

THE ADMINISTRATIVE FUNCTIONS OF THE DEPARTMENT OF PUBLIC INSTRUCTION

[This is the first installment of an article on the administrative functions of the Department of Public Instruction in Iowa by H. C. Cook. The final installment will appear in the July number of this magazine.—THE EDITOR]

I

DEVELOPMENT OF THE DEPARTMENT OF PUBLIC INSTRUCTION

A common feature of our American State school systems is the election or appointment of a chief State school official. This office is a relatively recent addition to the educational machinery in American government. The creation of this office seems to have been taken from the Prussian system of government which was founded upon the principle "that every State needs a separate officer of Public Instruction, and that there should be nothing to divert the attention of that officer who has the general supervision of the peoples' education". New York provided for this official in 1812, by appointing a "Superintendent of common schools". After nine years, however, New York abolished the office, and no such office existed there until 1854, when the office of Superintendent of Public Instruction was created. The Superintendent of Public Instruction was succeeded by an appointed Commission of Education in 1904. The first State to maintain continuously such a State official was Michigan, which created the office of Superintendent of Common Schools in 1829. In 1836 the title was changed to Superintendent of Public Instruction, and as such has remained to the present time. Iowa was the twelfth State to establish the office, creating it in 1841. The eleven States which

established this office previous to Iowa were: (1) New York, 1812; (2) Maryland, 1826; (3) Michigan, 1829; (4) Louisiana, 1833; (5) Pennsylvania, 1834; (6) Tennessee, 1836; (7) Ohio, 1837; (8) Massachusetts, 1837; (9) Kentucky, 1838; (10) Connecticut, 1838; (11) Missouri, 1839. Iowa was the fourth State to name the officer, "Superintendent of Public Instruction", being preceded by Maryland, Michigan, and Tennessee, respectively.¹

Education had its beginnings in what later became the Territory of Iowa as early as 1830. From October to December of that year Berryman Jennings taught the first school in what is now Galland, in Lee County.² The 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 usually in kind from the parents and others who believed sufficiently in schools to subscribe to their support. Though the people were under the administration of the Michigan Territorial law of June 28, 1834, they took little heed of the school laws. Schoolhouses were built and schools were conducted, but were apparently without supervision. No apparent change was made in the status of schools in the Iowa country from July 3, 1836, when it was attached to the Wisconsin Territory, to July 4, 1838, when the Iowa Territorial government was organized. Following the organization of Iowa Territory successive changes took place in school administration.³

¹ *Biennial Report of the Superintendent of Public Instruction*, 1850, p. 55; *Cubberley's Public School Administration*, pp. 27-29; *Reeder's The Chief State School Official* (Bureau of Education, Bulletin No. 5, 1924), pp. 10, 17, 18; *Kalbach and Neal's Organization of State Departments of Education* (Bureau of Education, Bulletin No. 46, 1920), p. 23.

² *Iowa Normal Monthly*, Vol. XII, pp. 267-270.

³ *Iowa Official Register*, 1923-1924, p. 17; *Organic Law of Wisconsin*, *Organic Law of Iowa*, as found in the *Code of 1851*, pp. 516, 524; *Iowa Normal*

The history of Iowa school administration has been one of development in both local and central authorities. The chief powers of school government are, and have always been, in the hands of local school officers. The central authority has, however, exercised a great influence and that influence has been exercised through channels of effective control. There have been significant additions of power to the central school administration in the State. These gains in authority have not usually been at the expense of the local agencies, but have come rather from the development of new functions. When new functions have been suggested to the legislature the tendency has been for that body to confer them upon the State rather than upon the local agencies. This tendency is revealed clearly in later sections of this study.

The relation of the central authority to the schools began soon after the organization of the Territorial government. Interest was shown in the schools from the first by the central government. Governor Lucas, in addressing the First Legislative Assembly of Iowa Territory, sought to promote the interests of the schools by encouraging adoption of a system of general education. He said, "There is no subject to which I wish to call your attention more emphatically, than the subject of establishing, at the commencement of our political existence, a well digested system of common schools". This recommendation seems to have been somewhat in advance of the times. It appears that the avowed purpose which Governor Lucas had in mind was to encourage immigration to Iowa. He is alleged to have said, "it was still necessary to inaugurate a system, and upon a proper (township) basis, and *especially so as to inform our eastern friends* that we meant to start out right

Monthly, Vol. XII, pp. 267-270; Aurner's *History of Education in Iowa*, Vol. I, pp. 3-5.

and build up a good system as fast as the population and wealth of the territory would warrant."⁴

Though there was apparently little need of a school system, the Legislative Assembly enacted an elaborate law for a system of school officers and school organization. The law enacted at the first session made no provision for central or county control. It instituted a system of local decentralization. Districts were organized. At the head of the district organization was a board of trustees, consisting of three members who were to superintend the schools within their respective districts, to examine and employ teachers, and to lease all land belonging to the district. Although there was little or no limit to their authority, they were required to report to the county commissioners.⁵

The law of 1838 was not very satisfactory. On January 3, 1839, a resolution was adopted in the House of Representatives authorizing the appointment of a special committee to collect information relative to the amount and mode of instruction and the cost and plan of organization of a system of public schools. Although it does not appear that the committee as a whole ever submitted a formal report, the fact that its chairman, Governor Lucas, made a definite recommendation at the opening of the next Legislative Assembly in November, 1839, and that the bill proposed later received such unanimous approval seems to warrant the conclusion that careful consideration had been given to the instructions of the legislature. Referring to the subject in his second annual message, Governor Lucas observed that "the act passed at the last session, is too limited in its provisions to serve as a foundation for a well

⁴ Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 78; Macy's *Institutional Beginnings in a Western State* in *Johns Hopkins University Studies in Historical and Political Science*, Vol. II, pp. 366, 367.

⁵ *Laws of the Territory of Iowa, 1838-1839*, p. 181.

regulated system. I would therefore, recommend its revision, and call your attention to the school law of the State of Michigan, as worthy your attention, and from which useful information may be obtained."⁶

Acting as it appears in accordance with the Governor's recommendations, the Legislative Assembly of 1839-1840 took over the Michigan School Law of 1838, adopting it section by section. So closely did the Legislative Assembly follow the Michigan law that in many instances the title, Superintendent of Public Instruction, appeared in the Iowa law as adopted. In Michigan this officer had been provided for in the Constitution, but no provision had been made for such official in the government of the Territory of Iowa. Yet, with the adoption of the new law, the Superintendent of Public Instruction was mentioned in several instances.⁷

By the act of January 16, 1840, a complete change was brought about. The establishment of districts became a township function, and township school inspectors were provided for to whom were transferred several of the more important functions previously enjoyed by the district school directors. The township inspectors had such administrative and supervisory functions to perform as organizing districts, handling school money, apportioning school and library money, examining teachers, and visiting and supervising schools. The powers vested in the township school inspectors were, in part, original to the office, and in a slight measure conferred at the expense of the county commissioners, and in a large measure at the expense of the school districts and the school directors. The district officials were: a moderator, a director, and an assessor. These officials constituted the district board. Each of these

⁶ *Journal of the House of Representatives, 1838-1839*, p. 171; Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 99, 100.

⁷ *Aurner's History of Education in Iowa*, Vol. II, Appendix A.

officials had individual duties to perform, designated in each case by the title of the individual office. As a board they were to levy assessments, equalize assessments, provide a school house and site, and employ teachers.⁸

The creation of the office of a township school inspector was of considerable significance for it meant that the school system was not destined to local autonomy, but that a way was to be left open for what might develop into a degree either of semi-local or State administration. This eventually led to the former, that of county administration. From 1840 to 1847 the township inspector was permitted to function more or less as an autocrat in his field. He was under no supervision save that of the Territorial legislature.⁹

It was not until January 13, 1841, that the office of Superintendent of Public Instruction was created in Iowa. It was then provided that the Superintendent of Public Instruction should be appointed by the Governor "by and with the advice and consent of the Council". His term of office was made three years and his salary two hundred and fifty dollars per year. The powers of the Superintendent of Public Instruction were few. The principal function assigned to him appears to have been the care and disposition of the school fund, a fund that was practically nonexistent at that time. The Superintendent of Public Instruction was also to issue instructions for the organization and government of the public schools, prepare forms for school officials and report to the Legislative Assembly. In the hands of the first Superintendent of Public Instruction these weak powers were used to advantage and the schools began to make progress.¹⁰

⁸ *Laws of the Territory of Iowa, 1839-1840, Ch. 73.*

⁹ *Laws of the Territory of Iowa, 1839-1840, Ch. 73; Laws of Iowa, 1846-1847, Ch. 99, Secs. 8 ff.*

¹⁰ *Laws of the Territory of Iowa, 1840-1841, Ch. 46; Report of the Superin-*

The work needed at this time was organization of the school districts and instruction in and interpretation of the school laws. In many places school districts had failed of organization, in many townships school inspectors had not been elected, all because the law was not known to exist, or if known, not understood. Moreover, the district officers, from want of proper means of knowing its objects, failed to make their reports, upon which all others were to be founded. All this had a significant effect upon the permanence of the office of Superintendent of Public Instruction.

Though there was considerable optimism felt for the system of public instruction, some friends of the system felt anxious about the office of Superintendent of Public Instruction. Assistance was desired for the remedying of the defects in the carrying to completion school organization, and authority was asked to carry the work forward. A committee in the Council urgently advocated a continuation of at least the existing organization, but the House Committee on Public Instruction deemed the office of Superintendent of Public Instruction "unnecessary" and recommended that it should be abolished. From the report it would appear that the salary of two hundred and fifty dollars per year paid the Superintendent of Public Instruction was deemed an extravagance. The office was thereupon abolished.¹¹

Following the session of 1841-1842 the clerks of the board of county commissioners in the several organized counties were required to make annual reports of data filed with

tendent of Public Instruction, as found in the Journal of the Council, 1841-1842, pp. 278-288.

