the ninth biennial report of the Superintendent, 1905-'06, recommendations were made for the consolidation of rural and village schools, so as to give the country children the advantage of as good schools as were found in the towns. The statement was made that the town schools compare favorably with the schools of the East, since many very able teachers from the East have been secured for these schools; that the city superintendents and principals were experienced, competent and progressive; that the Univer-



sity, State College, School of Mines, and the Normal School were all doing a high type of work; and that the high schools were well organized and most of them recognized by the universities and colleges of the Central and Eastern states.

The twelfth biennial report of the Superintendent, 1911-'12, gives the following survey of the schools of the state: "The schools are growing rapidly in wealth and population; many settlers have come when irrigation projects were started; thousands of settlers are living on the arid lands of the state and new schools are being organized and conducted for the children of the homesteaders; the first consolidated school in the state has been organized at Victor; Montana has as good a system of schools as the older states, and an excellent state course of study for the elementary schools and the teachers compelled to use it." The Superintendent recommended more consolidation, state aid to weak districts, transportation of pupils and compulsory school attendance.

The thirteenth biennial report recommends state aid for weak districts, the adoption of the county unit, more consolidated districts, and higher qualifications for teachers.

In the fifteenth biennial report, the Superintendent, in reviewing the progressive legislation for the past few years, says "that provision has been made for teacher-training courses in high schools; the county superintendents have been provided with a deputy and general clerical assistance; a general tax for the support of the schools have been provided for; and provision for school nurses made. In summarizing the general educational conditions of the state, the Superintendent says "that new duties and responsibilities which were unknown a few years ago have been added to the state de-

partment of education. Greater efficiency is now required and more help must be given. More is being required of county superintendents. The rural schools need more and better supervision. The county-unit should be made compulsory."

Some idea of the general progress and growth of the schools may be had by the following comparisons; In 1870 the average length of the school term in Montana was 62 days; the average length of the term in 1920 was 165 days. In 1868 there were two thousand pupils of school age in Montana, and these pupils were taught by forty teachers; in 1898 there were forty-nine thousand children of school age in Montana, and these pupils were taught by eleven hundred teachers. In 1919 there were one hundred and sixty-one thousand children of school age, and these children were taught by sixty-two hundred teachers.

The foregoing discussion completes my research concerning the Superintendent of Public Instruction, and we may see from the above that the office offers wonderful possibilities for constructive leadership in the school affairs of the state. During the early period of our territorial history, the duties of the Superintendent were almost entirely clerical and statistical. It was his duty to look after the school lands of the state, tabulate and edit the statistical returns from the school boards and county superintendents; to compile a biennial report to the legislative assembly; to apportion the state school moneys to the various counties; and to visit the various parts of the state, stimulating teachers and school officers, and exhorting the people to establish new schools or enlarge their old ones.

Since that time new duties have been added. It is his duty to recommend courses of study and library books; to supervise the school

finances of the state; to visit the summer schools of the state and advise with their directors; to recommend to the state legislatures desirable changes in school law and school administration; to publish special bulletins of educational interest; to inspect and accredit high schools and to initiate movements and create sentiment for the improvement of the public schools of the state.

The past few years have witnessed a rapidly enlarging conception as to the importance of public education in our state, and new ideas as to functions of the chief educational officer have been brought to the attention of the people. The continual transference of functions and duties from smaller to larger administrative units; the gradual extension of state oversight and control; the addition of new judicial and administrative functions; and the demand for real educational leadership in matters of instruction and administration, sanitation and child welfare, the training of teachers, agricultural and vocational education, and progressive school legislation have all tended to increase the importance of the office and to demand a new type of educational leader. The office is, potentially, a more important one than the president of the state university, but the salary paid will not attract such a high type of leadership.

- (1) Laws of Montana, 1864-65, page 533.
- (2) Laws of Montana, 1871-72, section 1, under title, "Territorial Superintendent of Public Instruction."
- (3) Laws of Montana, 1871-72, under title, "An Act to Define the Duties of Superintendent of Public Instruction," section 5.
- (4) Laws of Montana, 1871-72, under title, "Powers and Duties of Superintendent of Public Instruction," section 1.
- (5) Laws of Montana, 1871-72, section 2, under the above title.
- (6) Laws of Montana, 1885, sections 1938 to 1940.
- (7) Laws of Montana, 1871-72, sections 1, 4 and 5, under title, "Creation of Office."
- (8) Laws of Montana, 1874, section 1874.
- (9) Montana Historical Society, Vol. III, 1900, pages 345-346.
- (10) Report of Territorial Superintendent Campbell, 1869.
- (11) Leeson's History of Montana, Chapter IX, pages 366-370.
- (12) Leeson's History of Montana, Chapter XI, pages 370-371.
- (13) State Constitution of Montana, Article VII, sections 1, 2, 3, 4, 7.
- (14) State Constitution of Montana, Article VI, section 4.
- (15) Laws of Montana, 1893, sections 1525 and 1532.
- (16) Laws of Montana, 1895, section 1700.
- (17) Laws of Montana, 1895, sections 1701-1702.
- (18) Laws of Montana, 1895, section 1703.
- (19) Laws of Montana, 1895, section 1704.
- (20) Laws of Montana, 1895, sections 1705-1706.
- (21) Laws of Montana, 1895, sections 1707-1711.
- (22) Laws of Montana, 1895, sections 1708-1714.
- (23) Laws of Montana, 1895, section 1715.
- (24) Laws of Montana, 1895, sections 1716-1722.

- (25) Laws of Montana, 1913, Chapter II, sections 200-201.
- (26) Laws of Montana, 1913, Chapter II, sections 202-204.
- (27) Laws of Montana, 1917, Chapter 176, sections 1-4.
- (28) Laws of Montana, 1919, section 21, subdivision 2.
- (29) Laws of Montana, 1921, Chapter II, section 201.

CHAPTER II.

STATE BOARD OF EDUCATION.

Creation of Board.- No provision was made during the territorial history of Montana for a Territorial Board of Education, though such a Board was recommended by one or more of the Territorial Superintendents. But when the State Constitutional Convention met in 1889, the problems of education had become so complex, and the importance of the various phases of this question was brought so forcibly before the Convention, that provision was made in the State Constitution for the creation of a State Board of Education. It had become apparent that some plans should be perfected to look more carefully into the business and administrative questions that were confronting the school situation in the state. So the Convention provided that the general supervision and control of the state university and the various other state educational institutions should be vested in a State Board of Education. This Act provided that the Board should consist of eleven members, the governor, attorney general, and superintendent of public instruction being members ex-officio. The other eight members were to be appointed by the governor, subject to the confirmation of the senate, under the rules and restrictions to be provided by law. (1)

The first action taken to carry into effect the above provisions of the constitution was taken by the legislative assembly of 1893, when a law, providing for the composition and appointment of the appointive members in the manner prescribed by the constitution, was passed. Provision was also made for the length of term of the appointive members. (2)

Organization and Meetings of the Board.- The law provided that the

governor should be president of the Board and the superintendent of public instruction secretary of the Board. The state treasurer was the treasurer of the Board. Provision was made for holding semi-annual meetings at the state capitol on the first Monday in June and December, and that special meetings should be held at any time and place the Board might direct. (3)

Powers and Duties of the Board.- The law provided that the Board should have general supervision and control of the state university and the various other state educational institutions, as provided for in the constitution, and to have power to adopt rules and regulations, not inconsistent with the constitution and laws of the state, for its own government; to prescribe rules and regulations for the government of the various state educational institutions; to grant diplomas to graduates of the state university and other state educational institutions, upon the recommendation of the faculties; to grant state and life diplomas; to make an annual report on or before the first day of January; to receive from the State Board of Land Commissioners, or other boards or persons, or from the government of the United States, any funds, incomes and property to which any of the state educational institutions might be entitled, and to use and appropriate these funds for the specific purpose of the grant or donation, and to have general control of all receipts and disbursements of any of the state educational institutions.(4)

The Board was given the authority to issue state and life diplomas on examination, and to graduates of the state university and state normal school on certain conditions. State and life diplomas might also be issued to graduates of other educational institutions within or without the state, upon meeting the conditions of the Board. (5)

Powers and Duties of the State Board of Education in Relation to the University of Montana.- The control and supervision of the University of Montana was vested in the State Board of Education. The Board was authorized to appoint a president and faculty of the various component institutions, and other necessary officer, agents and employes, and prescribe their powers and duties; to establish for the government of the University and for the instruction given therein, such rules and regulations as the state laws might direct; to prepare by-laws for the government of the University in all its departments, and fix the salaries and terms of the presidents, vice presidents, professors, instructors, officers and employes of the University in all of its departments; and to determine the moral and educational qualifications of applicants for admission to the various courses of instruction. The Board was authorized to grant such diplomas and confer such degrees as are usually granted by universities, and to confer honorary degrees on persons other than graduates in recognition of their learning, or devotion to literature, art or science, if recommended by the faculty. (6)

It is quite interesting to note that the legislative assembly of 1893 provided for the appointment of local executive boards for the School of Mines and the Agricultural College, but no such board was appointed for the Normal School until provision was made for such a board by the legislative assembly of 1897. Provision for the executive board for the state university was not made until the legislative assembly of 1909. I have been unable to find any data explaining this condition.

