

## A CENTURY OF SCHOOL LEGISLATION IN IOWA

“Necessity”, it has been said, “is the mother of invention”; it is frequently the mother of legislation as well. Iowa school legislation has usually waited on necessity. Needs have frequently arisen before laws were passed and laws, passed out of necessity, have been later found to be inadequate. The challenge has always been for better school legislation, but only recently has it been reasonably met. Even yet there is room for vast improvement.

While the Iowa country was under the jurisdiction of the Territory of Michigan, 1834-1836, provision was made for a system of school districts, with the civil township as the administrative unit. However, only two townships were organized in Iowa at that time, and they were too large to be of practical use as school administrative units. Within these townships, local communities formed such extralegal districts as best served their needs. Thus local educational units born of necessity developed early in the Iowa country.<sup>1</sup>

The first school law of the Territory of Iowa, approved on January 1, 1839, authorized the establishment of school districts by county officials. Such districts were to elect three school trustees and provision was made that one of these trustees should preside at all public meetings and put all questions upon which a vote was to be taken. If the vote were for the levying of a tax upon the district, each of the voters present might propose a sum to be levied. A vote was first taken upon the largest sum proposed. If

<sup>1</sup> Clarence Ray Aurner's *History of Education in Iowa*, Vol. I, pp. 3-5.

this was not approved, a vote would be taken "upon the next highest, and so on down, until a majority of all the legal voters within the district, so taxed, shall agree."

It appears that the members of the Legislative Assembly that passed this law were not entirely satisfied with its provisions, for two days after the passage of the measure a resolution in the House of Representatives called attention to the need of more detailed information relative to school legislation and directed that a committee be appointed to seek such information. Membership on this committee consisted of the Governor and Secretary of the Territory, members of the Supreme Court, the President of the Council, the Speaker of the House of Representatives, and other prominent citizens. They were requested to correspond with statesmen and educators in other commonwealths and obtain the best suggestions possible. This committee did not make a formal report, but at least one member — Governor Robert Lucas — made a study of the situation and made specific recommendations in his second annual message. He advocated a study of the school laws of the State of Michigan and recommended the establishment of schools upon a township basis.<sup>2</sup>

A law of 1840 created the office of township school inspector and placed him in charge of organizing the districts. Practice, however, followed lines of necessity rather than legislative provisions. So, for the most part, control of the schools remained in the hands of interested parties in the district. Although educators and legislators continued to advocate larger school units, as a matter of practice the smaller districts continued to develop. Following this

<sup>2</sup> Aurner's *History of Education in Iowa*, Vol. I, pp. 3-5; *Laws of the Territory of Iowa, 1838-1839*, pp. 180-183; *Journal of the House of Representatives, 1838-1839*, p. 171; Benj. F. Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 99, 100.

trend, some 400 districts had been organized previous to Iowa's admission into the Union on December 28, 1846.<sup>3</sup>

With the coming of statehood it was hoped that educational conditions might be greatly improved. Indeed, an article in the Constitution of 1846 was devoted to the subject of "Education". It set forth three specific provisions relative to public schools: (1) it stipulated that the General Assembly should provide for the election of a Superintendent of Public Instruction who should hold office for three years; (2) it made provision for increased school funds by the use of proceeds from public lands, the collection of fines, and the use of moneys paid for exemptions from military services; and (3) it stipulated that the General Assembly should provide for the support and maintenance of a common school in each school district for "at least three months in every year".

Ansel Briggs, the first Governor of the State of Iowa, favored good school legislation. Indeed, in his second biennial message, presented in 1850, he expressed the hope that members of the General Assembly would devote "a very considerable portion" of their time and attention "in efforts to perfect our system of Common School education."

Meanwhile, there had been much confusion in school legislation. In 1847, a school law was passed which provided for the election of school officers at a given date. The elections were held, but it was found that the law had not been properly published and they were declared to be void in so far as they applied to school officers. Later the law became operative, repealing former school legislation. This left the State with school laws on the statute books, but with no

<sup>3</sup> *Laws of the Territory of Iowa, 1839-1840, Ch. 73; Constitution of 1846, Article IX; Keith R. Hutchison's "The Development of Local Units of School Administration in Iowa" (a manuscript thesis in the College of Education), pp. 16, 17; Alonzo Abernethy's Biennial Report of the Superintendent of Public Instruction, 1873-1875, pp. 15, 16.*

school officers to administer them. In this situation Governor Briggs called a special session of the General Assembly and recommended that prompt attention be given to school legislation. This gave rise to the passage of several school bills, none of which, however, was adequate. In 1849 the law was again rewritten and former laws repealed, but this act, too, did not meet the needs of the pioneers.<sup>4</sup>

Prior to 1853 Iowa common schools were supported in part by taxation as provided under the law of 1839, in part by a rate system based upon Michigan Territorial laws, and in part by tuition or by groups of families coöperating as private citizens in the maintenance of a school. As some districts were sparsely populated and tax moneys were not sufficient for the support of good schools, Superintendent Thomas H. Benton, Jr., in 1852, recommended the passage of a "rate bill". He explained the rate bill by saying: "It provides for the collection of the balance due on tuition [the amount paid the teacher] after the expenditure of public money.—For instance, the district meeting may vote to continue their school for a term of six months. The directors accordingly employ a teacher for the term at \$20.00 per month, making the amount due for tuition at the end of [the] term \$120.00. To meet this demand, they have only \$50.00 of public money, leaving a balance of \$70.00 to be met from some other source. The rate bill simply authorizes the directors to assess and collect this balance from persons who patronize the school, in proportion to the number of children sent by each."<sup>5</sup> The cost of building a schoolhouse came from tax money only.