¹¹ *Report of the Superintendent of Public Instruction, 1841-1842, as found in the Journal of the Council, 1841-1842, p. 81; Journal of the Council, 1841-1842, Appendix, pp. 291-293; Journal of the House of Representatives, 1841-1842, pp. 132, 280; Shambaugh's The Messages and Proclamations of the Governors of Iowa, Vol. I, p. 256.*

them by the township school inspectors to the Legislative Assembly. With no responsible central authority to whom these county officers were accountable, it was quite certain that information relative to general school administration and supervision would be neglected. Such was the status of school legislation relative to central administration up to the establishment of the State of Iowa.¹²

The effect of the adoption of such policy was not so much that of decentralization as it was of demoralization. The greatest harm that resulted was the check it gave to school organization. At a time when every effort should have been made to direct the work of organization, the central school official, who was to act as director of organization, was removed. The results of this were felt throughout the entire school system, and in message after message the common complaint of the Governors was that, because of inattention of school officers, the permissive character of the laws, or the failure to understand them, it was "mortifying to see how little interest the important subject of education" excited. The later Territorial Governors, apparently giving up in disgust, failed to mention the subject of education in their messages. The legislature, however, began to acquire interest in the matter, and by the time the State was being organized the framers of the Constitution were willing to make provision for the State superintendency.¹³

With the adoption of the Constitution of 1846 and the admission of Iowa into the Union, the office of State Superin-

¹² *Laws of the Territory of Iowa, 1841-1842*, p. 93.

¹³ Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 256, 266, 275; *Journal of the House of Representatives, 1845*, pp. 23, 57, 71, 96, 149, 157, 188, 194, 197, 200, 208, 216; *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, pp. 27, 164, 166, 168, 200; *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1846*, pp. xv, 30, 46, 49, 50, 51.

tendent of Public Instruction was reestablished. This time it was by provision of the fundamental law stating that "The General Assembly shall provide for the election, by the people, of a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law". The policies in education and the handling of school lands were to be determined by the legislature, but practically all administration of these policies was to be left with the Superintendent of Public Instruction. It seems very probable that the framers of the Constitution of 1846 intended the Superintendent of Public Instruction to function primarily in the field of fundamental educational principles rather than to function as a financial agent. The Constitution of 1846 looked toward a general supervision not only of primary schools but of the State University, of colleges, high schools, academies, and all other schools, public and private. The principle upon which this single function was based was that the State needed a separate officer of public instruction and there should be nothing to divert his attention. His whole time should be given over to the educational interests of the State. The field laid out was conceived by the framers of the Constitution to be "sufficiently responsible and arduous; sufficiently vast and comprehensive in all its bearings to engage every moment of his time and consideration; to employ the entire thought and labor of one man, in devising the means" of perfecting the educational system of the State.¹⁴

The First General Assembly of the State of Iowa convened at Iowa City, on November 30, 1846. Its first act, approved on December 14th, was to provide for the school fund.

¹⁴ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, p. xv; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 139, 140; *Biennial Report of the Superintendent of Public Instruction*, 1850, pp. 55-57.

Another act, entitled "Common Schools", approved on January 24, 1847, declared in its title that it was to be supplemental and amendatory to that of January 16, 1840, and provided in detail for the organization of the office of Superintendent of Public Instruction and for a new body of school officers called county school fund commissioners. It abolished the township board of three inspectors, substituting therefor one inspector, and a district board of directors. The board of directors was required to provide schools, elect teachers, provide rules and regulations for the government of the schools, and take the school census. The inspector was financial agent, organizer, examiner, and supervisor for the schools within his township. These manifold duties were to be performed without any guiding legislation. Each inspector was somewhat of a law unto himself. He was required to report to the county school fund commissioner. The county school fund commissioner was provided primarily for the handling and management of local school funds and school lands. And until the discontinuance of the office of school inspector in 1849, when the functions of that office were in a large measure conferred upon him, the county school fund commissioner was little more than a financial administrator. The financial functions of the Superintendent of Public Instruction were quite as pronounced as those of the county school fund commissioner. So he might well have been called State school fund commissioner.

Theoretically the relation of the school fund commissioner and that of the Superintendent of Public Instruction was that of agent and director. The act of January 24, 1847, in theory at least, provided for a centralized school system. Practically, however, the new statute confused the duties of the various school officials in a manner not at all conducive to the rapid development of a work-

ing school system.¹⁵ So pronounced was the confusion of the duties of the Superintendent of Public Instruction and those of the school fund commissioners that legislative interference became imperative.¹⁶

Apparently the legislature had deserted the cause for which the office of Superintendent of Public Instruction was established. The Constitutional Convention of 1846 had sought primarily to establish a State educational officer, while the legislature provided largely for a financial officer. The successive Superintendents of Public Instruction protested against the system of administering the school funds, and against the continuance of their financial functions, as giving them little time for proper attention to other school duties. With the enactment of a new school law, on January 15, 1849, the duties of the Superintendent of Public Instruction virtually swamped the office. At that time his duties were as follows: to receive and file all papers, reports, and public documents; to supervise and see that the school system was put into operation as early as practicable; to visit every county at least once during his term of office; to confer with school officers and give advice to them; to examine and recommend text-books; to prepare, have printed, and transmit suitable forms for reports; to make all rules and regulations for carrying the school law into effect; to conduct the official correspondence; to deliver

¹⁵ *Laws of Iowa*, 1846-1847, Chs. 99, 111, 1848-1849, Ch. 80, Secs. 43-75.

¹⁶ As a single illustration, the Superintendent of Public Instruction was designated as the proper authority for the receipt of the five per cent school fund, and though he was enjoined to apportion it to the counties immediately, and not to allow it to remain in his hands, he did not always do this. The endeavor on the part of one Superintendent of Public Instruction to loan the fund for his own benefit was perhaps instrumental in putting an end to the system. Also, in some cases the proceeds of the county school taxes had been loaned. To correct the results of this misunderstanding the Superintendent of Public Instruction was empowered in all such cases to order that the moneys be refunded.—*Laws of Iowa*, 1848-1849, Ch. 59.

a public lecture to the teachers and people of each school district; to organize the university and normal schools, and control the branch of the university at Dubuque; to perform generally such duties as may tend to advance the interests of education, and to make a report to the General Assembly at each regular session. These were intended as school functions. They were performed without the aid of a deputy and perhaps with little clerical assistance. Furthermore the Superintendent of Public Instruction must make selection and sale of school lands, apportion the school fund, make adjustment of land titles, perform duties in the investment of school funds, and make periodical examination of the accounts of the school fund commissioners.¹⁷

This situation in school legislation did not go unchallenged. Not only were the school officials dissatisfied with the school law, but the Governor, also, and the legislature as well were highly dissatisfied and sought to get the school law simplified and based solely on the fundamentals of education.¹⁸

¹⁷ *Laws of Iowa, 1846-1847, Ch. 99; Constitution of Iowa, 1846, Art. X, Sec. 1, as found in Laws of Iowa, 1846; Laws of Iowa, 1848-1849, Chs. 59, 70, 78, 80, 115, 117, 121, 123; Biennial Report of the Superintendent of Public Instruction, 1850, p. 55; Journal of the Senate, 1849, p. 324.*

¹⁸ Referring to this matter of revision of the school law Governor Grimes, in addressing the extra session of the General Assembly, on July 3, 1856, 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 that three competent persons be selected to revise all the laws on the subject, and submit their revision to the next General Assembly." In accordance with an act passed on July 14, 1856, meeting this request, Governor

Out of this dissatisfaction came the most constructive school legislation in the history of school administration in Iowa. In 1856, a "Commission for the Revision of the School Laws" made a report pointing out many suggestions for betterment. This Commission in taking up the problem of organizing an adequate school system for the State observed: "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. Such a system can only result from organization so perfectly constituted as never to conflict with each other; so harmonious in action as ever to furnish mutual aids; and so entire and complete as that one spirit shall pervade the whole." The Commissioners based their report for their proposed school system chiefly on the following principles: "(1) That every youth in Iowa is entitled to receive an education in the elements of knowledge; that every one desiring it is entitled to have facilities afforded for a further progress; and that those originally endowed with large capacities should be stimulated to improve them by the cheering prospect of having their education furnished as a reward of their merit, scholarship, and good behavior, provided that the State might thereafter secure to itself the benefit of their services. (2) That education, to be successful, must become a distinct and separate pursuit and business, having its own laws and principles; its own means and agencies; its own pervading spirit. That the human mind, although a living, spiritual organization, possessing inherent active tendencies, re-

Grimes appointed Horace Mann, of Ohio; Amos Dean, President of the State University of Iowa; and F. E. Bissell, of Dubuque, to serve on such committee.—Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 19, 20; *Report of the Commissioners of Revision of the School Laws*, 1856, pp. 3, 12; Aurner's *History of Education in Iowa*, Vol. I, p. 30.

quires, nevertheless, to be tutored and trained in accordance with method and system, to produce the full and complete development of all its powers and capacities. (3) That as property, material wealth, owes its existence to mind, it ought, in return, to furnish adequate means by which the intellect and moral power of the State can be brought out and developed in all their varieties of application. (4) That to complete a perfect system of education, three elements are necessary. These are the organizing, the financial, and the educational. The first two mentioned are only important as they affect the last, and the first is wholly expended in the advancement of the other two."