The legislative assembly of 1913 took an advanced step in the educational history of Montana when it passed an act which provided



for the combining of the state university at Missoula, the state agricultural college at Bozeman, the state school of mines at Butte, and the state normal college at Dillon, into one corporate body to be known as the "University of Montana." The same legislative assembly gave the State Board of Education the power to appoint a Chancellor for the University of Montana. In this way, general unity of purpose on the part of the component institutions can be brought about, and under the leadership of a trained educational expert, as the Chancellor, such duplication of courses can be avoided and far greater service to the people of the state can be assured. (7)

The legislative assembly of 1913 also gave the State Board of Education the power to accredit such high schools in the state as maintained the standard of work prescribed by such Board. Such requirements tend to increase the efficiency of the schools and give the children of the state the advantages of as high a class of schools and as thorough school organization as are found in any state. (8)

The legislative assembly of 1917 passed an act to provide for the acceptance of the provisions of the Act of the Federal Government to give financial aid to the several states for vocational education, and to authorize the State Board of Education to establish vocational courses in the public elementary schools and the public high schools of the state. The Board was also given power to adopt rules and regulations governing the vocational courses, including the right to fix the qualifications of instructors and the course of study to be followed in such schools, such rules and regulations to conform to the requirements of the Federal Board for Vocational Education. The Board was given the power to apportion money appropriated under the provisions of this Act, and the money received from the Federal Government. (9)

The influence of the State Board of Education in administering the provisions of this Act has been quite wholesome and salutary. Interest in the practical phases of education has been quickened and aroused, the people in many localities have taken a more active part in the welfare and financial support of the schools, and both pupils and patrons have been able to realize that training in agriculture, the trades, and home economics is of vital importance to the financial as well as the social well-being of the country.

We may see from the foregoing discussion that large powers have been vested in the State Board of Education and, in general, the Board, under the guiding influence of the Superintendent of Public Instruction, the public spirited men who have been selected to membership on the Board, and with the aid of a strong administrator in the person of the Chancellor, since 1913, has been able to give a good account of itself. The legislative assemblies, through the advice of the Board, have delegated much of the authority of the Board to local boards for certain local administration, and the power of certification to the State Board of Educational Examiners. Yet, with all this delegated authority, the State Board of Education still retains nominal supervision and control over the various state educational institutions and educational interests. While this Board has perhaps kept pace with the average state boards of education, yet there is much to be desired. There should be created a state department of education along the lines of the best of our administrative experience, one analogous in authority to the best creations in other lines of state service, and one possessed of a sufficient number of trained workers to be able to frame and carry out, over a considerable period of time, a wise, intelligent, and constructive state policy.

based upon a careful study of conditions and needs within and the best of administrative practices without the state.

The evolution of such a constructive state policy, the awakening of support for it among the leading workers and citizens of the state, and the gradual carrying of such a policy into effect, are services of prime educational importance. Yet, this requires careful study and years of educational direction before much in the line of visible results can be obtained.

- (1) State Constitution, Article VI, section 11.
- (2) Laws of Montana, 1903, sections 1522-1524.
- (3) Laws of Montana, 1903, sections 1525-1527.
- (4) Laws of Montana, 1903, section 1523.
- (5) Laws of Montana, 1903, sections 1529-1530.
- (6) Laws of Montana, 1903, sections 1541-1543.
- (7) Laws of Montana, 1913, Chapter 92.
- (8) Laws of Montana, 1913, Chapter I, section 106, subdivision 4.
- (9) Standards adopted by the State Board of Education for the re-crediting of Montana high schools, July 1921.

CHAPTER III.

STATE BOARD OF EDUCATIONAL EXAMINERS.

Creation and Composition.- The State Board of Educational Examiners was created by the legislative assembly of 1919, and was composed of the Superintendent of Public Instruction, ex officio chairman of the Board, and one member of the faculty of one of the component institutions of the University of Montana, one county superintendent of schools, one high school principal, and one district superintendent, all four to be appointed by the State Board of Education upon the nomination of the Superintendent of Public Instruction, at the June meeting of the State Board of Education. All appointments are for a term of two years, and all vacancies are filled for the unexpired term. The members are to serve without pay, except for necessary expenses, which are to be paid out of the moneys received as fees from certificates. (1)

Powers and Duties.- It is the duty of this board, subject to the regulations of the State Board of Education, to provide rules and regulations for the issuance of all teachers' certificates, prepare questions for teachers' examinations, and oversee the grading of papers, both county and state.

This Board has power to grant temporary certificates to teach until the next regular teachers' examination to any person applying at any other time than a regular examination, and who has previously held a valid certificate to teach, or who has had training beyond high school graduation. This Board may also grant permits, under certain conditions, to persons who have failed in the regular examinations. (2)

The State Board of Educational Examiners has the power to annul at any time any certificate granted by such Board, or any certificate granted prior to 1919, for any cause which would have authorized the Board to refuse to grant it if known at the time it was granted, and for incompetency, immorality, intemperance, physical inability, crime against the state, refusal to perform his duty, or general neglect of the business of the school. (3)

The State Board of Educational Examiners is required to renew any professional or first grade certificate, provided the applicant has taught successfully at least twelve months during the life of such certificate. (4)

It appears from the data considered that the State Board of Educational Examiners has taken over the duties of the county board of educational examiners in the issuance of county certificates, and of the State Board of Education in the issuance of state and life certificates. Of course the State Board of Educational Examiners is under the general supervision of the State Board of Education, but this supervision is only nominal. However, the State Board of Educational Examiners seems to serve a much needed demand in this phase of educational administration, as the power of certification is centered in one board, who, from the qualification of its members, should be professional experts.

- (1) Laws of Montana, 1919, Chapter 196, section 1.
- (2) Laws of Montana, 1919, Chapter 196, sections 1 and 4, and subdivision "d" of section 905.
- (3) Laws of Montana, 1919, section 905, subdivision 4.
- (4) Laws of Montana, 1919, section 906.

## CHAPTER IV.

THE UNIVERSITY OF MONTANA.

State University.- The State University had its origin in a grant of seventy-two sections of land made by Congress to the State of Montana for university purpose. The Act provided that the land should be used to form a principal that could never be diminished, and the income from which to form a fund to be applied to the maintenance of the State University.

The land selected was very valuable, and as a result, it soon began to bring in an income. This revenue arises from three sources-- leases, licenses to cut timber, and the interest arising from the investment of money derived from the sale of lands. It was in this way that money was accumulated to finance the opening of the institution in 1895.

The legislative Act providing for the organization of the State University was approved February 17, 1893. In accordance with the provisions of the State Constitution, this Act placed the State University under the control of the State Board of Education. The Act also contained general directions concerning the organization of the different departments, the courses of instruction, duties of the president, etc.

At the December meeting of the State Board of Education, 1894, the University Committee reported in favor of opening the State University in September, 1895. In order to facilitate this opening, the Board of School Trustees of the Missoula schools donated the use of the south side school building to the state until the University buildings could be erected.



A local committee was appointed to assist the Board in its work. This committee was composed of J. H. T. Ryan, Judge Hiram Knowles, and Colonel Thomas C. Marshall.

At the meeting of the State Board of Education in June, 1895, Oscar J. Craig, of Purdue University, was selected as President of the University. He arrived in Missoula July, 1, and immediately began his work. The opening of the University was arranged, the buildings furnished with desks, apparatus, supplies of different kinds, and about one thousand books as a nucleus of a library.

The first faculty was completed as follows: Oscar J. Craig, President and professor of history and literature; Stephen A. Merritt, professor of natural science; Cynthia Elizabeth Reilly, professor of mathematics; William M. Aber, professor of Greek and Latin; Frederick C. Scheuch, professor of modern languages, and in charge of the department of mechanical engineering; Mary Clive Gray, Instructor in music; and Mary A. Craig, librarian.