Following the recommendation of the Superintendent of

<sup>4</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 370-375, 402; *Laws of Iowa*, 1848, pp. 59, 62, 75, 77, 89, 1848-1849 pp. 95-108, 149.

<sup>5</sup> "Report of the Superintendent of Public Instruction" in the *Journal of the Senate*, 1852-1853, Appendix, p. 110.

Public Instruction, the General Assembly, in 1853, passed a rate law. The law was not made obligatory, however; it was to be applied at the option of the voters of the district. This law did not meet the needs for a general revision of school legislation and general dissatisfaction continued to prevail. A measure passed by a special session of the legislature in 1856 provided that a commission of three members be appointed by the Governor "to revise and improve the school laws of Iowa, and report their proceedings to the next General Assembly". Members subsequently appointed to this commission were the distinguished educator, Horace Mann, then president of Antioch College at Yellow Springs, Ohio; Amos Dean, Chancellor of the State University of Iowa; and F. E. Bissell, a resident of Dubuque. It was frequently referred to in later years as the Horace Mann Commission.

In its report to the Sixth General Assembly this commission made two proposals. First, it suggested a system of local school administration based upon the Ohio plan of district organization — a purely local system. Second, the commission made it clear that this type of organization was presented only as a temporary plan to meet the immediate needs of the sparsely settled communities, and it advocated the ultimate development of a civil township plan of organization. Twelve reasons were set forth in support of this larger area plan. The commissioners submitted to the General Assembly proposed bills for these two types of organization. These bills have not been preserved, but it appears that many of the provisions of the bill for the small district plan were later incorporated in the law.<sup>6</sup>

<sup>6</sup> Hutchison's "The Development of Local Units of School Administration in Iowa" (manuscript thesis), pp. 35-38; *Laws of Iowa*, 1852-1853, Ch. 101, 1856, Ch. 31, 1858, Ch. 52; Horace Mann and Amos Dean's "Report of the Commissioners of Revision of the School Laws" in the *Journal of the House of Representatives*, 1856, Appendix, pp. 191-200. This appendix is bound in a separate volume.

Meanwhile the Constitution of 1857 had been adopted. It placed the control of educational matters in the hands of a Board of Education which had authority to make all needful rules and regulations relative to the common schools and "other educational institutions", subject to amendment or repeal by the General Assembly. Appropriations, however, had to be made by the General Assembly.

This Board consisted of one member to be elected from each of the eleven judicial districts, the Lieutenant Governor, who was president of the Board and had "the casting vote" in case of a tie, and the Governor. The eleven members elected by the judicial districts served four years, approximately one-half being elected every two years. The Secretary of the Board of Education, not formally a member, was, it appears, expected to perform the duties which had previously been assigned to the Superintendent of Public Instruction, authorized by the Constitution of 1846, although that office was not specifically mentioned. This Board of Education was regarded as an experiment and express provision was made that the General Assembly might reorganize or abolish the Board after 1863.

Although there was a direct constitutional provision giving to the Board of Education authority to pass school legislation, the legislature in March, 1858, proceeded to pass the most extensive school law that had ever been enacted in Iowa. Moreover, although the Secretary of the Board of Education had assumed the duties of the Superintendent of Public Instruction, the law of 1858 assigned duties to the Superintendent, and specified that he should make reports to both the Board of Education and the General Assembly. Obviously the law of 1858 was thoroughly inconsistent with the Constitution and it was soon declared void by the Supreme Court of Iowa.<sup>7</sup>

<sup>7</sup> Constitution of Iowa, 1857, Article IX; Aurner's *History of Education in*

The Board of Education, following the suggestions of the Horace Mann Commission, then attempted to provide a school system on a civil township basis. This law, adopted by the Board of Education in December, 1858, and amended in 1859, reorganized the school system but provided that a school district constituted under the earlier law, in which a schoolhouse had been erected, was not to be changed.<sup>8</sup>

With legislative authority divided between the Board of Education and the General Assembly, and with many conflicting views relative to administrative problems, it is not strange that in 1864 the General Assembly abolished the Board of Education and reestablished the office of Superintendent of Public Instruction. The Board held only three sessions — in December, 1858, 1859, and 1861. The Board should have met again in 1863, but apparently sentiment for its abolition was so strong that the meeting was not held.<sup>9</sup>

In 1862 the General Assembly amended the act passed by the Board of Education in 1859 and provided that any city or town containing not less than three hundred inhabitants might "be constituted a separate school district". In 1866 the population requirement was reduced to two hundred. This resulted in such a rapid increase in the

*Iowa*, Vol. I, p. 59; *Laws of Iowa*, 1858, Ch. 52; The District Township of the City of Dubuque v. the City of Dubuque, 7 Iowa 262; Jay J. Sherman's *History of the Office of County Superintendent of Schools in Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXI, pp. 20-31.

<sup>8</sup> *Acts, Resolutions and Forms, Adopted by the Board of Education at Their First Session, Held at Des Moines, in December, 1858*, p. 24; *Educational Laws of the State of Iowa, Passed by the Board of Education at Its First and Second Sessions, and by the General Assembly, at Its Eighth Regular Session*, pp. 7-23.

<sup>9</sup> Aurner's *History of Education in Iowa*, Vol. I, pp. 49-79; *Laws of Iowa*, 1864, Ch. 52; *Journal of the Board of Education of the State of Iowa*, 1858, p. 3, 1859, p. 3, 1861, p. 3.

number of districts that two years later the figure three hundred was again adopted. The years from 1864 to 1872 mark the period of transition from the township system to the multiple system which consisted of district townships, both divided and undivided, and independent districts, both rural and urban.<sup>10</sup>

The years between 1870 and 1900 were marked by the development of the high school. To be sure, the high school had its beginning somewhat earlier — about the middle of the decade of the fifties — and it has expanded extensively in recent years, but the last three decades of the 19th century marked the period of its formative growth.

