

HISTORY OF THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS IN IOWA

[The following account of the development and status of the office of county superintendent of schools, by Jay J. Sherman, forms one of a series of monographs on county history and government compiled under the direction of The State Historical Society of Iowa. The sources used in the compilation of this article were the laws of Iowa, journals of the House and Senate, reports of the State Superintendent of Public Instruction, newspapers and periodicals, and works such as Aurner's *History of Education in Iowa*.

Letters of inquiry were sent to every State Superintendent of Public Instruction in the United States—thirty-one of whom replied. Personal visits were made to various Iowa State officers, representatives of book publishers, and teachers. Questionnaires were sent to each county superintendent in Iowa, and by the information secured from the ninety-two replies, the facts drawn from the other sources and the conclusions derived from them have been checked and verified. With a view to making a first hand survey of the work done, Mr. Sherman visited twelve counties in which conditions were believed to be typical. In this way the practical workings of the office were studied. Helpful assistance was also received from the Iowa State Teachers' Association and the Extension Division of the Iowa State Teachers College.—THE EDITOR]

NEED OF THE OFFICE

Any attempt to maintain a system of public schools without providing means of enforcing the legal provisions and examining those expecting to teach in such schools must be futile. The Territorial and early State legislatures, feeling the need for such oversight, created township and district inspectors. These inspectors, however, failed to produce satisfactory results, and their failures convinced the people of Iowa that some central authority must be created with specific powers and duties. It was not until 1858, however, that a law was secured which established the beginnings of the present system of county supervision.

Originally the powers and duties of the superintendent were nominal — as nominal as was his compensation. But

as common school education became more and more centralized and developed, the scope of his office enlarged. To understand this development it is necessary to study the history of the common schools in Iowa, noting how some powers and duties of the county superintendent became obsolete and others remained as permanent functions of his office.

To-day the county superintendent is the administrative and supervisory head of the common schools outside of the independent districts. Under the direction of the State Superintendent of Public Instruction he is the official medium of communication between the Department of Public Instruction and the local school boards and teachers. In addition to these functions he is charged with the duty of hearing appeals from the decisions of boards of directors and with the direction of county certification and teacher training.

LEGISLATIVE PROPOSALS

When the congressional survey of what is now Iowa was undertaken in 1836 approximately ten thousand people had already "squatted" on the public domain. With the same disregard for governmental "red tape", these Iowa pioneers had established such schools as they deemed necessary and felt able to maintain. As early as 1830 a school was started; and by 1838, when the First Legislative Assembly of the newly created Territory of Iowa convened, the records indicate that there were between forty and fifty schools in operation.

These first schools were for the most part private institutions conducted by some person who undertook the instruction of such pupils as were sent to his school, receiving his compensation from the parents and others who believed sufficiently in schools to subscribe to their support.

Although in some cases the buildings had been erected by the community, the schools conducted therein were without supervision. It is true that the statutes of the territories of Michigan and Wisconsin had been made applicable to the Iowa country, but the early settlers had given them scant attention. In fact, the population spread too rapidly for the successful enforcement of laws concerning the length of the school year, the qualifications of teachers, or the studies taught.

With the increase of settlers the need of free public schools became more and more apparent. Such men as Governor Robert Lucas realized that if Iowa was to be attractive to settlers a system of common schools must be created. Accordingly, Governor Lucas in his first message to the Legislative Assembly urged the immediate organization of townships, for he was of the opinion that, while the county was the unit of local government, the township was the logical unit for the organization and administration of the public schools.

Responding to this obvious necessity for action the Legislative Assembly, in an act approved January 1, 1839, provided for the formation of districts upon the petition of a majority of the voters in the area to be included in the proposed school district. The unit being thus organized, the electors therein chose three trustees who were to examine and employ teachers, have charge of the land belonging to the district, and make reports to the county commissioner of the number of children between the ages of four and twenty-one years living within the district and the number actually in school, together with a certificate of the actual time a school was kept in the district and the probable expense.¹ Thus it appears that the First Legis-

¹ Shambaugh's *History of the Constitutions of Iowa*, pp. 15-16; Horack's *The Government of Iowa*, pp. 23, 24; Aurner's *History of Education in Iowa*,

lative Assembly established a system of examining teachers and of reporting to some county authority statistics relative to school costs.

Although there were probably no districts organized under this act, it was the forerunner of repeated attempts to create a satisfactory agency for the supervision and control of common schools. Thus one of the laws passed by the Second Legislative Assembly of the Territory was "An Act to establish a system of common schools".² This act created a board of district inspectors consisting of three members to be elected at the regular township election for a term of one year. Among the powers and duties conferred upon the board were the examination of teachers and the inspection of the schools. The inspectors were required to examine annually all candidates for positions as teachers in the primary schools in regard to moral character, learning, and ability to teach; and if satisfied they were to deliver to the person examined a certificate signed by the inspectors in such form as the Superintendent of Public Instruction should prescribe. As far as the early reports indicate, no attempt was made by the Territorial superintendent to prescribe the form of certificates issued. These certificates were in force for one year; but the inspectors might reëxamine a teacher at any time if they deemed it advisable and if the teacher was found wanting the inspectors could annul his certificate by giving ten days' written notice of such action to the holder of the certificate and to the township clerk.

The employment of teachers was left in the hands of the
Vol. I, pp. 5, 296; *Journal of the Council*, 1838, p. 6; *Laws of the Territory of Iowa*, 1838-1839, pp. 181-183.

Lieutenant Albert M. Lea estimated the population of the Iowa District, in 1835, to be at least sixteen thousand persons, exclusive of Indians.—Lea's *Notes on the Wisconsin Territory*, p. 14.

² *Laws of the Territory of Iowa*, 1839, Ch. 73.

district board, the director employing qualified teachers by and with the consent of the moderator and assessor, or either of them. And any district not employing a qualified teacher for at least three months each year was to be denied its share of the income from the school fund.

According to the provisions of the law the inspectors were required "to visit all such schools in their township, at least twice in each year to inquire into the condition, examine the scholars, and give such advice to both teachers and scholars as they should deem proper".

For their services the inspectors were paid one dollar a day — this being the first paid school supervision in Iowa. An interesting clause of the act provided that if any person who had been appointed or elected school inspector refused to serve without sufficient cause, he forfeited twenty-five dollars to the school fund. There is, however, no record of any refusals to serve. The inspectors had some real authority and in most cases served faithfully, doing much to build up the school system.

The scattered population in the unorganized counties and the incompleteness of the laws made it difficult to organize school districts and choose the inspectors, and the statutes afforded no guidance as to their duties. As a result, each one did what he had seen done in his native State, or what his own district desired him to do. The people who believed that each community should establish the kind of school it wished objected to "outside interference" and disliked the existing law. Moreover, in addition to these objections the lack of satisfactory financial provisions became more and more apparent.³

Although the act of 1840 had included a "superintendent

³ *Laws of the Territory of Iowa*, 1839, Ch. 63; *Aurner's History of Education in Iowa*, Vol. I, pp. 13-15; *Biennial Report of the Superintendent of Public Instruction*, 1873-1875, p. 16.

of public instruction", it made no provision for his selection; and not until after 1841 was the office filled through appointment by the Governor and approval by the Council. His duties were merely clerical. There were those who thought that the law of 1839 was better fitted to Iowa conditions than was the act of 1840; and so by the legislation of 1842 the office of State Superintendent was abolished. The Council killed in committee a bill to amend the law of 1840, the committee declaring that it was inexpedient to change the school law until Iowa became a State. In 1846 an act providing for a county school tax was approved by the Governor. Under these laws about four hundred districts were organized, making definite central control more necessary than ever.

The First General Assembly in 1847 attempted to clarify the school laws by passing an act supplementary to the act of January 16, 1840. This statute abolished the board of three inspectors, substituting therefor one inspector elected for a term of one year. His powers of certification were the same as those of the old board of inspectors under the act of 1840, as were also his duties in regard to dividing the township into districts.⁴ By the new legislation he was required to visit the schools but once a year, and his compensation was to be such pay as the township trustees thought advisable.⁵

By the act of 1847 the office of school fund commissioner was created, and the inspector was required to make his reports to that office.⁶ These reports contained much the same information as do the present day reports to the county superintendents. The uncertainty of the compensation under the amended act made the position of inspector

⁴ *Laws of Iowa, 1846-1847, Ch. 99.*

⁵ *Laws of Iowa, 1846-1847, Ch. 99.*

⁶ *Laws of Iowa, 1846-1847, Ch. 99.*

even less desirable than it had been and the provisions of the new statute confused the duties of the various school officials in a manner not at all conducive to the rapid development of a working school system.

The inspector was financial agent, organizer, examiner, and supervisor for the schools within his district; and these manifold duties were to be performed without any guiding legislation. Each inspector was a law unto himself. In some counties this situation led to as many variations of procedure as there were inspectors. Inspectors did not know whether to use present or future needs of the community as a basis of organization. In certification they knew not what subjects to use for examination, for no course was prescribed for the primary schools. Nor was there any satisfactory method of judging the ability to teach — a condition not greatly remedied to this day. In many districts there were complaints that certificates were issued to persons, especially girls, who were too young to undertake the responsibilities of a teacher. These conditions, together with the lack of taxing power, prevented some districts from securing teachers at all.

No one recognized this confusion and lack of efficiency more than did State Superintendent Thomas H. Benton, Jr. In his biennial report to the General Assembly in 1848, Mr. Benton recommended immediate legislation relative to the formation of districts and the authority of directors to employ teachers upon the liability of the district. He recommended that the subjects for examinations and the standards for teachers be stipulated, declaring at the same time "that the duty of examining teachers should be assigned to a county instead of a township officer",⁷ thus removing this important function from neighborhood jealous-

⁷ *Report of the Superintendent of Public Instruction in the Journal of the House of Representatives, 1848, pp. 142-144.*

ies and favoritism. But Mr. Benton was not ready at this time to recommend complete county control.

The Second General Assembly did not accept Mr. Benton's recommendations as to certification; but in the new school law the office of township inspector was abolished and many of his clerical duties transferred to the county school fund commissioner.⁸ Under its provisions each school district was now to elect a board of directors; and this board, before contracting with a teacher, was required to examine the candidate in "the following branches of an English education: To-wit; spelling, reading, writing, arithmetic, geography, history of the United States and English grammar", and to appoint a committee from their own number to visit the schools.⁹

This legislation remedied one defect pointed out by Mr. Benton, in that both the district board and the applicant were now to be advised as to what subjects were required for examination. At the same time no standards or "passing" grades had been established for certification. There still remained, also, the old difficulty of electing a board of directors capable of really examining applicants for the school, interested enough in the welfare of the pupils to lay aside personal prejudices, or far-seeing enough to grant certificates to and employ the best applicant rather than the cheapest or, perhaps, the immature daughter of some influential neighbor.

A clause making the visiting of schools mandatory upon a committee of board members destroyed almost completely the value of such procedure. The members of the committee were compelled to visit the schools without pecuniary compensation—a duty for which the former in-

⁸ *Laws of Iowa, 1848-1849, Ch. 80.*

⁹ *Laws of Iowa, 1848-1849, Ch. 80.*

spectors were paid. Under the committee plan the visiting or inspection of schools usually became a mere form — if, indeed, the directors even attempted to obey this provision of the law. Occasionally, it appears, such visits became a sort of inquisition for an unfortunate young man or immature girl who had in some way incurred the displeasure of an “influential” director or some “important” patron. It is doubtless true also that some school committees, proud of their power and authority, may have used the “visits” to display their own knowledge and superiority.

Thus up to 1850 each succeeding legislature seems to have made it more and more difficult to secure adequate certification of teachers or inspection of schools. Even when the officers to whom these powers were delegated were capable men — men who understood the theory of education and the needs of Iowa schools — the lack of suitable compensation made it impossible for them to give sufficient time to inspection for the work to be at all efficient.

It is apparent that the certification of teachers had made more progress than inspection — possibly because the people realized more fully the necessity of some standard for the knowledge of teachers. Of course the examinations may have been given by men of meager learning who, at first, had no guides as to what should be asked of a teacher. Many of them may have made the examination a mere form, asking a few simple and often irrelevant questions. There may have been those who knowingly admitted to the rank of teacher persons who were under age and illy prepared simply because they were influential, had influential relatives, or would teach at the lowest wage. At the same time it is significant that all teachers submitted to some type of examination and received some form of certificate.

The stipulation of subjects was a step forward, but there remained much to be done. Examinations were not uniform; grades were not standardized; and petty jealousies still affected results. Many persons, including some legislators, must have felt that in the eyes of the pioneer taxpayers the saving in expense counteracted all sins of omission or commission in the supervision of instruction.

EXECUTIVE RECOMMENDATIONS

From 1850 to 1856 the General Assembly remained comparatively silent upon the subject of school administration. The management—or rather mismanagement—of the school lands and school funds was the main topic of discussion. Many of those in charge of the lands and funds were criminally careless if not corrupt. During this period the General Assembly made several attempts to remedy the condition, although there is some evidence to show that some of the legislators were themselves anxious to get a chance at the fertile lands so nearly given away. Various repeals, substitutions, and amendments were enacted, but such legislation had little effect upon matters purely administrative and supervisory. Perhaps it was felt that little could be done until the financial affairs were more definitely settled. The more conservative element seemed to entertain the theory that “what is, is right”; or they honestly doubted if under the general conditions of the State anything could be accomplished by legislation.

On the other hand, educators and school patrons were not so indifferent to the situation. Directors continued to hire teachers who were not qualified—some of them girls far too young and men fully as incapable. The lack of standards for certification was held to be one of the chief drawbacks. Those interested felt that it did little good to examine a person unless the examiner knew what was the

lowest grade on which he could grant a certificate. Students of the problem believed that salaries should be graded according to the certificate held by the teacher. They believed that it was unfair to all concerned — patrons, pupils, and teachers — to pay the same remuneration to a teacher who received his certificate almost by the “grace of the examiner”, as was paid to a teacher who passed with excellent grades.

Many boards of directors had shown themselves incapable of managing schools: the members had little if any schooling and knew practically nothing of school problems and educational procedure. They wanted enough school to afford the younger pupils the rudiments of learning, to give the older boys a chance to go to school during the winter months, and to draw the district's portion of the income from the school fund. They did not want an expensive school, nor one in which the teacher insisted that attendance be regular. The reports to the State Department were incomplete and inaccurate, as can be seen from the reports of the State Superintendent of Public Instruction. And, while no definite remedy is proposed in the early reports, the dissatisfaction of the State superintendents is evident. In his biennial report for 1854 Superintendent Eads says: “The returns made to this department up to the first of November of the present year are incomplete, several counties having failed to make any returns in accordance with the requirements of the law.”¹⁰

In his inaugural address on December 9, 1854, Governor James W. Grimes urged that the “common school Fund of the State should be scrupulously preserved, and a more efficient system of common schools than we now have should be adopted. The State should see to it that the

¹⁰ *Report of the Superintendent of Public Instruction, 1854, p. 23.*

elements of education, like the elements of universal nature, are above, around, and beneath all."¹¹

In his message addressed to the extra session of the Fifth General Assembly on July 3, 1856, Governor Grimes further observed that it "is to be regretted that the joint resolutions, passed by the House of Representatives, at each of its two last sessions . . . failed to receive the approval of the Senate. No one, who gives the subject a moment's consideration, can doubt the necessity for a thorough revision of the whole subject. With a large and constantly increasing school fund, our school system is without unity and efficiency, and is, in my conviction, discreditable to the State. It reaches so many interests, it runs into so many details, and it is so important in its influences, that it seems to me impossible for the General Assembly to perfect the necessary amendments and reduce them to a harmonious system, in the limited period of fifty days — and I, therefore, recommend three competent persons be selected to revise all the laws on the subject, and submit their revision to the next General Assembly."¹²

The recommendations of Governor Grimes were not overlooked by the legislature: an act, passed on July 14, 1856, directed the Governor to appoint within thirty days a committee to revise the school laws. It was in accordance with this act that Horace Mann, of Ohio; Amos Dean, President of the State University of Iowa; and F. E. Bissell, of Dubuque, were appointed to serve on such a committee.¹³

The report of the commission was not ready when the

¹¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 7.