The State University was opened September 10, 1895, with appropriate ceremonies. Fifty students were enrolled the first day, and this number was increased to one hundred eighteen by the first of December. At the close of the college year, June 10, 1896, there was a total enrollment of one hundred thirty-five.

At the meeting of the State Board of Education in June, 1896, President Craig was directed to prepare a plan for the arrangement of the buildings on the university grounds. This plan was submitted and approved at the December meeting, 1896. In submitting this plan, President Craig said the proposed plan and arrangement of the buildings were such that the needs of future years would not necessitate

reconstruction of the arrangement of buildings and campus. The plan was such as to look to the future and yet be in such shape as to accommodate the present needs.

The University Hall and the Science Hall were completed and formally presented to the State on February 13, 1890. (1)

College of Agriculture and Mechanic Arts.- This institution was created by an Act of the legislative assembly, approved February 16, 1893. Following the provisions of this act, the State Board of Education selected a farm and site for the college buildings within the limits of the city of Bozeman. A preliminary term of the college was opened April 17, 1893, and continued for ten weeks. At this session, there were two members of the faculty and ten students.

Mr. Nelson Story placed his academy building at the disposal of the State Board of Education for the temporary use of the college, and the Board of Trustees of the public school allowed the college the use of several rooms in the public school building for classes. During the first regular year of the college, beginning September 1893, there were nine members of the faculty and one hundred thirty-nine students.

The first financial provision for the establishment of the college was made in the passage of the First Morrill Act by the Federal Congress in 1862, and in the Second Morrill Act passed by the Federal Congress in 1890. This Second Act provided for a cash endowment for the Land Grant Colleges. The Act provided that the funds were to be applied only to the instruction in agriculture, mechanic arts, the English language, and the various branches of mathematical, physical, natural and economic science, with special reference

to their application to the industries of life, and to the facilities for such instruction. (2)

State Normal College.- The first financial provision made for the state normal college came through the Enabling Act passed by Congress in 1899, for the admission of Montana into the Union. This Act provided that one hundred thousand acres of the public land in the territory should be set aside for the establishment and, in part, the maintenance of a state normal school.

The first term of the Normal School was opened in the summer of 1897, in Dillon, in the building that had just been erected for that purpose. The first graduating class was in 1899, and consisted of three members.

The need of a normal school was quite obvious in territorial times, and the need was felt much more when the state was admitted and a marked increase in population was noted. The scarcity of thoroughly trained teachers had been felt for some time. Some attempts were made to supply this training by private effort, and in a few instances cities established teacher-training classes in connection with the public schools, Helena being the first to take such action. But the impossibility of making adequate provision for the training of teachers by either of these methods led eventually to their abandonment. Some say that the normal school supplied one of the greatest educational needs of the state. (3)

School of Mines.- The Enabling Act of Congress provided that there should be one hundred thousand acres of the public land set aside for the establishment of such a school. The school was opened in the fall of 1900 with the following faculty: Nathan R. Leonard, President, and professor of mathematics; William G. King, professor of

chemistry and metallurgy; Alexander W. Winchell, professor of geology and mineralogy; Charles H. Bowman, professor of mechanics and mining engineering; and Harold S. Donnan, instructor in draughting.

A preparatory department was established in connection with the school in December 1900, and placed in charge of Leon T. Foote, who began his work the first week in January, 1901. The total enrollment in the School of Mines the first years was thirty-nine, and the enrollment the second year was sixty-two. (4)

AIMS, COMPOSITION, AND GOVERNMENT OF THE UNIVERSITY.

The Aims of the University.- The aims of the University are four-fold: First, to provide primarily for the youth of the State, who have already received the benefits of the elementary and secondary schools, discipline of mind and body, training for creative and productive skill, and culture of understanding, all requisite to qualify them for the complete responsibilities of American citizenship; second, to stimulate and promote the search for truth in all those fields of study that contribute to the enrichment of human life and to the permanent welfare of the State; third, to disseminate, as widely as possible among all the people of Montana, information which will aid them to meet the needs, and to realize the ideals of their lives; fourth, to discover and develop unselfish personal leadership as a dominant influence for the maintenance of the vitality of a democratic commonwealth.

Composition of the University.- The University is composed of the institutions of higher learning, established, unified, controlled, and principally supported by the people of the State of Montana.

It includes the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the State School of Mines at Butte, and the State Normal College at Dillon.

Government of the University.- The people of the State of Montana, through the provisions of the State Constitution, vest in the legislative assembly and the State Board of Education the ultimate government and control of the University of Montana. Within the limits set by the provisions of the State Constitution and legislative enactments, the State Board of Education exercises final jurisdiction in all matters pertaining to the University. (5)

#### THE EXECUTIVE BOARDS.

Composition.- The Executive Board of each institution of the University consists of the president, ex-officio, and two members appointed by the governor for a term of four years. The president of the institution is chairman, ex-officio, and the board may choose, either within or without its membership, a secretary and a treasurer.

Powers and Duties.- The executive boards have such immediate direction and control of the affairs in their respective institutions as may be conferred by the State Board of Education, and such powers in connection with financial affairs of the institution as are conferred by law or may be authorized by the State Board of Examiners.

#### THE CHANCELLOR OF THE UNIVERSITY.

Relation of the Chancellor to the State Board of Education.- The Chancellor is the chief executive officer of the University, and as such, performs the duties prescribed by law, and carries out the

orders of the Board. He is responsible to the Board for the prompt and effective execution of all policies determined upon for the proper enforcement of the rules and regulations adopted for the several institutions of the University. It is his duty to attend and participate in all meetings of the Board at which matters relating to his office, or to any of the institutions or affairs of the University are under consideration. It is his duty to make nominations and reports of appointments, promotions, salaries, transfers, suspensions, dismissals and resignations of the administrative officers, members of the instructional and scientific staffs, and other employes of the several institutions of the University. It is also his duty to report to the Board, at reasonable intervals, on the general condition of the University and to make recommendations concerning the general policies that will promote the development of the higher educational system of the State.

Relation of the Chancellor to the University.- The Chancellor is a member of all legislative bodies within the University organization and decides all questions of jurisdiction, not specifically defined, of the several councils, faculties and officers. He may call special meetings of any council, faculty, or committee at any time. The Chancellor must afford every opportunity, consistent with sound administrative and educational policy, to every officer and member of the instructional or scientific staffs to present suggestions for the general welfare of the University or any of its institutions.

General Powers and Duties of the Chancellor.- It is the duty of the Chancellor to prepare and submit to the Board such annual and special reports concerning the University as the Board may require. He must also prepare and present annually to the Board the Univer-

sity budget. When approved by the Board, this budget shall govern all expenditures, subject to the provisions of the law and to the regulations of the State Board of Examiners.

Incidental Powers of the Chancellor.- As chief executive officer of the University, the Chancellor is specifically charged with securing harmony and co-operation among the institutions of the University, and economic co-ordination of their instructional and scientific work. To these ends, he has such powers as may be definitely delegated to him by the Board; and in addition, such incidental powers as are necessary properly to perform the duties of his office. (6)

GENERAL ORGANIZATION OF THE UNIVERSITY.

The Presidents.- The President of each institution has charge of the educational administration of the institution, and is chairman of every faculty therein and of the Executive Board of the institution. He is the medium through which all official communications between the Chancellor and staffs or organizations of the institution shall pass. It is his duty to take charge and have care of the institution generally; to call meetings of the faculties; to give such directions and perform such acts as will, in his judgment, promote the interests of the institution; to render such reports as may be called for by the Chancellor; to administer discipline in such cases as he may deem proper; to prepare the institution's budget for the approval of the Chancellor's approval; to nominate all members of the instructional staff, after consultation with the Dean of the school and chairman of the Department concerned; and to nominate annually the principal executive officer of each department of instruction. (7)

The Vice-Presidents.- For each of the institutions of the University, the Chancellor is authorized to designate annually a member of the faculty of the institution to serve, without additional compensation, as vice-president; and the vice-president of each institution shall, during the absence or disability of the president, perform the duties of the president. (C)

Powers of the Faculties.- The general faculties (subject to the reserved power of control by the State Board of Education and the Chancellor of the University) have power and it is their duty in their respective institutions to:

- (1) establish rules for ascertaining the proficiency of students, and for the assignment of honors;
- (2) fix the requirements for admission, the program of studies, and the conditions for graduation;
- (3) fix the time of examinations, other than entrance or final examinations;
- (4) prepare and publish from time to time a program of studies, specifying the studies to be pursued in each year, and in each of the departments of instruction;
- (5) make all regulations for their own proceedings and for the better government of their respective institutions as shall not contravene the acts of the State Board of Education;
- (6) make such recommendations to the Chancellor, and through him to the State Board of Education, concerning questions of University policy, as may seem to them likely to increase the efficiency of the University service, or secure greater harmony and effectiveness of administration. (D)

Leaves of Absence.- Upon recommendation by the presidents of the



various institutions of the University of Montana, the State Board of Education may grant leaves of absence for further study or travel, (the plan for which to be subject to the approval of the president of the institution concerned) to such members of the faculties of the respective institutions as shall have held for six or more years the rank of professor or assistant professor; and during such absence, not to exceed one year in seven of his connection with the institution, the absent teacher shall receive one-half of the salary which he would receive if he were teaching in the institution.