Authority to provide for the teaching of higher branches was granted to voters of each district by a law adopted in January, 1849. High schools could have been organized under this law, but the compensation of teachers was to be apportioned among the patrons, not paid from property taxes, and no district took advantage of the law to organize a high school, although Bloomington Township in Muscatine County offered courses in higher branches and paid the teachers, at least partially, by rate charges.<sup>11</sup>

The Tipton Union School, with a department offering higher branches, opened on December 1, 1856. A special law, approved on January 28, 1857, authorized such schools to pro rate the cost of teaching the higher branches, but no child of indigent parents or orphan unable to pay could be excluded. This, in effect, admitted all children of the district. The Tipton Union School was thus the first public high school in Iowa.<sup>12</sup>

<sup>10</sup> *Laws of Iowa*, 1862, Ch. 172, sec. 84, 1866, Ch. 143, sec. 9, 1868, Ch. 28; Hutchison's "Development of Local School Administration in Iowa" (manuscript thesis), pp. 100, 101, 116, 118, 122.

<sup>11</sup> *Laws of Iowa*, 1848-1849, p. 100; Aurner's *History of Education in Iowa*, Vol. I, p. 22.

<sup>12</sup> Aurner's *History of Education in Iowa*, Vol. III, pp. 176, 177; *Laws of Iowa*, 1856-1857, pp. 237-239.

The general school law passed by the Assembly on March 12, 1858, authorized county high schools financed by the county from taxes. These schools were planned primarily for training teachers and provision was made for an allowance of fifty dollars a year to one student from each district, boys and girls alternately, in addition to free tuition. These provisions in the law passed by the General Assembly were rendered inoperative when the law was held unconstitutional and were not included in the act of the Board of Education in 1858 and 1859.<sup>13</sup>

In 1870 a second law was passed whereby any county in Iowa having a population of 2,000 or more, might, upon a petition of one-third of the electors, vote for the establishment of a county high school. The relatively high number of signers required for the petition, however, made it difficult to call an election. Indeed, the only successful attempt to establish a school under this law was the Guthrie County High School at Panora.

In 1871 State Superintendent A. S. Kissell reported forty high schools in Iowa, of which only twenty-three had a well-defined course of study. In 1890 a number of city superintendents and high school principals presented a petition to the Regents of the State University asking that a closer relationship be established between high schools and the University. As a result plans were devised whereby high schools were accredited at the University for any work done in accordance with certain designated standards. A high school might be either fully or partially accredited. By 1900 there were in Iowa 124 fully accredited high schools and 72 additional schools which were partially accredited.<sup>14</sup>

<sup>13</sup> *Laws of Iowa*, 1858, Ch. 52.

<sup>14</sup> *Biennial Report of the Superintendent of Public Instruction*, 1870-1871, pp. 114, 118, 1890-1891, pp. 31, 34, 1900-1901, pp. 264-274; *Proceedings of the Iowa State Teachers Association*, 1896, pp. 84-88; *Laws of Iowa*, 1870, Ch. 116.

During the years from 1895 to 1921 the movement for consolidated schools developed extensively in Iowa. This reduced somewhat the number of school districts in Iowa, but it added another type of administrative unit to the already confused and variegated school program. Meanwhile, in 1907, the General Assembly provided for another commission to study educational needs. This was the first regularly constituted school commission since the Mann Commission of 1856. This commission consisted of Wm. H. Baily, Arthur Springer, and Frederick E. Bolton. After making an extensive study of the problem, it recommended a reorganization of the school system on a county basis. These recommendations were not, however, enacted into law.<sup>15</sup>

In 1912 the Iowa State Teachers Association appointed the Better Iowa Schools Commission. Although this was not an official commission, its opinions carried more weight in the General Assembly than had the work of former commissions. Members of this group recognized that local self-government in the schools was desirable and they believed the county was too large to be a unit of administration. On the other hand, they felt that four distinct types of rural school organization were unnecessary. "Poor schools, teachers, and equipment resulted because of small taxing units, lack of interest, and the perfunctory service of school officials." The commission, therefore, recommended that the township be made the unit for rural organization with the exception of consolidated districts.

This recommendation had often been made before, but this time it passed the Senate and lacked only two votes of passing the House of Representatives. Some of the other

<sup>15</sup> *Laws of Iowa*, 1907, Ch. 222, 1911, Ch. 143; *Aurner's History of Education in Iowa*, Vol. II, pp. 347-349, 440; *Biennial Report of the Superintendent of Public Instruction*, 1906-1908, pp. 30, 31.

recommendations of the commission were enacted into law. But there was still not a general revision of the school laws of the State.<sup>16</sup>

When the *Code of 1924* was prepared there was a rearrangement of the school laws, but no general revision of them and no such a revision was made prior to 1945. Thus throughout almost a hundred years of educational history, Iowa was committed to a highly decentralized system of local units of school administration, with many inequalities of educational opportunities. The chief exception to this was the movement for consolidated districts, which did not develop on a statewide basis. Even that movement is not now expanding to any considerable extent.

The problems of school administration in Iowa are chiefly two: adequate financial support and equality of opportunity for the students. Other problems are subsidiary to these. To the end that the school laws might be thoroughly revised and the needs of education more fully met, the Forty-ninth General Assembly, in 1941, passed an act entitled "School Law Revision", the preamble of which stated: first, that "the school laws of the state of Iowa have been in the process of development for many years"; second, that "the present statutes relative to education contain numerous conflicts, uncertainties, and omissions which interfere with proper efficiency and economy in the operation of the school system"; and third, "there are gross inequalities in Iowa schools both with regard to educational opportunity and the ability of many communities to support an adequate program of education".