The Commissioners were desirous "of making a liberal provision for adequate common school instruction." They "organized the district, the county, the State, and the special organizations." The most salient recommendations made were those for a county superintendent of schools, for free schools, and a township district system. The first two of these measures were realized within two years. The township district system was not adopted, as recommended, but was modified, making the original school districts sub-districts of the larger township unit. A single director was elected in each of the sub-districts and these constituted the township board.¹⁹

With the adoption of the Constitution of 1857 a reorganization of the school system resulted. The Constitution of 1857 provided that "the financial agents of the school fund shall be the same that, by law, receive and control the State and County revenue, for other civil purposes, under such regulations as may be provided by law." Thus the educational function was permanently separated from the financial administration of schools. Furthermore the educa-

¹⁹ *Report of the Commissioners of the School Laws, 1856; Laws of Iowa, 1858, Ch. 52.*

tional interests were to undergo another change. A new organ of government, called the State Board of Education, was created. This body was a separate and distinct legislature for educational matters. The State Board of Education took over the educational functions of the State, established the office of Secretary of the Board of Education, clothed him with the functions performed by the State Superintendent of Public Instruction, and abolished the office of Superintendent of Public Instruction.²⁰

The State Board of Education was composed of the Lieutenant Governor, who was the presiding officer, one member elected from each of the eleven existing judicial districts in the State, and the Governor who was an *ex officio* member.²¹ The sessions of the Board of Education were to be held annually and were not to continue longer than twenty days. The Governor was authorized to call special sessions. The Board of Education was given "full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other educational institutions, that are instituted, to receive aid from the School or University fund of this State; but all acts, rules, and regulations of said Board may be altered, amended, or repealed by the General Assembly; and when so altered, amended, or repealed they shall not be re-en-

²⁰ Constitution of Iowa, 1857, Art. IX; *Acts, Resolutions and Forms Adopted by the State Board of Education*, First Session, 1858, Act No. 9, as found in the *Journal of the Board of Education*.

²¹ Constitution of Iowa, 1857, Art. IX, Sec. 1. In the original report made to the Convention of 1857, in which the board was projected, provision was made for a Chancellor "who should have jurisdiction over all questions that may arise under the laws, rules, and regulations of the board, and from all decisions and judgments of said Chancellor, an appeal may be taken to the Supreme Court". But on February 27, 1857, motion was made by Mr. Hall of the Committee on Education and School Lands to strike out the section providing for the Chancellor. The motion was put and agreed to.—*The Debates of the Constitutional Convention of the State of Iowa*, Vol. I, p. 78, Vol. II, p. 837.

acted by the Board of Education." The Board did not, however, have the power "to levy taxes, or make appropriations of money."²²

The Board of Education was experimental and temporary.²³ So a way was left open for retreat. It was provided that after 1863 the General Assembly should have the power to abolish or reorganize the Board of Education, and "provide for the educational interest of the State in any other manner that to them shall seem best and proper."²⁴

The purpose of establishing the Board of Education, as stated by J. C. Hall of the Committee on Education and School Lands in presenting the Committee's majority report, was to take education entirely out of the power of the General Assembly, and to put it "in the hands of another body, who will better represent the interests of the people". Furthermore, he said, "I am for putting it into the hands of a body that shall have no control over the funds, and which cannot possibly be influenced by party considerations. . . . and their whole and individual attention will be given to the benefit and improvement of the educational interests of the State."²⁵

Though the ambitions and efforts of the framers of the Constitution were praiseworthy, the results of their labors were not to be lasting. The Board of Education was hardly organized before conflicts arose between that organization and the General Assembly. The Board of Education en-

²² Constitution of Iowa, 1857, Art. IX.

²³ It was recognized by members of the Constitutional Convention that imagination or pure reason, and not precedents were the fabrics from which the new creation was made, and that the experiment might fail. One of the members of the Convention referred to it as a "new-fangled scheme".— *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, p. 943.

²⁴ Constitution of Iowa, 1857, Art. IX.

²⁵ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, p. 751.

joyed administrative centralization to the limit. It exercised judicial, executive, and legislative powers. The fact that the Board of Education exercised judicial powers subjected it to the ire of the courts should it trespass upon their jurisdiction. And the executive and legislative powers were both subservient to those of the legislature, for that body could overrule, amend, or repeal the acts of the Board of Education. Moreover, the Board of Education was dependent upon the support of the legislature for appropriations and for support by taxation.

The legislative power of the Board of Education was soon exercised. In 1858 it provided a new school law which took the place of the unconstitutional act of the Seventh General Assembly. Features pertinent to school administration were the provision for the hearing of cases of appeal, and the provision for the State Board of Educational Examiners. Both of these were later destined to be of considerable interest in subsequent school administration.

The Board of Education was not itself an executive body, but through its Secretary the Board might execute its will, for according to provision of the Constitution this officer was to "perform such duties as may be imposed upon him by the Board, and laws of the State." Furthermore, the Board gave the Secretary a large ordinance making power by providing that "The Secretary of the Board of Education may make all needful rules and regulations to give efficiency" to the school law. It was also provided that he should make regulations fixing the powers and duties of any subordinate officer or board, when their duties were not sufficiently defined.²⁶

The Board of Education conferred judicial authority

²⁶ *Educational Laws of the State of Iowa*, passed by the Board of Education, December 24, 1859, Pts. VIII, XIII, XIV, as found in the *Journal of the Board of Education*; Constitution of Iowa, 1857, Art. IX.

upon its executive agent by providing that "An appeal may be taken from the decision of the County Superintendent to the Secretary of the Board of Education And the decision, when made, shall be final." Disputes involving "judgment for money" were, however, left to the courts.²⁷

With the exercise of such a broad scope of powers as have been briefly indicated, and with the Board of Education almost entirely dependent upon the legislature for approval, it is not difficult to understand that friction and discord with the other departments of the government might result from the Board's actions. Such was the case, for the General Assembly was especially jealous of the Board of Education. Neither was there always complete harmony among the members of the Board itself. Furthermore, many believed that the Board was no longer needed and should be abolished.²⁸

By an act approved on March 19, 1864, the Tenth General Assembly abolished the Board of Education and established the office of Superintendent of Public Instruction. The chief functions given to the Superintendent of Public Instruction were: the keeping of records; general supervision of all county superintendents, and all the common schools of the State; recommendation of text-books; publication and distribution of the school law and school blanks; hearing of appeals; giving of opinions; and reporting to the General Assembly.²⁹ The General Assembly had re-

²⁷ *Educational Laws of the State of Iowa*, passed by the Board of Education, December 24, 1859, Pt. XIII, as found in the *Journal of the Board of Education*.

²⁸ *Proceedings of the Pioneer Lawmakers' Association of Iowa*, 1898, p. 75; *Report of Thomas H. Benton*, pp. 3, 4, 7, in the *Iowa Legislative Documents*, 1864, Vol. I; Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 7, 8.

²⁹ *Laws of Iowa*, 1864, Ch. 52.

gained the control of the schools and apparently was satisfied to allow them to care for themselves for a time. The intended development of the integrated township system was checked and local decentralization gained favor. The powers of the Superintendent of Public Instruction, though similar to those exercised by the Secretary of the Board of Education, were not commensurate with them.³⁰

On the whole, until the year 1870, the General Assembly appears to have been indifferent to matters of education. In that year a new interest began in education and since 1870 there has been a continuous growth in the county and State agencies administering education, especially the latter. The accessions of new powers by the State Superintendent of Public Instruction have kept pace with those of the other State agencies. Though the increase in the administrative factors has been great, it has not kept up with the growing needs of the Department of Public Instruction nor with the needs of education in general.

The most important accessions to the power of the Superintendent of Public Instruction during the period 1870 to 1929 which add greatly to his administrative control have been in the nature of financial powers. Thus the Superintendent of Public Instruction exercises control over standardized schools, mining camp schools, normal training high schools, and consolidated schools. A notable exception to the gaining of administrative control through the grant of financial powers is the recent (1927) grant to the Superintendent of Public Instruction of direction and supervision of junior colleges. The Superintendent of Public Instruction also exercises influence in Vocational Education Service and Rehabilitation Service provided by

³⁰ *Educational Laws of the State of Iowa*, passed by the Board of Education at its first and second sessions, Pts. VIII, XIII, XIV, as found in the *Journal of the Board of Education*; *Laws of Iowa*, 1864, Ch. 52.

the Smith-Hughes Act and the Industrial Rehabilitation Law, respectively. Other functions adding to his authority are the certification of teachers, making courses of study, meetings, and functions which he must exercise by virtue of his *ex officio* position in the various services.³¹ A great many accessions of authority have been brought to the Department of Public Instruction through the administration of State aids; State aid has led to inspection, inspection to supervision, and supervision to control.

II

ORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION

The administration of education is one of the most important functions performed by the State of Iowa. The administration of education in Iowa takes the form of supervision and control of the public schools of the State. This supervision and control of the public schools is delegated to the State Department of Public Instruction and the State Board of Education. As the head of the State Department of Public Instruction, the State Superintendent of Public Instruction has general supervision and control of mining camp schools, rural schools, graded schools, high schools, normal training schools, and junior colleges of the State. The private, parochial, and denominational schools of the State have no State supervision and control except legislative and judicial control.³²

The State Department of Public Instruction in Iowa is organized into a number of divisions and the work centers around these divisions and the problems of administering

³¹ *Code of 1927*, Chs. 190, 191, 192, 193, 194, 209, 222, Sec. 4267-b1.

³² *Code of 1927*, Secs. 3831, 3899, 3919, 4267, 4267-b1; Brindley and Zorbaugh's *Tax System of Iowa* (Bulletin No. 150, 1929, Iowa State College of Agriculture and Mechanic Arts).

and supervising them. These divisions are: (1) division of classification and inspection, including the classification and inspection of standard rural schools, consolidated schools, normal training schools, graded and high schools, mining camp schools, and public junior colleges; (2) division of examination and certification; (3) division of vocational education and rehabilitation; and (4) legal division.