No application for such leave of absence can be granted until arrangements satisfactory to the president are made for taking care of the classes of the absent teacher. Each institution may spend not to exceed twenty-five hundred dollars in any one year in carrying for the class work of teachers absent under the provisions of this act.

Any teacher accepting his salary during such leave of absence binds himself to return to the institution which granted the leave of absence and to serve it as teacher at least one year after his return.

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- (1) Seventh Biennial Report of the Superintendent of Public Instruction, 1902, Part II, pages 1-11.
- (2) Seventh Biennial Report of the Superintendent of Public Instruction, 1902, Part II, pages 12-15.
- (3) Seventh Biennial Report of the Superintendent of Public Instruction, Part II, pages 16-27.
- (4) Seventh Biennial Report of the Superintendent of Public Instruction, Part II, pages 28-49.
- (5) University Acts, adopted by the State Board of Education, June 22, 1912.
- (6) Minutes of the State Board of Education, June 7, 1909, page 130.
- (7) University Acts, 672, adopted by the State Board of Education, June 22, 1913.
- (8) University Acts, 684, adopted by the State Board of Education, June 22, 1913.
- (9) Minutes of State Board of Education, June 1, 1914, page 57.

THE EVOLUTION OF SCHOOL  
ADMINISTRATION IN MONTANA

PART II.

THE EVOLUTION OF COUNTY ADMINISTRATION

## CHAPTER V.

COUNTY SUPERINTENDENT OF SCHOOLS.

Creation of Office.- The first legislative assembly created the office of county superintendent of schools, and provided that the county superintendent should be elected by the qualified voters of the county at the regular state election. Nothing was said concerning his qualifications, and little has been added since that time. The first county superintendent was a Mr. Thrasher of Madison county. (1)

Powers and Duties.- The first assembly provided that the county superintendent should have the following duties and powers: To lay off the entire county into school districts, define the boundaries and number these districts, and keep a map of such districts in his office; to lay out new districts and divide old ones, when the public good demanded it; to be at the county seat on the third Friday and Saturday in May and November of each year, for the purpose of making alterations in districts, examining teachers, etc., and to give ten days notice of such meetings; and any district applying for a change of boundary or other business at any other time, was required to pay the superintendent a reasonable sum, not to exceed twelve dollars per day; for his services; and all teachers examined on different days were required to pay the superintendent six dollars per day. It was his duty to examine all persons who wished to teach in his county in the following branches: Orthography, reading, writing, arithmetic, English grammar, and geography. If the applicant was competent to teach these subjects and of good moral character, it was the duty of the superintendent to issue a county certificate good for one year. It was the duty of the superintendent to visit all the schools of the county once each year, giving such

information and encouragement as he might think necessary; to make an annual report to the Superintendent of Public Instruction, to collect all moneys due the school fund from fines or other sources in the county; and to look after the public school lands in his county until the legislature should make other provisions. His salary was fixed at one hundred dollars per year, but the county commissioners might increase this amount, if in their opinion his services demanded it, but in no case was his salary to be more than three hundred dollars per year. (1)

The legislative assembly of 1871 provided that a county superintendent of common schools should be elected at the general election preceding the expiration of the term of the present incumbent, and every two years thereafter. It was also provided that the newly elected superintendent should take office on the first Monday in December succeeding his election. (2)

Concerning his powers and duties, the legislative assembly of 1871 made the following provisions: It was his duty to apportion all school moneys to the various districts; to certify to the several clerks the amount so apportioned; to visit each school in the county at least once each year; to report to the Superintendent of Public Instruction annually such statistics as might be required; to examine all persons who wished to teach in his county, and if found competent and of good moral character, issue a certificate good for two years in the county where issued; to enforce the course of study adopted by the Superintendent of Public Instruction; to administer oaths to school trustees, assessors and others in all official matters relative to the schools; to appoint trustees to fill any vacancy that might occur in this office; and to withhold the county apportionment of school money of any district which

knowingly allowed any publications of a partisan nature to be used or distributed in any public school in the district. (3)

The legislative assembly of 1879 empowered the county superintendent to appoint a district clerk in any district which failed to elect one at the regular school election, or for new districts being organized. If a vacancy occurred in the office of county superintendent, it was the duty of the county commissioners to appoint some suitable person to fill such vacancy until the next general election. All persons otherwise qualified were eligible to said office without regard to sex. (4) This is the first provision made for making women eligible to office, and was an advanced step in the recognition of the ability of women in school affairs.

The legislative assembly of 1885 made the following provisions concerning the powers and duties of the county superintendent: To issue county certificates good for one, two and three years, according to the standards of scholarship shown, the examinations to be oral or written, in the discretion of the superintendent, and to include an examination in the theory and practice of teaching, in addition to those previously named; to hold annually a teachers' institute at such time and place as might be agreed upon between the county superintendent and the Superintendent of Public Instruction, such institute to continue in session not less than three nor more than five days. (5) From the above, we may see that the public schools of the territory were keeping up with the usual methods of teacher-training in common practice in the Central states at that time.

CONSTITUTIONAL PROVISIONS RELATING TO THE OFFICE OF  
SUPERINTENDENT OF SCHOOLS.

Article XVI, section 5, provided that there shall be elected in each county in the state one county superintendent of schools, who shall hold office for two years, and until his successor is elected and qualified. In the event of a vacancy, the county commissioners appoint some person to hold the office until the next regular election. Other provisions were that the county superintendent should keep his office at the county seat of his respective county; that women are eligible to the office of county superintendent; that the first election under the new constitution should be held in each county on the first Tuesday in October, 1899; and that the term of the county superintendent begin upon the admission of the state into the Union, and end on the first Monday in January, 1903. (6)

STATUTORY PROVISIONS RELATING TO THE COUNTY SUPERINTENDENT.

The same requirements concerning the time of election, term of office, qualifications, etc., as were provided by the local legislative assembly of 1871, were enacted by the legislative assembly of 1895. (7)

Powers and Duties of the County Superintendent Under the Constitution.

I shall give a rather complete statement of the powers and duties of the county superintendent, as provided by the legislative assembly of 1895, since this assembly enacted the first general legislation, concerning the county superintendent, under the constitution of the new state. The more important of these powers and duties were: To have general supervision of the public schools of his county; to visit each school under his supervision at least once each year, and oftener if he should deem it necessary to increase its usefulness; to carefully observe the condition of the school, the mental and

moral instruction given, the methods employed in teaching, and the teacher's ability and progress of the pupils; to advise the teacher and direct her in regard to instruction, classification, government and discipline of the school, and the application of the course of study; to enforce all instructions given by the Superintendent of Public Instruction, and keep a correct record of his official acts; to decide all controversies in the administration of the provisions of the school law, but an appeal might be taken from his decision to the Superintendent of Public Instruction; to apportion all moneys to the various districts in his county; to preside at all teachers' institutes held in his county and select suitable persons to instruct therein, from a list submitted by the Superintendent of Public Instruction; to issue temporary certificates on certain conditions; and to keep in his office a copy of the boundaries of each school district in his county and furnish the district clerks with a copy of the boundaries of their respective districts. (8)

Concerning the qualifications of the county superintendent, the legislative assembly of 1865 enacted the following law: To hold a valid certificate of the highest county grade; be a citizen of the United States, and a resident of the county and state one year next preceding his election; must have had twelve months successful teaching experience in the public schools of the state. (9) It will be noted that these qualifications are much higher than those required of the present county superintendents. I have been unable to find when the above requirements were repealed.