<sup>16</sup> Hutchison's "Development of Local School Administration in Iowa" (manuscript thesis), pp. 162, 163, 200, 201; *Proceedings of the Iowa State Teachers Association*, 1912, pp. 78-82, 1913, pp. 36, 37. For a discussion of the work of the Better Iowa School Commission, see an article by Senator Byron W. Newberry in *Proceedings of the Iowa State Teachers Association*, 1924, pp. 72-79. See also *Laws of Iowa*, 1913, Chs. 239-258.

The law authorized the Governor to appoint a commission of four members to assist the State Superintendent of Public Instruction in the revision and codification of the laws relative to education and in the preparation of a proposed school code for the State of Iowa. An appropriation of \$7,500 was made for expenses.

This commission was authorized to make a thorough study of educational problems, to prepare and submit measures to the Fiftieth General Assembly which would provide "any additions or changes to the laws in order to facilitate and bring about the equalization of educational opportunity to all the children of Iowa through the reorganization of the present districts, changes in the system of taxation and support, or any other general or specific changes in the present state system of public education which will make the operation of the public schools of the state more efficient or more economical." The commission was specifically directed to give "special attention" to the problem of raising revenue for school purposes by methods other than by "direct taxes upon tangible property", and to the problems of alleviating or adjusting the taxes on agricultural lands.<sup>17</sup>

The law which provided for the appointment of this commission was approved on April 10, 1941, and became effective upon publication on April 15th. On October 7, 1941, Governor George A. Wilson appointed the members of the commission. They were: Cameron M. Ross, director; Jessie M. Parker, chairman ex officio; Joseph Anderson; Mrs. S. E. Lincoln; J. Kendall Lynes; and Floyd C. Page. In the January, 1943, issue of *Midland Schools*, Cameron M. Ross presented a brief outline of "The New School Code", and on February 12th, a bill of 437 pages embodying the proposed "School Code" was introduced in the

<sup>17</sup> *Laws of Iowa*, 1941, Ch. 152.

House of Representatives of the Fiftieth General Assembly.<sup>18</sup>

This bill was the most pretentious work that had ever been attempted in the matter of school law revision in Iowa. In the words of Mr. Ross it was "an attempt to reorganize the Iowa school laws into an organized, systematic, workable body of law which can be understood by the layman." Its objectives were set forth as follows:

1. To provide for an equal opportunity for education for every school child by means of the establishment of a state distributive fund.

2. To preserve and strengthen local control wherever possible when it is not inconsistent with efficiency and economy.

3. To define clearly the powers and duties of the various school officials and boards at all levels, local, county, and state.

4. To simplify and make more effective the administration of all divisions of the state system of public education.

5. To introduce safeguards to see that school moneys are more efficiently expended.

6. To make possible an orderly evolution from the present small district system to one of larger school units in the interests of educational efficiency and economy and for relief for certain overtaxed groups under the present system.

7. To provide for a more economical and efficient transportation system.

8. To improve the educational opportunities of all classes of people in the state by making possible the maintenance and development of adult education, nursery schools and kindergartens, classes for exceptional and handicapped children, and wider vocational training.

9. To more clearly define the relationship between the teaching personnel and the boards of education.

10. To improve the character of the instruction by improving teacher welfare, thereby making the profession one that will attract

<sup>18</sup> *Laws of Iowa*, 1941, Ch. 152; *Midland Schools*, January, 1943, pp. 136-141, May, 1943, p. 268; House File 300, Fiftieth General Assembly.

the type of persons to whom we would want to entrust our children.<sup>19</sup>

Provisions to meet all these objectives were included in the single bill presented to the General Assembly. It was divided into ten chapters covering the following points: scope, organization, and definitions; State plan for education; functions of the State educational agencies; organization and administration of school districts; personnel; pupil welfare and control; instruction; transportation; the school plant; and finance and taxation.

This legislative measure was submitted to both houses of the General Assembly. On April 5, 1943, it passed the House and two days later was sent to the Senate and referred to the Sifting Committee where it remained at the end of the session.

When it became apparent that the school code bill would not be passed by the Fiftieth General Assembly, Senate Joint Resolution 10 was passed to provide for further study by a second commission and for a report to be made to the Fifty-first General Assembly. The new commission was to consist of seven members — two to be appointed by the Speaker of the House from membership in the House of the Fiftieth General Assembly, two to be appointed by the Lieutenant Governor from membership in the Senate of the Fiftieth General Assembly, and three members to be appointed by the Governor. Members of the commission were not to be given compensation for their work, but were to receive actual expenses. They were authorized to call upon the Attorney General, the Code Editor, and the Superintendent of Public Instruction for such aid as these persons could give.

This commission was given all the powers and authority that had been given to the commission appointed by the

<sup>19</sup> *Midland Schools*, January, 1943, pp. 136-141, May, 1943, p. 268.

Forty-ninth General Assembly. It was authorized to investigate all the matters directed to be investigated by the previous law, and to use House File 300 of the Fiftieth General Assembly as the basis of the school code revision, but they were not to be limited by the provisions of this bill.

The new commission was further directed to report to the Governor on or before July 1, 1944, and to include in its report copies of proposed bills to effect its recommendations. Copies of these recommendations and proposed bills were to be mailed to members of the Fifty-first General Assembly on or before November 10, 1944. An appropriation of five thousand dollars was made to defray expenses.