¹² *Journal of the Senate*, 1856 (Special Session), p. 11.

¹³ *Laws of Iowa*, 1856 (Extra Session), Ch. 31. Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 36.

General Assembly convened, and the first recommendation using the present title, "County Superintendent", occurs in the biennial report of James D. Eads, Superintendent of Public Instruction, which bears the date of December 1, 1856. If Mr. Eads had seen the forthcoming report of the Mann Commission, he makes no mention of the fact. At the same time he suggests a title for the county officer recommended by the commission. His words are well worth quoting for in many ways they are as pertinent to-day as they were seventy years ago:

I would propose to you that the County Superintendent be required, in addition to the present duties of School Fund Commissioners, to visit and examine each School in his county at least once every six months. He should have general supervision in his county over all matters relating to the government, course of instruction, and the general condition of the Schools and School houses in his county. By investing the County Superintendent with these and other proper functions and powers, (subject, of course, to the general control of the State Superintendent) you elevate the office by conferring on its incumbent the interest attaching to one having in keeping to a certain extent, the educational progress and mental culture of all the children within its jurisdiction. Objection may be made that we have not the proper material in the different counties capable of so great a trust and such peculiar duties. But I am satisfied that, no matter how high you elevate the standard of requirements for such a station, the proper person will always be found by the people, capable and willing to discharge its duties

I do not hesitate to express and put on record the opinion that every organized county in the State possesses one or more citizens capable of creditably discharging the duties I propose attaching to the office of County Superintendent, and that in most cases, if not all, such would be chosen by the people.

I would quote from a report of a committee of the New York Legislature, (1843) on this subject:

“It can produce a complete and efficient supervision of all the schools of the State

“It can do much towards dissipating the stolid indifference which paralyses many portions of the community by systematic and periodical appeals to the inhabitants of each school district

“It can be made to dismiss from our schools all immoral and incompetent teachers, and to secure the services of such only as are qualified and efficient, thereby elevating the grade of the school master, and infusing new vitality into the school!”

And in closing Mr. Eads says: “I would renew my former recommendation that this office be placed on the same basis with other county offices, and that the incumbent be paid for his services from the county treasury.”¹⁴

THE HORACE MANN COMMISSION

After the commission to revise the school laws had been appointed, F. E. Bissell found it impossible to serve; so the report was prepared by Horace Mann and Amos Dean. Mr. Mann's varied experience as secretary of the board of education which revised the school laws and reorganized the common school system of Massachusetts — 1837-1848, as a member of the Massachusetts legislature, and in Congress, as well as his studies of public education throughout the world, made him particularly desirable as chairman of the Iowa commission and give his name to the report. Mr. Dean also had had considerable experience and was recognized as an authority on education. Both of these men were therefore seriously interested in designing a satisfactory school system for Iowa.

The Report of the Commission. — Although the commissioners at once entered upon their duties, they were unable to complete the task before the next session of the legis-

¹⁴ *Biennial Report of the Superintendent of Public Instruction*, 1856, pp. 11, 12, 13.

lature. Their report — which did not reach the General Assembly until December 12, 1856, about ten days after the report of the State Superintendent of Public Instruction — stated, among other things, that the two commissioners “found the previous legislation of this State upon this great subject, in the main, judicious in its provisions, but fragmentary in its character, lacking in general aims, and entirely wanting in unity or completeness.”

Some sections of the report submitted by the Mann Commission may be given in part:

In consulting the experience of other States upon this subject, they found a multitude of provisions; many of them analogous in character; some of them peculiar and all of them the gradual growths of time and necessity. . . .

Here, for the first time, a great State demands a system of public instruction adequate to the full development of its great physical resources, and of the intellect and moral power of its people. . . .

To complete a perfect system of education, three elements are necessary. These are the organizing, the financial, and the educational. The first two are only important as they effect the last, and the first is wholly expended in the advancement of the other two. . . .

The commissioners have been desirous of making a liberal provision for adequate common school instruction. . . .

They have organized the district, the county, the State, and the special organizations. . . .

In regard to county organizations, your commissioners have centered in one individual, the county superintendent of public instruction, all the actual power exercised for school purposes, over the whole county. He unites the financial and visitorial power, and stands intermediate between the State and district organizations.¹⁵

¹⁵ *Report of the Commissioners of Revision of the School Laws in Iowa Legislative Documents*, 1856, Appendix, pp. 191-196.

The Recommendations Ignored. — In spite of this recommendation of the State Superintendent of Public Instruction and the report of the Mann Commission no action was taken by the legislature except the passage of one act making reorganization optional in certain populous districts. Should a district reorganize under the provisions of this act, the board of education was, within twenty days of its election, to appoint “three competent persons, citizens of said district, to serve as school examiners”. These examiners, or any two of them, were to examine all applicants to teach in the schools of the district. If the inspectors, in their opinion, found the applicant qualified to teach and govern a school, and to be of good moral character, they were to issue a certificate stating just what subjects the holder was qualified to teach.

The examiners, or any two of them, had power to annul the certificate of a teacher. Such action, of course, prevented the former holder from teaching in the district. The act stated that “said examiners shall also separately or otherwise, together with said board of education, or any of them, or such person as they may appoint, or invite, visit said schools as often as once in each school month, and observe the description [department?], mode of teaching, progress of the pupils, and such other matters as they deem of interest, and make suggestions, and reports thereupon to said board as they may think proper, which report may be published at the discretion of said board.”¹⁶

CREATION OF THE OFFICE OF COUNTY SUPERINTENDENT

In the next biennial report of the State Superintendent of Public Instruction, Maturin L. Fisher again urged the revision of the school laws and the creation of a county

¹⁶ *Laws of Iowa, 1856-57, Ch. 158.*

superintendent of schools to "establish school districts and determine their boundaries; to examine teachers and grant certificates of qualification; to visit every school in the county at least twice during the year; to prepare the statistical statements, with regard to schools, and return them to the Superintendent of Public Instruction; to make annually, a general and detailed report of the condition of the schools of his county." Mr. Fisher was moved to urge the adoption of the plan proposed by the commissioners because of the conditions which he shows in his report. In 1856 there were 2850 organized school districts in the State, of which 142 maintained no school during the year. In 1857 of the 3265 organized districts only 2708 maintained schools. All these districts received their apportionment of the school money despite the constitutional requirement that a district must hold school at least three months each year to share in the apportionment.

He closes his report on schools by saying: "in general, my inquiries lead me to believe that our common schools are in a very unsatisfactory state. There is usually no examination of teachers, and frequently most unsuitable persons are employed as instructors, and there is seldom any visitation of schools, to insure fidelity on the part of teachers, and to inspire emulation on the part of pupils."¹⁷

DISPUTE OVER JURISDICTION

The demand for school legislation became so urgent and so general that the Seventh General Assembly in 1858 made a start soon after the opening of the session. A bill for the establishment of a common school system was introduced into the Senate and referred to the Committee on Education. This was the same committee which had drafted the bill. The chairman of the committee, J. B. Grinnell, in a

¹⁷ *Report of the Superintendent of Public Instruction, 1857, pp. 13, 16.*

letter appearing in the *Montezuma Republican* and summarized in *The Iowa Citizen* writes that at the time the bill was drawn there was doubt as to the authority of the General Assembly to legislate concerning the schools. However, since the State Superintendent had received 1400 letters in a single year in reference to provisions of a former law, action at this time was deemed imperative.¹⁸

The long-drawn-out debates and the numerous proposed amendments made it impossible to pass the act until well toward the close of the session. Its enemies were numerous. Some held that under the Constitution all power to legislate for the schools was vested in the Board of Education which had been created by the Constitution of 1857. Others felt that there was danger in making the township a school district. And still others insisted that any form of county control would become obnoxious.

THE ACT OF MARCH 12, 1858

Uncertainty concerning authority and the best system threatened to defeat all proposed legislation. Finally, however, on the twelfth day of March, 1858, the Governor approved "An Act for the Public Instruction of the State of Iowa". The provisions of this measure indicate that it was substantially the bill submitted to the General Assembly by the Mann Commission. According to its terms the civil township was to be the school district, but towns of one thousand or more inhabitants were privileged to organize independent districts. A county school tax of "not less than one mill and not more than two and a half mills"

¹⁸ *The Iowa Citizen* (Des Moines), December 22, 1858.

A contributor signing himself "Vox Populi" writes: "For the last three years there has been a general clamor in our state for a radical change in our school laws It is reasonable to suppose that the school bill now in the hands of the committees of the General Assembly is such a one as the people want." — *The Iowa Citizen*, Vol. III, No. 1, February 17, 1858.

was to be levied; and the office of county superintendent was created — the most important provision of the entire act, for it placed the county legally in control of the common school system.

Sixty-four years have elapsed since the creation of the office of county superintendent, and during this time many changes have come about. The time and manner of election are entirely different; the term of office has been lengthened; the compensation has become more adequate; and the powers and duties, as well as the responsibility, have been increased many fold. Yet, the office of to-day is the office created by the act of March 12, 1858, with the same aims, hopes, and possibilities, with the same objections and strong points; and with about the same proportion of enemies and friends who claim and predict the same results as in 1858.

The First Elections. — In accordance with the prevailing notion of the time, the office was made elective. No doubt the members of the legislature would have viewed with concern a plan of selection similar to the one now in force. That the office might be as far removed as possible from all political influences, the incumbent was to be chosen for his fitness, and the time of election was to be the first Monday in April in 1858 and thereafter biennially on the second Monday in March, almost seven months prior to the general election. While this method of securing a non-partisan election has been advocated many times, it was in effect only from March, 1858, to December of the same year. In 1913, when the present system of selection became a law, a similar provision relative to the time of election was included.

For some reason publication of the law was not completed until Saturday, March 20, 1858, so there remained

but sixteen days including Sundays before the election, which occurred on April 5th. The legislature, foreseeing that several counties might fail to receive the notice in time to hold an election, hastily passed a supplemental act approved on March 19th allowing any counties failing to elect a county superintendent on the specified day to hold their elections on the first Monday in May. Thus all counties were enabled to select county superintendents; and as soon as the successful candidates had qualified the work of the office began.¹⁹

Activities of County Superintendents. — The eighty-four men who were chosen county superintendents at this time seem to have taken up their duties with a determination to make the office a real power for good in education. The superintendent of Johnson County published a summary of the law in the local papers and with it a set of instructions for the guidance of the various district officers in the county. In May, 1858, the county superintendent of Dubuque County issued a circular containing the school law and the proceedings of the county board of education during its first session. At this meeting committees were appointed on the county high school, qualifications of teachers, on "branches of learning", and on several other subjects including settlement of property between districts under the old organization and the new, a problem which proved to be difficult to adjust in some cases.

At a meeting of the Iowa City Township board on May 15th a special committee was appointed to ascertain the rate of taxation necessary to maintain a school in each sub-district for a period of eight months each year. There is evidence that many counties took similar steps to carry out

¹⁹ *Journal of the Senate*, 1858, pp. 98, 246, 255, 462; *Laws of Iowa*, 1858, Chs. 52, 81.

the provisions of the act in regard to the organization, taxation, and establishment of schools.²⁰

The First State Convention of Superintendents. — The county superintendents held their first State convention at Iowa City in September, 1858. A committee from this body submitted a report on the branches taught in the common schools and also for the county high schools which it was hoped would be established. Since the chief concern of this convention, which had been called by State Superintendent M. L. Fisher, was the interpretation of the new school laws, it was unlike any previous assembly in the State. A committee arranged all the questions concerning the new law into some sixty-four queries. These were evidently answered, since the convention declared that the new law "fully meets our approbation". Superintendent Fisher expressed the opinion that this was truly an educational council.

CONSTITUTIONALITY OF THE LAW

But just as the county superintendents were getting the machinery of their offices established as provided for by the legislature, two lawsuits were begun. One of these was commenced at Dubuque with a view to preventing the money then in the hands of the old district from being transferred to the treasurer of the new district as organized or reorganized under the law of 1858. The case was appealed to the Supreme Court; but before the case had been decided the Board of Education of the State of Iowa assembled in Des Moines on Monday, December 5, 1858, for its first session.

After the Board had effected its organization and en-

²⁰ *Iowa City Republican*, April 21, 1858; *Records of the Board of Education, Iowa City Township, 1858-1871*, summarized in Aurner's *History of Education in Iowa*, Vol. I, pp. 57, 58.

tered upon its labors, T. B. Perry offered a resolution on Wednesday morning stating that it was the opinion of the Board that all the educational interests of the State, including the common schools, were under its management, and that the Board possessed exclusive original jurisdiction to legislate upon the subject of common schools. Judge John F. Dillon, of the seventh judicial district, was of the same opinion, and early in the session urged the Board to pass a curative act legalizing the proceedings of school officials under the law of March 12, 1858.²¹

THE SUPREME COURT DECISION

Whether or not the Supreme Court was influenced by the resolution of the Board of Education is perhaps of no great importance; but its decision, handed down on December 9th, upheld the claim of the Board. The Supreme Court declared the law "void in its essential features", holding that under the Constitution the State Board of Education alone possessed the primary power to provide for the public instruction of the State; while the legislature had power only to amend, revise, and repeal acts of the Board of Education and to pass legislation necessary to put into force the Board's acts. The Court did not attempt to point out the particular parts which were valid or invalid; but said that the Board, being in session at the time, could apply an immediate remedy, and obviate, to a great extent, any confusion or injury resulting from the decision.²²

THE OPINION OF THE ATTORNEY GENERAL

Immediately following the decision of the Supreme Court, A. B. F. Hildreth, member of the Board of Educa-

²¹ *The Voice of Iowa*, Vol. III, pp. 48-59, 71-78; *Journal of the State Board of Education*, 1858, pp. 10, 14.

²² *The District Township of the City of Dubuque v. The City of Dubuque*, 7 Iowa 262.

tion from the tenth judicial district, offered a resolution asking that the Attorney General be requested to furnish an opinion upon the following questions concerning the validity of the new school law:

1st—Is the act entitled “An act for the public Instruction of the State of Iowa”, approved March 12th, 1858, null and invalid, in whole or in part? If partly, what part? If wholly, then are the acts of former dates pertaining to schools, of any validity or binding force? 2d—Is it competent for this Board to enact a law that shall legalize or render valid the transactions which have taken place under, and were authorized by, the School Law of 1858?²³

On December 13, 1858, Samuel A. Rice, the Attorney General, rendered his opinion upon these questions as follows:

It is the duty of the Board to enact all laws and make all rules and regulations that may be necessary to put into operation a thorough system of common schools . . . and, with the exception of the financial part, to regulate the entire machinery by which the system shall be carried into effect. . . .

The General Assembly has power to amend, revise, or appeal any law passed by the Board. . . . They are to pass all laws which provide for the raising of means in order to carry the system into operation. . . .