It was the county superintendent's duty to hold public examinations of all persons over the age of eighteen years offering themselves for such examinations, at the county seat, on the third Fridays in



February, April, August and November. If, from the percentage of correct answers required by the rule, and other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's successful experience, the applicant was found to possess good moral character and general ability to teach and govern, it was the duty of the county superintendent to grant to such applicant a certificate of qualification to teach. (11)

The legislative assembly of 1897 provided that the county superintendent should have power to issue four grades of certificates, as follows: Third grade certificates, valid for one year in the county where issued; second grade certificates, valid for two years in the county where issued; first grade certificates, valid for three years, with unlimited renewals, in any county in the state, when properly indorsed; professional certificates, valid for four years, with unlimited renewals, in any county in the state with the proper indorsement. (12)

The legislative assembly of 1917 passed an act which provided that all persons otherwise qualified were eligible to the office of county superintendent without regard to sex. (13) I have been unable to find other legal requirements, except residence and citizenship, which are required of all county and state officers.

The legislative assembly of 1913 also passed an act which provided that the county superintendent should, from time to time, hold trustees' meetings for the discussion of matters relative to the general welfare of the schools. (14) The legislative provision for these meetings was quite an advanced step in school administration, and if rightly organized and conducted such meet-

ings are productive of much good.

The legislative assembly of 1913 passed a law which authorized the county superintendent to appoint one or more deputies, according to the number of rural teachers in the county, and that the expenses incurred by the superintendent and his deputies in visiting and inspecting schools should be paid by the county commissioners from the general revenue fund. (15)

I have traced the powers and duties of the county superintendent from the creation of the office by the first legislative, 1864, to the close of the legislative assembly of 1921, nearly sixty years of the history of the office--quite important, perhaps, in individual instances, but, on the whole, very commonplace. His early duties were largely clerical and statistical. He apportioned the school funds to the various districts of the county; looked after the proper certification of teachers; collected data as to receipts and expenditures, school attendance, libraries, etc., and included these in his annual report to the Superintendent of Public Instruction. He visited the schools and sometimes advised teachers and trustees on some minor details of the school organization. He had little professional spirit or ability, and little was demanded. He was nominated and elected as other political officers of the county were. His term of office was short, and he was either "fixing his political fences" for another election, or consoling himself that his term would soon close, and what little responsibility he really felt would soon be over, so he might rest from his arduous labors. However, real supervision by the county superintendent has not changed to any marked degree. The legal, literary and professional requirements today are not as high as they were in 1895. While we may have some outstanding

county superintendents in Montana, this is the exception and not the rule, and will perhaps remain the exception so long as we continue to regard the office as political, pay small salaries, and change the official every two years. But let us hope the Utopia is near at hand, for the people are beginning to demand that this official exercise some real professional functions, that he should give professional supervision to the rural schools--supervision that is close, personal, and adequate. His annual visits to the schools no longer satisfies the people. They are demanding the oversight of an expert, one who has imagination, an technical professional knowledge and skill--the ability to put things across. These new and better things will come when the people become willing to let some good business commission select a county superintendent wherever a really efficient one may be found, and pay him a salary that will attract and hold a superintendent of real ability.

- (1) Laws of Montana, 1864-65, pages 474-477.
- (2) Laws of Montana, 1871, Section 9, under title "County Superintendent."
- (3) Laws of Montana, 1871-72, sections 2-25, under title "County Superintendent."
- (4) Laws of Montana, 1873, sections 1906 and 1908.
- (5) Laws of Montana, 1885, sections 1905-1908.
- (6) State Constitution of Montana, Article VI, section 5; Article XIX, section 5; Article IX, section 10; Article XI, section 10; and Ordinance II, section 9.
- (7) Laws of Montana, 1895, section 1730.
- (8) Laws of Montana, 1895, sections 1731-1743.
- (9) Laws of Montana, 1895, section 174 .
- (10) Laws of Montana, 1895, sections 1900-1905.
- (11) Laws of Montana, 1895, sections 1910-1914.
- (12) Laws of Montana, 1897, sections 1911-1912.
- (13) Laws of Montana, 1912, section 300, subdivision 1.
- (14) Laws of Montana, 1913, section 302, subdivision 3.
- (15) Laws of Montana, 1912, section 302, subdivisions 4 and 14; also Laws of Montana, 1913, section 302, subdivisions 13 and 17.

CHAPTER VI.

RURAL SCHOOL TRUSTEES (COUNTY UNIT).

Creation of Board and Manner of Election.- The legislative assembly of 1919 passed a law which provided for the establishing of a Rural School district in each county in the state, to be composed of all third class districts as a unit for purposes of taxation, issuance of bonds, and general administration. Provision was made where the local districts serve as units for local administration. The boards of trustees for Rural School Districts were elected or appointed as follows: As soon as the county commission has established the boundaries of the sub-divisions of the Rural School District, they appoint one elector from among the residents of each of the five sub-divisions of the Rural School District of the county. Two of these electors serve for two years, two for three years, and one for one year, the time of service to be determined by lot. Except as above provided, the trustees are elected at the annual meeting and serve for three years.

At least fifteen days before the annual school election, there may be filed with the secretary of the Board of Rural School Trustees, petitions signed by at least twenty-five qualified electors of each sub-division of the Rural School District in which the term of the Rural School Trustee is about to expire, nominating candidates to be voted for at the ensuing election. It is the duty of the Rural School Trustees to have the names of the candidates nominated for such trustees printed and sent to the clerk of each sub-district of the part of the county in which a trustee is to be elected, and this notice must be posted in each polling place five days before the

election.

Powers and Duties.- The trustees of the Rural School District have only the powers and perform only the duties as are named in the law, and the trustees of the local sub-districts have all the powers and perform all the duties of trustees of third class districts, except as modified by the terms of this act.

It is the duty of the trustees of each sub-district to prepare and submit to the trustees of the Rural School District a budget containing an estimate of the different items of expenditure for operation and maintenance to be incurred by such sub-district for the ensuing year. This budget should explain in detail the several items of estimated expenditures, together with an explanation of the necessity therefor, and be accompanied by a report of the school facilities of the sub-district and of the educational opportunities afforded each child. For any unusual expenditures the trustees of the sub-district may cause a tax to be levied upon the property in the sub-district in the same manner as in third class districts.

It is the duty of the trustees of the Rural School District, at their annual meeting in July, to examine the budgets submitted to them by the trustees of the sub-districts and prepare a complete budget for the Rural School District.

It is the duty of the trustees of the Rural School District to notify the county commissioners on or before the first Monday in August of the total amount of money to be raised by taxation, pursuant to the budget adopted by them, and the county commissioners will cause to be levied a sufficient amount to raise the required funds. This amount is then apportioned to each of the sub-districts.

The trustees of the Rural School District have the authority to issue and negotiate coupon bonds on the credit of the district in the same manner as is provided for in the third class districts.

The county superintendent is secretary, ex-officio, of the board of Rural School Trustees, and it is his duty to enforce the rules of these trustees, but he has no vote in official matters.

The regular meeting of the Rural School Trustees is held on the first Thursday in July. At this meeting newly elected members take the oath of office, a president is elected for the ensuing year, and the report of the executive officers of the board is made.

Another regular meeting of the Rural School Trustees is held on the second Thursday in December, and special meetings may be called by the president, or by three other members of the board. The members of the board of trustees are paid their regular traveling expenses in attending regular meetings of the board, and not to exceed two special meetings. An honorarium of fifty dollars per year is paid each member of the board. (1)

The REAL county unit is perhaps the best solution to one of our biggest rural school problems, but I seriously doubt the feasibility and success of such a compromise plan as the one outlined above. However, it is to be hoped that this <sup>is</sup> only the beginning of better things for the rural schools of Montana.

- (1) Laws of Montana, 1919, including the entire chapter on the County Unit.



CHAPTER VII.

COUNTY HIGH SCHOOL BOARD OF TRUSTEES.-

Creation of Board.- The legislative assembly of 1899 passed a law which provided that the voters in any county in the state might vote on the proposition of establishing a county high school. If the majority of the votes cast at such an election were in favor of such high school, then it was the duty of the county commissioners to appoint six resident taxpayers of the county, three being residents of the township where the school was to be located, who, with the county superintendent, were to constitute a board of trustees for such school.