Thus, although no extensive code revision legislation was passed by the Fiftieth General Assembly, some advancement had been made and there was favorable outlook for constructive legislation to be passed by the Fifty-first General Assembly.<sup>20</sup>

The members of the new commission were Senator G. W. Hunt, Senator Robert M. Keir, Representative A. L. Doud, Jr., Representative B. S. Moyle, Superintendent N. D. McCombs of Des Moines, Attorney H. K. Peterson of Council Bluffs, and Mrs. Raymond B. Sayre of Ackworth. At an organization meeting held in Des Moines on July 10, 1943, Senator Hunt was named chairman of the commission, and plans were laid for beginning the task assigned. As the work progressed each member of the commission was assigned responsibility for a particular phase of the report. Dr. J. A. Starrak and Dr. Edward D. Allen of Iowa State College assisted in coördinating the reports and compiling statistics.<sup>21</sup>

<sup>20</sup> *Midland Schools*, May, 1943, p. 268; Senate Joint Resolution 10, Fiftieth General Assembly; *Laws of Iowa*, 1943, Ch. 314.

<sup>21</sup> *Midland Schools*, September, 1943, pp. 16, 17, February, 1944, p. 176, September, 1944, p. 14.

In accordance with the resolution creating the commission, the work was completed and the report was submitted to Governor B. B. Hickenlooper on July 1, 1944. The report consisted of two parts. The first part contained a discussion of Iowa's school problems, together with recommendations of the commission regarding them. The second part consisted of twenty bills incorporating these recommendations into laws.

The following summary of the major recommendations discussed in the report and embodied in the bills submitted to the Fifty-first General Assembly was presented in the September, 1944, number of *Midland Schools*:

Department of Public Instruction

1. That a state department of public instruction be created, consisting of the following: (a) A state board of public instruction of seven members appointed by the Governor, and approved by the Senate, for a term of six years; (b) A state superintendent of public instruction appointed by the state board of public instruction; and (c) Such assistants and employees as shall be deemed necessary.

County Board of Education

2. That the current county administration of schools be strengthened by the election of a county board at the regular school elections, and the appointment by the county board of an executive officer, to be known as the county superintendent of schools.

State Aid

3. That approximately one-quarter of the costs of public school education be paid from state funds, and distributed in such a manner as to (1) relieve the general property tax and (2) equalize educational opportunity.

Transportation Aid

4. That the cost of transporting pupils to and from the public schools shall be paid in whole or in part by the state.

Reorganization

5. That the county boards of education be given the responsibility of surveying the school situation in their respective counties,

and of making plans for the reorganization of school districts in the interest of economy, efficiency, and equality of educational opportunity.

Teacher Qualifications

6. That the minimum qualifications for teachers be increased gradually until two years of collegiate teacher education is reached on or before August 31, 1952.

Retirement

7. That a retirement allowance plan for school employees be adopted in which equal contributions are made by school employees, employers, and the state.

Tenure

8. That teachers be given greater security of tenure by provision for hearings, if desired by the teacher, in the event of the termination of existing contracts by the action of the board of school directors.

Handicapped Children

9. That a division for the special education of handicapped children be established in the state department of public instruction.

Kindergarten

10. That the board of school directors may establish a kindergarten on their own initiative, and must establish one if requested to do so by the parents of 25 prospective pupils.

Vocational Education

11. That the present state board for vocational education be abolished and its duties and powers be given to the state board of public instruction.

Adult Education

12. That the existing legislation relative to the education of adults be clarified and liberalized, to the extent of permitting public funds to be spent for defraying the costs of both the cultural and vocational education of all persons of whatever age.

Minimum Salary

13. That the minimum salary for teachers be increased from \$65.00 to \$80.00 per month.

Tuition

14. That provision be made for the establishment of equitable tuition rates.

Sinking Fund

15. That school districts be allowed to accumulate a sinking fund over a period of ten years for the purpose of financing the future purchase of building sites and the construction of school buildings.

Closing Schools

16. That school boards may, on their own initiative, close the schools in their respective districts and arrange for educational facilities with other districts, when the cost of such facilities does not exceed the cost of maintaining their own schools.

Providing Special Instruction

17. That school boards in districts with high schools shall pay the tuition charges for any of their resident pupils who desire vocational instruction not provided by their home districts.

Source of Revenue

18. That it is neither necessary nor desirable to earmark specific tax revenues for the state support of public schools, because this is definitely a responsibility of the state and such monies should come from the general fund of the state, regardless of their source.

Agricultural Lands

19. That remedy be sought for the excessive tax burdens for school support on agricultural lands.<sup>22</sup>

During the summer and fall of 1944 the Iowa State Teachers Association, under the leadership of E. K. Schmidt of Eldora and Gerald W. Kirn of Abraham Lincoln High School, Council Bluffs, prepared six printed leaflets and a considerable number of mimeographed circulars dealing with the proposed code revision. One of these leaflets dealt with teachers, salaries, employment, and social security. On the outside cover it presented the picture of a teacher surrounded by pupils studying geography by the aid of a globe. In large letters appeared the question: "How Much Is a Teacher Worth To Your Children?"

Another leaflet asked the question: "Have Iowa's Small Schools Served Their Day?" This leaflet called attention

<sup>22</sup> *Midland Schools*, September, 1944, p. 14.

to the large number of local school districts and the high cost and inadequate equipment of small schools, and set forth the following seven reasons why Iowa should reorganize her small school districts:

To develop more efficient schools.

To provide more equal educational opportunities and keep children in school until they have received a high school education.

To improve teaching conditions.

To broaden the educational program for every child in Iowa.

To make schools more economical.

To provide transportation for children living at some distance from existing schools.

To furnish a wider tax base for school support.

A third leaflet asked the question: "What Rights Has a Teacher?" This publication was devoted chiefly to a discussion of a more permanent tenure for teachers. Another leaflet was devoted to the transportation of school children. It advocated equalization of educational opportunities through increased efficiency and safety of transportation at State expense. Still another leaflet assigned "5 Reasons Why Iowa Should Raise Certificate Standards for Teaching." The raising of standards, it was contended, would protect the children, the schools, boards of education, taxpayers, and teachers.

