

A PROPOSED HIGH-SCHOOL TUITION LAW
FOR KANSAS

A THESIS

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EDUCATION AND THE GRADUATE COUNCIL OF THE KANSAS STATE
TEACHERS COLLEGE OF EMPORIA IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF SCIENCE

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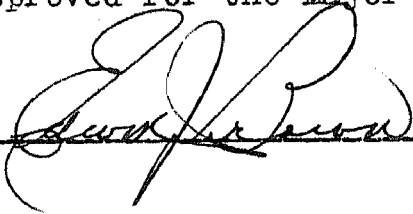
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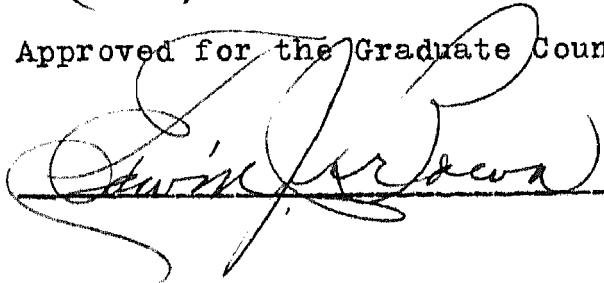
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A. R. B.

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CHAPTER I

INTRODUCTION

THE NATURE OF THE STUDY

This investigation has as its main objective the writing of a proposed tuition law for Kansas. Throughout the history of Kansas high-school tuition legislation, there has been a definite tendency to pass a multitude of laws without regard to their functioning in harmony with one another. As a result, Kansas probably has one of the worst high-school tuition situations in the Union.

The following quotations tend to show the gravity of the Kansas tuition problem. In discussing the effect of Mort's equalization plan on the financing of public schools, McGregor¹ makes the following statements:

And finally, the tangled problem of tuition would be much simplified. There is no subject on which so much bitter controversy is waged. Tuition and tuition rates are the 'red rags thrown before bulls' in many districts. The situation, at present, so far as law is concerned, permits two² different rates of tuition, and also makes possible the establishment of a variety of rates in accordance with the wishes of school boards. The new plan of the Code Commission would abolish all tuition rates and make all schools actually free. I

¹ K. R. McGregor, "The work of the School Code Commission." The Kansas Teacher, December 1930, p. 9.

² There are now three different rates in force.

may mention, in passing, that there is a suggested limitation to this generalization: School boards may still refuse admission to pupils coming from another district which offers instruction in the same grades or courses which the child proposes to take in their district. But with such possible exception, the schools of the state would be free in fact.

Another outcome of the Kansas tuition situation is pointed out as follows:

We also hope by this law³ to eliminate the student grabbing process that has been going on for several years among the various schools. By this, I mean controversies that have arisen over the payment of student tuition when students cross the county line and attend schools in an adjacent county. There was never any justification for the complexity and obscurity of the law that permits this thing to be done. We hope to provide that a student desiring to attend high school in any county other than the one in which he resides may, by consent of the proper officers, previously obtained, register as student in any county in this state where he expects to attend and when thus registered, will be considered as any resident student. This, we believe, will eliminate the contests that are now going on between various schools and counties over the payment of tuition.

We hope so to arrange the law that no tuition will be charged any resident of the state attending any school in the state under proper restrictions.⁴

The complexity of the Kansas high-school tuition laws is shown by following paragraphs from the same writer:

The Kansas high-school tuition law can best be likened to a crazy-quilt.

For nearly half a century well-meaning but politically harassed lawmakers in Topeka have been putting patches on this law until today Kansas has a ridiculous, bewildering monstrosity on the statute books which:

³ Refers to Dr. Mort's equalization plan for Kansas.

⁴ G. H. Lamb, "Some of the things the School Code Commission hopes to accomplish." The Kansas Teacher, November 1928, pp. 31-32.

Satisfies no one;

Sets up an undignified and unprofitable rivalry among school districts;

Places approximately \$1,000,000 of unbudgeted funds in the hands of school expending agencies which tends toward waste and extravagance;

Forces otherwise high-minded elective officials to become actual law violators at the point of the gun of the well-known Mr. Political Expediency;

Makes it impossible for many students to attend high school, thus violating the constitutional guarantee of equal rights and free education to all.

These disgraceful conditions exist chiefly because of a multiplicity of laws passed under varying economic conditions until today Kansas has 65* counties in which a tuition fee of \$2.00 a week is charged, and 40 counties in which the tuition fee is \$3.00 a week.

A county tax is levied to pay these fees. When a pupil attends a high school within his home county there is little difficulty or trouble.

Thousands of pupils, because of the inaccessibility of the high school in their counties--or for other reasons--find it necessary to get their high school education in an adjoining county.

Then the fur often begins to fly. For if the pupil in a \$2-a-week county goes into a \$3-a-week county, his home county must pay the prevailing \$3-a-week high school tuition rate of the adjoining county. The same principle applies to students going from a \$3-a-week county into a \$2-a-week county for their education. Students are required to get approval of county superintendents in their respective counties before crossing county borders for their education.

County lines become veritable battle fronts. County commissioners in \$2-a-week counties are loath to pay \$3-a-week for tuition of students in an adjoining county and often force county superintendents to withhold approval.

* Two of these counties now have \$1.40 rate.

Such arbitrary action denies hundreds of pupils high school education, as the school in their home county often is inaccessible.

On the other hand, school district authorities are anxious to get as many tuition-paying pupils as possible, as each pupil adds from \$72 to \$108 a year to the district revenues with little added expense. This money is clear profit and can be spent without strings, as it is seldom budgeted. Estimates of this unbudgeted revenue are fixed at \$1,000,000 annually.

To get this 'easy money', rival districts resort to enticing inducements, some of which are violations of law. Bitter rivalries and enmities result.

Even though it is illegal for a school board to set up pupil transportation arrangements beyond the boundary of the district, it has been carried out in numerous instances. So we have grotesque pictures daily in Kansas of school busses from one district invading another district and carrying away its pupils.

School boards have been known to employ fathers of high school children to do work for them at an extravagant compensation for a certain period with the understanding the parents would send their children to the school of their employers.

This cites two instances of dozens of undignified student baiting schemes worked by school-district boards in Kansas in thier constant quest for unbudgeted dollars. The surface has merely been scratched.

Isn't it time to remedy such conditions?

The Kansas State Teachers Association is waging a fight for remedial legislation for the "crazy-quilt" law. A uniform tuition law is one of the goals sought by the Association in its four-point legislative program.⁵

⁵ Frank E. Pinet, "A Crazy-Quilt Law." Kansas State Teachers Association, Folder No. 4, 1934, 3 pp.

Further evidence on the tuition problem may be gleaned from the following quotation:

Most of the tuition laws were revised in 1923 to make them \$2 per week or fraction thereof. In 1924 the general tuition law was revised to read \$3 per week or fraction thereof. Either these are wrong or the others are wrong. A study of high-school costs, very easily obtainable from the records of the state superintendent, should determine which should prevail. If nothing else can be accomplished, certainly tuition can be made uniform throughout the state. The other chief source of vexation is in regard to the consent for attendance in another district from the district or county where the pupil resides. If tuition laws exist they should be on a basis of the cost to the individual school for educating that child. Since the law must be on a state-wide basis, average estimate of the cost of this tuition made uniform for all kinds of schools throughout the state should prevail.⁶

A brief history of tuition legislation in Kansas will clearly show the lack of a definite policy in the framing and passing of tuition laws.

In 1876,⁷ the Kansas legislature provided for the optional establishment of high schools in cities of the second class. This law⁸ was amended in 1889 to provide for the payment of tuition by the pupil either in whole or in part. School districts, smaller than second class, had no authority to establish high schools before 1927. This fact was recently, brought out in a test case.

⁶ Guy H. Jaggard, editor, "High School Tuition." Complete Report of the State School Code Commission of Kansas, I, II and Supplement, and III:39, 1928.

(All of the history of tuition up to 1927 is given in this reference.)

⁷ Session Laws of Kansas, 1876, Chap. 122, art. 11.

⁸ Ibid., 1889, chap. 224.

There was a law⁹ passed in 1886 which provided for the establishment of county high schools in certain counties, with tuition free to all eligible pupils of the county. This was the first attempt to make tuition free in Kansas.

In 1905, the Barnes law¹⁰ was passed providing for a fund to be raised by a county levy. This fund was to be distributed to the various high schools of the county, and tuition was to be free. The electors of each county had to vote the plan upon themselves for it to become operative. This law introduced two new elements: (1) County high school taxing unit; (2) Tuition free to all high schools in the county. There are now forty Kansas counties operating under this law.

A law¹¹ was passed in 1911 providing for county aid for high schools in sparsely settled counties. It also provided for free tuition. This law represents a mixture between the law of 1886 and the Barnes law of 1905. The law was used in many of the sparsely settled counties in the western part of the state. Stevens county is the only one operating under this law at the present time.

In keeping with the greater demand for high school

⁹ Ibid., 1886, chap. 147.

¹⁰ Ibid., 1905, chap. 397.

¹¹ Ibid., 1911, chap. 263.

privileges, the law¹² of 1915 providing for rural high schools was passed. It provided for free tuition to all pupils within the district. Tuition for those living outside the rural high school district was to be determined by the rural high school board of education.

The first general tuition law¹³ was passed in 1915. The result of this law was to make tuition free all over the state. This law was to operate in all counties that did not have the county high school law or the Barnes law. The rate of tuition was fixed at \$1 per week. This rate was changed to \$2 per week in 1921.¹⁴

Sumner county, by virtue of a law¹⁵ passed in 1919, was allowed to change from a county high school plan to a plan whereby all of the accredited high schools of the county would be aided by a county fund. The plan resembles very closely the Barnes plan. The law provides for free tuition to all districts participating in the apportioning of the county fund.

In 1921, a law¹⁶ was passed permitting Montgomery county to change from a county school plan to one resembling the tuition county law very closely. All pupils

¹² Kansas Revised Statutes, 72-5501 et seq.