It is held by the Supreme Court . . . that so much of the aforesaid act . . . as . . . goes beyond the financial department of the system . . . is unconstitutional and void. . . .

I am of the opinion . . . that with the exception of such parts of the late act as I have stated are in force we have been destitute of any legal school system. . . .

Considering the magnitude of the interests involved, the unfortunate condition of our school system, and the almost irreparable injury that will result . . . unless the late laws are in some

²³ *Journal of the State Board of Education*, 1858, p. 14.

measure legalized I would recommend the passage of a curative act.²⁴

Not only did the Board of Education seek an opinion from the Attorney General; it addressed a resolution to the Supreme Court asking for an opinion as to the subjects upon which the Board could enact legislation. This opinion the Supreme Court refused to give, stating that such a course "would be as unusual, as it would be without authority or precedent".

THE CURATIVE ACT

Meanwhile, T. B. Perry had, in accordance with the suggestion of the decision, introduced a bill for a curative act which sought to legalize elections, acts, and contracts under the legislative act of March 12th. The Board of Education passed this act on December 15, 1858, to go into effect from and after publication in *The Iowa Weekly Citizen*, the *State Journal*, and the *Iowa Statesman*.

Although the Supreme Court had upheld the contention that the General Assembly had no power to enact school legislation, the law that had been passed by the legislature was the basis for the action by the Board of Education and had provided funds to carry out such legislation.

Two courses were open: the Board could reenact the provisions of the legislative act, or it could enact new legislation. Before the decision no one had known what to do. A petition from Washington and Cedar counties asking that the law be retained in its essential features had been presented to the Board. On December 7th, F. M. Connelly of the Board of Education moved that the school law be committed to the Committee on Revision, which motion was agreed to. On the same day that Mr. Perry

²⁴ *Journal of the State Board of Education*, 1858, pp. 22, 23, 24.

had introduced the bill for the curative act, the Committee on School District Organization and Elections, consisting of S. F. Cooper, O. H. P. Roszell, and G. P. Kimball, reported a bill for an "Act for the Public Instruction of the State of Iowa, by a System of Common Schools". Three days later the Committee on Revision reported a bill embodying many of the provisions of the act of March 12th, entitled "A Bill for an Act to provide a System of Common Schools". The Board considered these bills, usually in committee of the whole, and finally the first bill became merged in the bill for "an Act to provide a System of Common Schools" adopted on December 24, 1858.²⁵

During the consideration of these bills the office of county superintendent of schools received little attention. Charles Mason introduced an amendment establishing the compensation of the office, which was incorporated as section forty-four of the bill. The county certification of teachers received brief notice. Otherwise there appears to be little evidence of discussion within the Board on the office of county superintendent. Yet there must have been considerable agitation outside the Board, for a Des Moines editor wrote that it "is strongly urged in some quarters of the State that the office of County Superintendent ought to be abolished, as entailing a useless tax upon the School Fund".²⁶

Comparison of the Acts.—As reënacted the law provided that the county superintendent of schools should be elected on the second Tuesday of October, 1859, and at the general election thereafter. The incumbents elected under

²⁵ *Journal of the State Board of Education*, 1858, pp. 8, 9, 18, 19, 26, 33, 51, 54, 69; *Acts, Resolutions and Forms adopted by the State Board of Education* (First Session), 1858, Act No. 2.

²⁶ *Journal of the State Board of Education*, 1858, pp. 52, 62; *The Iowa Weekly Citizen* (Des Moines), December 8, 1858.

the old law were to serve until their successors were elected and qualified, but their rate of compensation was to be that provided for in the new law. Thus the first steps were taken in reducing the efficiency of the office. The candidates would henceforth claim the votes of members of their respective political parties, and the office would become a sop for disgruntled politicians.

By the legislative act the county superintendent was to receive quarterly a sum equal to one-half the amount paid the clerk of the district court, and such further sum annually as might be allowed by the presidents of the township boards; but in no case was his annual salary to be more than one-eighth greater than the clerk's salary, nor less than fifty dollars. The act of the Board of Education determined his salary in the same way, but the limits were changed. There was no fixed minimum and the maximum was an amount equal to the clerk's salary. The new law did specify a fee of one dollar from each applicant for a teacher's certificate when the examination was taken on other than the regular day. It is probable — although there are no authentic records of collections — that the county superintendent's salary was increased but little by these examination fees.

It was the duty of the county superintendent, with two assistants whom he selected, to examine all candidates presenting themselves, as to their ability to teach orthography, writing, arithmetic, geography, and English grammar, and such other branches as might in special cases be necessary. If the examinations were satisfactory and the applicant was of good moral character, the county superintendent issued a certificate in duplicate stating that the bearer was qualified to teach the statutory subjects and such others as the case might be. A register of the certificates issued and

the date thereof was to be kept by the county superintendent. The duplicates were filed with the secretaries of the districts in which the holders taught. The superintendent was required to give public notice of the time and place for holding examinations.

One very interesting feature of the law of March 12th in regard to certificates was the provision that "a certificate from the Professor of the Normal Department of the State University shall give to its possessor all the legal rights, powers, and privileges of a certificate from any school officer providing the person receiving such certificate has completed a course in the State University, satisfactory to the Professor of the Normal Department of the State University".

The act of December 24, 1858, stipulated the same subjects as those prescribed in the former law, but set as the day of examination the last Saturday of every month. The appointment of assistants was made optional. Examinations were to be held at the seat of justice or at such other place as occasion might require, the county judge being notified of the place of meeting. This act said nothing about the certification of persons completing the course of the Normal Department of the State University. The Board of Education must have felt that examination was the only satisfactory method of determining fitness for certificates; and although it was often urged that certificates be granted upon graduation from certain schools no real provisions were made until the present laws were enacted. The legislative act had allowed the county superintendent to annul a teacher's certificate for immorality or incompetency, and the new act contained the same power stated a little differently. Moreover, under the new law the board of directors had power to discharge a teacher for

cause, whereas revocation of certificates had been the only method of deposing a teacher under the original act.

The act of March 12th provided for a meeting of the presidents of the district boards to be held on the second Monday in April at such place as the county superintendent might designate, or at such other time as the Superintendent of Public Instruction might designate. The board thus constituted appears to have been vested with some authority in regard to the qualifications of teachers, branches to be taught in the schools of the county, the selection of equipment, and textbooks.

From the point of view of a county superintendent, one of the most important powers of this board must have been that of allowing him such sum in addition to the statutory salary as the members thought best. Like provisions were retained in the law as reënacted by the Board of Education. In this connection it is interesting to note that to-day the county superintendent is elected by a convention similarly constituted, and that originally the convention had the power of supplementing the salary of its appointee.

Both acts made the visiting of schools one of the duties of the office. The county superintendent was to visit each school personally at least twice a year. These visits were to be in the nature of inspections, and by the legislative act the county superintendent had power to appoint a committee to make special inspections in his stead. In both acts, also, he had the duty of approving plans for new school buildings, but neither act made his disapproval a bar to the erection of the building.

The legislative act provided that the county superintendent should hear and decide appeals from decisions of the district boards, except cases involving money considerations. This limitation the Board of Education act omitted

— indicating that the county superintendent had jurisdiction in cases involving financial transactions.

Both acts stipulated that reports should be made to the Superintendent of Public Instruction. These reports, according to the legislative act, were to consist of a digest of the reports from the district boards, suggestions for the improvement of the schools, and such other matter as the county superintendent might think pertinent and material. To these items the act of the Board of Education added an abstract of the number of youths between the ages of five and twenty-one years residing within the various districts of the county. The reports for the county high school were, of course, no longer necessary for the Board omitted any provision for such schools.

County High Schools. — According to the legislative act of March 12th, county high schools were to be established. The county superintendent was to be a member of the board of trustees of such schools wherever established, the nine other members of the board being elected at the meeting of the presidents of the district boards, for a term of three years, one third retiring each year. This board of presidents had the power to determine whether such a county high school should be established.

When established the county high school was to be visited by the county superintendent and the State Superintendent of Public Instruction; and the secretary of the board of trustees made his annual reports to the county superintendent. These institutions — first recommended by Thomas H. Benton, Jr., in his report as Superintendent of Public Instruction and by the Horace Mann Commission as an integral part of the free school system — were never opened, the Board of Education omitting any reference to them in the act of December 24, 1859.

Several counties, however, had made preparations early in 1858 to comply with the provisions and establish county high schools. The records of Dubuque County show the proceedings in detail; and the leader and counsellor in the movement was William Y. Lovell, the county superintendent of schools. He had called the meeting of the presidents, and seventeen townships were represented. Seven special committees were appointed to consider various phases of the project. Mr. Lovell seems to have doubted the wisdom of beginning school in 1858 under an offer from the Dubuque public schools, and before all the preliminaries were settled the act of the Board of Education put an end to the county high school project.

The county superintendents appear to have taken great interest in these anticipated county high schools, for in their first State convention held at Iowa City in September, 1858, they recommended a course of study for county high schools. This course was to be preparatory to the State University.²⁷

By the legislative act each district board was to select the male student ranking highest in ability, attainments, and capacity for teaching for the scholarship in that district. This scholarship gave the pupil seventy-five dollars a year for three years while in the county high school. Upon completion of his course he was assigned as a teacher to a common school by the county superintendent, who was authorized to sanction the use of the scholarship in schools other than the county high school.

Teachers' Institutes.—Section 56 of the legislative act made Iowa's first provision for teachers' institutes. The sum of one thousand dollars was appropriated to be expended as follows: one hundred dollars was to be drawn

²⁷ *The Voice of Iowa*, Vol. III, pp. 50, 51.

by the Superintendent of Public Instruction for aiding each teachers' institute where reasonable assurance was given by the county superintendent that thirty or more teachers would be in attendance for at least six working days. The revision by the Board left all the provisions the same except that the money was forwarded directly to the county superintendent whose institute had been approved, instead of being drawn by the Superintendent of Public Instruction. The Board of Education, of course, had no power to appropriate one cent of money so that part of the act remained the same.

Had the legislature's proposal of one hundred dollars for each approved institute been carried out, only ten county superintendents could have received State aid, or the amount would have had to be prorated among them. Secretary Benton evidently decided on the latter course, since his report for 1859 shows that he had appropriated fifty dollars for one institute held in 1858, and fifty dollars each for fourteen institutes held or to be held in 1859; and he states that he had satisfactory applications on hand for the remaining money.²⁸

The minimum of six working days for the county institute was destined to be one of the most permanent features of our school law, remaining the same until 1913. The State aid was reduced by the next legislature to fifty dollars which sum is still appropriated each year.

OPPOSITION TO THE OFFICE

The passage and publication of the curative act appears to have allayed some of the suspicion which had been

²⁸ *Acts, Resolutions and Forms adopted by the State Board of Education (First Session), 1858, Act No. 8, in the Journal of the State Board of Education, 1858-1862; Laws of Iowa, 1858, Ch. 52; Report of the Secretary of the State Board of Education, 1859, pp. 18, 19.*

aroused against the Board of Education. The *Dubuque Weekly Times*, on December 30, 1858, praised the Board of Education for its quick action. It is doubtful, however, whether sentiment toward the county superintendent became much more friendly, many people still firmly believing that the office should be abolished.

One county superintendent wrote: "Repeal the whole system and give us one more easily understood, and abolish the office of County Superintendent." Another wrote that his idea relative to the school legislation was "that it would hardly be possible to enact a law that would be less adapted to the wants of the people, or that would be more unpopular". A third county superintendent appears to have sensed the fundamental objection, as he reports that "under the present law the schools have greatly improved. The system is cheaper and better than the old; yet the present act is deficient in many respects, and is unpopular. The office of county superintendent must be abolished, or it will be at half-pay and disregarded; not that the office is unnecessary or useless, but because it has a salary. Very many of the voters of this country will put down anything in the shape of a tax, however useful."

Even the county superintendents who favored the office seem to have felt that a definite salary should be stipulated and that the office should be taken out of politics. The county superintendent of Lucas County declared: "*If political feeling would let it alone, it would soon be an efficient one*". That national politics also affected the office is evidenced by the statement of a Des Moines editor who had been defeated by the Democratic candidate: "We shall not abate one jot or tittle of our hostility to the Le Compton Locofocoism of this ungodly age"; and the same editor a week later gloats over the fact that the re-

turns received up to that date showed eight Republicans to four Democrats safely elected to the office of county superintendent of schools.²⁹

FACTORS OF OPPOSITION

No doubt much of the opposition to the county superintendents arose from the fact that they, as a whole, favored the school law as enacted by the State legislature and as reënacted by the Board of Education. The plan and work of the Board was not popular owing to a feeling on the part of the public that it took the schools out of the hands of the people. The members of the Board themselves did not entirely agree on the question of districts. Several were convinced that the old independent district was the best solution of the common school problem; that the independent district meant freedom from outside supervision, or "interference" as the opponents of school centralization called it. Others felt that the county superintendent had so little power that the office was useless. Another factor which strengthened the hostility against the county superintendent was the often mentioned tendency to grant certificates to teachers at the solicitation of political friends. And to all of these objections must be added the plea of economy. The State of Iowa had not entirely recovered from the financial panic of 1857, and the lopping off of any salary meant to the burdened farmers less taxes. The enemies of the office made the most of this proposed saving.

Perhaps the greatest menace to the office of county superintendent of schools, however, came from the lack of understanding of what supervision really meant and what real benefits would be derived from efficient supervision.

²⁹ *Weekly Times* (Dubuque), December 30, 1858; *Report of Secretary of the State Board of Education*, 1859, pp. 33, 42, 43, 48; *Iowa Citizen* (Des Moines), April 7, 1858.

When the Board of Education abolished the office of Superintendent of Public Instruction — although the incumbent had been elected by the people and his term had yet a year to run — the change did not help the cause of the county superintendents.

The reports of the Secretary of the Board of Education, Thomas H. Benton, Jr., for the year 1859 indicate that the county superintendents were rather indifferent and uninterested in their work. Only thirty-one counties were represented at the meetings held by Mr. Benton in the various judicial districts during the months of August, October, and November, 1859. Three were reported sick. Mr. Benton, however, excuses many of the absentees on financial grounds, saying that many county superintendents knew they were to be superseded at the October election, or they had been retired at the time the later meetings were called. These men could not, and would not, afford to attend under such conditions and without remuneration for actual expenses incurred.³⁰

During the campaign of 1859 not a few of the prominent newspapers of the State favored the abolition of the office; and for a time it looked as though the Board of Education would take this step. On the eve of the second session of that body, however, sentiment changed somewhat, and *The Iowa Weekly Citizen* expressed the hope that "the office of County Superintendent will not be hastily abolished . . . there is need of a supervisory power".³¹

The report of Thomas H. Benton, Jr., as Secretary of the Board of Education showed that the salaries paid all the county superintendents was \$5840.84 less than the

³⁰ *Report of the Secretary of the State Board of Education, 1859, pp. 5, 6.*

³¹ *The Iowa Weekly Citizen* (Des Moines), December 14, 1859.

amount paid to the school fund commissioners in a similar period under the old law. He used these statistics as one of his arguments for the retention of the office. This part of Mr. Benton's report was referred to a special committee, which after consideration recommended that the office be abolished. Their plan was to substitute a county examiner to discharge the more important duties. This examiner was to receive two dollars per day. On the other hand, the Committee on School District Organization and Elections recommended that the county superintendent be taken out of politics and the office filled by the boards of the several district townships.