Perhaps the most attractive leaflet was one which portrayed two school children — a boy and a girl — with the map of Iowa as a background, with the slogan: "Just Two of a Half Million Reasons Why Iowa Can Well Afford to Support Her Schools." This leaflet was devoted to the theme of more adequate State support for education.<sup>23</sup>

<sup>23</sup> *Midland Schools*, November, 1944, pp. 90, 91, January, 1945, pp. 154, 155. See also the leaflets urging passage of the school code bills.

When the Fifty-first General Assembly convened in January, 1945, the bills prepared by the commission were introduced. In some cases companion bills were presented, identical copies being sent to each house of the General Assembly. In the Senate these measures were introduced by the Committee on Special School Code and placed on file or referred to the appropriate committee. In the House it was agreed that code bills should be introduced by Representative Albert Steinberg, chairman of the Committee on Schools and Textbooks, and the bills were then referred to that committee. Appropriation bills were referred to the Committee on Appropriations.<sup>24</sup>

School code legislation constituted one of the major problems before the Fifty-first General Assembly. Newspapers throughout the State commented widely upon the question and almost without exception urged legislation.

The *Mason City Globe-Gazette* summarized the situation briefly when it said:

Iowa boys and girls deserve the best of educational systems, from bottom to top. They haven't had it in the past and they don't have it now — particularly at the public school level.

The legislature now in session is confronted with an unprecedented opportunity to set things aright and give Iowa its rightful place in the nation's educational picture.

If that challenge is met head on, the children of today and the generations to come will have reasons to sing the praises of Iowa's 51st General Assembly.<sup>25</sup>

The legislature responded to the demands for new school legislation. Indeed, it has been said that the greatest advancement that has been made in the last twenty-five years was made by the Fifty-first General Assembly. Eleven of the twenty proposals recommended by the Iowa School

<sup>24</sup> *The Des Moines Register*, January 24, 1945.

<sup>25</sup> *The Mason City Globe-Gazette*, as quoted in *Midland Schools*, March, 1945, p. 207.

Code Commission were enacted into law, although a number of them were changed considerably in form and substance from the original bills.

Broadly speaking, the proposed legislation constituted a "six point program":— financing schools, administration, reorganization, teacher welfare, certification, and new needs. Of these six points some progress was made in all except administration. In this all action was deferred.

Senate File 388 — introduced also in substantially the same form as House File 117 — was a measure to appropriate from the income, corporation, and sales tax fund \$1,000,000 a year of State aid to supplement funds of school districts which qualify for it. The purpose of the law is to equalize educational opportunities throughout the State, by distributing the financial burden and aiding districts in which property valuations are too low to finance minimum standards.

This law assumes that it will cost \$75 per year for each elementary school pupil and \$125 for each high school student. It established a millage levy of 17 mills for an independent high school district, 10 mills for a consolidated high school district, and 7 mills for an elementary district.

If the funds obtained by the millage levy are not sufficient to meet the minimum standards designated above, then State funds will be used to supplement district funds. Thus certain minimum standards are guaranteed by the State. The law stipulates, however, that "In event that the amount appropriated for reimbursement of school districts is insufficient to pay in full the amounts to each of the school districts, then the amount of each payment shall be reduced by the state comptroller in the ratio that the total funds appropriated and available bears to the total amount certified for reimbursement."<sup>26</sup>

<sup>26</sup> *Midland Schools*, May, 1945, front cover page, also pp. 272, 273; *School*

One of the measures submitted by the School Code Commission — House File 118 — dealt with the transportation of school children. It had been estimated that \$2,000,000 evenly distributed throughout the State would provide the necessary transportation for all school children of the State. The act as passed by the General Assembly provides that every school district “required by law to furnish free transportation to pupils shall be reimbursed by the state for transportation costs incurred” in an amount and manner stipulated in the law. The measure also made an appropriation of \$2,000,000 to carry the law into effect.

This law establishes as a basis \$18 per pupil, per year, for transportation. Varying conditions such as the number of miles traveled, road conditions, the number of pupils transported in any given area, may determine the actual per pupil costs, and the law provides for a reimbursement of costs varying from \$16.50 to \$21 per pupil. The district from which the pupil goes must furnish transportation or transportation costs not in excess of \$23.00 per pupil, and the State will reimburse the district to a maximum of \$21 per pupil.

The law is made applicable to high school students as well as to grade school pupils. It does not specifically repeal or amend any former statutes. Districts formerly required to furnish transportation will continue to do so, but will be reimbursed under this law. In addition, rural districts will now provide transportation for high school students or pay the cost of transportation for all who live more than two miles from the high school. This will increase the number of pupils transported in Iowa by about 35,000.

Section 10 of this law stipulates that the local school board shall provide transportation “for each pupil who

*Legislation* (booklet compiled by the Secretary of State); Senate File 388, Fifty-first General Assembly; *Laws of Iowa*, 1945, Ch. 134; “Summary of Bills” in the *Des Moines Sunday Register*, April 22, 1945.

attends public school". In administering the law the question has arisen whether or not it is applicable to pupils attending parochial and private schools. Upon this point the Attorney General has rendered an opinion, expressing the view that the words "public school" as used in the law do not cover parochial and private school pupils. Accordingly, as the law is now being administered, pupils attending such schools are not transported at State expense.<sup>27</sup>

The new school legislation adopted did not perfect any plans for reorganization of the schools generally throughout the State. The General Assembly did, however, recognize the need of reorganization and by the passage of Senate File 330 made definite plans for such reorganization at a future date.

This measure which was one of the original school code bills, provides that: "The county board of education in each county of the state shall initiate detailed studies and surveys of the school districts within the county and territory adjacent thereto for the purpose of promoting such reorganization of districts by unions, mergers, reorganizations or centralization as will effect more economical operation and the attainment of higher standards of education in the schools."