The regular term of office for these trustees is three years, and they are appointed by the county commissioners. At their first meeting in each year, the trustees organize in the usual way provided for in districts of the first class. The trustees have power to make all rules necessary for their own government, not inconsistent with the law. (1)

Powers and Duties.- It is the duty of the trustees to make an estimate of the amount of funds necessary for building purposes, for the payment of teachers' wages, and for contingent expenses, and present to the county commissioners a certified statement of the rate of levy required to raise the desired amount. But this levy cannot exceed ten mills for building and contingent expenses and three mills for teachers' wages. The trustees were given the power to issue bonds in the same manner as provided for in ordinary districts, the bonds not to exceed one hundred thousand dollars. (2)

It was the duty of the trustees to select a site, at the place de-  
voted, make purchases of material, contract for

the erection of buildings, and furnish equipment; or they might lease suitable buildings until the regular high school building was ready for use.

It is the duty of the trustees to employ a principal and necessary assistant teachers for such school; to adopt a course of study, the completion of which would admit pupils to the state university or other educational institutions of the state; and to make such rules and regulations concerning the administration of the school and the admission of pupils as they might think necessary. (3)

The legislative assembly of 1921 made provisions whereby the offices of city superintendent and county high school principal might be consolidated when certain conditions prevailed. This law also provided that the boards of trustees of the two schools were to act jointly and equally in the employment of teachers who were to work in the two schools, and in other administrative matters affecting the interests of both schools. (4)

There has been no general change in the powers and duties of the trustees of the county high school, and no change in the manner of appointment. However, it has been my observation that, in general, the trustees of the county high schools are more progressive and a bit better suited to the work of administering their schools, than are the average trustees of the district schools; but there are many exceptions to this general rule.

- (1) Laws of Montana, 1896, Chapter on Free County High Schools, sections 1-6.
- (2) Laws of Montana, 1899, Chapter on Free County High Schools, sections 7-9.
- (3) Laws of Montana, 1899, Chapter on Free County High Schools, sections 13-21.
- (4) Laws of Montana, 1921, Chapter 105, sections 1-3.

CHAPTER VIII.

COUNTY HIGH SCHOOL PRINCIPAL

Creation of Office; Qualifications.- The legislative assembly of 1899 provided for the appointment of some suitable person to take charge of the county high school, and to be known as Principal. No requirements as to the qualifications of such Principal were made, other than some "suitable" person. But the legislative assembly of 1907 provided that the Principal should have such qualifications as were then required of a City Superintendent, except that he was required to have only three years experience in the public schools. The legislative assembly of 1909 made no provision for the length of term for which the Principal should be employed, but the legislative assembly of 1911, provided that the Principal should be employed for a period not to exceed three years. (1)

Powers and Duties.- The legislative assembly of 1899 provided that the Principal, with the approval of the Board of Trustees, should have power to make such rules and regulations as he might deem proper in the conduct and government of the pupils under his charge. (2)

The State Board of Education gives the High School Principal a check on the appointment of teachers under his supervision by providing that the school shall not be accredited if any teacher has been re-elected without his recommendation. (3) In actual practice, however, the county high school principal has about the same authority over the general management, organization and control of the school as the city superintendent does over his. For a general statement of these general powers and duties, the reader is referred to the chapter on the "City Superintendent."

- (1) Laws of Montana, 1899, page 57, section 14; Laws of Montana, 1907, section 14, under title "County High School;" Laws of Montana, 1921, Chapter 100, section 2104.
- (2) Laws of Montana, 1899, page 52, section 15; Laws of Montana 1921, Chapter 100, section 2106.
- (3) Requirements of the State Board of Education, 1920, for the Accrediting of Montana High Schools, section 3.

CHAPTER IX.

COUNTY BOARD OF EDUCATIONAL EXAMINERS.

Creation and Composition.- This Board was created by the legislative assembly of 1907, and is composed of the county superintendent, ex-officio chairman, and two other competent persons appointed by the county commissioners for a term of two years. (1)

Compensation and qualification of appointive members.- These members receive their actual traveling expenses from their residence to and from the county seat, and such further compensation per diem as the county commissioners may deem sufficient for their services. The appointive members must be residents of the county, actively engaged in teaching for the past eighteen months, and must hold not less than professional county certificates. (2)

Powers and Duties.- It is the duty of these examiners to assist in the examination of teachers and applicants for eighth grade diplomas, and assist in grading the papers written in such examinations. Since 1919, these examiners do not grade teachers' examination papers, the State Board of Educational Examiners being given the power to grade such papers. (3)

This board served a useful purpose, perhaps, when it was first created, but at the present time there seems to be little occasion for its existence, since this work can all be done quite successfully by the county superintendent and her clerical assistants.

- (1) Laws of Montana, section 1, under title "County Board of Educational Examiners."
- (2) Laws of Montana, 1907, sections 2 and 5, under above title
- (3) Laws of Montana, 1907, section 4, under above title; Laws of Montana, 1919, section 905.

THE EVOLUTION OF SCHOOL  
ADMINISTRATION IN MONTANA  
PART III.

THE EVOLUTION OF DISTRICT ADMINISTRATION



## CHAPTER V.

BOARD OF SCHOOL TRUSTEES.

Creation of Board.- The first legislative assembly made provisions for organizing the county into school districts, and electing trustees for the schools. After a district had been regularly organized by the county superintendent, a meeting was called by three or more qualified voters of the district for the purpose of electing school trustees and clerk for such district. The person receiving the highest number of votes was to serve as trustee for three years, the one receiving the second highest number of votes was to serve for two years, and the person receiving the third highest number of votes was to serve as trustee for one year. One trustee was to be elected at each annual election thereafter, and serve for three years. (1)

Powers and Duties of the Trustees.- The powers and duties of these first trustees were very numerous, many of them seeming very crude to our present way of thinking, but very real and vital to those pioneers in the field of education, who were making great sacrifices for even the barest rudiments of what we would now consider as a fairly good rural school. The powers and duties seem to have been about as follows: To call special meetings of the voters of the district; to make out tax lists of each taxpayer in the district and place opposite his name the amount of tax he was to pay for the support of the schools of the district and send these lists to the district clerk for collection; to purchase a site, build, rent or purchase a house for school; to keep the house in repair and furnish all necessary fuel and equipment for the school; to contract with qualified teachers and give orders on the district clerk for the

teacher's wages; to discharge a teacher for neglect of duty or for any cause which, in their opinion, would render the teacher's services unprofitable to the district; to visit and examine the school once each year; to aid the teacher in the discipline of the school, when they thought necessary; to establish a union school and employ a principal and subordinate teachers, when the interests of the district demanded it; to levy upon each parent or guardian of a child attending school their part of the necessary expense in maintaining the general upkeep of the school, when they had first tried to obtain the required amount by voluntary subscription; to assess the property in the districts belonging to non-residents in any amount they might deem necessary without calling a meeting of the voters for that purpose, if the residents of the district had raised a part of the amount required to run the school by voluntary subscription, though this levy could not exceed the average percentage of subscription paid by the residents of the district; provided, that if a general tax was levied by the voters, non-resident and resident property should be taxed the same, but in no case was more than fifty cents on the hundred dollars valuation to be assessed. Taxpayers might, with the consent of the trustees, perform labor for their part of the taxes levied for the erection of school houses. (1)

The first school district seems to have been organized at Virginia City in 1864, with Joe Millard, Sam Turk, and Captain Rogers as the trustees, and Rev. George Smith as clerk. The first school in the territory was begun in this district in the summer of 1865 and taught by a Mr. Roach, though the same authority, a few pages further on, states that the first public school in Montana began March 5, 1866, and closed August 17, of the same year. Private schools seem

to have been taught in Pannack and Virginia City in 1877. (2)

The first graded school in Montana was established at Helena and opened January 5, 1876, with Professor Wheeler as Principal. The public dedication ceremonies were attended by hundreds of people. Professor Wheeler received one hundred fifty dollars per month, but no data are given which would indicate the length of the school term, or the number of teachers or pupils. (3)

The first high school was also established at Helena, September 1876, and seems to be three or four years older than any other high school in the state. E. P. Rolfe was the Principal. On November 22, 1876, a three-year high school course was adopted by the trustees. Five pupils began this course and three of them graduated in 1879. In 1880, the course was extended to four years, and in 1881, there were two graduates, the first to complete a four-year high school course in the state.

There were three distinct courses offered in this high school--the Classical, the Scientific, and the Normal Training, which included practice teaching. Thus, at this early date the school authorities at Helena gave their approval to the professional training of teachers. Many of the Eastern Normals had not established practice departments as an essential feature of their teacher-training. The Butte high school was established about 1885, and Great Falls in 1890. (3)

The legislative assembly of 1871-72 made a rather complete revision of the school laws and enacted other school legislation which more clearly defined the qualifications, powers and duties, and manner of election of the school trustees.