¹³ Ibid., 72-3801.

¹⁴ Session Laws of Kansas, chap. 242.

¹⁵ Revised Statutes of Kansas, 72-3201 et seq.

¹⁶ Ibid., 72-2701.

living outside any high school district were privileged to attend any high school free and have their tuition paid by the county. This county fund is raised by taxing all territory outside organized high school districts.

By virtue of the law¹⁷ passed in 1923, all other counties operating under the county high school law of 1886 were changed into community high schools. The chief factor in this was to have the district of the old county high school composed of only that territory in the county which was not in some other organized high school district. This law placed all land in the county in some high school district.

Pupils living in the community high school district and attending high school in one of the other high schools of the county, because of convenience, were, according to this law, to have their tuition paid by the community high school board at the rate of \$2 per week, the rate in community counties; and boards of other high schools in the county were to pay tuition of their pupils attending the community high school because of convenience.¹⁸

In 1923,¹⁹ the tuition rates were made \$2 per week in all of the counties. The county superintendent was made a controlling factor in recommending the payment of tuition.

¹⁷ Session Laws of Kansas, 1923, chap. 187.

¹⁸ Ibid., 1923, chap. 187, sec. 5.

¹⁹ Ibid., 1923, chap. 194, sec. 2; chap. 192, sec. 1 and chap. 191, sec. 1.

A great many contested court cases arose because of these various laws. Rural high schools in adjoining counties could collect for non-resident pupils coming from Barnes counties, but Barnes counties could not collect for non-residents coming from counties covered with rural high districts.

In 1925, a law²⁰ was passed making the tuition rate in all tuition counties \$3 per week. This law was passed upon presentation of evidence that tuition cost in Kansas high schools was that high or higher.

A law was passed in 1927 making the rate of tuition in community counties with a population (59,000 to 65,000) \$3 per week.²¹

A blanket tuition law was passed in 1927 which provided as follows: (1) That tuition shall be free in all high schools in Kansas to those eligible; (2) That the rate of tuition at the high school attended shall be the rate payable; (3) That all acts conflicting with this act shall be repealed.²²

By virtue of a law²³ passed in 1929, any eligible pupil may attend a high school in an adjacent county due

²⁰ Session Laws of Kansas, 1925, chap. 238.,sec. 1.

²¹ Ibid., 1927, chap. 276.

²² Loc. cit.

²³ Ibid., 1929, chap. 239, sec.1.

to its being nearest his residence, more easily accessible, or for other valid reasons by making application to the county superintendent. If the county superintendent's decision is questioned, the state superintendent's decision shall be final. The high school district wherein the pupil lives must, upon recommendation of the county superintendent, pay the tuition at the legal rate in force at the school attended.

In 1931, a similar law was passed applying to adjacent counties in bordering states. The chief difference being that the rate of tuition shall be determined by the legal rate in the county of residence rather than in the county attended. It was also provided in this law that it should not apply to Crawford county in the south-east corner of the state.²⁴

Today there are forty counties operating under the Barnes law with a legal tuition rate of \$2 per week; thirty-nine counties operating under the tuition county law with a legal tuition rate of \$3 per week; twenty-three counties operating under the community law with a tuition rate of \$2 per week (with the exception of Cherokee and Crawford counties whose legal rate is \$1.40 per week); and three special counties--Montgomery, Stevens, and

²⁴ Session Laws of Kansas, 1931, chap. 261, sec. 2.

Summer-- with a legal rate of \$5 per week.²⁵

The trend in high school tuition laws in Kansas has been about as follows:

1. High schools were, at first, thought of as being for the privileged, and common schools only for the masses.

2. This sentiment has gradually changed until the law of 1927 which provides free high school education for every eligible pupil in Kansas.

3. The extension of high school privileges has brought about an extension of taxation into more remote areas to cover the cost of tuition.

4. Taxation of all areas in our counties has not kept pace with the extension of high school privileges.²⁶

The badly tangled tuition situation into which Kansas has legislated herself is evident to anyone reviewing the history of Kansas high-school tuition legislation.

It is this situation which justifies the undertaking of this study. The proposed law represents an attempt to clear and simplify this problem.

PREVIOUS STUDIES

The writer has found but one study of this type made to date. In this study, the tuition laws of all of the

²⁵ Ibid., p. 267 (For the number of counties under each law.)

²⁶ Guy H. Jaggard, op. cit., p. 29.

states were classified under five different plans. Then, each of these plans was applied to the solution of the high-school tuition problem presented by Missouri. By the process of elimination, the most suitable plan was chosen, written into a law for Missouri, and a taxing program was presented to finance the plan.²⁷

A later study with a much broader application was made in which an investigator found twenty-four pupil-tuition situations in the United States, gave tuition summaries of all the states, and evolved a model-tuition plan which would solve all of the pupil-tuition situations found.²⁸

Several other high-school tuition investigations have been made, but all of these are status studies. None of them makes any attempt to solve the problem found.

THE SCOPE OF THE STUDY

There is no attempt made to investigate and solve the elementary-school and junior-college tuition problems. The sole objective of this study is the high-school tuition problem in Kansas.

²⁷ William H. Lemmel, High School Tuition in the State of Missouri (unpublished Master's thesis, University of Iowa, Iowa City, Iowa, 1928), 71 pp.

²⁸ Harold L. Houle, A Comparative Study of the Legal Aspects of Tuition Charges in the Public Schools of the U. S. (Extension Bulletin 265, University of Iowa, Iowa City, Iowa, 1931), 102 pp.

METHOD OF PROCEDURE

The following questions indicate, in general, the procedure to be followed. The questions are:

1. What are the Kansas high-school tuition laws in detail?
2. What are the high-school tuition plans in force in the United States?
3. How do the Kansas plans compare with those of other states?
4. What are the Kansas high-school tuition problems?
5. What tuition plan best solves Kansas high-school tuition problems?
6. What are the laws that would utilize the plan best adapted to the solution of Kansas high-school tuition problems?
7. How would the laws work?

SOURCES AND TYPES OF DATA

The legal information pertaining to tuition in Kansas was obtained from the School Laws of Kansas and the Session Laws of Kansas.

Information on tuition plans in other states was gained from a study of their school laws and studies made on the subject.

An inquiry was sent to thirty-five selected county superintendents for the purpose of getting their opinions

of the most pressing tuition problems. From these a summary was abstracted as a way of stating the tuition problems of Kansas. The inquiries were sent to counties that were, by virtue of their location, likely to experience the most perplexing tuition problems. For instance, border counties, and counties adjoined by others with two or three different tuition plans were chosen.

Much general information on high school tuition problems was gleaned from articles on the subject found in the various school journals.

Authoritative information on tuition plans, their application, and use was obtained from reports of studies made by the U. S. Bureau of Education.

PRESENTATION OF DATA

The general plan of presenting the data in this study has been to explain by way of summaries and then to incorporate essential information, which can be classified, into tables for rapid and intelligent comparison.

CHAPTER II

KANSAS TUITION LAWS AND THEIR COMPARISON WITH OTHER STATES

In this chapter, a detailed explanation is given of the high-school tuition laws in Kansas. These laws differ in the various counties. The number of counties under each law is given. Then, the general tuition laws applicable to all counties are presented.

Two tables are given for the purpose of comparing the Kansas tuition situation with those of other states.

BARNES COUNTIES

There are forty counties in Kansas that operate their high schools under the Barnes law.¹

Any eligible pupil, residing in a Barnes county, may attend any high school in the county free without the consent of the county superintendent. There is no tuition of any kind paid to the school attended by the non-resident pupil.²

The rate of tuition payable in Barnes counties is \$2.00 per week or fraction thereof.³

¹ W. A. Stacey, editor, School Laws of Kansas, 1933 p. 267.

² Session Laws of Kansas, 1905, Chap. 397, Sec. 7.

³ Session Laws of Kansas, 1923, Chap. 191, Sec. 1.

The Board of County Commissioners levies a tax on all taxable property in the county certified to them by the County Superintendent sufficient to raise an amount of money equal to the total number of teachers in eligible high schools multiplied by \$1500.⁴

This money is distributed to the eligible high schools according to the number of teachers and average daily attendance. There is, first, distributed \$1200. for each high school ~~teacher~~, and the rest of the fund is distributed according to average daily attendance. The payment of tuition within the county is taken care of through this apportionment fund.⁵

Shawnee county, while a Barnes county, has secured discriminating legislation. In this county, all first class cities are excluded in making the Barnes county levy and distribution. The distribution of the county fund is irregular in this county in that it is distributed according to the number of high school teachers only. There is no distribution of funds made on the basis of average daily attendance.⁶

In Barnes counties, all cities over 15,000 in population are exempt, but there is no change in the

⁴ Session Laws of Kansas, 1931, Chap. 259, Sec. 2.

⁵ Kansas Revised Statutes, 72-3005.

⁶ W. A. Stacey, op. cit., pp. 152-53.

distribution of the Barnes funds or the administration of the law in these counties.⁷

COMMUNITY COUNTIES

Twenty-three counties in Kansas operate under the community high-school county plan.⁸

In these counties, there is a county tax levied on all taxable property lying outside of organized, accredited, four-year high-school districts, except the community high-school district. This money is raised to support the community high school of the county. All territory, in a community county, is, therefore, in some high-school district.⁹

Community high schools are open, free of charge to all eligible pupils within the county. If a pupil residing in a community high-school district receives the approval of the county superintendent, he may attend another high school in the county and have his tuition paid by the community high school. On the other hand, if a pupil residing in any other high-school district in the county receives the approval of the county superintendent, he may attend the community high school and have his tuition

⁷ Ibid., p. 156

⁸ Ibid., p. 267.

⁹ Session Laws of Kansas, 1923, Chap. 187, Sec. 1,4.

paid by the home high-school district.¹⁰

Community high schools must pay tuition to approved one- and two-year high schools lying within the community high-school district up to fifty per cent of the tax money collected from the one- or two-year high-school district.