Two bills were introduced and each was considered by the Board in committee of the whole; but later in the session the Committee on School District Organization and Elections reported a substitute for both. A third bill imposing upon the county judge the duty of making the annual report to the Secretary of the State Board of Education was indefinitely postponed, and the substitute bill was passed on December 20th by a vote of eight to two and approved by the President on December 24th, as Part VIII of the School Laws.³²

RESULTS OF THE UNCERTAINTY

The efficiency of the office of county superintendent of schools was seriously affected by this act. He was no longer required to visit schools, and should a county superintendent decide to do so, neither salary nor expenses were paid him for such work. He now drew compensation for the time necessarily engaged in official duties, visitation of schools being regarded by the Board of Education as

³² *Report of the Secretary of the State Board of Education*, 1859, p. 14; *Journal of the State Board of Education*, 1859, pp. 11, 18, 20, 24, 29, 35, 36, 42; *Educational Laws of the State of Iowa*, 1860, p. 23.

unnecessary. The county superintendent had become a clerk who conducted teachers' examinations two days each month.

The compensation of the superintendent was fixed at two dollars a day; and under ordinary conditions he might not exceed twenty-eight dollars a year, for his reports were usually made out and other business transacted on examination days. He had in addition an uncertain income from the fees of one dollar charged to applicants who came for examination at other than the regular days. It may be noticed also that in order to collect this meager stipend the county superintendent had to file with the county judge a statement of his account, the correctness of which was attested by oath.

The annual reports of the county superintendent remained practically the same. On or before the 5th day of October he was to transmit to the Secretary of the Board of Education digests of district reports, together with such other material, including recommendations, as he thought valuable. The abstract of the number of youths of school age was still sent to the county judge. Should the superintendent fail to make either report, he forfeited fifty dollars to the school fund—about twice his annual salary. This penalty is still included in the statutes governing the office, and is one of the few provisions which have remained unchanged throughout the history of the office.

THE LEGISLATURE OPPOSES THE BOARD OF EDUCATION

When the Eighth General Assembly met in 1860, Governor Kirkwood in his inaugural message advised that the school laws be left alone. Since the Constitution had almost wholly withdrawn the power from the legislature, he thought it would be prudent to interfere with the Board's

recent action only where examination showed "an overpowering necessity for so doing".³³

The General Assembly, however, attempted to get at the matter from a different angle. A bill was passed to postpone the next meeting of the Board of Education until December, 1865. The legislators seem to have reasoned that while Section 15 of Article 9 of the Constitution did not give the General Assembly power to abolish the Board of Education until "after the year 1863", the fourth section of the same article gave the General Assembly the power to fix the time and place of all meetings of the Board after the first; so why not postpone the next meeting of the Board until after such time as the legislature might constitutionally abolish it.

Governor Kirkwood vetoed the bill on the ground that it conflicted with "the spirit if not the letter of the Constitution": such an act would deprive those members elected by the people at the next election of their whole term of service, and in addition would jeopardize the school system, leaving it without constitutional authority to legislate.³⁴

The Board of Education met in December, 1861, for its third and final session. The old question of what to do with the county superintendent was introduced early and discussed thoroughly. Finally the Board enacted a rather complicated law "Defining the duties and regulating the Compensation of County Superintendents." It set the election of superintendents for the second Tuesday of October, 1863, and thereafter at the general election, required them to give bonds, and provided that they should

³³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 230.

³⁴ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 359, 360.

visit each school in person at least once a year and should deliver an address in each township sometime during the year. The dates of teachers' examinations were to be on the second Tuesday of April and September — except that in case an institute was held in the county during the year, one of these dates should be changed so that examinations occurred during the institute. The compensation was placed at two dollars a day and mileage — the total sum not to exceed three dollars per school in any one year.

This act of the Board was to go into effect on April 1, 1862; but before that date it was repealed by an act of the General Assembly which contained much of the Board's plan, but left the days for examination of teachers the same as before and limited the compensation to an amount not to exceed fifty dollars per year in counties having less than twenty-five schools, and not more than two dollars per district in counties having more than twenty-five schools. No provision was made for the visiting of schools. This time it appears that the office of county superintendent suffered not only from the attacks made upon it, but also from the animosity of the legislature toward the Board of Education.³⁵

During the next session of the General Assembly the attack upon the Board of Education was renewed with vigor. The time set by the Constitution for experimenting with such a board had passed, and the General Assembly proceeded to resume control of the educational interests by abolishing the Board on March 19, 1864.

PERIOD OF UNCERTAINTY

Contrary to the expectations of supporters on both sides of the struggle for control of the educational system, the

³⁵ *The Iowa Instructor*, Vol. III (1861-1862), pp. 146-148; *Laws of Iowa*, 1862, Ch. 172.

Tenth General Assembly in 1864 did little with the office of county superintendent of schools except to fix his compensation at two dollars per day, provided he visited each school at least once a year. Thus, the duty of visiting schools was reënacted, but pay for such services was optional with the board of supervisors.³⁶

Chapter 143 of the acts of the Eleventh General Assembly, in 1866, amended sixteen sections of the school law of 1862. Little of the new act affected vitally the office of county superintendent, except that section which fixed his compensation at three dollars per day for time actually spent in his official duties — provided he should visit the schools at least once a term, and spend at least one-half day in each visit. For this visiting he was to receive such additional compensation as the board of supervisors might allow.

How this law worked out is well shown in the report of the State Superintendent for 1867 when he said it was a common and just complaint that in many counties, after the superintendents had filed the sworn statements as required by law, the board of supervisors insisted upon cutting down their accounts. "In some instances supervisors raised technical objections, refusing to allow an account at all, because the Superintendent had not visited every school each term; when, perhaps, owing to the number of schools and the short time for which they were taught, a literal compliance with the law was impossible."³⁷

In 1868 the General Assembly made but few changes in the school law. In two respects the county superintendent was affected: the State Superintendent was given power to call conventions of the county superintendents at such

³⁶ *Laws of Iowa*, 1864, Ch. 52.

³⁷ *Laws of Iowa*, 1866, Ch. 143; *Biennial Report of the Superintendent of Public Instruction*, 1867, p. 49.

times and places as he deemed best; and the county superintendent was to receive a copy of the report of the Adjutant General for the year 1867.³⁸

The next session of the legislature did little better. A school for the blind having been organized, the county superintendent was required to report to the superintendent of that institution the number, names, and addresses of the blind in his county. Two other acts were passed which gave the county superintendent more power: the first provided the method for attaching territory in one county to a school district in another county; and the second established county high schools and made the county superintendent not only a member but also president of the board of trustees. The same act set forth the manner of securing school sites.³⁹

In his *History of Education in Iowa* C. R. Aurner sums up the situation as follows:

For fifteen years the office of county superintendent was really a temporary institution, and a disposition to abolish it was frequently manifested. One may trace this opposition to its ultimate source in the old independent district system and to the inherent unwillingness to submit to any outside interference or even oversight. About 1872 the opposition to the office of county superintendent reached its height.

The legislature again became the battleground, and several bills affecting the office were introduced. Some proposed to change the duties, some regulated the compensation, and one at least aimed to abolish the office. These bills, however, were killed in committee. Two insignificant acts were the product of this attempted legislation: one required the county superintendent to investigate before

³⁸ *Laws of Iowa*, 1868, Chs. 17, 162.

³⁹ *Laws of Iowa*, 1870, Chs. 31, 79, 94, 116.

revoking the certificate of any teacher, and the other provided for an annual report to the Superintendent of the Iowa Institution for the Deaf and Dumb similar to the one made to the School for the Blind.⁴⁰

The *Code of 1873* added the provision that the county superintendent should hold no other office nor be a member of a district school board. The next General Assembly continued the policy of tinkering with the school laws and after considerable debate decided to require that each teacher registering in a teachers' institute should pay a fee of one dollar.⁴¹

The State Teachers' Association in 1875 recommended that the county superintendent be appointed by a county board of education consisting of the presidents of the school boards in the county, and that aspirants to the office be required to hold a State certificate or a life diploma. This report suggests the present system.

THE OFFICE OF SUPERINTENDENT OPENED TO WOMEN

An interesting election contest occurred in 1875 — a contest destined to decide the future personnel of the office. At the election Howard A. Huff was defeated by Elizabeth S. Cook for the office of county superintendent in Warren County. Mr. Huff contested the election on the grounds that a woman was ineligible, claiming the office for himself. Judge John Mitchell of the circuit court decided that Miss Cook could not qualify since a woman was ineligible to the office of county superintendent; but he ruled also that Mr. Huff could not claim the position as he had not received a majority of the votes cast at the election.

⁴⁰ Aurner's *History of Education in Iowa*, Vol. II, p. 78; *Journal of the House of Representatives*, 1872, pp. 92, 104, 111, 267, 405, 435, 446; *Laws of Iowa*, 1872 (Public), Chs. 114, 133; *Journal of the Senate*, 1872, pp. 186, 217.

⁴¹ *Code of 1873*, Sec. 1776; *Laws of Iowa*, 1874, Ch. 57.

When Miss Cook appealed the case to the Supreme Court the decision was awaited with great interest in every county in Iowa. Women had held the office in various counties since 1869 when Julia C. Addington was appointed county superintendent of Mitchell County and then elected to the office at the general election. At that time the Attorney General ruled that the laws of 1862 contained no express provision making male citizenship a test of eligibility. Since women were citizens as well as men they were entitled to privileges as such. Miss Addington, of course, continued to hold the office, and in 1871 two other women were elected. This success encouraged more women to seek the office, and at the time Miss Cook was elected, women had been chosen to fill the office in five counties.

Before the Supreme Court could render its decision, the General Assembly enacted a law providing that women were eligible to the office and making the provisions of the act retroactive. The Supreme Court, therefore, did not pass upon the original question at issue but did affirm the power of the legislature to admit women to this office and to legalize past elections.

The immediate effect of this decision was to double the number of women elected to the office of county superintendent in 1876. The number has steadily increased since that time with the exception of the years 1878, 1880, 1882, and 1888. The election of 1921 placed sixty-one women in the office, six of whom succeeded men, while only four women were succeeded by men.

Since the regular elections of 1921 there have been six changes in the personnel of county superintendents. In these changes three women succeeded women, two men succeeded women, and one woman succeeded a man.⁴²

⁴² Aurner's *History of Education in Iowa*, Vol. II, p. 80; *Laws of Iowa*, 1862, Ch. 172; Gallaher's *Legal and Political Status of Women in Iowa*, pp.

DISCUSSION AND MINOR CHANGES

Judged by the absence of vital legislation and by the lack of notice in the press, the county superintendent of schools was almost forgotten during the decade following the admission of women to the office. During the campaign of 1877 there was a feeble attempt to raise the issue of abolishing the office. At the next session of the General Assembly, legislation proposed in the House of Representatives took the form of bills to reduce the salary and abolish the visiting powers of the superintendent. While all of these measures failed of enactment, the Senate succeeded in passing a bill in regard to county institutes, and another in regard to the manner of holding teachers' examinations — both of which were really compromises upon legislation attempted at the last session.⁴³

The Eighteenth General Assembly, in 1880, enacted no legislation affecting the county superintendent, although five bills were introduced in the House of Representatives.⁴⁴ During the Nineteenth General Assembly, the House of Representatives killed three bills lowering the compensation of the office. Several bills of minor importance were enacted during the session: one made it the duty of the county superintendent to report the names and the number of feeble-minded children to the superintendent of the institution provided by the State for their care; a second gave the county superintendent power to call the attention of school directors to the law that trees must be planted on the grounds; a third provided for the registering of State certificates and the method of entering complaints

228-232; *Laws of Iowa*, 1876, Ch. 136; *Huff v. Cook*, 44 Iowa 639; reports from county superintendents affected.

⁴³ *Laws of Iowa*, 1878, Chs. 54, 143.

⁴⁴ *Journal of the House of Representatives*, 1880, House File Nos. 71, 82, 269, 399, 465.

for the revocation of such certificates; and a fourth made visiting schools discretionary with the county superintendent, except that, when requested to do so by a majority of the board of directors, he must visit a school at least once during the term. The compensation for such visiting was increased to four dollars a day. The legislature must have been convinced that there were times when such work was expedient.

The sum total of educational legislation in 1884 was an act forbidding the erection of barbed wire fences about the school grounds; while the Twenty-first General Assembly added physiology and hygiene to the list of subjects to be taught in county institutes.⁴⁵

A COUNTY BOARD OF EDUCATION

The Twenty-third General Assembly provided for the organization of a county board of education of which the county superintendent was to be chairman, the other members being the county auditor and members of the county board of supervisors. This board was created to carry out the provisions of the law allowing counties to adopt uniform textbooks for use in all the common schools outside of independent town or city districts. To adopt this plan a petition signed by one-half of the school directors in any county must be filed in the office of the county superintendent thirty days before the annual school elections in March. The county superintendent as soon as possible notified the county auditor and the board of supervisors in writing, and within fifteen days they met and provided for the submission of the question to the voters at the next annual meeting. If the question carried, this board of education proceeded to select the books by advertising at least three weeks for bids and samples. The books selected

⁴⁵ *Laws of Iowa*, 1882, Chs. 23, 40, 161, 167, 1884, Ch. 103, 1886, Ch. 1.

by the board were placed on sale in various depositories throughout the county.

The present county board of education as created by the Thirty-eighth General Assembly assumed this authority to select the uniform textbooks and the reports of county superintendents indicate that the newly constituted board is much more efficient and helpful than the old in selecting suitable texts.

No legislation affecting the office of county superintendent was passed by the Twenty-fourth General Assembly; but at the last session there was enacted a bit of special legislation making it a part of the duties of the county superintendent to receive the reports of pupils in training schools. This applied, at that time, only to Black Hawk County because the only training school was in connection with the State Normal School at Cedar Falls.⁴⁶

The law governing examinations for teachers' certificates was revised by the Twenty-sixth General Assembly. Economics and civics were added to the list of subjects for a first grade certificate, and teachers in kindergartens were required to have certificates.

A REVIVAL OF INTEREST

While legislators and party newspapers had ceased to pay much attention to the office, the work of the county superintendents had gone on with more or less success. Among their number were well qualified, industrious individuals who tried to keep abreast of the times. Written examinations had almost become the rule. Teachers were compelled to attend the county institute. In the conventions of the county superintendents and at the sessions of the Iowa State Teachers' Association the problems connected with the office were ably discussed.

⁴⁶ *Laws of Iowa*, 1890, Ch. 24, 1894, Ch. 40, 1919, Ch. 56.

The editor of the *Iowa Normal Monthly* urged longer service, and insisted that the office should not be abolished. The same paper during the year 1893-1894 conducted a symposium on "How Can the County Superintendency Be Made More Effective?" Among the contributors were two county superintendents, R. C. Barrett and J. B. Knoepfler, both of whom were afterwards elected to the office of State Superintendent of Public Instruction. While the contributors differed widely in their advocacy of methods for accomplishing the desired results, all advocated higher qualifications, non-partisan elections, longer terms, better pay, additional powers, and sufficient office help, with, perhaps, assistants for the supervision of teachers in service.⁴⁷

In his biennial report for 1891, State Superintendent Henry Sabin opened his discussion of the office by saying that it was "a subject for congratulation that it is no longer necessary to adduce arguments in favor of retaining the county superintendency. We believe this office to be indispensable to our school system." He urged that the law in regard to qualifications and selection of county superintendents be amended along the lines of the Pennsylvania or Indiana plan, and that they be granted more power and authority.⁴⁸

The adoption of the *Code of 1897* made no changes in the status of the county superintendent, but the next General Assembly tinkered with the institute fund and the certification of teachers.⁴⁹ In 1900 vocal music was added to the list of institute subjects; the county superintendent was given power to select library books for the districts; and he was placed in charge of the uniform textbooks should

⁴⁷ *Laws of Iowa*, 1896, Chs. 38, 39; *Iowa Normal Monthly*, Vol. I, pp. 3, 126, Vol. XVII, pp. 474-481.