The scope of these studies and surveys shall include a study of the adequacy of the educational program, average daily attendance, property valuation, buildings and equipment, transportation, and other matters that have to do with meeting the minimum standards as required by law.

Upon final approval by the county board of any plan of reorganization, the plan shall be submitted to a vote of the people as provided for in sections 4356 and 4357, *Code of 1939*. If sixty per cent of the votes cast in each of the af-

<sup>27</sup> *Laws of Iowa*, 1945, Ch. 133; *Des Moines Sunday Register*, April 22, 1945; *The Des Moines Register*, February 12, 1946.

affected districts shall favor the reorganization, it shall become effective and new officers shall be elected for the newly established district. The law provides for the payment of expenses of elections and for a distribution of assets and liabilities and reads in part as follows "It is the intent of this act that the county board shall carry on the program of reorganization progressively and shall, in so far as possible, submit plans as they are developed and approved. . . .

"The provisions of this act are supplemental to the existing provisions of law for the promotion of districts and the changing of boundaries of districts." <sup>28</sup>

Another measure proposed by the School Code Commission and approved by the Fifty-first General Assembly was Senate File 149, which amended the law relative to teachers' contracts. This law now provides that a teacher's contract shall be automatically continued in force and effect unless modified or terminated as provided by the law. A teacher may, on or before April 15, file a written resignation with the secretary of the board of directors, or the board may by a majority vote cause the contract to be terminated by written notification sent to the teacher by registered mail not later than April 10th. In either of these cases the contract shall be terminated at the end of the school year. Provision is made, however, that the teacher may protest the action of the board and have a public hearing on the case by notifying the president or secretary of the board in writing within twenty days of receipt of the notice that the contract is to be terminated. At the conclusion of the hearing the board shall determine the question of continuance or discontinuance, and the action of the board shall be final.<sup>29</sup>

<sup>28</sup> *Laws of Iowa*, 1945, Ch. 128.

<sup>29</sup> *Laws of Iowa*, 1945, Ch. 129.

Senate File 397 was a measure to increase progressively the minimum qualifications for obtaining teachers' certificates. This law permits the issuing of limited elementary certificates to high school graduates prior to September 1, 1946. These certificates are issued for a period of three years and may be renewed for another period of three years. After September 1, 1946, however, no new teacher may enter the profession unless he or she has completed ten semester hours of college work in addition to the high school course. After September 1, 1948, thirty semester hours will be required. On September 1, 1950, the number will be increased to forty-five semester hours. After August 31, 1952, limited elementary certificates will be issued only as renewals and standard elementary certificates will be issued only to persons having sixty semester hours of college work. Provision is made in the law for the issuing of emergency teachers' certificates and substitute teachers' certificates where such are needed to supply immediate demands.<sup>30</sup>

House File 122 was passed to increase the minimum wage of teachers so as to make teachers' wages somewhat in accord with the increased standards required for obtaining a certificate. The amended law provides that "any teacher holding a valid certificate" shall be paid a minimum wage of not less than \$70 per month. A teacher holding "a limited elementary certificate" and having fifteen semester hours of college work shall receive not less than \$75 per month, while a teacher having thirty hours of college work shall receive not less than \$80 per month. Forty-five semester hours entitles the teacher to a minimum wage of \$85, and if the teacher has sixty semester hours of college credit the minimum wage is \$90 per month. This law sets mini-

<sup>30</sup> Senate File 397, Fifty-first General Assembly; *Laws of Iowa*, 1945, Ch. 126; *Des Moines Sunday Register*, April 22, 1945.

mums only. It does not prevent school boards from paying more.<sup>31</sup>

Another measure proposed by the School Code Commission — House File 125 — was enacted into law to provide better educational opportunities for handicapped children. This law created, within the Department of Public Instruction, a division of special education for the promotion, direction, and supervision of special education for handicapped children in the schools.

Under this law directors of any school district may provide transportation and may establish and organize one or more special classes or provide instruction in regular classes or in the home for handicapped children. It may also provide special facilities and equipment for their instruction. If there are not enough children of any special type to warrant the establishment of a special class, handicapped children may be sent to an adjoining district and tuition shall be provided for such instruction. Any school which has maintained a special program for handicapped children during any school year shall, under this law, be reimbursed by the State for the additional costs incurred by this special program.

This measure provided for an annual appropriation of \$30,000, which shall be in addition to the \$30,000 in the budget of the Department of Public Instruction to be used for the benefit of handicapped children.<sup>32</sup>

A new provision of the school law permits the discontinuance of schools if conditions warrant such action. This law provides that any school district, by action of the board and with the approval of the county board of education, "may discontinue any or all of its educational facilities and

<sup>31</sup> *Laws of Iowa*, 1945, Ch. 135.

<sup>32</sup> *Laws of Iowa*, 1945, Ch. 131. See also general appropriation act in *Laws of Iowa*, 1945, Ch. 1, sec. 18.

contract with any school district maintaining approved schools to furnish such facilities", provided the per pupil cost of tuition and transportation contracted for does not exceed the per pupil cost of maintaining a school. If the tuition and transportation contracted for exceed what it would cost to maintain a school, the children may still be sent to the school having special facilities provided the parents of the pupils involved "will agree to share the pro rata amount of such excess cost." Contracts made under the provisions of this law shall be for a period of not more than one year.<sup>33</sup>

A school corporation from which a student transfers to a school in another district to obtain school facilities not furnished by the home district is required to pay tuition fee for such student. Prior to 1941, the maximum tuition fee that could be charged was \$6.00 per month for an elementary school pupil and \$9.00 per month for a high school student. In 1941 the law was amended to provide that the board of a non-high school district might "at its discretion" pay high school tuition to the extent of \$12 per month. In 1943 the payment of a sum not to exceed \$12 per month was made mandatory for high school students. In 1945 the law was further amended to require the board to pay tuition costs in an amount not to exceed \$10 per month for elementary pupils, and \$17 per month for high school students.<sup>34</sup>

House File 127, a code revision bill, commonly known as the "Agricultural Land Tax Credit Act", was a measure designed to give financial aid to the public schools and at the same time protect agricultural lands from increased tax burden. This law as passed by the Fifty-first General

<sup>33</sup> *Laws of Iowa*, 1945, Ch. 127.