The rate of tuition payable in a community county is two dollars per week for actual attendance, except that it is \$1.40 per week in Crawford and Cherokee counties.¹¹

TUITION COUNTIES

There are, in Kansas, thirty-nine counties that operate their high schools under the tuition county law.¹² This law is operative in any county in which provision is not otherwise made for free high-school tuition.¹³

Any eligible pupil living outside a high-school district may attend the high school nearest his residence in his own county or in an adjoining county.¹⁴ He pays no tuition.

The county pays the tuition, in these cases, out of a county tuition fund. This fund is provided by a tax, certified and determined by the county superintendent to

¹⁰ Ibid., Sec. 5.

¹¹ Loc. cit.

¹² W. A. Stacey, op. cit., p. 267.

¹³ Ibid., p. 128.

¹⁴ Session Laws of Kansas, 1925, Chap. 238, Sec. 1.

the board of county commissioners who shall make the necessary levy. This levy is made on all taxable property in the county lying outside of accredited four-year high-school districts.¹⁵ Any high school can collect the tuition with a two-year, three-year, or four-year accredited course.¹⁶

The rate of tuition payable in tuition counties is \$3.00 per week or fraction thereof.¹⁷

MONTGOMERY COUNTY

Montgomery county operates under one of the special laws pertaining to high schools in Kansas.

All property lying outside of the organized high school districts is taxed one mill to provide a fund for the payment of non-resident tuition.

The county commissioners pay non-resident tuition at the rate of eight dollars per month out of the fund. No pupil is in attendance if absent over one-half the month.¹⁸

STEVENS COUNTY

Stevens county operates under a special state statute. According to this statute, the county levies a tax on all

¹⁵ Ibid., Chap. 239, Sec. 1.

¹⁶ Ibid., Chap. 238, Sec. 1.

¹⁷ Ibid., Chap. 239, Sec. 1.

¹⁸ Ibid., 1921, Chap. 245, Sec. 5.

taxable property lying outside of high-school districts. This money is distributed to the high schools of the county in the proportion thought to be necessary by the county superintendent.¹⁹

All high schools of the county are free to all eligible pupils who are residents of the county.²⁰

Since the passing of the above provisions for Stevens county, there have been two rural high-school districts organized which have all the territory of Stevens county within their bounds.²¹ This practically makes the special statute explained above ineffective.

The rate of tuition in this county is \$2.00 per week.²²

SUMNER COUNTY

Sumner county operates under a special statute. Any pupil may attend any high school in the county, and no tuition is to be paid from one district to another nor by the pupil to any district. The county levies a tax on all taxable property in the county. The income is placed in a

¹⁹ Ibid., 1911, Chap. 263, Sec. 6-8.

²⁰ Ibid., Sec. 3.

²¹ Ibid., 1931, Chap. 262, Sec. 1.

²² Ibid., 1923, Chap. 187, Sec. 5.

county high-school fund. This fund is apportioned to the high schools of the county according to average daily attendance and classification.²³

The rate of tuition is \$2.00 per week.²⁴

TUITION LAWS APPLICABLE TO ALL COUNTIES IN GENERAL

A pupil, with the approval of the county superintendent or the board of education in cities of the first or second class, may attend a high school in an adjoining county and have his tuition paid by the county or district of residence depending upon the tuition law applying to the particular county in which the pupil resides. If approval is not given, an appeal may be made to the state superintendent whose decision is final. The following are to be considered as reasons for payment of the tuition into an adjoining county: The school in the adjoining county is nearest the residence of the pupil. The school in the adjoining county is more easily accessible than an accredited high school in his own county. Then there is a blanket provision which states that there may be other reasons just as valid.²⁵

The rate of tuition to be paid shall be determined

²³ Ibid., 1919, Chap. 276, Sec. 4-3.

²⁴ Kansas Revised Statutes, 72--3201-2-3-4.

²⁵ Session Laws of Kansas, 1931, Chap. 239, Sec.1.

by the legal rate in force in the county where the non-resident pupil attends.²⁶

A pupil may attend high school in an adjoining county in an adjoining state by following the same procedure as outlined for attendance in an adjoining county within the state.²⁷

The rate of tuition, however, is determined by the legal rate in force in the county of the pupil's residence rather than in the county of attendance.²⁸

There is one exception to this law applying to tuition in adjoining counties in bordering states. The law does not apply to Crawford county located in the southeast corner of the state.²⁹

KANSAS TUITION PLANS COMPARED WITH THOSE OF OTHER STATES

The first comparison made between Kansas tuition plans and those of other states is on the number of different high-school tuition situations presented by the laws of the states.

If a state under certain conditions has the elementary district pay the non-resident tuition, this represents

²⁶ Loc. cit.

²⁷ Ibid., Chap. 261, Sec.1.

²⁸ Ibid., Sec.2.

²⁹ Loc. cit.

one tuition situation. If the same state under certain other conditions has the county pay the tuition, there is a second tuition situation. Then if under certain conditions the same state pays a portion of the tuition from state funds, there is still another tuition situation presented.

All of these illustrations are given to make clear what is meant by a high-school tuition situation.

In Table I, the number of different tuition situations is given for each of the states. There is, also, a brief explanation of the tuition plans of each of the states given. This is done so that one may see how the number of different tuition situations was found, and so that one may better understand the high-school tuition plans of the various states.

TABLE I

A COMPARISON OF THE STATES IN TOTAL NUMBER OF
DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
Alabama ¹	1	Non-resident pupils counted as residents for granting of state aid. County school boards transfer funds to pay tuition.
Arizona	1	District of residence pays tuition not to exceed average cost less state and county apportionments.
Arkansas	1	County boards have authority to transfer funds. Tuition is not mentioned in the law.
California ²	2	There is a state apportionment. The district pays the tuition. The county, however, pays the tuition in case there is no high school in the county or when tuition is paid out of the state.
Colorado ³	1	The district pays the tuition. The rate is agreed upon by boards contracting.

¹ Paul Mort, State Support for Public Education. (American Council on Education, U. S. Department of Interior. 1933), pp. 63-70.

(All material, except where other references are given, comes from this reference. Mort's material is based on the year 1932.)

² California Supplement to School Laws, 1933, pp. 8-9.

³ Colorado School Laws, 1933, pp. 87, 98, 172.

TABLE I (continued)

A COMPARISON OF THE STATES IN TOTAL NUMBER OF
DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
Connecticut	1	Non-residents are counted for state aid. State reimburses districts for tuition up to two-thirds of the amount not to exceed \$50 providing it maintains no high school and receives less than \$60,000 from taxes.
Delaware	1	State pays the tuition on enrollment and average daily attendance.
Florida	1	Non-resident pupils counted in granting state aid. County funds are transferred by county superintendent.
Georgia	1	Non-residents counted for apportioning state aid.
Idaho ⁴	2	Tuition is paid by the shifting of state and county aid, and the balance is made up by the district. Border towns may contract with districts in other states.
Illinois ⁵	1	The tuition is paid by the home district.
Indiana ⁶	1	The tuition is paid by the home district.

⁴ School Laws of Idaho, 1933, pp. 203-208.

⁵ School Laws of Illinois, Circular 256, 1933, p. 46.

⁶ Indiana School Law Supplement, 1932-3, p.33.

TABLE I (continued)

A COMPARISON OF THE STATES IN TOTAL NUMBER OF
DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
Iowa	1	The tuition is paid by the home district.
Kansas ⁷	10	Tuition is paid at rate of \$2 per week under Barnes law. It is paid at rate of \$2 per week under community law, except in Crawford and Cherokee counties it is \$1.40 per week. Tuition is paid at the rate of \$3 per week in all tuition counties. Tuition is paid at the rate of \$2 per week in each of three special law counties. All of these special counties represent the payment of tuition under differing conditions. Tuition rate in adjoining county in state is determined by legal rate of county in which pupil is in attendance. In case of a border state, tuition is determined by the rate in county of residence. Crawford county is an exception to the out-of-state law.
Kentucky	1	County pays all tuition.
Louisiana	1	Tuition provided for through state aid.
Maine	1	Tuition is paid by the district. The state pays until fund is exhausted.
Maryland	1	State provides for all tuition.

⁷ Cf. ante, pp. 15-22.

TABLE I (continued)

A COMPARISON OF THE STATES IN TOTAL NUMBER OF
DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
Massachusetts	1	District is primarily liable. State reimburses on the basis of evaluation.
Michigan	1	District must pay the tuition not to exceed \$60 per year per pupil.
Minnesota	2	State pays \$7 per pupil per month for non-residents to the school attended in the state. With consent of board, pupil may attend school outside of state and district must pay up to \$10 per month per pupil.
Mississippi	1	District pays the tuition.
Missouri ⁸	2	District pays the tuition. The state pays the school attended \$50 for each non-resident pupil. This is subtracted from the per pupil cost in reckoning the tuition rate. In counties with population of 250,000 to 350,000, the plan is different. If the debtor district cannot raise enough money by a maximum levy to provide per pupil cost, the rate shall not be over \$8 per month.
Montana	1	County pays tuition not to exceed \$90 per pupil per year.

⁸ Missouri School Laws, 1933, pp. 61, 83, 130, 131.

TABLE I (continued)

A COMPARISON OF THE STATES IN TOTAL NUMBER OF
DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
Nebraska	1	Districts not maintaining high schools must pay tuition not to exceed \$12 per month.
Nevada	1	District funds are transferred by the state superintendent not to exceed the per capita cost.
New Hampshire	1	District pays the tuition if it does not maintain a high school.
New Jersey	1	District is liable for the tuition. State reimburses sending district at the rate of \$60 for each pupil.
New Mexico	1	District pays the tuition according to per capita cost.
New York	2	State grants \$50 to each district for each non-resident pupil. It also allows pupil to be counted for state equalization aid. A district by majority vote may contract for education of its pupils in another district.
North Carolina	1	Tuition is provided for by state in its minimum program.
Ohio ⁹	2	District is liable for tuition. State aid is given. A district may contract with another district for education of its pupils and escape payment of tuition, as such.