⁴⁸ *Report of the Superintendent of Public Instruction*, 1891, pp. 23-25.

⁴⁹ *Laws of Iowa*, 1896, Chs. 85, 86, 87.

such system be adopted by his county.⁵⁰ This law indicated a growing recognition of the county superintendents as the proper officers for the performance of such duties.

In 1902, for the first time in its history, the office was placed on a salary basis. The legislation provided a salary of \$1250 per year, plus postage, office expense, and traveling expenses to meetings called by the State Superintendent. No remuneration, however, was provided for visiting schools.⁵¹ By another law the county superintendent was required to furnish to the board of supervisors on January 1st of each year an itemized statement of the financial transactions of his office.

A single act requiring the county superintendent to publish a summary of the financial affairs of his office was the sum total of the legislation affecting the office in 1904.⁵²

CERTIFICATION OF TEACHERS

During the next few years the question of the training and certification of teachers began to receive more attention from the public, and the proceedings of the Iowa State Teachers' Associations contain many papers and discussions upon this important phase of public education. The biennial reports of the Department of Public Instruction also contain much material upon the subject. Educators felt that the county superintendents were too liberal in granting certificates to friends, personal and political. It appears that very often teachers holding first grade certificates in one county could get but a second grade in an adjoining county — a condition which indicated a lack of uniformity to say the least.

The county superintendent might compel a teacher to

⁵⁰ *Laws of Iowa*, 1900, Chs. 109, 110, 112.

⁵¹ *Laws of Iowa*, 1902, Ch. 124.

⁵² *Laws of Iowa*, 1902, Ch. 123, 1904, Ch. 113.

attend the full institute or suffer the indignity of failing to receive a certificate. One teacher, who styled herself "a Village Schoolma'am", rather humorously ridiculed this plan in an article entitled "The Institute or Summer Vacation, Which?". In this account she told of passing all the examinations required by an Iowa county superintendent only to be told that no certificate would be issued until after county institute, and none then unless she attended the full time. She added that the institute occurred on the dates she had planned to take advantage of a summer excursion rate.⁵³

In an attempt to secure more uniformity, the State Superintendent began to send out monthly lists of questions, the use of which was optional. Evidently some people must have objected to the use of these uniform questions for there occurs in the school reports of 1902 an opinion from the Attorney General that the State Superintendent has authority to prescribe the conditions under which county superintendents shall issue certificates as well as the grades and character of such certificates. In harmony with this opinion State Superintendent Richard C. Barrett, on September 15, 1902, prescribed a set of rules and regulations for uniform examinations.⁵⁴

LACK OF FAITH IN THE OFFICE

By 1906 the public had again almost lost its faith in the county superintendent. The qualifications had been increased somewhat by the requirement that the incumbent should hold a State certificate, a life diploma, or a two year certificate, and the salary and expense allowance had been increased in a measure. Yet the office was not showing favorable results. In many counties the superintendent

⁵³ *Iowa Normal Monthly*, Vol. XVI, p. 72.

⁵⁴ *Biennial Report of the Superintendent of Public Instruction, 1902-1903*, pp. 52-55.

did not maintain an office worthy of the name. He spent as little of his time as possible in his office, and, it is probable, made as few visits to the schools of his county as his conscience would permit. For all of this the office and not the man should be blamed. In reality the criticism should be upon the legislators whose economical ideas when carried out by still more penurious boards of supervisors destroyed the efficiency of the office.

In his annual report for 1905 State Superintendent John F. Riggs commented upon the situation by saying that "a large and important part of the county superintendent's work is necessarily away from the county seat. That Iowa county superintendents within the biennial period have made 12,646 visits to schools and have conducted 795 educational meetings is an eloquent tribute to their integrity and energy, in view of the fact that such work is optional and not obligatory. The law offers a premium for inactivity since the superintendent is at far less expense in his office than when out among the schools." Mr. Riggs then recommended that "the law should require the county board of supervisors to audit and allow claims for traveling expenses for this officer within definite limits for any month".

The law had provided that the county superintendent should hold an examination for teachers' certificates two days a month, obey the instructions of the State Superintendent, and visit the schools when requested to do so by a township officer and at such other times as he desired. But the visits and other outside matters required traveling expenses which had to be paid out of the superintendent's salary. In other words the more a county superintendent did the less pay he received. Why should he work?⁵⁵

⁵⁵ *Biennial Report of the Superintendent of Public Instruction, 1904-1905*, p. 16.

THE OFFICE AFTER 1906

The people who were interested in the common school system realized that radical changes must be made in the certification of teachers and the inspection of schools. Repeated failure of the General Assembly to heed urgent demands for revision and amendment made the sponsors of this new movement the more determined. Candidates for the Thirty-first General Assembly were sounded as to their opinions, and while the enactments of this Assembly were not startling, they constitute the beginning of fifteen years of legislation which has made the office a new power in common school education.

NEW QUALIFICATIONS, POWERS, AND DUTIES

Almost as soon as the Thirty-first General Assembly had organized Senator M. F. Stookey introduced Senate File No. 3, a bill to amend the section of the Code relating to certificates so that upon certain conditions a certificate issued in one county would be good in any county in Iowa. This bill was referred to the Committee on Elections. Ten days later Mr. Stookey asked that it be withdrawn from the Committee on Elections and re-referred to the Committee on Schools. This was agreed to by the Senate. Later Mr. Stookey introduced Senate File No. 296, a bill to repeal various sections of the Code and of the supplement to the Code, to define the powers and duties of the Educational Board of Examiners, and to encourage training in the science and art of teaching. This bill was referred to the Committee on Schools, which reported unfavorably, and the measure was indefinitely postponed.

Senate File No. 30, introduced by Senator J. L. Warren, was referred to the Committee on Schools on January 16th. Having been reported by the committee with amendments

the bill was deferred, made a special order, amended, debated, and so on for several days. Senator J. H. Jackson introduced a substitute which after some consideration was rejected. Finally Senator Warren's bill passed the Senate and went to the House of Representatives. There it was again amended. The Senate agreed to the House amendments and the bill went to the Governor on April 3rd.⁵⁶

This act, which was to go into effect on October 1, 1906, radically changed the office of county superintendent. Section two provided that the superintendent should be the holder of a first grade certificate as provided in the act, or a State certificate, or a life diploma. During his term he was to be ineligible to the office of school director or membership on the board of supervisors. He was required to visit the schools at least once a year and at such other times as requested by a majority of the directors of any school corporation, and he was to give personal instruction to the pupils at least one quarter of a day. On the first Monday of each month, he was to file with the county auditor an itemized and sworn statement of his actual expenses incurred in visiting schools and attending educational meetings within his own county during the previous month, and such expenses were to be allowed by the board of supervisors but not in an amount in excess of twenty dollars a month.

County Uniform Certificates. — Until October 1, 1906, county superintendents conducted examinations for teachers on the last Friday and Saturday of each month, and read the papers themselves. According to the law enacted by the Thirty-first General Assembly, which went into effect on this date, four regular examinations were provided.

⁵⁶ *Journal of the House of Representatives*, 1906, pp. 838, 839; *Journal of the Senate*, 1906, Senate File Nos. 3, 30, pp. 655, 946, 1036, 1083.

To this number the Thirty-sixth General Assembly added a fifth. The regular examinations now occur on the last Friday of January, June, July, August, and October and the Wednesday and Thursday preceding. They are held at the county seat, although the county superintendent may at his discretion provide for examinations to be held other places at the same time. For Black Hawk County the June and July examinations are usually held at Cedar Falls as well as at Waterloo. The board of supervisors is required to furnish rooms suitable for conducting the examinations, and must provide such assistance as the county superintendent requires.

Questions are made out by the Educational Board of Examiners and all examinations are conducted under the rules of this board. The papers, except those in didactics, are corrected in Des Moines by readers employed by the Educational Board of Examiners. Until 1921 ten of these readers were to be county superintendents who were called head readers and received only necessary traveling expenses. A fee of one dollar is charged for each applicant, one-half of which goes into the county institute fund.

One of the requirements for renewing uniform county certificates is that the candidate shall read at least one professional book each year. These books are selected by the Reading Circle Board, which consists of the State Superintendent of Public Instruction and six county superintendents elected by the county superintendents at their November meeting for a term of two years. Two members are elected each year. The State is divided into six districts and the board member from each district is reading circle manager for his own district while the county superintendent is manager for his own county.

County superintendents must approve all applications

for renewal of uniform county certificates under the rules of the Board of Educational Examiners. Uniform county certificates of first and second grade may be renewed any number of times, but third grade certificates may be renewed but once.

All certificates are to be registered in the office of the superintendent of the county in which the holder teaches. The fee for such registration was at first one dollar, which went into the county institute fund, but this fee has been abolished. Third grade certificates are not to be registered if the county superintendent feels there are enough teachers with higher certificates to fill the educational needs of the county. When sufficient teachers with certificates can not be secured the Board of Examiners may, upon request of the county superintendent, provide for a special examination in such county to be conducted in the same manner as regular examinations. Provisional certificates are then issued by the Board. Provisional certificates are also issued upon college credits when requested by the county superintendent. Provisional certificates are valid only in the county from which they are issued, and must be registered with the county superintendent. All other certificates are valid in any county upon registration.

The county superintendent must satisfy himself that all applicants for certificates are of good moral character. He is to keep a record of all examinations taken in the county with the name, age, and residence of each applicant, and the date of examination. On the first Monday in September of each year, he files with the president of the Educational Board of Examiners a list of all persons who for the preceding year held certificates and have attended the normal institute, with the number of days of attendance in each case. A similar report is to be made of summer

school attendance. The law provides the method of revoking certificates and gives the county superintendent large discretionary powers in the matter. The same act provides that the county superintendent may appoint a deputy to act in his stead except in the matter of visiting schools or trying appeals.

Another act provided for the election of county superintendents in the year 1906 and thereafter biennially. A third act made the first real provision for consolidated independent districts, although central schools had been organized and in operation for several years. Now it was made necessary that the approval of both the county superintendent and the State Superintendent should be secured before presenting the petition for consolidation. An act amending the section on school district organization made the reports of the county superintendent due the last Tuesday in August.⁵⁷

RESULTS OF FIRST YEAR

The new legislation put new life into the office of county superintendent, and the results were gratifying, especially along the lines of the certification of teachers and the visiting of schools.

State Superintendent John F. Riggs said in summarizing the results of the first year that: "Contrary to general report, the county superintendent still exercises large powers in the licensing of teachers. He alone passes upon the general fitness and moral character of each applicant. If he withholds his recommendation of an applicant a certificate is not granted. . . .

"The putting into force of the new system of certifying the teachers which directly affected 26,000 persons, could

⁵⁷ *Laws of Iowa*, 1906, Chs. 39, 122, 136, 1915, Ch. 291; *Midland Schools*, Vol. XXXVII, p. 122, December, 1922.

not be done without some friction. Naturally the administration will work more smoothly from this time on. The law so far as tested is regarded as successful by those best able to judge.'⁵⁸

INCREASED RESPONSIBILITY

Because of the change to biennial elections, the next session of the General Assembly was held in 1907, when two minor acts were passed adding to the powers and duties of the county superintendent: he was empowered to call special elections for filling vacancies on the boards of directors if the number of members fell below a quorum and had no secretary, and he was given authority to enforce the compulsory education law. The same Assembly passed an act authorizing a commission to revise the school laws, but the report of this commission did not prove acceptable to the legislature.

Since 1907 the General Assembly has made various changes in the laws of 1906. The Thirty-third General Assembly gave the board of supervisors power to fix the bonds of the county superintendent.⁵⁹ By the Thirty-fourth General Assembly the work of county superintendents was considerably increased. In districts not maintaining four year high schools of an approved character provision was made for the payment of the tuition in an approved high school of those pupils presenting a certificate showing completion of the eighth grade.

The county superintendent is to furnish such certificates of proficiency in the common branches. This means conducting eighth grade examinations as well as providing and issuing tuition certificates. Although this law has been amended several times, it is still a vital factor in public

⁵⁸ *Report of the Superintendent of Public Instruction, 1906-1908*, pp. 31, 35.

⁵⁹ *Laws of Iowa, 1907*, Chs. 150, 154, 222, 1909, Ch. 75.

school work. Examinations are given in February and May of each year, and usually in August, the questions being sent out by the Department of Public Instruction. Some county superintendents insist that all applicants shall write the examinations at the county seat; others allow the pupils to write under the direction of the superintendent of the town or city system nearest them; and a few county superintendents allow the rural teachers to give the examination to their own pupils. Most of them grant certificates without examination to tuition pupils who complete the eighth grade of an approved school.

Some superintendents have followed the plan of admitting to high schools, with the approval of the city superintendents and high school principals, certain pupils who failed to pass in one or more of the common branches, but whose age and general fitness makes them likely to do work in high schools. At the end of a six weeks or three months period the legal certificate is issued, if the high school principal can certify satisfactory progress on the part of the pupil. This view of the county superintendent's powers has given many young people a chance to receive a high school education where a strict observance of the law would have deprived them of such opportunity. Others have combined examinations and daily grades in issuing certificates.

The establishment of normal training high schools gave the county superintendent an added duty of conducting the examinations, checking results, and certifying certain items to the State Department of Public Instruction. The renewal of certificates requires testimonials of successful teaching, the reading of professional books, and general fitness.⁶⁰

⁶⁰ *Laws of Iowa, 1911, Chs. 130, 131, 143, 146.*

ELECTION BY CONVENTION

The Thirty-fifth General Assembly again took up the problems of educational legislation. Many bills were introduced in both houses, and as regards the office of county superintendent six or seven are important. The most radical change was in the time and manner of selection — the new act providing that on the first Tuesday of April in the year 1915, and each third year thereafter, and whenever a vacancy occurs in the office of county superintendent of schools, a convention shall be held at the county seat for the purpose of electing a county superintendent of schools, at which convention each township, city, town or village independent district and each independent consolidated district in the county shall be entitled to one vote. Each such school corporation shall be represented by the president of the school board, or in his absence or inability to act, by some member of such school board to be selected by the board. It is further provided that where a congressional township is composed in whole or in part of rural independent districts that such rural independent districts shall be entitled to one vote in the convention, which vote shall be cast by such person as may be selected by the presidents of the component rural independent districts within such township. All representatives shall serve until a county superintendent is elected and qualified.

The convention for the election of superintendent is called by the county auditor by mailing a written notice to each president and secretary at least ten days before the day of meeting and publishing a notice in the official newspapers of the county. The county auditor serves as secretary of the convention. He calls the convention to order and submits a list of the school corporations entitled to participate. The convention then selects a chairman and

proceeds to the election of a county superintendent who must possess the legal qualifications. The person selected then serves for three years or until his successor is elected and qualified. The convention may choose a committee of five members to investigate and report on the candidates at a subsequent date to which the convention may adjourn, or it may by a three-fourths vote authorize such committee to elect a county superintendent of schools and file the name of its choice with the county auditor, whereupon such person is deemed duly elected to the office. In the convention a majority of the representatives provided for constitutes a quorum. The representatives are paid ten cents a mile one way for the distance necessarily traveled in reaching the place of the convention.