Manner of Election.- The laws of 1871-72 provided that the election of school trustees and clerk should be the last Saturday in September of each year. The usual written or printed notice was required to be given at least six days before such elections. In all districts in which elections had been previously held, one trustee was elected for three years, and a sufficient number of others elected to fill any vacancy that might exist in the board. In new districts, acting under trustees appointed by the county superintendent, one trustee was elected for three years, ~~and~~ one for two years, and one for one year. (4)

The legislative assembly of 1887 provided that the annual election of trustees should be held on the first Saturday in April, and required that fifteen days notice of such election be given by posting notices in the usual way. The same assembly provided that women should have the right to vote at school elections under the same provisions as men. This assembly also provided that the clerk of the district should be appointed by the board of trustees, instead of being elected at the annual meeting. (5)

Powers and Duties.- No general changes concerning the powers and duties of the trustees seem to have been made from the first legislative assembly until the assembly of 1871-72, when the powers and duties prescribed were quite similar to those conferred at the present time, with the exception of the financial powers, and the duty to sit as a board of equalization in making changes in the assessment rolls. (6)

No other material legislation seems to have been enacted until the assembly of 1887, when provision was made whereby the trustees of any district could submit the question of bonding the district to

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the qualified electors. If a majority of the voters favored the issuance of such bonds, the trustees caused the bonds to be issued and sold, and the funds used only for the purposes voted. (7)

The State Constitution provided that elections for all school district officers should be separate from those at which state and county officers were voted for. This provision was no doubt made to keep politics and other state and municipal affairs removed as far as possible from the schools, and leave the school electors free and unbiased in the selection of district school officers. (8)

The legislative assembly of 1835 was the first assembly to take definite action concerning the manner of election, term of office and qualifications of school trustees, after the admission of the state in 1839. This assembly re-enacted many of the old laws, in a slightly different form, and enacted some new ones to more nearly meet the changed conditions in the state. This assembly provided that the number of school trustees should be three, when the population of the district was less than five hundred; five, when the population of the district was five hundred and less than one thousand; and seven, when the population of the district was one thousand or more. (9)

It was the duty of the trustees to meet annually on the third Saturday in April and organize by electing one of their number as chairman, and some competent person, not a member of the board, as clerk. At least four meetings were to be held each year, on the third Saturday in April, July, October and January. It was the duty of the trustees to issue a financial statement once each year, and have this statement printed in the newspaper doing the county printing. (10)

The other powers and duties of the trustees were such the same as under territorial laws, with the following exceptions: The assembly of 1895 gave the trustees power to issue coupon bonds on the credit of the district, and sell these for the purpose of providing the necessary funds to pay maturing bonds, under the following conditions: When there was not sufficient money to the credit of the district applicable to pay maturing bonds, and when, in the judgment of the trustees, to levy and collect a special tax for the purpose would be a burden on the district. (11)

The assembly of 1895 also passed a law which made it the duty of the trustees, in districts having a population of two thousand or more, to appoint a trustee officer to perform the usual duties of such officer. Provision was also made empowering the trustees to set aside a certain amount each year to be spent for library purposes. In cities of five thousand population or more, the trustees were given the power to employ a city or district superintendent of schools, who should hold his office at the pleasure of the board, and receive a salary to be determined by the board. (12)

The legislative assembly of 1897 passed a law which provided that all districts having a population of twelve thousand or more, were districts of the first class; all districts with one thousand population and less than twelve thousand, were districts of the second class; and all districts with less than one thousand population, were districts of the third class. In all districts having a population of twenty thousand, or more, the trustees and clerk were required to give a ten-thousand dollar bond, and receive a salary of four dollars for attendance at each meeting of the board. (13)

The legislative assembly of 1899 passed a law which provided that districts having a population of twenty thousand, or less, if

the voters ordered, the board of trustees had the power to establish and maintain a kindergarten school in connection with the public school, for the instruction of all children in the district between the ages of three and six years. The teachers of such kindergarten school were to have such qualifications and certificates as would be recognized by the state normal school of the state. (14)

The legislative assembly of 1907 passed a law which provided that in second and first class districts, it was the duty of the board to make a levy sufficient to maintain a nine months school. This assembly also changed the classification of first class districts by lowering the population requirement of eight thousand population. (15)

The legislative assembly of 1909 provided that there should be taught in every public school in the state the principal methods by which dangerous communicable diseases are spread. Also, that it was the duty of the trustees to provide fire escapes for each public school building in the district, and that pupils should be instructed as to the best way to leave the buildings in the event of fire. (16)

The legislative assembly of 1913 passed a law which provided in districts of the first class, the election of trustees should be under the supervision of the trustees, instead of the previous requirement of being under the supervision of the county commissioner. Certain general requirements as to the manner of conducting the election, nomination of candidates for trustees, etc., were also named in this law. (17)

The reasons for these greater restrictions in elections in dis-

districts of the first class were to offer a greater safeguard and insure the people of the district against fraud or other undue influences in the election, and the welfare and progress of the schools might be kept free from the evils of scheming politicians which had crept into the administration of city schools in other parts of the country.

The legislative assembly of 1913 also provided that the trustees should have the power to maintain night schools, and to determine what subjects should be taught and the conditions for the admission of pupils. The trustees were also given power to forbid the establishment of secret fraternities in the public schools. (18)

In 1917 a law was passed which required the trustees in all classes of schools to furnish textbooks free to all pupils in both grades and high school. Provision was also made empowering the trustees to submit to the qualified electors of the district the proposition to authorize the trustees to levy a school tax in excess of ten mills for school purpose. (19)

A law was passed by the assembly of 1919 giving the trustees in all districts the authority to maintain Americanization schools for all mentally normal persons in the district. The authorized course of study was American history, reading and writing the English language, and the basic principles of American citizenship. The minimum age for entrance to such schools was sixteen years. (20)

I have attempted to trace the history of the school trustees from its earliest beginnings, with only meager powers and duties, to the close of the legislative assembly of 1921. At the present time the trustees are given large powers and duties, and the added responsibilities that inevitably go with them. There has been a marked



trend, during the past twenty-five years, to increase the importance of the board of trustees as a legislative body, and to increase its importance as an executive body. The board of trustees has become more and more a board of control. Its powers in the matters of finance and buildings have been materially enlarged; its powers to legislate and direct have been expanded; and it has been given the duty of determining the local educational policy. In the execution of these functions, our purely rural school trustees still put in and exercise most of the powers given them by the statutes; but in town and city districts, many of these functions have been turned over to the local superintendent of schools. This is undoubtedly a step in the right direction, for here we have one who is supposed to be an educational expert to direct the purely educational affairs of the district.

- (1) Laws of Montana, 1864-65, under title "Organization of Schools."
- (2) Historical Society of Montana, Vol. V, 1904, pages 186-199.
- (3) Seventh Biennial Report of the Superintendent of Public Instruction, 1902.
- (4) Laws of Montana, 1871-72, Chapter 28, sections 22-27.
- (5) Laws of Montana, 1887, sections 1730-1736.
- (6) Laws of Montana, 1871-72, Chapter 28, sections 21-25.
- (7) Laws of Montana, 1871-72, Chapter 28, sections 24-26.
- (8) Laws of Montana, 1871-72, Chapter 28, sections 27-25.
- (9) State Constitution of Montana, Article X, section 10.
- (10) Laws of Montana, 1885, sections 1770-1782.
- (11) Laws of Montana, 1885, sections 1790-1808.
- (12) Laws of Montana, 1885, sections 1710-1719.
- (13) Laws of Montana, 1887, sections 1770-1782.
- (14) Laws of Montana, 1890, sections 1770-1784.
- (15) Laws of Montana, 1907, sections 1830, 1940B, and 1870.
- (16) Laws of Montana, 1909, Chapter 27, section 2, Chapter 31, Sec. 3.
- (17) Laws of Montana, 1917, Chapter V, section 501, subdivision 3.
- (18) Laws of Montana, 1913, Chapter V, sections 501-513.
- (19) Laws of Montana, 1917, section 1011; Chapter 28, section 1.
- (20) Laws of Montana, 1910, Chapter 28, sections 1-5.

CHAPTER III.

DISTRICT CLERK.