⁹ Ohio School Laws, 1928, pp. 387-9.

TABLE I (continued)

A COMPARISON OF THE STATES IN TOTAL NUMBER OF DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
Oklahoma ¹⁰	2	District pays tuition at the rate of pro rata expense for the previous year. If district cannot pay tuition and maintain an eight month elementary school, the state pays to the extent necessary to allow a school to be maintained.
Oregon ¹¹	3	County pays tuition on basis of average daily attendance, and actual cost. Pupil may attend any high school in the state. Those residing in county high school counties cannot have tuition paid outside of county. When district near state line contracts with school in adjoining state, the district pays the tuition.
Pennsylvania	1	State pays the tuition on the basis of evaluation.
Rhode Island ¹²	1	State reimburses at the rate of \$35 for the first 25 pupils and \$25 for the next 25 pupils. A district not having a high school receives reimbursement just the same. District is primarily liable.
South Carolina	1	Any school receiving state aid must receive non-resident pupils free.

¹⁰ Oklahoma School Laws, 1933, p. 59.

¹¹ Oregon School Laws, 1933, p. 163, 166.

¹² Rhode Island School Laws, 1933, p. 35.

TABLE I (continued)

A COMPARISON OF THE STATES IN TOTAL NUMBER OF
DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
South Dakota	1	Resident district must pay tuition to any high school in state not to exceed \$15 per pupil per month.
Tennessee	1	County boards pay tuition by transferring the pro rata share of the county funds to the county in which pupil is in attendance.
Texas	1	Per capita cost is paid by the state not to exceed \$7.50 per pupil per month. Not more than \$400,000 can be distributed by the state in any one year.
Utah ¹³	1	No tuition can be charged in Utah.
Vermont	1	State reimburses on the basis of evaluation. District is primarily liable.
Virginia	1	State board of education makes all regulations. Tuition is paid by the county board of resident county, on the basis of per capita cost. State board recommends a tuition charge of \$5 per month per pupil.
Washington	1	District is primarily liable for tuition. It is reimbursed by state and county funds.

¹³ Utah School Laws, 1933, p. 64.

TABLE I (continued)

A COMPARISON OF THE STATES IN TOTAL NUMBER OF
DIFFERENT HIGH SCHOOL TUITION SITUATIONS

State	No. of Tuition Situations	Brief Explanation
West Virginia	1	State allows non-residents to be counted in determining state apportionment. District is primarily liable. Tuition may be collected from resident district equal to \$10 per month.
Wisconsin ¹⁴	1	District is liable for tuition. The rate is determined by average per pupil cost not to be less than \$2 nor more than \$3 per week per pupil.
Wyoming ¹⁵	2	District pays the tuition on the basis of actual cost in the school attended for the previous year. By a two-thirds vote, a district may contract with a district outside of the state to educate their pupils.

¹⁴ Wisconsin School Laws, 1928, p. 483.

¹⁵ Wyoming School Laws, 1933, p. 56.

Table II is presented for the purpose of pointing out the different methods of financing high-school tuition in the various states and of showing the number of states using each plan.

If the elementary district in which the non-resident pupil lives must pay the high-school tuition, the tuition is said to be financed by the district method. If the state pays all non-resident high-school tuition, the tuition is handled by the state financing method. Then, in some states, all non-resident tuition is paid by the counties making the adjustment.

There are, of course, various combinations of the above methods. Some states have a state and county financing method; others have a state and district method; others have a county and district method; some have all three methods; and one state, Utah, has no financing method, at all, for the payment of high-school tuition.

TABLE II

STATES GROUPED ACCORDING TO METHOD OF FINANCING
NON-RESIDENT HIGH SCHOOL TUITION¹

Method of Financing	Number of States	States
State [*] & District	11	Connecticut, Maine, Massachusetts, Missouri, Mississippi, New Jersey, Ohio, Oklahoma, ² Vermont, West Virginia, and Rhode Island
District	11	Iowa, Michigan, Nebraska, New Hampshire, New Mexico, Wyoming, ³ Wisconsin, ⁴ Colorado, ⁵ Illinois, ⁶ Indiana, ⁷ and Nevada

* The tuition financing method was considered "state" whether it contributed directly and specifically for tuition or merely provided for the apportionment of state monies on some basis of enrollment.

¹ Paul Mort, State Support for Public Education (American Council on Education, U. S. Department of Interior, 1933), pp. 63-70.

(All material in table is based on this reference, except as noted by other references.)

² Oklahoma School Laws, 1933, p. 59.

(State pays tuition only in case elementary district cannot and maintain an eight months school.)

³ Wyoming School Laws, 1933, p. 56.

⁴ Wisconsin School Laws, 1928, p. 483.

⁵ Colorado School Laws, 1933, pp. 87, 93, 172.

⁶ Illinois School Laws, Circular 256, 1933, p. 46.

⁷ Indiana School Law Supplement, 1933-34, p. 33.

TABLE II (continued)

STATES GROUPED ACCORDING TO METHOD OF FINANCING
NON-PRESIDENT HIGH SCHOOL TUITION

Method of Financing	Number of States	States
State	10	Delaware, Georgia, Louisiana, Maryland, Minnesota, New York, North Carolina, Pennsylvania, South Carolina, and Texas
County	5	Arkansas, Kentucky, Montana, Tennessee, and Virginia ⁸
State, County & District	5	Washington, California, Idaho, ⁹ North Dakota, and Arizona ¹⁰
County & District	3	Kansas, South Dakota, ¹¹ and Oregon
State & County	2	Alabama and Florida
No Tuition Provision	1	Utah ¹²

⁸ State Board of Education makes all regulations.

⁹ School Laws of Idaho, 1933, pp. 17, 153, 203-208.

¹⁰ Arizona School Laws, 1931, pp. 87, 235-36.

¹¹ South Dakota School Laws, 1933, pp. 74, 82, 83.

¹² Utah School Laws, 1933, p. 64.

(Attorney General declared that there is no law on tuition charges in Utah; therefore, there can be no tuition charges made. This declaration was made November 16, 1932.)

SUMMARY AND CONCLUSIONS

From the summaries of the different plans for paying tuition in Kansas, it is readily seen that there is a great lack of uniformity in the method of handling the tuition problem.

Summarizing the present Kansas tuition situation, we have the Barnes counties charging \$2 per week per pupil. Shawnee county is an exception to the Barnes law in that all first class cities are excluded and the law is administered differently than in the other Barnes counties. Furthermore, all first class cities with a population over 15,000 are excluded in other Barnes counties without any other change in the administration of the law in these counties. The community counties have a tuition rate of \$2 per week per pupil. There are two counties that are exceptions to this law in that they have a rate of \$1.40 per week per pupil. Each of the three special counties have their different laws for financing and administering tuition; however, all have the same rate of \$2 per week per pupil. The general tuition law applies to all of the counties adjoining counties across the line in other states. The method of determining the rate is different when the pupil attends in an adjoining county out of the state than when attending within the state. The out-of-state tuition law does not apply to Crawford county.

There is a difference in the rates of tuition to be paid in the various counties even though the rate is said to be \$2 per week. For instance, in Barnes counties, the rate is \$2 per week or fraction thereof; in community counties, the rate is \$2 per week for actual attendance; and in Montgomery county, the rate is eight dollars per month, and no pupil is in attendance if absent over one-half the month.³⁰

It can be readily seen that with a given number of pupils as non-residents attending school in each of these three types of counties, the total amount of tuition would not be the same even though the total average daily attendance were the same in each county.

Most of these plans can be classified under one plan; namely, the county plan, in which the non-resident tuition is paid by the county. However, in each instance, it is found that there is a distinct difference in the method of raising the tuition money, or in distributing it, or in the general administration of the plans because of the many different laws applicable and the many county superintendents, and county boards of commissioners who must administer the laws.*

³⁰ Cf. ante, pp. 15-22.

* These problems will be discussed in the next chapter.

In comparing Kansas with the other states as to method of financing and paying tuition, we find that Oregon and South Dakota are the only other states that have a county and district system of paying tuition. The systems of these three states are not identical, but each uses the district method and the county method in one way or another in the payment of tuition.³¹

It is far better and is becoming more common for the county or state to take over the paying of tuition. The district has the following disadvantages:

- (1) Great difference in paying ability.
- (2) More spots of inherent unwillingness to pay develop.
- (3) Close contacts with the problems develop effective opposition.³²

It is to be noted that twenty-eight states have some kind of state apportionment which aids in the payment of non-resident tuition. In considering both state and county plans, thirty-six states are found; however, nineteen of these states also use some form of the district plan which

³¹ Refers to Table II, pp. 33-34.

³² George W. Hanna, The Non-Resident Tuition Problem for Smaller Schools (Abstract, Department of Superintendence Official Report, N. E. A., February 1932), p. 214.

has been pointed out to have some serious disadvantages. It is rather significant that ten states use the state plan only.³³ One of the essential things needed in the payment of non-resident high-school tuition is a wider base for administration and taxation. The state plan does this.³⁴

In comparing Kansas with the other states in total number of different tuition situations, Kansas is entirely out of line with a total of ten. The most that any other state has is three, and the majority have only one situation which is faced by all of the high schools of the state in the settlement of the non-resident tuition problem.³⁵

With so many different high-school tuition situations, it is not surprising that Kansas has so many perplexing, and technical tuition problems which tax the patience of all who come into close contact with them.

The high-school tuition problem has, recently, been given a great deal of attention in other states. Over a

³³ Refers to Table II, pp. 33-34.

³⁴ W. W. Ludeman, "The non-resident high school tuition problem", The School Executives Magazine, March 1933, pp. 250-52.

³⁵ Refers to Table I, pp. 24-31.

dozen states changed their tuition laws in 1930 and 1931.³⁶ There have been several states that have changed their laws since 1931.³⁷

³⁶ James B. Lepley, "Tuition of non-resident high school students", Educational Law and Administration, (April 1933), p. 41.