While the work of the Department of Public Instruction is concerned principally with the public elementary schools, secondary schools, and junior colleges of the State, yet there are many functions performed by the Department not strictly concerned with these schools. Such is the work in connection with the certification of teachers; vocational education; rehabilitation service; and the legal work of the Department consisting in hearing appeals and rendering opinions.³³

The work of supervising rural schools, consolidated schools, normal training schools, graded and high schools, and mining camp schools is, in each case, under the immediate direction and supervision of an inspector. The junior colleges are under the personal inspection and supervision of the Superintendent of Public Instruction.³⁴

³³ *Biennial Report of the Superintendent of Public Instruction, 1926-1928*, pp. 3, 6, 8, 9-16, 20, 30; *Code of 1927*, Secs. 3838, 3839, 3852. The Thirty-eighth General Assembly provided for a Teachers' Placement Bureau with a director at the head whose functions consisted in enrolling teachers qualified to teach in the State of Iowa, and, upon request, furnishing information relative to teachers desiring positions, and also notices of vacancies. The Teachers' Placement Bureau circularized school boards and school officials so as to promote the efficiency of the Bureau; collected data for the Iowa Educational Directory each year; prepared, edited, and distributed the *Directory*. The Forty-second General Assembly, however, failed to provide for the Teachers' Placement Bureau in the appropriation for the Department of Public Instruction and the Bureau is not now (1929) functioning.—*Laws of Iowa, 1919*, Ch. 298, 1927, Ch. 275, p. 258; *Code of 1927*, Sec. 3833. Also see *Biennial Report of the Superintendent of Public Instruction, 1926-1928*, pp. 3, 6.

³⁴ *Biennial Report of the Superintendent of Public Instruction, 1926-1928*, pp. 3, 6, 10.

Some of the chief duties of these inspectors are as follows: (1) visiting the public schools of the State; (2) checking up the equipment of these schools; (3) examining their courses of study and their records; (4) preparing courses of study suited to the needs of these schools; (5) visiting the classroom work of the teachers employed there; (6) conferring with the superintendents and teachers; (7) providing standards; (8) issuing bulletins and manuals; (9) answering correspondence; (10) holding individual conferences with superintendents and members of the boards of education; (11) advising with and assisting school boards in maintaining the types of schools justified by local conditions; and (12) collecting information and compiling statistics.³⁵

The work of examination and certification of teachers can hardly be said to be a single united function. Furthermore, it is not exclusively the work of the Department of Public Instruction. Through the inspector of the normal training high schools the Superintendent of Public Instruction has charge of the normal training high school graduates desiring to teach. But the greater part of the work of examination and certification of teachers in Iowa, that of examination for and the granting of State and county certificates, is performed by the State Board of Educational Examiners. The Superintendent of Public Instruction is, however, president and executive officer of the Board of Educational Examiners. So the work of examination and certification is carried on largely in connection with the Department of Public Instruction and under the direction of the Superintendent of Public Instruction. In addition to this work of examination and certification of teachers, the Chief Clerk of the Department of Public Instruction

³⁵ *Biennial Report of the Superintendent of Public Instruction, 1920-1922*, pp. 64, 65.

handles all the work of the department dealing with the administration of county examinations.³⁶

The work concerning vocational education and civilian rehabilitation is carried out under the direction of the Board for Vocational Education. The relation of this service to the Department of Public Instruction is both personal and functional. The Superintendent of Public Instruction is, by virtue of his office, chairman of the Board for Vocational Education and as such assists in administering the Civilian Rehabilitation Service. As chairman of this Board the Superintendent of Public Instruction, with the approval of the Board for Vocational Education, appoints such assistants as may be necessary to carry on the provisions of the Federal and State acts for vocational education and rehabilitation service. Also the reports of these services are made by the Director for Vocational Education through the Department of Public Instruction.³⁷

The Legal Division of the Department of Public Instruction.—The work of the legal division includes the hearing of appeals, the making of decisions thereon, and the giving of written advisory opinions to school officers on questions of law. The Deputy Superintendent of Public Instruction has charge of the work of the legal division, but the work of hearing appeals and making decisions must be handled by the Superintendent of Public Instruction personally. His deputy can neither represent him nor take his place.³⁸

³⁶ *Code of 1927*, Secs. 3832, 3858, 3861, 3863, 3910; *Biennial Report of the Superintendent of Public Instruction*, 1920-1922, p. 31, 1926-1928, pp. 17-20.

³⁷ *Code of 1927*, Secs. 3852, 3853, 3854; *Outlines of Plans for Vocational Education and Civilian Rehabilitation in the State of Iowa*, 1923-1927, p. 3; *Biennial Report of the Superintendent of Public Instruction*, 1926-1928, pp. 20, 21.

³⁸ *Abrams v. Ervin*, 9 Iowa 87, 90; *Biennial Report of the Superintendent of Public Instruction*, 1920-1922, pp. 40-46, 1926-1928, p. 6.

Professional Qualifications.—Iowa legislators prior to 1913 had no thought that the State Superintendent of Public Instruction ought to have special qualifications and training for the service he was to perform; professional qualifications were not required. The Iowa Educational Commission in 1908 recommended that the Superintendent of Public Instruction should be the holder of an “unlimited state certificate”. But it was largely due to the agitation of the Better Schools Commission that the Thirty-fifth General Assembly in 1913 provided that the Superintendent of Public Instruction should be “a graduate of an accredited university or college, or of a four year course above high school grade in an accredited normal school, and shall have had at least five years’ experience as a teacher or school superintendent.” The professional qualifications required at the present time are the same as those provided by the Thirty-fifth General Assembly.³⁹

Political Qualifications.—Legal qualifications for the office of Superintendent of Public Instruction have been required since the time of the first Territorial provision for the office. The Superintendent of Public Instruction at that time was required to give a bond of two thousand dollars. In the establishment of the office under the first State Constitution the bond was made twenty-five thousand dollars. The reason for such a large bond was no doubt due to the fact that the duties of the Superintendent of Public Instruction were largely financial. This bond requirement remained effective until the abolition of the office of Superintendent of Public Instruction in 1858. With the reestablishment of the office in 1864, the bond requirement was

³⁹ *Laws of Iowa*, 1913, Ch. 103; *Report of the Iowa Educational Commission*, 1908, p. 7; *Biennial Report of the Superintendent of Public Instruction*, 1912-1914, pp. 87-97; *Proceedings of the Fifty-eighth Annual Session of the Iowa State Teachers Association*, pp. 78-80.

lowered to two thousand dollars. This was probably due to the fact that almost all the financial responsibilities previously borne by the Superintendent of Public Instruction had been transferred to the State's financial officers. This bond requirement remains the same to date, though the financial responsibilities of the Superintendent of Public Instruction since that time have considerably increased. The Superintendent of Public Instruction must take an oath to support the Constitutions of the United States and of the State of Iowa, and to perform the duties of his office faithfully and impartially as required by law. He must be twenty-one years of age and a citizen of the State of Iowa.

The process of qualifying for office after election must be completed by noon of the second secular day in January of the first year of the term for which the Superintendent of Public Instruction was elected, unless he is prevented by inclement weather, unavoidable absence, or casualty, in which case an extension of ten days is granted. When the election is contested the successful candidate must complete his qualifications within ten days after the decision of the contest has been rendered.⁴⁰

Selection and Tenure.—The office of Superintendent of Public Instruction as first provided for in the Territorial government was appointive by the Governor for a term of three years. By provision of the Constitution of 1846 the office was made elective for a term of three years, and remained so until its abolition by the Board of Education in 1858. With the restoration of the office in 1864, it was provided that a Superintendent of Public Instruction "shall be elected by the General Assembly to serve until January 1866, and thereafter a Superintendent of Public Instruction

⁴⁰ *Laws of the Territory of Iowa, 1840-1841, Ch. 46; Code of 1851, Secs. 326, 328; Laws of Iowa, 1864, Ch. 52, 1913, Ch. 103; Code of 1873, Sec. 678; Code of 1927, Secs. 526, 540, 544, 655-a1, 1045, 1047, 1048, 1063, 1070, 1073, 1077.*

shall be elected by the people every two years." The office remained elective biennially until 1913, when an attempt was made to remove it from politics. In that year it was made appointive for a term of four years. It was provided that the Governor shall "nominate and with the consent of two-thirds of the members of the senate in executive session, appoint a superintendent of public instruction". With but one term's trial of this method of selection the Thirty-seventh General Assembly enacted a law again making the office elective.⁴¹

Candidates for the office of Superintendent of Public Instruction may be nominated by the regular primary, by convention, or by petition signed by five hundred qualified voters of the State. If an individual desires to be nominated as a member of a political party as defined in the Iowa law he must seek nomination at the primary. The law also provides that political organizations which are not political parties may nominate a candidate for this office by convention. If a person desires to run independent of any party organization he may seek nomination by petition.⁴² The law provided that the Superintendent of Public Instruction should "be elected at the general election in (1926) and each fourth year thereafter."⁴³

Compensation.—During the greater part of the time since the establishment of his office, the Superintendent of Public Instruction has received a comparatively small salary. The act creating the office under the Territorial government provided that the Superintendent of Public Instruction should receive two hundred and fifty dollars per

⁴¹ *Laws of the Territory of Iowa*, 1840-1841, Ch. 46; *Code of 1851*, Secs. 239, 240, 1076; *Laws of Iowa*, 1864, Ch. 52, 1913, Ch. 103, 1917, Ch. 318.

⁴² *Code of 1927*, Secs. 528, 529, 655-a1, 655-a17; *Laws of Iowa*, 1925, Ch. 27.