The act raised the compensation of the superintendent to \$1500 a year, made provision for necessary office stationery, postage, expenses incurred in attending meetings called by the State Superintendent, and such further compensation as the convention might deem proper. The board of supervisors might also allow him still further compensation. The salary was to be paid monthly, and all claims for expenses were to be made by verified statements filed with the county auditor who drew a warrant for the amount. The same method of election still exists, but the compensation has been changed several times during the past ten years.

In another section of the law the qualifications and duties of the county superintendent were clearly outlined and the sum he might collect for expenses incurred within his own county was limited to \$250 a year. Superintendents then in office were to hold over until September 1st — the present time for making changes in the office, the elections occurring every three years.

Another radical change was in the manner of conducting county institutes. Instead of the old six-day institute held during vacation, each county now has at least one two-day session at such time as the schools of the county are regularly in session. These are popularly known as inspirational institutes. All teachers of the county are required to attend the entire two days unless excused by the county superintendent. In city systems employing twenty-five or more teachers the city superintendent may, with the approval of the county superintendent, plan his own series of lectures.

Several laws of minor importance affecting the office of county superintendent were enacted at this session. The county auditor had for many years sold copies of the school laws, but a new act gave the county superintendent authority to furnish a copy to each school officer and to other persons who requested copies. A report of all deaf persons under the age of thirty-five years was to be made to the Superintendent of the School for the Deaf. The extension of normal training in high schools added to the work of county superintendents. From four to six weeks summer school was authorized in counties where the county superintendent deemed it advisable, but few counties have held such schools since 1914. The college summer sessions have removed all necessity for such county teacher training.⁶¹

The Thirty-sixth General Assembly passed an act amending the qualifications of the county superintendent so that their certificates must meet the new requirements at once. Another act provided for an examination in August at which those who received their normal training in summer schools might write.⁶²

⁶¹ *Laws of Iowa*, 1913, Chs. 107, 225, 232, 239, 242, 249, 256.

⁶² *Laws of Iowa*, 1915, Chs. 129, 291.

FURTHER POWERS AND DUTIES

In 1917 the law governing tuition pupils was amended, the county superintendent being given power to determine the amount due the creditor corporation, subject to an appeal to the district courts. The law on the consolidation of schools was rewritten, but the powers and duties of the county superintendents were not materially affected thereby. Other acts made it necessary for the county board of supervisors to give approval in writing before a deputy county superintendent could be appointed; and gave the county superintendent power to appoint appraisers for new school sites.⁶³

The Thirty-eighth General Assembly passed some forty acts in revision of the school laws. Several of these affected the office of county superintendent. The salary depended upon the population of the county, varying from \$1600 to \$2500 and expenses as heretofore provided. But no salaries were to be increased until June 30, 1921; and no one then receiving more than the schedule salary through action of the board of supervisors was to be reduced in his salary. Expenses for visiting schools were to be allowed up to \$400 a year, the deputy's salary was to be fixed by the board of supervisors but was not to be less than \$750 per year.

Many miscellaneous duties were now placed upon the county superintendent, such as enforcing the compulsory education law and the law providing for the teaching of secular subjects in English; reporting rural schools which meet the requirements of "standard" schools; assisting such schools in the use of their appropriation; appointing a board of directors in school corporations where no director qualified; endorsing the record of successful teaching

⁶³ *Laws of Iowa*, 1917, Chs. 26, 156, 317, 432.

upon teachers' certificates so that the holder might receive the benefits of experience under the minimum wage law; receiving a copy of the contract between the State colleges and districts having demonstration schools.

The Thirty-eighth General Assembly also provided for a new county board of education, which was to take over the selection of uniform textbooks, hear appeals on cases arising from the organization or dissolution of consolidated schools, and act as an adviser to the county superintendent in all school matters.

This new board of six members is to be chosen by the same convention which elects the county superintendent and after April, 1919, at the same session. Members may be of either sex, but must at the time of selection be qualified voters of the county. The county superintendent is chairman of the board of which but one member, outside of the county superintendent, may be from the same school corporation. Meetings are held on the second Monday of August and September of each year and at the call of the county superintendent, or upon the written request of any three members.⁶⁴

One of the most important pieces of legislation during the session of the Thirty-ninth General Assembly in 1921 was the act governing consolidated school organizations. The old plan was entirely rewritten, the details being made very much clearer. Another act of the same session placed the upper limit of the salary at \$3000 per year. A third act, in the nature of a blanket repeal, did away with the head readers, that is, the ten county superintendents who had been called by the Educational Board of Examiners to read the papers submitted by candidates for uniform county certificates.

⁶⁴ *Laws of Iowa*, 1919, Chs. 56, 187, 201, 293, 303, 311, 340, 351, 364.

The success of the county superintendent's office during the past fifteen years seems to indicate that this office does have a real part and place in the educational system of Iowa, and that with judicious amendments and additions to the present law, the county superintendent may become the officer hoped for by those who worked out the school system in 1858.⁶⁵

SUMMARY

Qualifications. — In creating the office of county superintendent in 1858 the legislature seems to have had no thought that this office would require a person with special training and qualifications differing from those of other county or district officers; and down to the adoption of the *Code of 1873* no additional requirements or limitations were placed upon candidates. The *Code of 1873* provided that the county superintendent could not be a member of the board of directors or of the county board of supervisors. In 1876 the General Assembly expressly made women eligible, but in no way changed the qualifications of the office. Until the codification of the laws in 1897, a county superintendent was not required to hold a teacher's certificate.

The *Code of 1897* provided that the county superintendent might be of either sex, and must hold a first class certificate, a State certificate, or a life diploma. The plan of certification in Iowa changed within the next few years so that the *Supplement of 1902* provides that the county superintendent must be the holder of a two year certificate, a State certificate, or a life diploma. The act of 1906 further increased the necessary qualifications by requiring a first grade (three year) certificate, a State certificate, or a

⁶⁵ *Laws of Iowa*, 1921, Chs. 74, 112, 175, 209.

life diploma. In 1913 the question of qualifications again arose, and at present the superintendent must hold a regular five year State certificate and have had five years of experience in teaching or superintending, provided that any county superintendent holding office then was to be considered eligible for reëlection.

This bill to increase the qualifications of the county superintendent was introduced into the House of Representatives by J. E. Bruce. It proposed to require a regular five year State certificate, at least two years training above the high school, and five years experience in teaching. The Committee on Schools and Textbooks reported an amendment inserting the words "Normal or College" before the word training, and the words "or superintending" after teaching, and recommended that the bill so amended be passed. When the bill was considered T. A. Kingland, of Winnebago County, offered a substitute amendment, which was adopted, and the bill passed in its final form. Walter P. Jensen explained his vote for the amendment in part as follows: "I believe that in 99 cases out of 100 the person who holds a five year state certificate has also had at least two years' work of normal or college training above the high school, and if the 100th person has succeeded through his own efforts in qualifying himself for a state certificate and has demonstrated his ability by doing so, I am willing that he too should be eligible to the office of county superintendent. I therefore vote aye on the amendment."

The truth of this comment is seen in the data recently compiled. Of those serving as county superintendents in 1922 more than two-thirds have attended normal schools and colleges for two years or longer. Of this number, fourteen hold two and three year degrees and diplomas,

forty-one have bachelor's degrees, while seven hold the graduate degree of M. A. or M. S. Several have studied law, one at least holding a law degree. Several others have done special work in art.

Of the county superintendents reporting in connection with this study, practically all had far exceeded the minimum requirement in experience. Three had had only the required five years, the others ranging from six to twenty years in public school work. Several report experience as teachers in normal schools and colleges, one man having been a normal school president for several years. A very few of those serving in 1922 had had experience in supervising or teaching special subjects alone.

As regards the grade of certificate held, reports indicate less than ten per cent hold certificates other than first or second grade State certificates.

These figures indicate that the qualifications of the county superintendents are becoming higher.⁶⁶

Election. — County superintendents were elected by the qualified voters from the time the office was created in 1858 until 1915 when the recent law went into effect. The arguments for and against popular election are too numerous and too well known to need discussion here. The new plan of having the county superintendents chosen by a meeting of the representatives of the school corporations is not without its faults, yet it has many advantages. One of the first of these is the fact that the person chosen does not have to be a resident of the county. The convention may look over the State and select the best qualified individual it can find. In at least one instance a superintendent has resigned his office in one county to accept a position in an-

⁶⁶ *Journal of the House of Representatives*, 1913, pp. 218, 364, 726, 727; *Laws of Iowa*, 1913, Ch. 107; data from questionnaires sent out in November, 1922.

other county.⁶⁷ Until the Thirty-ninth General Assembly limited the salary a convention was able to offer adequate compensation to competent persons.

The presidents of the school corporations are better informed on educational needs, and can secure more data on the applicants than the electors at a general election. The convention is likely to be more interested in the schools than is a county board of supervisors. It is true that some candidates secure votes on pleas of sympathy or through other unprofessional means, and that a "machine" may rule the convention, but these same objections may be raised against selection at a general election. Another valid reason for favoring the present form of selection is that so many people feel that the office of county superintendent is unimportant. Such lack of interest allows unfit candidates to slip into office almost unobserved.

Data secured in November, 1922, indicates that not only does the present method of selection give greater opportunity to secure the best candidates, but it gives the rural districts the virtual selection of the county superintendents. Assuming that the presidents of the various school corporations would be the delegates as implied in the law and that conventions were to be held prior to March, 1923, the farmers' vote would be three times the combined vote of business and professional men or women. Reports from ninety-two counties show 1829 farmers, 446 business men, 120 professional men, and 4 women as the probable members of such conventions.

Another interesting fact may be gleaned from the same

⁶⁷ H. C. Moeller, the county superintendent of Black Hawk County, holds the distinction of being the first county superintendent chosen under the new law. He was elected at a special convention in Buena Vista County, to serve an unexpired term in 1913, and was reelected at the regular convention in 1915, but declined, in order to accept election in Black Hawk County.

reports. In the ninety-two counties reporting, the average election cost to the successful candidates averaged less than six dollars while forty-five report that they spent no money. The expenses of the counties for advertising and mileage averaged less than thirty dollars a county and in a few counties no claims were filed. These costs compared with the cost of primary and general elections show conclusively that the present system is in the interests of economy as well as efficiency.⁶⁸

Bonds. — The early county superintendents were not required to furnish bonds. But the *Code of 1873* included this officer in the list of those officials who should give bonds. The board of supervisors fixes the amount of the superintendent's bond which can not exceed five thousand dollars. The usual bond required is one thousand dollars.⁶⁹

Tenure of Office. — One of the most important factors in determining the success of an administrative official is tenure of office. The old plan of choosing county superintendents biennially at the general election made the tenure both uncertain and short. A candidate was successful or defeated, depending largely upon the strength of his party. Politicians are fond of declaring "two terms, and out"; but the reports of the Department of Public Instruction indicate that under the old law many county superintendents left office at the close of their first term. Frequent changes gave energetic county superintendents no oppor-

⁶⁸ In November, 1922, questionnaires were mailed to each county superintendent of schools in Iowa. To those failing to respond second and third requests were mailed, but at the time of going to press replies are lacking from seven counties — Boone, Clayton, Delaware, Dickinson, Hardin, Marion, and Van Buren. Chas. F. Pye, Secretary of the Iowa State Teachers' Association, finds similar results. — *Midland Schools*, Vol. XXXVII, No. 5, January, 1923, pp. 141, 142.

⁶⁹ *Code of 1873*, Sec. 678; *Code of 1897*, Sec. 1185; *Compiled Code of 1919*, Sec. 619.

tunity to carry out their plans. No successful business concern would attempt to change managers every two or four years.

The present plan of electing by a convention for a three year term is a step toward efficiency. It has removed the office from the party scramble at the general election, and gives the county superintendent one year longer to carry out his policies.

The law is too recent to show clearly what its effect upon tenure will be, but the 1920 and 1922 reports indicate that there is a stronger tendency toward reelection, although a majority have served less than two terms. There is, however, a growing number of those serving many terms. Clarence Messer has served in Humboldt County since 1899; E. C. Linn in Lee County since 1904; and Estelle Coon in Poweshiek County and W. L. Peck in Allamakee County since 1906. Several others have served four and five terms.⁷⁰

Salary. — From the first the county superintendent has been hindered by the meager stipend paid for his services. The act creating the office limited the compensation to not more than one-eighth more than the clerk of the district court received and not less than fifty dollars. Later the Board of Education specified that the salary was not to exceed that of the clerk of the district court. In 1859 the salary was fixed at two dollars per day — the total not to exceed one-half the pay of the clerk of the district court. In 1861 the Board provided two dollars a day and necessary mileage — the total in any year not to exceed three dollars per school. The legislature of 1862 set the salary at two dol-

⁷⁰ *Laws of Iowa*, 1913, Ch. 107; *Biennial Report of the Superintendent of Public Instruction*, 1918-1920, pp. 239, 240, 241; data from questionnaires sent out in November, 1922.

lars per day — the whole compensation not to exceed fifty dollars per year in counties having less than twenty-five districts, and not to exceed two dollars per district in all other counties.

The Tenth General Assembly made the salary two dollars a day, except for visiting schools, compensation for which was to be fixed by the county boards of supervisors.

A forward step was taken by the General Assembly of 1866 when it fixed the salary at three dollars per day, providing the county superintendent visited each school once each term and spent at least one-half day in each visit. The county board of supervisors had the option of granting additional compensation. In the *Code of 1873* provision was made for three dollars a day, stationery, postage, and such additional compensation as the board of supervisors might allow. The compensation was increased to four dollars per day in 1882; and the *Code of 1897* provided for the same per diem together with stationery, postage, and expenses to meetings called by the State Superintendent.

The Twenty-ninth General Assembly placed the compensation on a fixed salary basis for the first time in the history of the office, establishing the salary of \$1250 per year, with postage and expenses for called meetings. In 1906 this was increased by payment of expenses incurred in visiting schools, not to exceed twenty dollars a month. No further change was made until 1913 when the law provided the county superintendent should receive all necessary office stationery and postage and expenses incurred in attending called meetings, not to exceed \$250 a year for expenses incurred within his own county. His salary was fixed at \$1500 a year, and in addition such sum as the representatives of the school corporations might allow. The board of supervisors might increase this sum but

could not decrease it. In 1919 a new graded salary schedule was enacted, all increases to take effect on June 30, 1921, with the provision that no superintendent should be reduced in salary during his present term. The expense allowance for activities within the county was increased to \$400 a year.

The Thirty-ninth General Assembly amended the salary law making the minimum salary \$1800, and the maximum \$3000 with the necessary expenses as before provided. The excess over the minimum is granted now by the county board of supervisors and not the school corporation representatives. This law went into effect on April 5, 1921.

During the biennial period, 1919-1920, one superintendent received \$1600, one \$3000, and forty-five between \$1700 and \$1800. The median salary was \$1750 for twelve months.⁷¹

Removal from Office.—The acts relative to the establishment of the office of county superintendent of schools and those concerning its later status contain nothing concerning removal from office. Neither has any county superintendent been removed. Therefore there are no judicial decisions upon which an opinion may be based. There is a feeling in some quarters that the Code provisions for removal of county officers apply. Others feel that the county superintendent does not come under the list of elective officers because of the manner of his selection.