³⁷ State School Laws, 1933.

CHAPTER III

KANSAS TUITION PROBLEMS

The purpose of this chapter is to present the most common high-school tuition problems being experienced by those working in school administration and by those whose children are effected by the laws.

In doing a thing of this kind, one must be sure to present the problems of importance to the situation. Again, it is the most common and perplexing problems that should be pointed out rather than the trivial ones.

For this reason, an inquiry was sent out to thirty-five of the county superintendents of Kansas. Twenty of these answered giving an account of the problems which seemed to cause trouble in their particular counties. It was found upon examining these problems that there was considerable repetition. Therefore, the problems have been classified into a Table.

These high-school tuition problems should be a good representation of those experienced in counties having many tuition troubles for solution. Those counties that are surrounded by other counties having the same plan as their own would not be expected to have a great deal of trouble with the administration of the tuition laws. It is

those counties which are surrounded by counties having different tuition laws that are certain to have many tuition problems. Those counties which adjoin counties in bordering states also are most likely to have tuition difficulties. For these reasons, the inquiries were sent to counties which by virtue of their location would be expected to have the most problems to offer.

The results of the inquiry are given in Table III, on the following page.

TABLE III

KANSAS HIGH SCHOOL TUITION PROBLEMS AS INDICATED
BY TWENTY COUNTY SUPERINTENDENTS

Problems	Counties having Problems
Our county collects \$2 per week for tuition, and we have to pay \$3 per week to other counties.	Clay
County commissioners refuse to pay or the county superintendents refuse to approve tuition claims to other counties--even though educational opportunity may be denied.	Lyon, Marion, Marshall, Washington, Montgomery, and Ottawa
Large rural high school districts should be made to pay tuition.	Reno
Tuition problem is a difficult one for the county superintendent to administer.	Sheridan
Adjoining states cause tuition problems.	Linn--Missouri does not provide for out-of-state tuition. Cheyenne--Nebraska
Administration of tuition laws is a burden to community high school districts.	Atchinson, and Oberlin
Kansas should have more uniform tuition laws.	Atchison, Chautauqua, Crawford, Reno, and Sedgwick
Tuition cannot be paid to another county if there is a county intervening.	Brown

TABLE III (continued)

KANSAS HIGH SCHOOL TUITION PROBLEMS AS INDICATED
BY TWENTY COUNTY SUPERINTENDENTS

Problems	Counties having Problems
Pupils who wish to attend in another high school district in the same county present a problem.	Brown, Clay, Johnson
Busses create a problem by transporting pupils from other districts then demanding tuition for them.	Clay
These counties have no particular problem with tuition.	Crawford, Cherokee, Chautauqua, Cowley, and Sedgwick

Read Table thus: From the counties answering the inquiry, Clay county mentioned the first problem; that is our county (Clay county) collects \$2 per week for tuition, and we have to pay \$3 into other counties.

TUITION AND BARNES COUNTIES

The chief factor causing trouble between Barnes and tuition counties is the fact that Barnes counties must pay \$3 per week for all of their pupils attending high school in tuition counties, and the same tuition counties have to pay only \$2 per week for their pupils attending high school in the Barnes counties.

There is a feeling among some county commissioners, in Barnes counties, that the county superintendent should approve claims in the proportion two for three. That is, two claims should be approved to attend in a tuition county while the tuition county approves three to attend in the Barnes county. This practice is thought by some to be reasonable and desirable for it tends to even up the amount of money transferred between the counties for high-school tuition.¹

In one instance it was found the county superintendent, in a Barnes county wished to approve a tuition claim to an adjoining tuition county, but the county commissioners of the Barnes county notified their county superintendent that they would not allow the claim. The county superintendent had a very good reason for approving the claim as the pupil in question was physically unfit to drive a long distance

¹ From problems and statements in inquiries.

to school while relatives in the adjoining county were willing to assume other school costs.²

The Kansas, general tuition law³ specifically states that the county commissioners must pay the claim, but the "political pressure" and the cost and trouble of lawsuits are prime deterrents when it comes to administering the problem according to the letter of the law.

TUITION, BARNES, AND COMMUNITY COUNTIES

Tuition and "community" counties have the same trouble over rates as do tuition counties and Barnes counties, the rate of the tuition counties being \$3 per week and that of the community counties being \$2 per week.

There is another factor that enters when considering the tuition problem in community counties. Community counties are entirely covered with some form of organized high-school district. They have no county fund for the payment of out-of-county tuition. If a pupil in a community county, leaves his own high-school district to attend high school in another county, his home district must pay the tuition if the home county superintendent approves the claim. If the county superintendent does not approve the

² Inquiry.

³ Session Laws of Kansas, 1929, Chap. 239, Sec. 1.

claim, the pupil must pay the tuition. In some instances, the school attended waives tuition when approval is refused. The county superintendent, in community counties, must always have concern for her political constituencies in these high-school districts when she approves too many claims from any one of them.⁴

The tuition counties differ from the Barnes and "community" counties in that they have a county tuition fund for the payment of all tuition for pupils coming from all territory not lying in organized high-school districts; however, if the county superintendent approves a claim of a pupil living in a high-school district to an adjoining county, the high-school district must pay the claim. One "tuition" county superintendent stated that he never approved tuition claims into an adjoining county from an organized high-school district in his own county. If good reason is shown, this, of course, is contrary to the law.⁵ It may, however, be a political expedient worthy of a county superintendent's attention. The above case is applicable to any county in Kansas if the county superintendent refuses to approve just claims.

There are two tuition counties adjoining each other.

⁴ Inquiry.

⁵ Session Laws of Kansas, 1929, Chap. 239, Sec. 1.

A large number of pupils in county "A" live closer to a high school in the adjacent county than they do to any school in their own county. The resident county superintendent refuses to approve their tuition claims. The adjacent county is educating these pupils without cost to the pupils but at the expense of the taxpayers of the adjacent county. If denied the privilege of attending the school the pupils will be forced to undergo unnecessary hardships and possibly be denied an education. Again, this county superintendent is acting contrary to the law.⁶

The three special counties--Montgomery, Stevens, and Sumner--have no tuition problems different from the other types of counties, except that Montgomery county refuses to pay any tuition outside the county. This of course, is contrary to the state law.

GENERAL PROBLEMS

In tuition counties, there is no law providing for the payment of tuition by one high-school district to another within the same county because of distance, accessibility, etc.

A case is cited in one of the tuition counties where a boy because of certain circumstances finds it necessary

⁶ Inquiry.

to attend high school in a high-school district other than in his own within the county. Since there is no law making provision for cases of this kind, the boy's parents are forced to pay tuition under considerable hardship⁷. This defeats the spirit of the different laws as there is every intent to furnish free secondary education to all. There is one alternative in a case of this kind. The high school attended might waive tuition. This, however, becomes a burden in time. Most school districts cannot afford to educate other districts' pupils free.

The Kansas tuition laws do not provide for the payment of tuition from one county to another if there is an intervening county. The following illustrates the unfairness and hardship worked by not having provided amply in the tuition laws for such cases: A girl in Marshall county living nine miles from high school and eligible to tuition in this county wished to attend school in Brown county where she could live with a relative. The Marshall county superintendent could not approve the claim for tuition because there was one county intervening.⁸ Surely, it is true that if a pupil is eligible to have tuition paid into an adjoining county, there might be just as

⁷ Inquiry.

⁸ Inquiry.

valid conditions for paying it into another county with several counties intervening.

There are cases in which the pupil lives in one high-school district and at a great distance from a high school in another district. This pupil wishes to attend school in this district because of superior schooling conditions there. However, if he has to pay tuition varying from \$72 to \$108 per year in addition to his other extra expense, it is almost prohibitive in most cases. These cases are left to the county superintendent to decide. She knows what is right, but there is the political issue to consider. The result is a great number of injustices done to boys and girls.⁹

There are many pupils who must go across county lines for high school education because of the inaccessibility of high schools in their own counties. Hundreds of these are denied a high school education because of the arbitrary manner in which decisions are made on these problems as they arise.

There are numbers of unethical things being done because of the present high-school tuition law set-up. It is estimated that there is \$1,000,000 of unbudgeted tuition money paid to high schools each year. Since it is

⁹ Inquiry.

in many cases unbudgeted, the boards look upon it as excess income that can be spent as they see fit.

Because of this thing, many schools enter into a spirited struggle to get all of the tuition pupils possible. Boards have been known to pay pupils' fathers excessive wages just to get their patronage. Busses have been known to go beyond their district to transport pupils to thier school. This is only a sample of the great number of devices used to get tuition pupils.¹⁰

Again, there is great inequality in the tuition rates under the present laws. There is no apparent reason for some of the counties charging \$3 per week, some \$2 per week, and some \$1.40 per week. Under the present rates, some schools make money while others lose a great deal. No flat rate is just over a period of time or over a large area.

OUT-OF-STATE TUITION

In considering the United States as a whole, it is usually true that a non-resident pupil may elect the high school he attends, if it is within the state. However, when a non-resident pupil attempts to cross state lines, he is usually limited.¹¹

¹⁰ Frank E. Pinet, "A Crazy-Quilt Law," Kansas State Teachers Association, Topeka, Kansas, 1933, 3 pp.

¹¹ James B. Lepley, "Tuition of Non-Resident High School Students". Educational Law and Administration, (April, 1933), pp. 40-41.

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¹¹ James B. Lepley, "Tuition of Non-Resident High School Students". Educational Law and Administration, (April, 1933), pp. 40-41.

The practice of the states are summarized as follows:

Over half the states permit public payment of tuition to a high school in another state, though only three states demand it. Some states practice it exclusively with neighbors who extend reciprocity; others permit it only in border towns or counties, or to a school more accessible than any in the student's own state. Several states approve only accredited high schools for the purpose.¹²

Further information on out-of-state tuition is given as follows:

It is obvious from the foregoing examples that the methods whereby admission to schools outside the borders of a state is determined show very little uniformity. There seems to be no single body responsible for determining the eligibility of the attending pupils. School officials, interstate reciprocity, out-of-state school boards, natural barriers, and individuals eligible to cast a vote may be regarded as determinants in as many separate states. In one thing the statutes have been consistent in their force and scope; that is, placing a maximum upon the amount of tuition that may be collected from the sending district.¹³

The states bordering Kansas are not uniform in the provisions made for out-of-state high-school tuition.