⁴³ *Code of 1927*, Sec. 515.

year.⁴⁴ This amount was raised to twelve hundred dollars with the establishment of the office by the First General Assembly in 1846.⁴⁵ In 1864 the salary of the Superintendent of Public Instruction was raised to \$1300; in 1866 it was raised to \$1500; and in 1870 it was increased to \$2200. The Thirty-fifth General Assembly, in adopting the recommendations of the Better Schools Commission in 1913, provided a salary of \$4000 per annum for the Superintendent of Public Instruction.⁴⁶

In 1868 the General Assembly created the office of Deputy Superintendent of Public Instruction. The compensation allowed the Deputy Superintendent of Public Instruction, like that of the Superintendent, has been subject to many changes. These changes are as follows: in 1870, \$1200; in 1886, \$1500; in 1907, \$1800; in 1913, \$2500; in 1923, \$2700; and in 1927, \$2850.

The General Assembly has from time to time also made additions to the staff of the Department of Public Instruction, involving increased compensation expenditures. These have been as follows: (1) in 1911, an Inspector of Normal Training High Schools at a salary of \$2000 per annum; (2) in 1913, a Chief Clerk at \$1500 per year, and three additional inspectors at \$2000 each; and (3) in 1919, a Director of the Teachers' Placement Bureau, at \$1200.⁴⁷

The present schedule of salaries allowed annually for the staff of the Department of Public Instruction is: (1) Superintendent of Public Instruction, \$4000; (2) Deputy Superintendent, \$2850; (3) each of four inspectors, \$2400; and (4)

⁴⁴ *Laws of the Territory of Iowa*, 1840-1841, Ch. 46.

⁴⁵ *Laws of Iowa*, 1846-1847, Ch. 99.

⁴⁶ *Laws of Iowa*, 1864, Ch. 52, 1866, Ch. 67, 1870, Ch. 112, 1913, Ch. 103, 1927, Ch. 275, p. 258.

⁴⁷ *Laws of Iowa*, 1868, Ch. 115, 1870, Ch. 112, 1886, Ch. 118, 1907, Ch. 2, 1911, Ch. 131, 1913, Ch. 103, 1919, Ch. 298, 1923, Ch. 334, 1927, Ch. 275; *Iowa Official Register*, 1921-1922, p. 150.

Chief Clerk, \$1800. The inspector of normal training schools is paid from the fund provided for normal training schools, and his salary is fixed by the Superintendent of Public Instruction.⁴⁸

Vacancies.—A vacancy in the office of the Superintendent of Public Instruction may occur upon: (1) failure to elect; (2) failure to qualify; (3) termination of residence in the State; (4) resignation; (5) decision of the Polk County District Court declaring the office vacant; (6) conviction of the incumbent of an infamous crime, or of any public offense involving the violation of his oath of office; (7) suspension by the District Court of Polk County; or, (8) upon the death of the incumbent. All cases of vacancies are filled by appointment by the Governor. The succeeding official serves only until the removal of the disqualifications from the regular Superintendent of Public Instruction; or in case of vacancy occurring as the result of resignation, removal from the State, or death, the appointed official serves until the next regular election, and the qualification of the newly elected Superintendent of Public Instruction.⁴⁹

Removal.—The Superintendent of Public Instruction may be removed from office as the result of action brought in the Polk County District Court. Action may be brought because of: (1) wilful or habitual neglect; (2) wilful misconduct or maladministration in office; (3) corruption; (4) extortion; (5) conviction of a felony; and (6) intoxication, or because of having been convicted of being intoxicated.

⁴⁸ *Biennial Report of the Attorney General, 1925-1926*, pp. 128-130; *Iowa Official Register, 1927-1928*, p. 142; *Laws of Iowa, 1927*, Ch. 275, p. 258. The Forty-second General Assembly in making the appropriation for the Department of Public Instruction did not provide for the Director of the Teachers' Placement Bureau.—*Laws of Iowa, 1927*, Ch. 275, p. 258.

⁴⁹ *Code of 1927*, Secs. 1091, 1092, 1107, 1146, 1152, 1155.

Petition for removal may be filed in the office of the Clerk of the Polk County District Court by the Attorney General of the State or by not fewer than twenty-five qualified electors of the State of Iowa.

The petition for removal must be filed in the name of the State of Iowa and the accused shall be named as defendant. When the petition is filed by the qualified electors it must be verified. Upon the filing of a petition, notice of such filing and of the time and place of hearing shall be served upon the accused. The time of hearing shall not be less than ten days nor more than twenty days after completion of the serving of notice. The Superintendent of Public Instruction may then be suspended from office by the Polk County District Court or by the judge thereof during trial. "The proceeding shall be summary in its nature, shall be triable as an equitable action, and may be heard either in vacation or term time." Change of venue may be had by application to the Supreme Court. In such case the Supreme Court will appoint a judge, in place of the regular Polk County District Court judges, to sit in the case. If judgment of removal is rendered by this court, the Governor appoints a successor to fill the vacancy. Appeal to the Supreme Court of the State of Iowa may be had by the defendant, but such appeal and the filing of supersedeas bond shall not operate to stay the proceedings of the District Court, or judge, or restore the defendant Superintendent to office pending appeal.⁵⁰

In addition to providing for the removal of the Superintendent of Public Instruction from office, the General Assembly has also provided that he may be suspended by judicial or court order. A suspension is not, strictly speaking, a removal; it is not even a temporary removal, for the suspended official is still treated as an officer. Although

⁵⁰ *Code of 1927*, Ch. 56.

this is true, suspension of officials may properly be treated, at least in this particular connection, as a phase of removal from office.⁵¹

By the suspension act the Governor is authorized to appoint a commission of three competent accountants to examine and inspect the books, papers, vouchers, moneys, securities, and documents under the control of the Superintendent of Public Instruction. Such accountants are required to make out a full, complete, and specific statement of the transactions of the Superintendent of Public Instruction, with, for, or on behalf of the State, and report the same to the Governor, with such suggestions as they may think proper. If he finds from the examination of the report that sufficient grounds for removal exist, the Governor may lay a copy of the report before the Attorney General, and direct that officer to file petition for removal against the Superintendent of Public Instruction in the Polk County District Court.⁵² Upon the filing of this petition with the clerk of the Polk County District Court, and the presentation of the petition to the judge, the Court or judge may suspend the accused Superintendent of Public Instruction from office. When suspended from office the Superintendent of Public Instruction may not attempt to exercise any of the functions of his office. Revoking of the suspension acts to reinstate the Superintendent in office.⁵³

Staff.— During the early history of the office one of the greatest needs of the Superintendent of Public Instruction seems to have been an adequate staff. It was during this time that the Superintendent of Public Instruction enjoyed real power, but because of the lack of assistance in his office

⁵¹ *Code of 1927*, Ch. 57; *Brown v. Duffus*, 66 Iowa 193, at 199.

⁵² *Code of 1927*, Secs. 1119, 1120, 1122, 1123.

⁵³ *Code of 1927*, Secs. 1092, 1094, 1097.

he was obliged to function in only a limited portion of the educational field, and to neglect other important phases of school administration.⁵⁴

The First General Assembly in making provision for the office of Superintendent of Public Instruction provided the Superintendent with power to appoint a deputy, but the Superintendent of Public Instruction had to pay the deputy out of his own salary. The Twelfth General Assembly in 1868, however, allowed the Superintendent of Public Instruction a deputy.⁵⁵ In 1911 an Inspector of Normal Training High Schools was added to the staff.⁵⁶ And in 1913, the Thirty-fifth General Assembly provided for three additional inspectors of schools: an Inspector of Rural and Consolidated Schools, and two Inspectors of State Graded and High Schools. The Thirty-fifth General Assembly also provided for a Chief Clerk as a member of the staff of the Department of Public Instruction.⁵⁷ In response to the need for teachers brought about by war conditions, the Thirty-eighth General Assembly provided for a Bureau of Teachers' Placement in the Department of Public Instruction and established a Director at the head of this Bureau.⁵⁸ At the present time, the staff of the Department of Public Instruction consists of the Superintendent of Public Instruction, the Deputy Superintendent of Public Instruction, the Chief Clerk, and five inspectors as follows: (1) Inspector of Consolidated Schools, (2) Inspector of Mining Camp Schools, (3) Inspector of Normal Training High Schools,

⁵⁴ Aurner's *History of Education in Iowa*, Vol. II, p. 12.

⁵⁵ *Laws of Iowa*, 1846, p. 133, 1868, Ch. 115.

⁵⁶ *Laws of Iowa*, 1911, Ch. 131.

⁵⁷ *Laws of Iowa*, 1913, Ch. 103; *Biennial Report of the Attorney General*, 1913-1914, pp. 148, 149; *Biennial Report of the Superintendent of Public Instruction*, 1912-1914, p. 1.

⁵⁸ *Laws of Iowa*, 1919, Ch. 298; *Biennial Report of the Superintendent of Public Instruction*, 1918-1920, pp. 84, 85.

(4) Inspector of Graded and High Schools, and (5) Inspector of Rural Schools.⁵⁹

III

THE ADMINISTRATIVE POWERS OF THE
SUPERINTENDENT OF PUBLIC
INSTRUCTION

In exercising the functions of his office the Superintendent of Public Instruction is largely independent of any other educational administrative agency. These functions are numerous and varied in nature. They may be grouped into two classes. First, the Superintendent of Public Instruction has certain mandatory powers and duties, that is, those powers and duties which are imposed upon him by law. As head of a department which has been created by the State legislature, the Superintendent of Public Instruction derives all his authority from that source. Though the scope of his authority is quite clearly worked out by statute, the realm in which he is compelled by law to act seems much less clearly indicated. Whether a certain statute is mandatory or not may be determined only by the courts. It might appear from a reading of the words "shall" and "must" or "may" that the character of his duties would be easily determined, but the word "may" is often construed as meaning "must", or "shall" to mean "may".⁶⁰ Furthermore the courts have held that even where the law imposing a duty upon an officer is not mandatory in form, it will be regarded by them as mandatory where it has been adopted with the idea of affording protection to the individual.