<sup>34</sup> *Code of 1939*, Secs. 4233.3, 4277; *Laws of Iowa*, 1941, Ch. 159, 1943, Ch. 143, 1945, Ch. 130; *School Legislation*, pp. 22, 23; *Des Moines Sunday Register*, April 22, 1945.

Assembly appropriates \$500,000 annually to establish and maintain the agricultural land credit fund. This does not give additional funds to schools, but rather sets aside a reserve from which school moneys may be drawn in lieu of taxation on agricultural lands of ten acres or more where the tax is in excess of 15 mills. If the new appropriation is not sufficient in amount to meet the demands — and it is presumed that it will not be — then the law provides for a pro rata distribution of available funds.

This law does not apply to properties which are entitled to relief by virtue of the homestead exemption law. It is, however, similar to the homestead exemption law and applies the same principles to agricultural lands that the homestead law applies to homesteads. To obtain credit under this law the property owner must make application for it on or before July first of each year. The first applications are to be made in 1946 to affect taxes payable in 1947.<sup>35</sup>

One of the interesting and important phases of educational development in recent years has been the movement to establish on a widespread basis an adequate retirement system for public school teachers. Following the general trend in promotion of such legislation the Iowa School Code Commission recommended the establishment of a State system of retirement allowances for teachers and other school employees.

The commission drafted a bill which, if passed, would have established a joint contributory plan by which the employee, the employer, and the State would each have contributed an amount equal to one per cent of the employee's salary. The money thus acquired would have constituted a fund from which teachers would have received allotments upon retirement. The maximum retirement allowance un-

<sup>35</sup> *Laws of Iowa*, 1945, Ch. 192; *Des Moines Sunday Register*, April 22, 1945.

der this bill would, however, have been only \$60 per month.

This measure which was introduced in the Senate as Senate File 331 and in the House of Representatives as House File 119 received but little consideration by virtue of the fact that another measure — Senate File 436 — was introduced to provide retirement compensation for all State, county, city, and public school employees. This more comprehensive provision, in a measure, superseded the School Code Commission bill and was quite generally supported by school employees throughout the State. This measure, after considerable debate and several amendments, was passed by the General Assembly and signed by the Governor.

This law provided for a retirement system to be known as the "Old Age and Survivor Insurance System", and established the "Iowa Employment Security Commission" to administer the system. It also created a special fund to be known as the "Old Age and Survivors' Insurance Trust Fund", which is made up of all monies collected under this act, together with all interest thereon, and shall include all securities and other assets acquired through the use of money belonging to this fund. The State Treasurer is made custodian of this fund, and disbursements shall be made by warrants drawn by the State Comptroller pursuant to the order of the Employment Security Commission.

For the support and maintenance of this fund, each employer and each employee is required to contribute an amount equal to one per cent of the employees wages or salary for the calendar years 1946, 1947, 1948. For the calendar year 1949 and each year thereafter the rate of tax shall be two per cent of such wages or salary to be paid by each employer and each employee.

Retirement age with compensation is 65, except that any employees who were 60 years of age prior to January 1,

1946, are required to contribute for at least two and a half years after January 1, 1946, before receiving any benefits.

When this law has become fully operative, any employee covered by its provisions, when he has become fully insured by virtue of having contributed for a period of ten years, may leave the service without further contribution and upon arrival at the age of 65 shall receive insurance benefits. If he continues to work, his benefits will be increased for each year he contributes. Provision is also made for the payment of benefits to the wife or widow of the insured employee and to his minor children.

Benefits are determined by the amount of monthly salary and by the length of service. The law provides that the insured shall receive 40 per cent of the amount of his monthly wage, if the wage is less than \$50. If the monthly wage exceeds \$50, he shall receive 40 per cent of the first \$50 and 10 per cent of the remaining amount up to \$250 per month. In addition, he shall receive a sum equal to one per cent of the above benefits for each year of contribution.

Thus if an employee is receiving \$200 per month and has contributed for a period of 12 years, his benefits upon reaching the age 65 will be:

$$\begin{array}{r}
 40\% \text{ of } \$ 50 = \$20 \\
 10\% \text{ of } 150 = 15 \\
 \hline
 \phantom{10\% \text{ of } 150} \$35 \\
 12 \times 1\% \text{ of } 35 = 4.20 \\
 \hline
 \text{Total monthly benefit} = \$39.20
 \end{array}$$

The law provided for an appropriation of \$50,000 for each year of the biennium for the costs of administration. Each member of the Iowa Employment Security Commis-

sion is to be paid from this appropriation the sum of \$500 annually, which shall be in addition to the salaries paid by the Federal government.

It has been estimated that this law will afford insurance to from 40,000 to 60,000 employees. It is estimated, too, that such insurance will cost an aggregate of \$5,400,000 per year, one-half of which will be paid by the employers and one-half by the employees.

The law is the first comprehensive retirement pension law that has been passed in Iowa, and the legislation of the Fifty-first General Assembly embodies the most complete and most satisfactory revision of school laws that has been passed in Iowa in recent years.<sup>36</sup>

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<sup>36</sup> *Laws of Iowa*, 1945, Ch. 91; *Des Moines Sunday Register*, April 22, 1945.