The Nebraska law provides as follows:

Pupils residing remote from a high school in their own state may attend a school of such a grade in a neighboring state provided the school attended is not more than 25 miles from the boundary and that

¹² Ibid., p. 41.

¹³ Paul Mort, State Support for Public Education, (American Council on Education, U. S. Department of Interior, 1933), pp. 380-81.

the sister state has made a similar provision for the attendance of their pupils in adjoining states.¹⁴

There is nothing said in the School Laws of Missouri¹⁵ and Colorado¹⁶ about high-school tuition in bordering states. In Oklahoma,¹⁷ a pupil may transfer to a high school in another state if he lives nearer by a commonly traveled road. The pupil follows the same procedure as though he wished to transfer to another district in his own state. The district pays the tuition. Permission to transfer is given by the county superintendent. If his decision is not satisfactory, an appeal may be made to the board of county commissioners whose decision is final. If the district cannot pay the tuition and maintain an eight month school, the state reimburses up to \$90 per pupil per year.

In view of the fact that out-of state tuition laws, if any, of our bordering states are so lacking in uniformity, it would be impossible to pass a law that would fit all four of these states on an equal basis. There would have to be, at least, three laws to handle the situations.

14 Paul Mort, loc. cit.

15 Missouri School Laws, 1933, pp. 61, 83, 130, 131.

16 Colorado School Laws, 1933, pp. 87, 98, 172.

17 Oklahoma School Laws, 1933, p. 59.

SUMMARY OF ALL PROBLEMS AND NEEDS SUGGESTED

All of the problems noted and discussed are summarized as follows:

1. There is a variation in tuition rates in the counties.
2. County superintendents and county commissioners refuse to approve just claims.
3. Large rural high-school districts should be made to pay tuition.
4. Tuition problems are difficult for the county superintendent to administer.
5. Adjoining states create tuition problems.
6. Tuition laws are a burden to community high schools.
7. Lack of uniformity in the laws magnifies difficulties.
8. Tuition cannot be paid if there is an intervening county.
9. Pupils attending high school other than their own, in the same county, cause tuition problems.
10. Busses going into other districts, then demanding tuition for pupils transported, violate the spirit of the laws.
11. Some districts must educate non-residents free or cause injustice.
12. Many trivial, unethical practices are used to get tuition pupils.

The need suggested by all of these problems is one, simple, non-resident high-school tuition law that will do away with the causes for all of these problems within the state. Then, there should be some reciprocity agreements made with adjoining states on tuition so that non-resident pupils could pass freely across state boundaries in the best interests of the pupil and education.

CHAPTER IV

APPLICATION OF HIGH SCHOOL TUITION PLANS TO KANSAS PROBLEMS

There are five high-school tuition plans that are used or have been used to solve tuition problems. They are as follows:

- (1) Payment of tuition by the pupil.
- (2) Payment of tuition by the district.
- (3) Payment of tuition by a non-high-school district.
- (4) Payment of tuition by the county.
- (5) Payment of tuition by the state.¹

These methods of paying non-resident tuition may be used together in different combinations. Each method will be applied to the Kansas high-school tuition problems in the order given above.

PAYMENT OF TUITION BY THE PUPIL

In 1928, there were ten states that used the pupil plan of paying tuition.² Now, according to Mort's study³ supplemented by the latest school laws obtainable from

¹ William H. Lemmel, High School Tuition in the State of Missouri, (unpublished Master's thesis, University of Iowa, Iowa City, Iowa, 1928), pp. 11-12.

² Ibid., p. 13

³ Paul Mort, State Support for Public Education, (American Council on Education, U. S. Department of Interior, 1933), pp. 67-74.

the various states,⁴ there is no state that uses the pupil plan of paying high-school tuition.

The tendency in school legislation is, plainly, to eliminate the payment of high-school tuition by the pupil. The plan discriminates against the boy or girl who happens to be born into a home of meager, financial means. For the above reasons, the pupil plan is not considered further in the solution of the Kansas high-school tuition problems.

PAYMENT OF TUITION BY THE DISTRICT

Eleven states use the district plan of paying high-school tuition.⁵

By the district plan, the elementary-school district from which the non-resident pupil comes pays the tuition to the high school attended.

The district plan has some inherent weaknesses.

They are as follows:

- (1) Great differences in paying ability.
- (2) More spots of inherent unwillingness to pay develop.

⁴ School laws of thirty states were obtained.

⁵ Cf. ante, pp. 32-33.

(3) Close contacts with the problems develop effective opposition.⁶

One investigator points out that there are years in which an elementary school district has a large tuition load and others in which the load is practically nil. That is, there may be years when only one pupil will go from an elementary district to high school, and others when there may be a great many going from the same elementary district to high school. This tends to concentrate the tuition load into certain years, for payment. There are years when the load is unbearable. For this reason, there should be a larger base for the payment of non-resident tuition. This would tend toward an average tuition load for every district each year.⁷

There is a vast difference in the taxable wealth of elementary school districts in Kansas. There is, also, a vast range in the enrollment in the elementary districts. It is unreasonable to expect that the elementary districts with great taxable wealth will always have the largest enrollments. Even though this were true, the dis-

⁶ W. W. Ludeman, "The non-resident high school tuition problem". School Executives Magazine, (March, 1933), pp. 250-252.

⁷ Loc. cit.

districts with greatest wealth could, many times, better afford to pay tuition on all their common school graduates than could the districts of least wealth with their minimum enrollment.⁸

On a six mill levy, there is a range of annual school income in the elementary, rural school districts of \$156.78 to \$30,000. There is a range in rural school evaluations from \$17,260 to \$5,000,000, and a range in enrollment from one to fifty.⁹

All these facts tend to point out the inequality of burdens that would be thrust upon the elementary school districts of Kansas, if the State should be placed on a non-resident high-school tuition plan by which the district pays the whole tuition bill.

The district plan would, no doubt, settle many of the problems of tuition; but it would, also, cause many more problems and actual financial hardships and injustices would result, finally, in a change from a bad situation to another equally bad situation. For these reasons, the district plan of paying non-resident high-school tuition is eliminated.

⁸ W. T. Markham, Facts of Interest (State Department of Education, Topeka, Kansas, June 30, 1933), pp. 6-11.

⁹ Cf. post, pp. 59-60.
(Tables IV and V explain the comparison facts on evaluation and enrollments in rural, elementary school districts of Kansas.)

TABLE IV

RANGE OF EVALUATIONS OF 1979 RURAL, ELEMENTARY DISTRICTS IN KANSAS WITH EVALUATIONS LESS THAN \$105,000, AND 168 DISTRICTS WITH EVALUATIONS MORE THAN \$400,000*

Number of Districts	Range of Evaluations
<u>Less than \$105,000</u>	
15	\$17,260 to \$35,000
148	\$35,000 to \$52,500
433	\$52,500 to \$70,000
631	\$70,000 to \$87,500
752	\$87,500 to \$105,000
<u>More than \$400,000</u>	
46	\$400,000 to \$500,000
84	\$500,000 to \$600,000
26	\$700,000 to \$1,000,000
12	\$1,000,000 to \$5,000,000

Read table thus: Fifteen districts have an evaluation ranging from \$17,260 to \$35,000.

* W. T. Markham, Facts of Interest (State Department of Education, Topeka, Kansas, 1933), p. 11.

TABLE V
ENROLLMENT IN 7325 ONE-TEACHER SCHOOLS IN KANSAS*

Number of Schools	Number of Enrolled Pupils
4	1
26	2
65	3
118	4
192	5
1782	6 to 10
2132	11 to 15
1516	16 to 20
742	21 to 25
548	26 to 50

Read Table thus: Four districts have an enrollment of one pupil, etc.

* W. T. Markham, Facts of Interest (State Department of Education, Topeka, Kansas, 1933), p. 6.

PAYMENT OF TUITION BY A NON-HIGH-SCHOOL DISTRICT TAX

By this method, all of the territory of a state not lying in some organized high-school district is taxed to pay all of the non-resident tuition in the state.

As a whole, this plan would be preferable to the district plan since it groups all non-resident elementary districts together and would tend to average the tuition load over all the districts each year.

The plan would function very well if all of the counties were operating under the county financing plan of tuition counties and of the one special county--Montgomery. The plans of these counties already call for a tax on all territory not organized into high school districts to pay the tuition of all pupils attending high school from this unorganized territory. This plan would be different in that it would be state-wide and would tend to average the tuition load. The plan would not solve any of the tuition problems arising within these counties.

Community counties and one special county--Stevens--would not be affected by the plan for these counties do not have any territory not organized into high-school districts. The plan would, therefore, not solve any of their intracounty tuition problems.

Barnes counties and the one special county--Sumner--

already tax the territory lying outside of high-school districts. If the plan were superimposed on the financing plans of these counties, the unorganized territory would, undoubtedly, be required to pay an unjust proportion of the tuition bill. If the territory lying outside of organized high-school districts in these counties were exempt from the non-high-school district tax to the extent of the Barnes tax, there would probably be many instances in which territory lying outside of high-school districts in these counties would not pay anything toward the state non-high-school district tuition fund which would tend to nullify the operation of the plan. Furthermore, these counties already provide for free tuition within each county, and it would not seem logical to tax the unorganized territory twice for the same purpose.

It is readily seen that the application of this plan to the present county financing plans would involve many problems. The counties organized under the tuition county and Montgomery county plans would present one situation; the community counties and Stevens county would present another; and the Barnes counties and Sumner county would present still another situation.