⁵⁹ *Biennial Report of the Superintendent of Public Instruction, 1926-1928*, p. 3; *Biennial Report of the Attorney General, 1925-1926*, pp. 128-130; *Laws of Iowa, 1927*, Ch. 275, p. 258.

⁶⁰ Goodnow's *The Principles of Administrative Law of the United States*, pp. 295, 296; Van der Zee's *Form and Language of Statutes in Iowa*, as found in the *Iowa Applied History Series*, Vol. III, pp. 379, 380.

What an official is empowered to do for a third person shall be done.⁶¹

Among the mandatory duties of the Superintendent of Public Instruction the following may be cited as examples: (1) he shall prepare "and supply questions for the examination of applicants of teachers' certificates and pupils completing the eighth grade in the rural schools", and fix the time for holding such examinations; (2) he shall appoint at least one and not more than two county educational meetings or institutes to be held annually; (3) he shall make such regular reports to the Auditor of the State and the Governor respectively as are prescribed by law; (4) he must submit a comprehensive program of proposed expenditures for mining camp schools to the Executive Council for its approval before money can be spent. This last duty admits of considerable discretionary authority, but it is mandatory in that the report must be made before approval of the Executive Council can be secured.

Secondly, the Superintendent of Public Instruction has authority to exercise certain discretionary powers. These may be referred to as his directory duties. The Superintendent of Public Instruction in executing his discretionary duties is not liable for the way in which he executes them, nor may he be forced by the courts to execute them in any particular manner. Concerning this power the English courts have said: "Discretion is to discern between right and wrong, and therefore whoever hath power to act at discretion is bound by the rule of reason and law."⁶²

It is to this class, that is, to his discretionary duties, that almost all of the duties of the Superintendent of Public

⁶¹ French v. Edwards, 13 Wallace (U. S.) 506; Supervisors v. United States, 4 Wallace (U. S.) 435, 446, 447.

⁶² Freund's *Cases on Administrative Law*, p. 61; Bayley v. Ewart, 52 Iowa 111, 112; *Code of 1927*, Ch. 190; *Laws of Iowa, 1927*, Ch. 275; Goodnow's *The Principles of the Administrative Law of the United States*, pp. 295, 296.

Instruction belong. The courts have held that they "are, and ought to be, slow to interfere with the conduct of public business by public officers; and this is especially true of public business committed to the administration of officers or boards not learned in law, and unaccustomed to the observance of strict, legal formalities. If they manifest good faith, and show substantial compliance with the law prescribing their duties, their acts should be sustained against the hostile attack grounded on technical defects and omissions occasioning no prejudice to public interests."⁶³ Illustrative of the discretionary powers or duties of the Superintendent of Public Instruction are the following: (1) examining and determining appeals; (2) classifying and defining the various schools under his supervision; (3) formulating suitable courses of study; (4) inspection of the various schools of the public school system; (5) prescribing reports, forms, blanks; (6) obtaining and furnishing information so as to assist in securing positions for teachers; (7) designating and approving high schools for normal training work, and approving consolidated and standard schools for State aid; and (8) directing and approving county and town institutes.

This study is not primarily concerned with a technical analysis of each of the many functions and duties of the Superintendent of Public Instruction, nor with the making of a rigid classification of the many detailed duties involved in the administration of the Department of Public Instruction. It aims rather to point out in general the features of the administrative powers involved in the work of the Department, how they are actually carried out, and the general effects upon the public school system. The remaining chapters are therefore given to discussion of these chief administrative powers, that is, the power of appointment,

⁶³ Crawford v. School Township of Beaver, 182 Iowa 1324, 1334.

power of removal, power of direction and supervision, ordinance power, deciding appeals, powers of financial control, and *ex officio* powers.⁶⁴

IV

POWER OF APPOINTMENT

Appointment has been defined as consisting of the "choice by the appointing authority of the person appointed." There can be no appointment to office in the public service without legal authority. For any department of government to exercise the power of appointing its subordinates is in legal theory a distinctive feature of its independence.⁶⁵

The First General Assembly of Iowa conferred the power of appointment upon the Superintendent of Public Instruction by providing that he might appoint a deputy. Since the office of Superintendent of Public Instruction now has a statutory basis, it necessarily follows that the Superintendent of Public Instruction is dependent upon the legislature for his power of appointment. This power may be altered or entirely taken away by that body at any time. The function of appointment has been extended by the General Assembly on several instances by the addition of new divisions to the Department. But since there is no hierarchy of school officers in Iowa, the power of appointment of the Superintendent of Public Instruction is comparatively limited. The Thirty-fourth General Assembly in 1911 created within the Department of Public Instruction the position of Inspector of Normal Training High Schools, and provided that he should be appointed by the Superin-

⁶⁴ *Code of 1927*, Ch. 190, 194, 209, 222, Secs. 4108, 4111, 4112.

⁶⁵ Goodnow's *The Principles of the Administrative Law of the United States*, pp. 37, 38, 253; McQuillin's *A Treatise on the Law of Municipal Corporations*, Vol. II, p. 1004.

tendent of Public Instruction.⁶⁶ In 1913, the Thirty-fifth General Assembly added to the appointive power of the Superintendent of Public Instruction by creating the offices of Chief Clerk and three additional inspectors, which offices were to be organized at the discretion of the Superintendent of Public Instruction. The offices of inspectors now provided are: Inspector of Graded and High Schools, Inspector of Consolidated Schools, Inspector of Rural Schools, Inspector of Mining Camp Schools, and Inspector of Normal Training Schools.⁶⁷ The Thirty-eighth General Assembly empowered the Superintendent of Public Instruction to organize the Teachers' Placement Bureau and establish a Director at its head.

The appointive authority of the Superintendent of Public Instruction within the Department is complete in all cases excepting in case of the Deputy Superintendent of Public Instruction and the Inspector of Mining Camp Schools. In the case of the appointment of the Deputy Superintendent, the Superintendent of Public Instruction must have the approval of the Governor; also the qualifications for the Deputy Superintendent must be the same as those required of the Superintendent of Public Instruction.⁶⁸ In the case of the Inspector of Mining Camp Schools, the Superintendent of Public Instruction must secure special authorization of the Executive Council to make the appointment.⁶⁹

The Superintendent of Public Instruction as executive officer of the State Board for Vocational Education "shall with its approval, appoint such assistants as may be neces-

⁶⁶ *Laws of Iowa*, 1846-1847, p. 133, 1911, Ch. 131.

⁶⁷ *Laws of Iowa*, 1913, Ch. 103, 1927, Ch. 275, p. 258; *Biennial Report of the Superintendent of Public Instruction*, 1926-1928, p. 3; *Biennial Report of the Attorney General*, 1913-1914, p. 149, 1924-1926, pp. 128-130.

⁶⁸ *Code of 1927*, Sec. 3835; *Biennial Report of the Superintendent of Public Instruction*, 1920-1922, p. 66.

⁶⁹ *Iowa Official Register*, 1925-1926, p. 659.

sary". Since this Board serves as the administrative board in charge of civilian rehabilitation, the Superintendent of Public Instruction also appoints the necessary officials to carry out that work, but here again he must have the approval of the Board in making appointments.⁷⁰

V

REMOVAL

The removal of a public official is the act of depriving a person of a government office. It may take place at any time within the term for which the official is serving, whether his commission be definite or indefinite. The removal, however, must be within the term for which the person has been chosen. The expiration of a tenure of office is not technically a removal. This method of control over governmental agents does not involve the violation of any constitutional or legal rights; the right to a public office is not a property or a contractual right — indeed, it is not an absolute right of any kind. In fact the right to office is merely a privilege. To be sure, an office holder may have certain rights; he has the legal right, for example, to protect himself against unlawful removal.⁷¹

Although appointive officials are usually subject to removal by impeachment, they have been more effectively controlled by summary removal. In addition to removal by impeachment and summary removal, removal for cause is also common. That is to say, there is another distinct method of removal for cause other than by impeachment; it applies to both elective and appointive officers in Iowa.⁷²

⁷⁰ Code of 1927, Secs. 3839, 3852.

⁷¹ *Butler v. Pennsylvania*, 10 Howard (U. S.) 402, pp. 415-417; Ashley's *Removal of Public Officials* in McLaughlin and Hart's *Cyclopedia of American Government*, Vol. III, pp. 177, 178.

⁷² Goodnow's *The Principles of the Administrative Law of the United States*, p. 462; Code of 1927, Secs. 1091, 1114.

The subordinate officials of the Department of Public Instruction may be removed by either of two methods, namely: (1) by summary removal, or (2) by removal for cause. On the other hand the General Assembly may abolish any one of the offices within the Department with the incidental result of terminating the official relation of the incumbent.⁷³ Summary removal, that is, removal without cause, or dismissal at the discretion of the Superintendent of Public Instruction may be effected by formal discharge or by the appointment of a successor to the incumbent. This method of removal is based on the principle that the power of removal is incident to the power of appointment and is applicable in case of the subordinate officials of the Department of Public Instruction only because each of the offices is held at the pleasure of the Superintendent of Public Instruction and a definite term is not fixed by law.⁷⁴

The subordinate officials of the Department of Public Instruction may be removed for cause by judicial process as provided for the removal of the Superintendent of Public Instruction and described under the topic of removal in Chapter II. Furthermore, the Governor shall, when of the opinion that the public service requires such action, appoint a commission to examine such officials and, upon return of an unsatisfactory report by this commission, he shall lay a copy of this report before the Executive Council. The Executive Council may use such report as the basis for removal or it may upon the direction of the General Assembly begin investigation proceedings. The Executive Council may remove any one of the subordinate officials of the Department of Public Instruction for the following causes:

⁷³ *Biennial Report of the Attorney General, 1923-1924*, p. 370.