Many students of the problem doubt also if the lapse or revocation of a county superintendent's certificate would

⁷¹ *Laws of Iowa*, 1858, Ch. 52, 1862, Ch. 172, 1864, Ch. 102, 1866, Ch. 143, 1902, Ch. 124, 1906, Ch. 122, 1913, Ch. 107, 1919, Chs. 293, 303; *Acts, Resolutions and Forms adopted by the State Board of Education* (First Session), 1858, Act No. 8; *Educational Laws of the State of Iowa*, 1860, Pt. VIII, pp. 7-23; *The Iowa Instructor*, Vol. III, pp. 146-148; *Code of 1873*, Sec. 1776; *Code of 1897*, Sec. 2742; *Biennial Report of the Superintendent of Public Instruction*, 1918-1920, pp. 31, 32.

remove him from office; although, without a doubt, such a condition would prevent reëlection. Luckily, there is little likelihood of any method of removal being used.⁷²

Deputy County Superintendent. — During the first five years of the office the county superintendent was allowed assistance only at the time of holding examinations. The Ninth General Assembly provided for the appointment of a deputy when for any cause the county superintendent was unable to attend to his duties. This deputy could perform any duty devolving upon the county superintendent except that of visiting schools and trying appeals. Until 1913 this provision remained unchanged, the county superintendent being supposed to appoint a deputy only when he was unable to attend to the duties of his office. No provision was made for the compensation of such deputies. The board of supervisors have, since 1862, been allowed to grant the county superintendent such additional compensation as it deemed proper, and there is evidence that in some counties deputies have been maintained for many years.

By the legislation of 1913 the county superintendent "may appoint a deputy, for whose acts he shall be responsible" — a provision of law which was amended in 1919 to require the written permission or approval of the board of supervisors. The salary is now to be fixed by the board of supervisors at not less than \$750 a year. The reports of the State Department of Public Instruction for 1918-1920 indicate that in eleven counties the supervisors allow no regular deputy. The highest salary paid in 1920 was \$1320 and the lowest \$720 — thirty dollars less than the legal minimum. Deputies may be required to give bond, but this does not release the county superintendent from

⁷² *Compiled Code of 1919*, Secs. 133, 642, 651, 2479.

responsibility and liability for the wrongful acts of the deputy.

The law should be so amended as to require a deputy in each county, who should be qualified and allowed to visit schools, so that this important duty might be carried on throughout the year.⁷³

Visiting Schools.—Before the creation of the office of county superintendent of schools the inspectors and committees from the boards of directors were expected to visit and inspect the various schools of their own districts. By the creative act this duty was given to the county superintendent. He was expected to visit each school at least twice each year, and was given authority to appoint a committee to visit in his stead.⁷⁴ The Board of Education in 1861 provided that the county superintendent should personally visit each school, and should deliver a lecture in each township; but the legislation of 1862 failed to mention such a duty, or to provide compensation for the work. Accordingly the superintendent was not required to visit schools. By the legislation of 1864 he was required to visit each school once each year.⁷⁵

The Eleventh General Assembly required the county superintendent to visit the schools once each term, spending half a day in each. No further mention of this duty is made until there appeared in the *Code of 1873* the provision that the county superintendent might appoint a deputy for all duties, except that of visiting schools and

⁷³ *Laws of Iowa*, 1862, Ch. 172, 1913, Ch. 107, 1919, Ch. 311; *Code of 1897*, Secs. 2734, 2735; *Biennial Report of the Superintendent of Public Instruction*; 1918-1920, pp. 239-241.

⁷⁴ For definite provisions of the requirements see notes 1, 2, 3, 4, 5, 6, 8, 9, 16, 28.

⁷⁵ *The Iowa Instructor*, Vol. III, pp. 146-148; *Laws of Iowa*, 1862, Ch. 172, 1864, Ch. 102.

trying appeals. At the same time this Code made no mention of such visits as among the duties of the superintendent. In 1882 the General Assembly made visiting schools discretionary, unless a majority of the board members of a school requested it. For what visits he made he was to receive the new compensation of four dollars per day.⁷⁶

This plan was retained until 1902 when the provision for compensation was omitted. The act of 1906 again included this duty, the superintendent being required to spend at least one-fourth of a day in each school once a year, and oftener if requested to do so by a majority of the board. In this one quarter of a day he was "to give personal instruction to the children". Expenses for such visits were limited to twenty dollars a month, which in many counties would amount to less than seventy-five cents a day. Compensation for such work was included in his salary. Under the laws of 1913 the total yearly expense was not to exceed \$250, but in 1919 this amount was increased to \$400 per year, the superintendent being required to visit each school at least once a year — a requirement almost impossible of fulfillment.⁷⁷

Certification of Teachers. — Certification of teachers was without a doubt one of the most important questions connected with the office of county superintendent down to 1906 when the authority was given to the Educational Board of Examiners. The creative act specified examinations in the "Three R's", orthography, English grammar, and "such other branches as may in special cases be required". The county superintendent was to announce the place of holding examinations. By the Board of Educa-

⁷⁶ *Laws of Iowa*, 1882, Ch. 161.

⁷⁷ *Laws of Iowa*, 1902, Ch. 124, 1906, Ch. 122, 1913, Ch. 107, 1919, Ch. 303.

tion's reënactment the time and place were fixed as the last Saturday of each month at the county seat. The final session of the Board cut down the number of regular examinations to two — on the second Tuesday of April and September — provided one of said examinations should be at the time of the county institute. No examinations were held under these provisions, since the next General Assembly in repealing the Board's act changed the date back to the last Saturday of each month, and required, in addition to the examinations, good character and ability. These examinations were to be public.⁷⁸

In 1866 United States history was added to the list of subjects, but no further changes were made until 1878 when the county superintendent was permitted to examine teachers of music, drawing, penmanship, bookkeeping, German or other languages, and to issue a certificate for one or more of these special branches. By the *Code of 1897* two grades of certificates were provided, where before each county superintendent had used his own plan of certification. Some issued one, some two, and some three or four kinds of certificates. The State Superintendent had, in 1877, limited the age to nineteen for men and seventeen for women, and so it remained until 1906 when the age of eighteen was established for both.⁷⁹

At first examinations were either written or oral —

⁷⁸ *Laws of Iowa*, 1858, Ch. 52, 1862, Ch. 172; *Acts, Resolutions and Forms adopted by the State Board of Education* (First Session), 1858, Act No. 8; *Acts of State Board of Education*, 1859, Pt. 8; act of State Board of Education, 1861, published in the *Iowa Instructor*, Vol. III, pp. 146-148.

⁷⁹ *Laws of Iowa*, 1866, Ch. 143; *Code of 1897*, Sec. 2737; *Biennial Report of the Superintendent of Public Instruction, 1876-1877*, p. 51; *Regulations of Educational Board of Examiners*.

The various acts, laws, and official documents refer to this board as the "Educational Board of Examiners" and the "Board of Educational Examiners" interchangeably and synonymously, and the writer has so used the terms in reference to this board.

sometimes both. After the State Board of Educational Examiners was established on a working basis, their written examinations practically compelled county superintendents to adopt the same plan. Much of the grief during the period before 1906 was due, however, not to the county superintendent, but to the people of some communities who would even go so far as to petition the county superintendent to grant a certificate to some person utterly incapable of passing the examinations, and if a certificate was refused the person in question kept school anyway, the law providing no penalty for the payment of salaries to such persons. This condition led to the lax methods of examination and certification discussed elsewhere, and the resulting agitation brought about the present system.⁸⁰

Teachers' Institutes. — The first teachers' institute was held in Dubuque in 1849 with Superintendent Benton in attendance. As a result of the success of this institute, perhaps, Mr. Benton recommended that teachers' institutes be made a regular part of the school system and that a State appropriation be made for their maintenance. In 1856 an institute was held at Tipton. The organization here included a president, vice president, secretary, assistant secretaries, and a treasurer — a form which persisted several years. The success of these institutes led State Superintendent M. L. Fisher to recommend to the General Assembly in 1858 that liberal provision be made for their support.

Legislation in 1858 made practically the same provisions for institutes as had been recommended in the report of the Mann Commission. Annual institutes were to be held for six working days, and \$100 was allowed by the State

⁸⁰ *Biennial Report of the Superintendent of Public Instruction, 1876-1877*, p. 5; *Aurner's History of Education in Iowa*, Vol. I, p. 304.

to those approved by the Superintendent of Public Instruction — \$1000 having been appropriated for such purposes. Mr. Benton allowed but \$50 to each institute. At the date of his biennial report he had paid this sum to fifteen institutes, and he reports that there were applications on file for the remainder. Thus, it may be assumed that twenty counties received State aid during the year 1859. In 1860 the legislature cut the appropriation to \$50 for each institute. Thirty-four institutes were held that year, and thirty-five in 1861. From that time on the increase in the number of institutes held and in the attendance was rapid.⁸¹

About 1871 or 1872 some counties began to hold normal institutes as well as teachers' institutes, the normal institutes being in session from two to four weeks. In 1874 a normal institute was required in every county, to be held at such time as the schools of the county were generally closed. The teachers attending were charged an institute fee of one dollar, which with the State aid of fifty dollars constituted the institute fund. These institutes continued to grow in attendance and results were gratifying until about 1903 when the effect of summer schools held at colleges and universities began to be felt. The summer schools, giving credit toward graduation, made great inroads upon the number of teachers attending the county institutes. It was soon apparent that Iowa had outgrown the institute for which the teachers paid a fee. This fee had long been an objectionable feature — Jonathan Piper having pointed to the fact that the State paid the militia to learn how to shoot, but taxed teachers to learn to teach.⁸²

⁸¹ Aurner's *History of Education in Iowa*, Vol. II, pp. 151-186; *Report of the Secretary of the Board of Education*, 1859, pp. 18, 19.

⁸² *Laws of Iowa*, 1874 (Public), Ch. 57. Practically each report of the Superintendent of Public Instruction contains a lengthy discussion of institutes. — Aurner's *History of Education in Iowa*, Vol. II, p. 185.

In 1912 the Better Schools Commission proposed to abolish the institute and to substitute in its stead "short, inspirational" institutes to be held during the school year, with compulsory attendance and no loss of pay. The law enacted in 1913 follows this recommendation, permitting not more than two such institutes each year and requiring one. These institutes are in session two days, and teachers must attend or forfeit the "average daily salary" during the time they were absent — a plan that has been followed since July 1, 1914. The favorite time of the year seems to be October or February, although in counties containing large cities the first week in September appears to be preferred.

The institute fund now consists of the \$50 of State aid, one-half of all the examination fees collected in the county, and \$150 appropriated by the board of supervisors in counties having thirty thousand population or less, or \$200 in counties having over thirty thousand — ten in number. This fund may be used only for institute purposes.

All city independent districts having less than twenty-five teachers in the schools must close for the time of the institute and the teachers must attend. In districts having twenty-five or more teachers the county superintendent shall coöperate with the city superintendent to secure the lectures and work most fitted to the city teachers. In some counties the city schools close, in others they have their own series of lectures. In Polk County, as well as several other counties, the two are held together during the first week in September.

The county superintendent issues to each teacher a certificate showing the days attended, without which certificate the teacher can not collect that portion of her salary.⁸³

⁸³ *Report of the Better Iowa Schools Commission, 1912, pp. 53, 64; Laws of Iowa, 1913, Ch. 225.*

Consolidated Schools. — Some of the most recent and yet most important powers and duties of the county superintendent of schools are those connected with consolidation of schools. This movement began in Iowa within the past twenty years, but one central school being organized prior to that time. The growth has been especially rapid during the past five years. In the 1920 report of the Superintendent of Public Instruction it appears that the number of consolidated schools increased from 238 in 1918 to 430 in 1920. At the time of that report but five counties — Lyon, Winneshiek, Howard, Chickasaw, and Monroe — had no consolidation. This means that practically every county superintendent has had one or more consolidated school problems during his term.

The laws governing the organization and dissolution of consolidated school districts have given to the county superintendent large discretionary powers as well as many specific duties, among which are the hearing of objections and appeals. The decline in prices of farm products and the increased taxation of farm property have made petitions for consolidation almost certain forerunners of appeals. Such appeals, together with the other duties in connection with consolidation, occupy the attention of the county superintendent for at least three months — about the minimum time necessary to complete an organization as may be shown by the hypothetical schedule appearing at the close of this chapter.

As a result of this situation the Thirty-ninth General Assembly practically rewrote the law. The new statute contains forty-two sections, several of which are new. It sets forth each detail of procedure for the organization and the dissolution of consolidated independent districts, providing that all districts in process of organization at

the time the act went into effect were to complete their organization under the prior law and that the act in no way affected pending litigation.

Consolidated independent school corporations may be formed for the purpose of maintaining a central school, and the existing corporations dissolved in the manner provided by this act. There must be an area of not less than sixteen government sections of contiguous territory in one or more counties. A petition describing the boundaries of the proposed district and asking for the establishment of a school corporation when signed by one-third of the voters residing within the proposed district may be filed with the county superintendent of the county in which the greatest number of qualified voters reside. Such petition must be accompanied by an affidavit showing the number of qualified electors living within the territory described and signed by a qualified elector residing within said territory, and if the territory described is situated in different counties the number of qualified electors in each county shall be given separately. This affidavit shall be taken as true unless objections are filed on or before the time fixed for filing objections.

Within ten days after the petition is filed the county superintendent shall fix a final date for filing objections in his office, and give public notice for at least ten days by one publication in a newspaper published within the territory described in the petition; or if there be none published therein, in the nearest town or city in any county in which any part of the territory described is situated. Objections must be in writing in the form of affidavits and may be made by any person residing or owning land within the territory described, or who would be injuriously affected by the organization of the new corporation. This, in fact,

gives any one who may feel that the new corporation will be injurious the right to file an objection. These objections must be on file not later than twelve o'clock noon of the final day fixed for filing objections.

On this date interested parties may present evidence and arguments. The county superintendent reviews the matter on its merits, and within five days after the conclusion of any hearing rules on the objection and either enters an order fixing such boundaries for a proposed school corporation as will in his judgment be for the best interests of all persons concerned, having due regard for the welfare of adjoining districts, or he dismisses the petition. The county superintendent is required to publish this order immediately in the same newspaper in which the original notice was published.

Within ten days after the publication of such order, any petitioner, objector, or any other person living or owning land within the territory described in the petition may ask for a hearing before the county board of education by serving notice on the county superintendent. Within five days after a hearing has been asked, the county superintendent shall file with the county board of education all the original papers together with his decision, and fix a time and place for hearing and give notice to each applicant by registered letter. If more than one person has signed the application for a hearing before the county board, notice to the first three signers shall be considered notice to all. The time fixed for such hearing shall be not less than five nor more than ten days after the time for asking for said hearing has expired.

If the territory described in the petition for the proposed district is wholly in one county, the county board of that county shall hear said objections at the time and place

fixed by the county superintendent, and within five days after the submission thereof shall either determine and fix such boundaries for the proposed school corporation as, in his judgment, will be for the best interests of all concerned, without regard to existing district lines, or dismiss the petition, which shall be final. If the territory described in the petition lies in more than one county, the county superintendent with whom the petition is filed shall fix the time and place and call a joint meeting of all the county boards of education to act as a single board for hearing such objections. A majority of the members of all said boards shall constitute a quorum and it shall proceed as in section eight. But no member of a county board of education who lives or owns land within the proposed district or who lives or owns land within a school corporation, a part of which is included in the proposed district, shall take any part in determining any matter coming before such county board or joint board.