The plan best fits the financing plan of the tuition counties and Montgomery county. None of the financing plans of the other counties permit a good application of

the plan. However, the Barnes plan is thought to be the best financing plan for it more nearly equalizes the cost of high school education, and it eliminates all intracounty tuition problems. Therefore, if a state-wide financing plan should be chosen to take the place of the six plans now in existence, a plan similar to the Barnes plan should be considered.

Since the non-high-school district tax plan of paying tuition does not fit the Barnes plan or a similar one, it would be illogical to change the county plans of financing in order to utilize the non-high-school district tax plan of paying the non-resident high-school tuition. Due to the foregoing reasons, this plan of paying tuition is eliminated from consideration in the solution of the Kansas high-school tuition problem.

PAYMENT OF TUITION BY THE COUNTY

The county unit plan is used in ten states.¹⁰ It is better than the district plan in that it constitutes a larger base for the payment of tuition.

However, it has one chief weakness when applied to the tuition problems of Kansas. If Kansas should have a county plan, all of the problems would still exist. It would only eliminate the problems arising within counties.

¹⁰ Cf. ante, pp. 33-34.

The Barnes counties do this very nicely now.

Suppose all of the counties in Kansas were on the Barnes plan, there is nothing in the plan to eliminate the intercounty tuition problems. The county superintendents would still have to approve claims from one county to another, and county boards of commissioners would continue to refuse to pay the approved claims as they have in the past. All of this would be done in spite of the fact that all tuition rates in the state should be made uniform. County boundaries would still be "battle fronts" due to claims not approved, and claims approved and unpaid. Schools would continue to educate non-resident pupils free rather than to deny them a high school education or if not denied to them, they would have to suffer needless hardships to get it.

Four of the tuition plans have been considered. None of them seems to fit the Kansas situation without a number of objections being raised. However, the Barnes county plan does eliminate all intracounty tuition problems. The only plan left for consideration in the elimination of intracounty tuition problems is the state plan.

PAYMENT OF TUITION BY THE STATE

There are some weaknesses in the state plan. One of these is the fact that it discourages consolidation

in districts not being taxed to provide high schools. It allows these districts to educate their pupils free, except for the small amount that they may pay toward the state fund along with districts already taxed.¹¹

This weakness could be overcome by changing all of the county financing plans in the state to one plan that would cause all of the area of Kansas to be taxed for high school purposes.

Another weakness to be pointed out is that the state pays the bill on a flat rate or on the basis of a state average in many cases. This tends to cause some districts to bear the burden of an excess cost on tuition pupils because of local conditions. Other schools might be able to make money on the same rate because of differing conditions in their localities.¹²

This weakness can be overcome, for the most part, by the state paying the tuition bill on the basis of the average, actual cost in each county. There, no doubt, should be some average taken into consideration within a limited area in order to keep some schools from taking advantage of the plan.

¹¹ Fred Engelhardt, and others, District Organization of Secondary Education (Bulletin No. 17, Monograph No. 8, U. S. Department of Interior, 1932), p. 28.

¹² Ibid., pp. 28-29.

There are some decided advantages to the state plan. It gives the largest possible base for payment of any of the plans, unless there should be a national system of educational administration in the future.

Another advantage is that it discourages small districts from attempting to establish and maintain high schools. This is done by enabling them to educate their pupils free by means of the state's paying the tuition.¹³

A plan similar to the Barnes county plan for financing high schools has been found to solve the intracounty tuition problems. There is no plan that will solve the intercounty tuition problems as well as some type of state plan. It eliminates the 105 county superintendents, the many boards of county commissioners, and the boards of education in many of the larger cities from having a hand in the administration of intercounty tuition problems. Uniformity of administration is impossible when there are so many different public officers administering the payment of non-resident high-school tuition. Since the county plan solves the intracounty tuition problems and some type of state plan solves the intercounty tuition problems, it would seem reasonable that a combination of the two plans would solve the high-school tuition problems of Kansas.

¹³ Ibid., p. 28.

THE PLAN

The tuition problems summarized in the preceding chapter are all solved or made less effective by the following plan:

The first point to understand in this proposed plan is that all six of the present county financing laws and all intrastate and interstate tuition laws are to be considered null and void.

All counties in the state have a uniform financing plan and a uniform method of paying tuition within the counties and across county boundaries.

Each county raises annually by taxation for the support of high schools a sum of money to be determined by the following two factors:

1. A minimum of \$1,000 per high-school teaching unit--The amount per teaching unit may be adjusted above the minimum of \$1,000 per teaching unit by the State Board of Education when, in its judgment, the best interests of education demand it. A high-school teaching unit is defined for this purpose as follows:
 - (a) In districts where the average daily attendance is not more than 45 pupils count one teaching unit for each 15 pupils in average daily attendance and additional fractional teaching units in the proportion that such fractional additional attendance bears to 15, provided

that high schools with fewer than 30 pupils in average daily attendance shall secure the approval of the State Department of Education for participation in the County High School Fund before teaching units in said districts may be computed; (b) In districts where the average daily attendance is more than 45 pupils but not in excess of 125 pupils, count three teaching units for the first 45 pupils in average daily attendance and one teaching unit for each 20 pupils in average daily attendance in excess of 45 and such fractional additional teaching units in the proportion that such fractional additional attendance bears to 20; (c) In districts where the average daily attendance is in excess of 125 pupils, count seven teaching units for the first 125 pupils in average daily attendance and one teaching unit for each 25 pupils in average daily attendance in excess of 125 and additional fractional teaching units in the proportion that such fractional additional attendance bears to 25. In any case where the number of high school teaching units is in excess of the actual number of teachers employed, and the number of teachers employed is considered inadequate by the State Department of Education, it may at its discretion use the number of teachers actually employed or any intermediate number between the actual number of teachers employed and the number of teaching units as computed above for the accepted number of teaching units for

computing participation in the County High School Fund. In computing the teaching units upon which the County High School Fund is distributed for a given year, attendance data for the preceding year shall be used in each case, and all funds collected shall be available for distribution in the following fiscal year.¹⁴

2. An amount of money sufficient to pay intercounty high-school tuition is added to the above sum.

Any high-school district may make an additional levy for the purpose of supplementing the amount of county tax money in maintaining a high school.

No pupil or high-school district is required, under any condition, to pay high-school tuition either within the county or within the state. All intracounty high-school tuition is considered paid by virtue of the county-wide tax for the purpose of supporting high schools. All intercounty high-school tuition is paid by the state. All high schools having out-of-county pupils in attendance are entitled to the state reimbursement for tuition. The state collects its funds for the payment of tuition from each county for every pupil whose legal residence is in said county but who is attending high school in another county within the state.

¹⁴ Frank E. Pinet, "Proposed School Equalization Fund Bill," Kansas State Teachers Association, Topeka, Kansas, 1933, pp. 3-4.

The rate of high-school tuition, to be collected by the state and to be paid to high schools education out-of-county pupils, is determined by the average rate for all high schools in the county in which the student is attending school. The rate of each high school is determined by dividing the actual cost by the average daily attendance. The items to be considered in the actual cost of schooling are all maintenance items, capital outlay, and debt service.¹⁵ The State Board of Education is to define and determine the scope of these items and set up such needed rules and regulations as may by them be deemed advisable.

Pupils residing in joint districts extending across county lines are not considered as out-of-county tuition pupils if they attend high school in their resident high-school district.

The State Board of Education is vested with the authority to make reciprocity agreements with adjoining states for the payment of high-school tuition across state lines. Until reciprocity agreements can be made, the State Board of Education is vested with the authority to pay or not to pay out-of-state tuition in keeping with the best interests of high-school education.

¹⁵ Harold L. Houle, A Comparative Study of the Legal Aspects of Tuition Charges in the Public Schools of the U. S. (College Education Series No. 26, Published by the University of Iowa, Iowa City, Iowa, 1931), pp. 100-101.

All other powers pertaining to county financing of high schools, intercounty tuition, out-of-state tuition, reciprocity agreements with adjoining states, and interpretations and definitions, not expressly delegated in this plan, are vested in the Board of Education.

The State Board of Education is given authority to make all rules, regulations, interpretations, and definitions necessary; and to set up whatever administrative machinery is necessary to enforce the provisions in this plan.

SOLUTION OF PROBLEMS

The problems are solved by the plan as follows:

Problem: There is a variation in tuition rates in the counties.

Solution: There would still be a variation in the tuition rates in various counties, but there should be a variation in the rates if they are equitable. No school should be allowed to collect more or less than the actual cost to the district for the education of non-resident pupils.

The customary method of determining the rate of tuition in the various states is based on actual, average cost per pupil on average daily attendance. This is subject to various limitations as to the items that shall be entered

into the cost in the several states.¹⁶

Legal precedent shows that a maximum rate that is set too low will not keep the high school district from collecting the actual cost of a non-resident's education. Courts have interpreted this maximum law to mean that the parents will have to pay whatever is necessary, in addition to that paid by the district or some other unit, to equal actual cost of education to attended district. The fundamental criterion for determining the amount of tuition should be actual cost of providing educational opportunities enjoyed.¹⁷

This information very well validates the actual cost for the payment of tuition.

There should be no difficulties arising out of a rate of this kind. It would be administered by one office; namely, the State Department of Education. This, in itself, would tend to eliminate rate difficulties.

Problem: County superintendents and county commissioners refuse to approve just claims.

Solution: County superintendents and boards of county commissioners would not have anything to do with the approval of tuition claims. Boards of county commissioners would not have anything to do with the levying of tuition money or the payment of tuition money. The state

¹⁶ Legal and Regulatory Provisions Affecting Secondary Education (Bulletin No. 17, Monograph No. 9, U. S. Department of Interior, 1932), p. 52.

¹⁷ Paul Mort, op. cit., pp. 398, 405, 406.

would approve all claims and pay all claims.

Problem: Large rural high-school districts should be made to pay tuition.