Creation of Office.- The office of district clerk was created by the first legislative assembly, 1864. The law provided that the first annual meeting of the voters of the school district should elect a district clerk, who should continue in office for three years and give bond for the faithful performance of his official duty. (1)

Powers and Duties.- The more important of his powers and duties were the following: To record the proceedings of the trustees; to give notice of annual or special meetings of the voters; to take the school census of the district; to give ten days notice before levying or collecting any school tax; to collect all district school taxes; to make an annual report to the county superintendent; to make an annual financial report to the trustees to be read at the annual meeting of voters; and to act as treasurer of his district. (1) We may thus see that the clerk had not only his clerical duties to perform, but was collector and treasurer, as well, certainly a most important officer for the early schools of the territory.

The legislative assembly of 1871-72 set forth quite clearly the duties of the district clerk, but no mention is made of his having any duties in connection with the collection of school funds, or of his being treasurer of the district. From this, I suspect that either the assembly of 1871-72, or an earlier assembly, placed these duties in the hands of regular county officers, though there is no statement of such action in the proceedings, of the fifth legislative assembly, which met December 7, 1866. (2)

The legislative assembly of 1887 passed a law making it the duty of the district clerk to give the county superintendent written notice of the date of the opening of the schools in his district, the length of term, and the names of all teachers employed. This assembly also provided that the clerk should be appointed by the trustees, instead of being elected by the voters at the annual school election. (3)

The State Constitution contains no statement concerning the district clerk, as provision had been made for the appointment of this officer by the board before the meeting of the Constitutional Convention.

The first legislation concerning the district clerk, after the adoption of the State Constitution, is found in the proceedings of the legislative assembly of 1895, when much the same duties were named as have been listed above, with the following added duty concerning compulsory attendance of school children. It was his duty to furnish the trustees, not later than twenty days after the beginning of the school term, a list of the names of all children between the ages of eight and fourteen years in attendance at school, and another list of children between the ages of eight and fourteen years not in attendance at school. (4)

The legislative assembly of 1911 enacted a law which provided that it was the duty of the district clerk to make a financial statement to the board of trustees between the last day of July and the first day of August each year. A copy of this statement was to be filed with the county treasurer. It was also the duty of the clerk to have a copy of this statement published in the local paper for two consecutive weeks. (5)

The legislative assembly of 1921 made no material changes in the duties of the district clerk, and perhaps no changes are anticipated,

with the possible exception that in the larger school systems of the state, the clerk may be made the business manager of the board of trustees. But even this innovation seems far in the distance.

During the first few years of our territorial history, the clerk of the school district was a very busy person, being district collector, district treasurer, and district clerk. It is also quite probable that he exercised a wholesome influence in these early day school conditions. At the present time, however, his duties are largely clerical and under the direction of the board of trustees, other than his few statutory duties. However, he is yet an important officer in the school district. He is often the "watch-dog" of the district treasury, and his promptness in looking after the district affairs, making reports, taking care of the correspondence, and procuring a correct census of the pupils in the district, make him an important helper of the board of trustees.

- (1) Laws of Montana, 1864-65, pages 430-440.
- (2) Laws of Montana, 1871-72, Chapter 88, sections 26-59.
- (3) Laws of Montana, 1887, Sections 1884-1885.
- (4) Laws of Montana, 1895, sections 1830-and 1832.
- (5) Laws of Montana, 1911, section 890, clauses 3 and 4.

CHAPTER XII.

CITY SUPERINTENDENT OF SCHOOLS

Creation of Office.- The office of city superintendent of schools was created by the legislative assembly of 1895. The law provided that in every district having a population of five thousand or more, the trustees might appoint a superintendent of schools to hold office at the pleasure of the board, and paid a salary to be determined by the board. (1)

The legislative assembly of 1911 provided that in districts having a population of two thousand or more, the trustees might appoint a superintendent of schools for a term not to exceed three years. (2)

The legislative assembly of 1913 provided that in all districts of the first and second class, the board of trustees might appoint a superintendent of schools for a term not to exceed three years, and that after his second successive appointment, he should be deemed elected for a term of three years, unless the trustees should, by a majority vote, give him notice on or before the first day of February of his last year of employment, that his services would not be required for the succeeding years. (3)

Certification, Powers and Duties.- The legislative assembly of 1895 provided that the superintendent should hold a state certificate of the highest grade issued in some state, or be a graduate of some reputable university, college or normal school, and that he must have taught in the public schools for at least five years. He was to perform such duties pertaining to the schools as the trustees might direct, and not engage in any work which might conflict with his duties as superintendent of such school. (4)

The legislative assembly of 1917 provided that the city superintendent have five years experience in the public schools to qualify for the superintendency in districts of the first class, and three years experience to qualify for the superintendency in districts of the second class. This assembly also provided that he should have the supervision of the schools of the district, under the direction of the board of trustees, and that he was to be the executive officer of the board and perform such duties as it might direct. (7)

The city superintendent is able to control the appointment of his teaching force, as a result of a ruling by the State Board of Education, which provided that no school should be accredited when any teacher was appointed without the recommendation of the Superintendent of such school. (8)

The above discussion represents the legal status of the city superintendent in Montana. For the most part, the superintendent has just about as much authority in the direction of the school as the trustees delegate to him. But even at the beginning of such office, the board gave the superintendent the right to prepare courses of study, make general rules and regulations for the administration of the school, and other minor details of administration. But most school boards of the present consider the superintendent as an educational expert and give him almost complete authority in the general administration of the school, such as grading and classification, selecting textbooks to be used in the high school, dismissing pupils for disorderly conduct, appointment and assignment of teachers, and the purchasing of the general supplies for the school. In short, he is all things in one for the general welfare of the system.



- (1) Laws of Montana, 1905, section 1970.
- (2) Laws of Montana, 1911, section 993.
- (3) Laws of Montana, 1913, section 1700.
- (4) Laws of Montana, 1925, sections 1271-1233.
- (5) Laws of Montana, 1913, sections 1701-1703.
- (6) Requirements of the State Board of Education, 1920, for the Accrediting of Montana High Schools.

## TITLE VIII.

TEACHERS.

The first territorial assembly provided that school trustees should have the power to employ properly certificated teachers. (1) We may thus see that from the very beginning of our public school system in Montana, teachers were required to have certain specific qualifications.

The legislative assembly of 1871-72 passed an act making it the duty of teachers to make reports to the district clerk, county superintendent, and Superintendent of Public instruction in such the same manner as they are required to make such reports at the present. This assembly also provided that it was the duty of the teacher to keep her register properly, and enforce the course of study, rules and regulations prescribed in pursuance of law. No teacher was allowed to receive any public school money as salary unless she had been employed by a majority of the trustees, not unless she held a legal county certificate in full force for the time she was teaching. (2).

Teachers had the power to hold pupils to a strict accountability for any disorderly conduct in school or on the way to and from school, and to suspend any pupil from school for good cause; provided that such suspension was reported to the board as soon as practicable.

It was the duty of the teacher to impress on the minds of the pupils the principles of morality, truth, justice and patriotism, to teach the pupils to avoid idleness, profanity and falsehood, and to interest them in the principles of free government; to train the pupils to a true comprehension of the rights, duties, and dignity of American citizenship. (3)

That the teacher was to have the protection of the law and the safety

of her person is evident by the provision that "any parent, guardian, or other person who should upbraid, insult, or abuse any teacher in the presence of her school, should be deemed guilty of a misdemeanor and liable to a fine," and "any person who should wilfully disturb any public school should be deemed guilty of a misdemeanor." (1)

The legislative assembly of 1879 provided that it was the duty of all teachers engaged in the public schools of the county to attend teachers' institutes. (5)

The legislative assembly of 1909 provided that teachers should instruct their pupils in the principal modes by which dangerous communicable diseases were spread, and the means by which these diseases might be restricted or prevented. (6)

We may note from the above discussion that the teacher retains most of the early powers given her, and that she has had many new duties imposed by legal enactment. But she, like the city superintendent, will be given just about as much in the administration of her school affairs as the board thinks she is able to assume. If the board has confidence in her ability and judgment in such matters, it will naturally give her more authority; but if she fails to impress the board with her ability and justice in the administration of school affairs, her authority will be limited to the mere statutory requirements.

- (1) Laws of Montana, 1864-65, under title, "Powers and Duties of School Directors."
- (2) Laws of Montana, 1871-72, section 39-70.
- (3) Laws of Montana, 1871-72, sections 41-42.
- (4) Laws of Montana, 1871-72, sections 57-58.
- (5) Laws of Montana, 1879, sections 1160-1161.
- (6) Laws of Montana, 1909, Chapter 27, sections 1-4.

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