⁷⁴ McQuillin's *A Treatise on the Law of Municipal Corporations*, Vol. II, pp. 1205-1207; *Biennial Report of the Attorney General, 1909-1910*, p. 67; Goodnow's *The Principles of the Administrative Law of the United States*, p. 312; *Code of 1927*, Sec. 3835; *Ex Parte Hennen*, 13 Peters (U. S.) 230-262, at 259.

(1) habitual or wilful neglect of duty, (2) any disability preventing a proper discharge of the duties of his office, (3) gross partiality, (4) oppression, (5) extortion, (6) corruption, (7) wilful misconduct or maladministration in office, (8) conviction of felony, (9) a failure to produce and fully account for all public funds and property in his hands at any inspection or settlement, and (10) becoming ineligible to hold office.⁷⁵

Also in view of the principle that appointive officers without a definite term may be removed by the appointing authority because the power of removal is regarded as incident to the power of appointment, the Superintendent of Public Instruction, it would seem, is authorized to remove those officials appointed by him in the Vocational Education Service.⁷⁶ Thus the Superintendent of Public Instruction is empowered to remove all those subordinate officials serving within his own Department and all those subordinate officials serving in the administration of vocational education.⁷⁷

VI

THE POWERS OF DIRECTION SUPERVISION
AND CONTROL

In the administration of the public schools of Iowa almost all duties are performed by officers elected by the people. Only the small group of officials and assistants in the Department of Public Instruction really has direct administrative responsibility. Practically all the public school officials of the State are independent of any effective

⁷⁵ *Biennial Report of the Attorney General, 1923-1924*, pp. 271, 272; *Laws of Iowa, 1921*, Ch. 158; *Code of 1927*, Secs. 1114, 1119, 1122, 1123.

⁷⁶ *McQuillin's A Treatise on the Law of Municipal Corporations*, Vol. II, pp. 1229, 1230.

⁷⁷ *Code of 1927*, Sec. 3839.

direction or supervision from the Department of Public Instruction, except as they obligate themselves in accepting State aid for their schools. The Superintendent of Public Instruction has general power to ascertain "by inspection or otherwise, the conditions, needs, and progress of the schools under the supervision and control of his department", and to "classify and define the various schools under the supervision and control of his department". The powers of the Superintendent of Public Instruction appear to be directory and supervisory more in theory than in practice.⁷⁸ Almost all administrative matters affecting the public schools of the State are performed by local officers who are really quite independent of central supervision; although there is no branch of the public school system over which the Superintendent of Public Instruction has not some influence. The Department of Public Instruction sends to local school officials instructions as to how they should execute the law relative to their schools.⁷⁹ This does not appear to be the result of any change in the responsibility of these local officials, but is due rather to the making of special classifications of their schools and the giving of grants and aids. Thus the Superintendent of Public Instruction is enabled to direct, supervise, and control to some degree almost all the public elementary and secondary schools of the State.

THE DEPARTMENT OF PUBLIC INSTRUCTION

As head of the Department of Public Instruction the Superintendent of Public Instruction may exercise the powers of direction, supervision, and control within the Department apparently in an effective, almost complete and

⁷⁸ *Code of 1927*, Sec. 3832; Bowman's *Problems in the Administration of Iowa*, p. 53.

⁷⁹ Bowman's *Problems in the Administration of Iowa*, pp. 53, 55.

independent manner.⁸⁰ In the work of the Department in connection with the mining camp schools, however, the Superintendent of Public Instruction must coöperate with and act under the advisement of the Executive Council in matters relating to the distribution of funds to these schools.⁸¹ The Superintendent of Public Instruction is enabled to make effective his powers of direction and supervision for he apparently has full power to remove any member of his staff.⁸²

The Deputy Superintendent of Public Instruction and the supervisors and inspectors of the Department of Public Instruction are all under the direction of, and subject to, the supervision of the Superintendent of Public Instruction in carrying out their particular functions. The Department of Public Instruction handles approximately \$500,000 annually, distributing this sum to consolidated schools, normal training schools, mining camp schools, and standardized schools. The distribution of these funds is made upon the basis of reports and statistics compiled by the inspectors or supervisors and approved by the Superintendent of Public Instruction. Moreover, the Superintendent of Public Instruction must approve all bills for the distribution of these funds, the necessary traveling expenses of the inspectors and the salaries of the clerical help. In addition, the Superintendent of Public Instruction edits and writes a large number of bulletins and reports in connection with the work of the Department.⁸³

⁸⁰ *Biennial Report of the Superintendent of Public Instruction, 1920-1922*, p. 12.

⁸¹ *Biennial Report of the Superintendent of Public Instruction, 1920-1922*, p. 66; *Laws of Iowa, 1927*, Ch. 275.

⁸² Patton's *Removal of Public Officials in the Iowa Applied History Series*, Vol. II, p. 394.

⁸³ *Laws of Iowa, 1927*, Ch. 275, p. 258; *Biennial Report of the Superintendent of Public Instruction, 1920-1922*, pp. 12, 13, 46-59, 60-65, 66.

THE COUNTY SUPERINTENDENT AND RURAL SCHOOLS

The Superintendent of Public Instruction makes use of the county superintendents of schools as a means of communication between the Department of Public Instruction and the "various school officers and instructors" of the counties, and in transmitting and delivering "all books, papers, circulars and communications designed for them".⁸⁴

In matters concerning the "standard schools", the Superintendent of Public Instruction has "general supervisory and plenary powers." A standard school is legally defined as "Any school located in a district, other than a city independent or consolidated district, not maintaining a high school, which has complied" with the law governing such schools.⁸⁵ Directions are given to the county superintendents of schools and to the local school officials relative to standard conditions for the certain type of school, involving the schoolhouses, grounds, equipment, heating, lighting, ventilation, seating, water supply, library, fire protection, and teacher requirements. Detailed specifications are made to county superintendents, school officials, and teachers to serve as directions in determining whether a school is ready for standardization, and for guidance in selecting and purchasing materials and supplies together with the general improvement of the school. The Superintendent of Public Instruction may at any time he deems necessary prescribe additional requirements.⁸⁶

⁸⁴ *Code of 1927*, Sec. 4106.

⁸⁵ *Biennial Report of the Attorney General*, 1923-1924, p. 369; *Code of 1927*, Sec. 4329.

⁸⁶ *Code of 1927*, Secs. 4329, 4330; *Biennial Report of the Superintendent of Public Instruction*, 1918-1920, pp. 60, 61. The Superintendent of Public Instruction issues an official rating card to be used by the county superintendent of schools in scoring a school desirous of becoming standardized or for a guide to a standardized school in maintaining or raising its status. The chief features outlined in this score card are: (1) grounds and outbuildings, 120 points; (2) the schoolhouse, 190 points; (3) equipment and care of school-

Each county superintendent of schools is required by law to make an annual report on or before June thirtieth, of the conditions of the standardized schools within his county. Upon the receipt from the county superintendent of schools of a satisfactory report showing that any certain rural school has fulfilled the requirements of a standard school, the Superintendent of Public Instruction issues a requisition upon the State Auditor for the amount due the rural school district entitled to State aid for the past school year. The State Auditor, thereupon, draws a warrant upon the State Treasurer payable to the secretary of the school corporation entitled to State aid. The amount that can be secured by any standard school is six dollars for each pupil who attended the school in question at least six months of the previous year. The Superintendent of Public Instruction is required to furnish a standard school with a "door plate or mark of identification".⁸⁷

The Superintendent of Public Instruction may direct the county superintendents of schools in making reports, both as to the manner of making them and the contents of the reports. He may require that the county superintendents make reports additional to those specified by law concerning standard schools.⁸⁸ Annually, on the last Tuesday in August, the county superintendent of schools in each county is required to make a report upon all the schools within his county. This report is an abstract of the reports made to him by secretaries and treasurers of school corporations,

room, 190 points; (4) library and supplementary readers, 90 points; (5) the teacher and the school, 290 points; and, (6) community and school activities, 120 points. Total 1000 points. To become standardized a rural school must have a rating of 800 points on this score card for the first year, 850 points for the second year, and 900 points for every year thereafter.— *Standardization of Rural Schools*, 1928, pp. 5-8, 9-37.

⁸⁷ *Code of 1927*, Secs. 4331, 4332, 4334, 4335.

⁸⁸ *Code of 1927*, Sec. 4331.

and in addition shows to what extent the requirements of the law for instruction in physiology and hygiene are observed. This report must also show such other matters as the Superintendent of Public Instruction has instructed the county superintendent of schools to include.⁸⁹ It is in respect to the making of reports that the Superintendent of Public Instruction may really exercise his supervisory powers over the county superintendents. Upon failure to report satisfactorily to the Superintendent of Public Instruction, a county superintendent of schools may be made to forfeit the sum of fifty dollars to the county school fund and bear the expense of having a satisfactory report made.⁹⁰

The Superintendent of Public Instruction may also instruct any other officer or person who has any authority or duties in connection with public school affairs, or who now has or has had the custody or control of public school funds or property, to make reports to him. The failure of local officials to make the required report is a misdemeanor and punishable as such.⁹¹

The Superintendent of Public Instruction directs the county superintendent of schools in holding county institutes for the teachers. He appoints at least one and not more than two county teachers' institutes in each county each year, and designates the time and place for holding them. The county superintendent of schools makes out the program and selects the instructors and lecturers, but the program and instructional staff must be approved by the Superintendent of Public Instruction. Any school corporation employing regularly twenty-five or more teachers may hold a teachers' institute separate from that of the regular county institute. In case a school corporation does hold a

⁸⁹ *Code of 1927*, Sec. 4106.

⁹⁰ *Code of 1927*, Sec. 4107.