In case the county superintendent's proposed boundaries are not objected to or the county board of education or the joint board fixes such boundaries of the proposed school corporation, the county superintendent with whom the petition is filed shall call a special election in such proposed school corporation within thirty days from the date of the final determination of such boundaries by giving notice by one publication in the newspaper in which previous notices have been published, which publication shall be not less than five days nor more than ten days prior to the election.

No notice for election can be published until the time for appeal has expired, and in the event of an appeal, not until the same has been disposed of. The county superintendent shall appoint the judges for said election, and such judges shall be qualified electors of the territory whose boundaries have been determined by the county superintendent, the

county board, or joint board. The judges of election shall count the ballots, make return to the county superintendent, and deposit the ballots with him. The returns shall then be on record in his office. If a majority of the votes cast by the qualified electors are in favor of the proposition, a new school corporation shall be organized, except that in cases where separate ballot boxes are required by law, a majority of the votes cast by the qualified electors from their respective territories shall be required.

If the proposition carries, a special meeting shall be called by the county superintendent, by giving notice by one publication in the same newspaper in which the former notices were published and he shall appoint the judges. The judges shall make return to the county superintendent who shall enter the return on record in his office, notify the persons who are elected directors, and set the date for the organization of the school board. The county superintendent shall then certify to the board of supervisors all expenses incurred by him and the county board of education in connection with the proceedings in organizing the district, including the election of the first board of directors, and this the board of supervisors shall audit and, if approved, order the same to be paid from the general fund of the county.

The next duty of the county superintendent is to reorganize the territory left after the new corporation has been formed. Where one or more parts of the territory of a school township is left outstanding each part shall constitute a rural independent district, unless two or more contiguous subdistricts are left, in which event each shall constitute a school township. The county superintendent of the county in which the territory is situated calls an election by giving proper notice in each remaining piece of territory for the purpose of electing officers as the law pro-

vides for rural independent or school townships as the case may be.

The organization of all new boards under this act is to be completed on or before the first day of June following the election. Ten of the sections providing for the method of dissolution of consolidated school corporations are new. The method is practically the same as for organization. The petition describing the boundaries of the district — which shall not be less than four government sections — and signed by a majority of the voters residing within the corporation is filed with the superintendent of the county in which the greater number of qualified electors reside. The affidavits, notices of final date, filing of objection, and hearing are the same as for organization, except that those signing petitions must be qualified voters of the corporation, and those signing objections must be residents or landowners of the district.⁸⁴

The following schedule shows the steps in procedure and the dates of the same, making allowance for one day's hearing only in case of appeal. County newspapers are usually published on Thursday of each week.

Monday, June 12. — Petition filed with the county superintendent.

June 12 to June 21. — County superintendent fixes final date for filing objections to petition.

June 15 or June 22. — Notice published in newspaper.

June 26 to July 3. — Final date for filing objections.

June 26. — Objections filed up to 12 o'clock noon. Hearing all afternoon.

⁸⁴ *Biennial Report of the Superintendent of Public Instruction, 1918-1920*, pp. 45-50; *Laws of Iowa, 1921*, Ch. 175.

June 26 to July 1. — County superintendent rules on the objections, boundaries approved.

July 7. — Order fixing boundaries published.

July 7 to July 16. — Appeal and request for hearing before county board of education filed with the county superintendent.

July 7 to July 12, and up to July 21. — County superintendent files original papers and his decision and fixes time and place. Gives notice by registered letter.

July 12 to July 26. — Date fixed for hearing.

July 17. — Hearing before county board of education.

July 17 to July 22. — County board determines the boundaries.

July 18. — County superintendent calls special election, fixing date for August 18.

August 10. — Notice of such election published.

August 18. — Election. Carried.

August 19. — Return of order filed and recorded.

August 25. — Notice for meeting for election of directors published.

Monday, September 5. — Special meeting of electors.

September 6. — Returns made to county superintendent. County superintendent notifies those elected.

September 12. — Board organized.

Appeals. — Probably the most unpleasant duty of a county superintendent is that of hearing appeals by “any person aggrieved by a decision or order of the board of

directors of any school corporation in a matter of law or fact." Formerly this included appeals in cases growing out of the organization or dissolution of consolidated school districts, but these cases may now come before the county board of education as may other questions.

The county superintendent has power to issue subpoenas for witnesses, and compel their attendance and testimony as the district court may. Expenses are assessed by the county superintendent upon the corporation from which the case is brought unless he feels that there was no ground for the appeal, in which case costs are assessed against the appellant to be collected as are district court costs.

An appeal may be taken from the decision of the county superintendent to the State Superintendent of Public Instruction in the same manner and under the same restrictions as appeals to the county superintendent.

However, neither the county superintendent nor the State Superintendent have jurisdiction to hear cases involving a money consideration nor to render a judgment for money. This restriction practically nullifies most of the judgments rendered; and the courts, while refusing to entertain cases before they have been heard by the county superintendent, as a rule assume jurisdiction and try the cases.

Another disadvantage of this jurisdiction in appeals lies in the fact that it often places the county superintendent in the unfortunate position of entertaining an appeal from a decision of a board of directors which is the direct result of advice given by the county superintendent.

The present county board of education has proved itself very helpful in hearing these appeals and, by their advice and counsel, in preventing them.⁸⁵

⁸⁵ *Compiled Code of 1919*, Secs. 2478, 2524, 2590, 2591, 2592, 2593; *Laws of Iowa*, 1921, Ch. 175.

The County Board of Education.—For many years students of the rural school problem have felt that the county rather than the township should be the unit of school administration and that the county superintendents should be chosen by the county board of education. Iowa, in common with other western States clung to the general election plan until 1913 when the convention of school corporation representatives was created to select the county superintendent. Advocates of a county board of education still hoped for such a body in Iowa and continued to agitate the proposition. Such agitation resulted in a law enacted in 1919 providing for the election of a county board by the same convention which selects the county superintendent. This bill was drawn by Senator Byron W. Newberry and while it did not go as far as the friends of the bill or as its author would have liked, all thought that it was a step in the right direction and might ultimately lead to the desired goal—a county unit—and that this board would succeed the more clumsy convention of school corporation representatives.

The present county board of education has but two real duties or functions, the selection of textbooks in counties having county uniformity, and the hearing of appeals in consolidated school cases. In addition to these specific duties—which arise but occasionally—their function is purely advisory.

In spite of these limitations a large majority of county superintendents find their boards very helpful, in fact out of ninety-two counties replying to a recent inquiry, but ten state that the board is useless, and these report the need for a board with real powers, duties, and responsibilities.

There is no doubt that the present county boards of education, composed of men and women interested in the schools and willing to do what they can is much more

efficient in selecting textbooks than the board of supervisors could have been. Neither can there be any doubt that the plan secures careful and intelligent hearing of appeals and sympathetic coöperation in planning the work for a county. Yet the opportunities of this board are so limited and its powers so restricted that many county superintendents hesitate to call upon it unless required by law to do so.

There is a real need and a real place for a permanent county board with definite powers and responsibilities.⁸⁶

County Uniformity of Textbooks.—The Twenty-third General Assembly enacted a law making possible county uniformity in textbooks. According to this law, when a petition, signed by one-half of the school directors of a county, was filed with the county superintendent of schools asking that a uniform series of texts be adopted, the county superintendent as soon as possible notified in writing the county auditor and the members of the county board of supervisors. These men, constituting the county board of education, met within fifteen days to provide for the submission of the question to the electors of the county at the next annual meeting in March. If the proposition carried, the board of education proceeded to select a list of textbooks, which when adopted was to be used for five years in all the schools of the county, except in independent town or city districts.

Before making contracts for textbooks, the board of education was required to advertise for bids by publishing a notice in one or more newspapers. This notice was to contain a list of classes and grades of texts wanted, and the

⁸⁶ Information received from letters from school officials in thirty-one States and from data in questionnaires sent out in November, 1922; *Laws of Iowa*, 1919, Ch. 56, 1921, Ch. 175; letter written to Benj. F. Shambaugh, by Senator Byron W. Newberry, the author of the bill.

time up to which bids would be accepted. Publishers and agents were required to submit samples of all textbooks included in their bids, accompanied by a list of the lowest wholesale prices. These sample copies and the price lists were to remain in the office of the county auditor, accessible to the inspection of any one who desired to see them, and be transmitted to his successor in office. The county board was empowered to purchase and sell at the contract price, and to appoint agents to handle the books. Such agents or depositories gave bond to protect the county against loss. In choosing the list of textbooks the county board of education was to consult the county superintendent of schools, and be guided by his opinion. The Twenty-fifth General Assembly made the board rather than the presidents of the district boards responsible for the books, while the Twenty-eighth General Assembly provided that the county superintendent should have charge of the books and their distribution. The Twenty-eighth General Assembly also made it necessary for but one-third instead of one-half the school directors to sign the petition for submission of the question, and the Thirty-eighth General Assembly created the present county board of education upon whom the duties of the old board now fall.⁸⁷

Of the ninety-nine counties in Iowa, fifty-eight have county uniformity under the provisions of these laws. Five others — Crawford, Osceola, Montgomery, Story, and Wapello — have uniformity secured by the following plan. The county superintendent secured the consent of all district boards to allow the recommendation of a list of textbooks. The county superintendent then advertised the required length of time, and received samples and bids. When the list had been selected each district entered into separ-

⁸⁷ *Laws of Iowa*, 1890, Ch. 24, 1894, Ch. 35, 1900, Chs. 111, 112, 1919, Ch. 56.

ate contracts with the successful bidders. In these counties competition has remained open to all publishers.

Several of the remaining thirty-six counties have virtual uniformity through agreement and have signed contracts without the required notice and taking of bids — there being no real opportunity for open competition. In many of the so-called "open counties" the list of texts is selected by the county board of education while in others the county superintendent chooses the books.⁸⁸

The textbook question has been one of the bugbears of the office. Many a county superintendent has lost his influence through unfortunate circumstances connected with textbook adoptions. Others have seen the county board override their recommendations, filling the schools with out-of-date books. In the counties not having county uniformity, unless the county superintendent is very aggressive the teachers find it hard to get pupils supplied with the same kind of books, to say nothing of up-to-date texts. The law should be changed to give the county superintendent the power to select the list and to make county uniformity mandatory in each county.

Extra-legal Activities. — In addition to the regular functions and duties the county superintendents in Iowa are instrumental in organizing and carrying on numerous and varied activities. In *A Survey and Report of the County Superintendent and the Consolidated Schools* presented at the consolidated school conference held at the Iowa State Teachers College, on December 7 and 8, 1922, County Superintendent H. C. Moeller of Black Hawk County indicated that there are forty-seven different activities being sponsored by county superintendents in Iowa at this time.

⁸⁸ Information received through personal conversation and correspondence with agents having contracts in "open counties", and from questionnaires sent to county superintendents in November, 1922.

It is obviously impossible to list each of these but among the most popular are health crusades, community meetings, athletic contests, spelling and declamatory contests, parent-teacher associations, Smith-Hughes work, and rural graduation days. Some of the more recent are citizenship classes for aliens, superintendents' clubs, organized work in tests and measures, acting as purchasing agent for rural and consolidated schools, standard schools, and State scholarships.

In addition to these activities, almost every county superintendent is making use of the Extension Division of the Iowa State Teachers College in securing study centers, credit extension classes, and the services of experts in making school surveys, organizing play days, and parent-teacher associations.

Several other county superintendents are using the services of the Extension Division of the State University of Iowa in connection with tests and measures and school surveys and this work is becoming more popular each year. In 1921, Professor Earle L. Waterman of the Extension Division of the State University made a sanitary survey of rural school houses in Louisa County. Many more county superintendents would avail themselves of this sanitary service were it not for the almost insurmountable technicalities of the laws and rules governing public health work in Iowa.

County superintendents are assisting the county agents and demonstrators in club work of various kinds under the auspices of the Extension Division of the State College at Ames.

There is no doubt that these extra-legal activities are among the most important services of the county superintendents and it is perhaps not unreasonable to prophesy that the time will come when many of them will be required

by law and the county superintendent be furnished sufficient assistance to carry on the new duties.⁸⁹

Conventions of County Superintendents. — The first convention of county superintendents in Iowa was held at Iowa City in September, 1858, less than six months after the office was organized. The Superintendent of Public Instruction and forty-one county superintendents were in attendance. Most of the time was spent in interpretation of the law, and the proceedings indicate that it was a valuable meeting. The Board of Education, however, provided that their Secretary should hold a county superintendents' convention in each judicial district. Two years experience with these district conventions seems to have convinced Thomas H. Benton, Jr., Secretary of the Board of Education, that such meetings were impractical. Some scheme, he felt, must be devised to meet the expenses, for few superintendents could afford to pay their own. Neither did Mr. Benton like to make each county bear the expense because that penalized those farther away. He proposed that the expenses be paid by the State.⁹⁰

The Twelfth General Assembly provided that the conventions were to be held at such points as the State Superintendent might find most convenient. This provision exists to-day. The *Code of 1897* provided that the necessary expenses of county superintendents incurred in attending these called meetings was to be paid by the county. Different superintendents have used various plans of dividing the State. During the past few years, however, they have

⁸⁹ *Condensed Report of the Extension Division (Bulletin of the Iowa State Teachers College, 1921-1922, Vol. XXXIII, No. 3, Pt. 2.)*; data received from questionnaires returned by county superintendents; information furnished by the Extension Division of the State University of Iowa.

⁹⁰ *The Voice of Iowa*, Vol. III, pp. 51, 52; *Report of the Secretary of the Board of Education, 1861*, pp. 10-13; *Aurner's History of Education in Iowa*, Vol. I, pp. 298, 299.

been held usually in connection with the State Teachers' Association at Des Moines, the Normal Training Conference at Cedar Falls, or at Ames.⁹¹

During the early years of the office several special conventions of county superintendents outside these called meetings were held. One such met in Cedar Rapids in August, 1866, one in Des Moines in April, 1869, and another in Des Moines in 1870. During the next fifteen years the county superintendents held what have been called lake conventions — State meetings held at Clear Lake, Okoboji, and other lake towns. While some of these meetings did not occur at the same time as those of the Iowa State Teachers' Associations, they were in reality a part of the movement.

In 1883 the new constitution of the Iowa State Teachers' Association was adopted, and for the first time a county superintendent held the office of President of the Iowa State Teachers' Association, L. L. Klinefelter of Cerro Gordo County being thus honored. Seven county superintendents have since been elected to this office.⁹²

These sessions of the county superintendents have really been a power for good in the State. Those attending have discussed the problems, suggested reforms, and urged their legislative friends to take definite steps. Indeed, several of the best laws now upon the statute books of Iowa were first proposed at conventions of the county superintendents.

THE STATE UNIVERSITY OF IOWA
IOWA CITY IOWA

JAY J. SHERMAN

⁹¹ It was the privilege of the writer to attend the called meeting of county superintendents held in Des Moines, November 1-4, 1922.

⁹² *Laws of Iowa*, 1868, Ch. 162; *Code of 1897*, Sec. 2742; *Iowa Normal Monthly*, Vol. III; *Proceedings of Iowa State Teachers' Association*, 1883-1922; *Iowa Instructor and School Journal*, Vol. VIII, pp. 30, 31; *Iowa School Journal*, Vol. X, pp. 263-270, Vol. XI, pp. 216-221; *Aurner's History of Education in Iowa*, Vol. II, pp. 82, 83, 249, 396-398.