⁹¹ *Code of 1927*, Sec. 3834.

separate institute for its teachers, the county superintendent must coöperate with the city superintendent in arranging the program and selecting the staff. Arrangements or plans for professional meetings in such districts are, however, subject to the approval of the Superintendent of Public Instruction.⁹²

DIRECTION SUPERVISION AND CONTROL OF THE GRADED
AND HIGH SCHOOLS

The general supervision and control of the schools of the State vested in the Department of Public Instruction is not wholly a new responsibility. The Tenth General Assembly in 1864 charged the Superintendent of Public Instruction with the general supervision of all the common schools of the State. It remained, however, for the Thirty-fourth General Assembly and the Thirty-fifth General Assembly to provide the machinery for the constructive supervision and control of the public graded and high schools of the State.⁹³

The Department of Public Instruction defines the term, "graded and high schools", as including all public schools of the State with graded elementary work and with one or more years of high school work. This includes such schools as are approved and those not yet standardized and approved by the Department of Public Instruction. It does not include rural schools, except those that are consolidated, and others that employ more than one teacher.⁹⁴

The chief factor that brings these schools under effective supervision of the Department of Public Instruction is the provision that every school corporation that does not provide a four years' high school course shall pay the tuition

⁹² *Code of 1927*, Secs. 3840, 4108, 4111, 4112.

⁹³ *Laws of Iowa*, 1864, Ch. 52, 1911, Chs. 131, 146, 1913, Chs. 103, 239.

⁹⁴ *Biennial Report of the Superintendent of Public Instruction*, 1916-1918, p. 47.

of its pupils of school age, who have completed the course as approved by the Department of Public Instruction for such corporation, if they choose to attend an approved high school.⁹⁵

The work of inspection and supervision of the graded and high schools of the State consists of work in the office of the Department of Public Instruction and field work which involves more than ten thousand miles of travel annually in visiting schools. This work is in the immediate charge of the Inspector of Graded and High Schools. In performing this work he is under the direction of the Superintendent of Public Instruction. The chief duties of the Inspector of Graded and High Schools in supervising the schools are: (1) visiting the schools of the State, (2) checking up material equipment; (3) examining the course of study and records; (4) visiting classroom work of the teachers; (5) conferring with superintendents, teachers, and boards of education; (6) advising local school authorities relative to the type of school which should be maintained by them; (7) making itemized written reports of the results of inspection and requirements needed by each particular school; (8) preparing and sending out report blanks at the beginning of each school year; (9) examining reports sent to him and making recommendations relative to the same, to each school; (10) providing standards for graded and high schools; (11) preparing courses of study; and (12) issuing bulletins and manuals. About one-half of the time of the Inspector of Graded and High Schools is spent in checking reports, preparing literature and bulletins, answering correspondence, and doing other forms of office work. So that on the average a school can not be inspected more than once every two and one-half years. Usually schools are inspected when applying for approval, but sub-

⁹⁵ Code of 1927, Secs. 4275, 4277.

sequent maintenance of that standard is checked largely by the Inspector of Graded and High Schools from reports turned into the Department of Public Instruction.⁹⁶

Schools desiring to be standardized and approved by the Department of Public Instruction, and those desiring to maintain that status must meet reasonable requirements in the way of the following: (1) material equipment, including buildings, fixtures, and grounds; (2) organization; (3) curriculum, consisting of an elementary course of eight years and a high school course of one, two, three or four years, each of which must have a well arranged course of study, well balanced and coördinated; (4) instruction; and (5) spirit. Schools may be approved for one year, two, three, or four years of high school work.⁹⁷

DIRECTION SUPERVISION AND CONTROL OF NORMAL TRAINING HIGH SCHOOLS

The normal training high school was established in Iowa by the Thirty-fourth General Assembly as a local institution for training teachers for rural schools.⁹⁸ The Superintendent of Public Instruction may designate the schools which may take advantage of this provision and establish departments of normal training in their high schools. The Superintendent of Public Instruction is also given discretion in the matter of deciding which schools shall be selected as normal training high schools. It is expected, however, that in deciding which schools shall be selected, the Superintendent of Public Instruction will take into account the usefulness of the high school under consideration in supplying

⁹⁶ *Biennial Report of the Superintendent of Public Instruction, 1920-1922*, pp. 64, 65.

⁹⁷ See *Summary of Standards and Equipment for Approved Graded and High Schools; Biennial Report of the Superintendent of Public Instruction, 1920-1922*, pp. 63, 65.

⁹⁸ *Laws of Iowa, 1911*, Ch. 131.

trained teachers for the rural schools of the community, also the likelihood of the schools in question maintaining the required standards. Using this as a basis, the Superintendent of Public Instruction may discriminate in favor of a consolidated school over a city high school in the same locality, even though the city high school may be better equipped to do the work. Private and denominational schools may also be approved by the Superintendent of Public Instruction for establishing normal training departments, but such schools do not thereby become eligible to receive State aid as is provided for public normal training high schools. Thus four types of schools come under the direction, supervision, and control of the Department of Public Instruction, namely: approved high schools, consolidated schools, and private and denominational schools.⁹⁹ The Superintendent of Public Instruction may approve any of these types of schools with any sized enrollment, but State aid can be secured only in a school maintaining a normal training department and having had a class of ten members the preceding semester. In order that State aid may be secured by an approved, public, normal training high school it must present a satisfactory report to the Superintendent of Public Instruction at the close of each semester. To receive the annual apportionment of State aid the normal training high school must receive the approval of the Department of Public Instruction each year. Upon the receipt of such satisfactory report the Superintendent of Public Instruction must issue a requisition upon the State Auditor for the amount due the school.¹⁰⁰

Public high schools desiring recognition as normal training high schools are instructed to make formal application

⁹⁹ *Code of 1927*, Secs. 3899, 3901.

¹⁰⁰ *Normal Training High Schools in Iowa*, 1925, p. 35; *Code of 1927*, Secs. 3900, 3902, 3903, 3904.

to the Department of Public Instruction for such. Personal inspection by a member of the staff of the Department of Public Instruction is necessary before a normal training department can be established in any approved high school or consolidated high school. The Superintendent of Public Instruction has provided that when any school, designated as a normal training high school, fails to maintain an enrollment of ten students in its normal training department for two consecutive semesters, that school forfeits its recognition as such until it has again been inspected and designated as a normal training high school. No high school is entitled to the privileges of a normal training high school until it has been officially designated as such by the Superintendent of Public Instruction.¹⁰¹

Normal training high schools are personally inspected by the Inspector of Normal Training High Schools, but every act of that official is subject to the supervision of the Superintendent of Public Instruction. The instructions given by the Superintendent of Public Instruction to normal training high schools deal with: (1) general organization; (2) number and qualification of teachers; (3) normal training classes; (4) professional training of normal training students; (5) high school grades, examinations, and certificates; and (6) normal training club work.¹⁰²

Relative to general organization, the Superintendent of Public Instruction designates the standards that must be maintained in the administration of the normal training schools; the conditions of the buildings, laboratories, libraries, and other physical equipment.¹⁰³

In regard to the number and qualifications of teachers

¹⁰¹ *Normal Training High Schools in Iowa*, 1925, pp. 12, 13.

¹⁰² *Normal Training High Schools in Iowa*, 1925, pp. 12, 14, 19, 22, 26, 36.

¹⁰³ *Normal Training High Schools in Iowa*, 1925, pp. 12, 13; *Normal Training High Schools in Iowa*, Circular No. 2, 1928, pp. 9-13.

in normal training schools, the Superintendent of Public Instruction gives instructions relative to the experience, training, and professional qualifications of the superintendent of schools; and the experience, professional qualifications, training, and responsibilities of the normal training critic. The Superintendent of Public Instruction designates the type of work to be taught by the critic teacher, the maximum number of teaching periods daily, the minimum number of free periods daily for conference with the students, the critic teacher's responsibility for criticism, and the manner in which the critic teacher should cooperate with the county superintendent of schools, grade teachers, and normal training students. The Superintendent of Public Instruction also gives instructions regarding the experience, professional qualifications, and training of high school teachers, home economics teachers, agriculture teachers, normal training teachers, music teachers, commercial teachers, physical education teachers, grade teachers, and primary teachers. The Superintendent of Public Instruction likewise specifies that no high school class enrollment in normal training schools should exceed thirty pupils, and that no high school teacher should be required to conduct more than six recitations daily.¹⁰⁴

As to the normal training class, the Superintendent of Public Instruction specifies: (1) that students may be admitted only when having at least an average high school standing; (2) that the enrollment must be filed both in the school and in the Department of Public Instruction; and (3) that applicants for enrollment must be approved by the local superintendent of schools and the normal training critic. After the individual enrollments are approved and signed by these two officials they must be sent to the Department of Public Instruction for final approval and filing

¹⁰⁴ *Normal Training High Schools in Iowa*, 1925, pp. 14-17.

in the Department by the Inspector of Normal Training High Schools. No student may enter the normal training course without permission of the local superintendent of schools, the critic, and the Department of Public Instruction. The Superintendent of Public Instruction also prescribes the course of study which the high school student must follow the first two years of his high school course in preparation for the normal training course, the course of study for the last two years of the normal training student's high school course, and a course of study for post-graduates taking the normal training course.¹⁰⁵ Relative to professional training, the Superintendent of Public Instruction designates the nature and amount of professional work and practice teaching as well as the observation of teaching to be done by the normal training students.¹⁰⁶

HERBERT CLARE COOK

IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS
AMES IOWA

¹⁰⁵ *Normal Training High Schools in Iowa*, 1925, pp. 18-21; *Normal Training High Schools in Iowa*, Circular No. 2, 1928.

¹⁰⁶ *Normal Training High Schools in Iowa*, Circular No. 2, 1928, pp. 10-12.