Solution: Under the present plan, it has been found that some rural high school districts are so large that it works a hardship on pupils living on the outer edges of the district to attend their own high school. They, therefore, should be allowed to attend some other more convenient school and have their tuition paid. Under the proposed plan, pupils residing in large rural high school districts would be privileged to attend any high school in the state free, without asking the consent of anyone.

Problem: Tuition problems are difficult for the county superintendent to administer.

Solution: The county superintendent would not have any tuition problems to administer, except to check up on residence for the state department, and to pay tuition claims to the state and resident high schools as per the statement and order of the state superintendent of public instruction. The county superintendent's work would be mostly routine in nature.

Problem: Adjoining states cause tuition problems.

Solution: Tuition problems with adjoining states would be settled on as equitable terms as possible through reciprocity agreements with the bordering states.

Problem: Tuition laws are a burden to community high schools.

Solution: Under the proposed plan, community high schools would not have to pay tuition.

Problem: Tuition laws are not uniform.

Solution: There would be only one tuition situation. There would be perfect uniformity in so far as it is equitable to have it. Rates would not be uniform in amount, but they would be uniform in doing justice to each high school and county.

Problem: Tuition cannot be paid if there is an intervening county.

Solution: A pupil, under the proposed plan, would be permitted to attend any high school in the state and have his tuition paid.

Problem: Pupils attending high school other than their own in the same county often cause problems.

Solution: This problem would be entirely eliminated for any pupil can attend any high school free.

Problem: Some districts, in community counties, send busses into other districts then demand tuition money for pupils transported.

Solution: This problem would be eliminated for there would be no tuition paid within the county.

Problem: Some districts must educate non-residents, free, or cause injustice.

Solution: No district would educate pupils free under this proposed plan. The high school would be paid by the county tax and the state tuition adjustment.

Problem: There are many trivial, unethical practices used to get tuition pupils.

Solution: There is reason to believe that most boards would hesitate to act in the face of a state accrediting regulation by the State Board of Education which might withdraw approval for violation of tuition regulations. Furthermore, all tuition would be paid on an equitable basis. No school would get more than it costs them to educate a pupil; so there probably would not be any great incentives to violate ethical practices.

SUMMARY AND CONCLUSIONS

The five methods that have been found and used to pay non-resident high-school tuition were all applied to the problems found in the administration of the present, Kansas-tuition laws.

The pupil method, district method, and non-high-school district tax method were all found to have serious objections. The county method was found to have some objections in that it does not solve the intercounty problems. It was found, however, that there is a type of county unit financing that does solve the intracounty tuition problems. The state method was found to be the only one that could

have its weaknesses repaired and would solve the inter-county tuition problems. For these reasons, a uniform county method of financing schools was chosen to solve the intracounty problems. The state method of paying intercounty tuition was chosen since it is the only one that will solve the intercounty problems. These methods were then written into a plan which has for its purpose the solution of the tuition problems.¹⁸

The plan was tested by applying it to the solution of the problems as revealed by the inquiry. It was found that all of the problems are solved by the plan, except the interstate problem which must be handled with due regard for what the other states are willing to do in an equitable settlement of the problem.

¹⁸ Cf. ante. pp. 67-71.

CHAPTER V

PROPOSED LAWS AND THEIR APPLICATION

REASON FOR OFFERING TWO LAWS

There has been a great awakening of interest within recent years among the states in the matter of overcoming the limitations of the present systems of financing education. Of all the school bills dealt with by legislatures during the 1931 legislature period, those dealing with state participation in public school support were the most numerous. It appears that the nation is now going through a time of marked change in the set-up of public school finance systems comparable to the change which occurred about a century ago in what Cubberley called "The battle for free state schools".¹

State contributions to the support of education have increased thirty per cent in the five year period from 1925-30. Of the seven states that have experienced a decrease in the percentage of state funds contributed to education, Kansas stands at the foot of the list with a decrease of seventy-five per cent. The range in federal and state funds distributed to public schools in the states is

¹ Paul Mort, State Support for Public Education (American Council on Education, U. S. Department of Interior, 1933), pp. 22-23.

1.7 per cent for Kansas to 87.9 per cent for Delaware. Sixteen states in the Union pay more than twenty-five per cent of the state educational bill.²

There are many places in the United States where bad educational conditions have been allowed to exist because of a lack of state action. There are, also, other sections in the Union where state action has retarded the effect of low economic ability and unequal educational opportunities found in school districts.³

The Educational Finance Inquiry Commission in 1923 indicated the great need of a thoroughgoing equalization of the burden of school support by the method of state aid.⁴ This evidence certainly points out that there is a definite trend toward equalization of the financial support for public education in the United States at the present time.

Kansas has felt the effects of this trend as is evidenced by the Report of the State School Code Commission of 1928 and the work of the Kansas State Teachers Association and its legislative committees in 1934.

For these reasons, it seems best that two laws on tuition should be considered in order to take care of the

² Ibid., pp. 23-27.

³ Ibid., p. 4.

⁴ Ibid., pp. 4-5.

tuition situation regardless of what happens in a legislative way.

LAW BASED ON PRESENT, EXISTING COUNTY AND
DISTRICT PLANS

The plan evolved in this study necessitates the writing of the following points or factors into law:

1. All counties are to have a uniform taxing system for the support of high schools.
2. The state is to pay and administer all intercounty high-school tuition.
3. The rate of tuition is to be determined on the basis of average, actual cost of schooling in the county of attendance.
4. Any scholastically eligible pupil is to be allowed to attend any high school in the state without the approval of anyone.
5. The State Board of Education is to pay or not to pay out-of-state tuition as it deems best until reciprocity agreements may be effected by said Board with adjoining states on the payment of interstate high-school tuition.

THE LAW

Section 1. Designation. This act shall be known as the High School Tuition Law of Kansas.

Section 2. Interpretation. This act establishes and continues a system of high schools in Kansas and shall be the law of the state respecting the question of tuition and financing of said high schools. Its provisions and all proceedings under it are to be liberally construed.

Section 3. Definitions. For the purpose of this act, the following words and phrases and terms shall be understood to have the following meanings:

(a). A "high-school teaching" unit is defined for this purpose as follows: (a) In districts where the average daily attendance is not more than 45 pupils count one teaching unit for each 15 pupils in average daily attendance and additional fractional teaching units in the proportion that such fractional additional attendance bears to 15, provided that high schools with fewer than 30 pupils in average daily attendance shall secure the approval of the State Department of Education for participation in the County High School Fund before teaching units in said districts may be computed; (b) In districts where the average daily attendance is more than 45 pupils but not in excess of 125 pupils, count three teaching units for the first 45 pupils in average daily attendance and one teaching unit for each 20 pupils in average daily attendance in excess of 45 and additional fractional teaching units in the proportion that such fractional additional attendance bears to 20; (c) In districts where the average daily attendance is in excess of 125

pupils, count seven teaching units for the first 125 pupils in average daily attendance and one teaching unit for each 25 pupils in average daily attendance in excess of 125 and additional fractional teaching units in the proportion that such fractional additional attendance bears to 25. In any case where the number of high school teaching units is in excess of the actual number of teachers employed, and the number of teachers employed is considered inadequate by the State Department of Education, it may at its discretion use the number of teachers actually employed or any intermediate number between the actual number of teachers employed and the number of teaching units as computed for the accepted number of teaching units for computing participation in the County High School Fund. In computing the teaching units upon which the County High School Fund is distributed for a given year, attendance data for the preceding year shall be used in each case, and all funds collected shall be available for distribution in the following fiscal year.

(b). "Intercounty tuition" is that tuition claim which arises by virtue of an eligible high-school pupil residing in one county and attending high school in another county.

(c). "Intracounty" tuition is that tuition claim which arises by virtue of an eligible high-school pupil attending high school within the county of his residence, but not residing within the high-school district of the high school attended.⁵

⁵ Frank E. Pinet, "Proposed School Equalization Fund Bill," Kansas State Teachers Association, Topeka, Kansas, 1933, pp. 3-4.

(d). "Eligible high-school pupil" is any pupil that satisfies the requirements for entrance into grade nine of any high school, in Kansas, as determined by the State Board of Education.

(e). "Out-of-county" pupils are those pupils that are attending high school in a county other than that of their residence.

(f). A "high school" is any common school that offers instruction in grades nine, ten, eleven, and twelve. Grade nine of junior high schools is considered as a high school grade for all provisions in this act.

(g). "Maintenance items" are all current items of expense as all instructional costs, fuel, lighting, insurance, library books not to exceed the annual requirements of law, janitor, janitor supplies, and all other items of a similar nature that are consumed for the most part within one fiscal year.

(h). "Capital outlay" is all permanent items of cost as building repairs and any equipment not consumed in one year, buildings and sites, and all other similar items, which will not be consumed within one fiscal year.

(i). "Debt service" is all expense incurred in negotiating a bond issue, interest, fees, and all other expense incurred in getting a loan to finance some phase of the high school system.

(j). A "joint high-school district" is any high-school district that extends across one county boundary or more.

(k). A "reciprocity" tuition agreement is any kind of workable contract that might be entered into by the State Board of Education of Kansas and some equally authoritative body of an adjoining state for the payment of high-school tuition across state boundaries.

Section 4. In every county in the state of Kansas, there shall be a tax levied, annually, sufficient to raise a minimum of \$1,000 per each high-school teaching unit in the county, or a greater amount as determined by the State Board of Education, plus an amount sufficiently large to pay the intercounty high-school tuition as directed by the State Board of Education. A county high-school fund shall be created for this purpose.

Section 5. The board of education of any high-school district may levy a tax, within the limits prescribed by the present school code, to supplement the funds produced by the county tax provided for in section four of this act.

Section 6. Any eligible pupil as determined by section three of this act shall be allowed to attend any high school in the state.

Section 7. It shall be illegal for any high school to collect tuition for pupils in attendance who reside within the county where said high school is located.

Section 8. All intercounty high-school tuition shall be paid by the state. All high schools having out-of-county pupils in attendance shall be entitled to high-school tuition reimbursement from the state. The state shall collect its funds for payment of high school tuition from each county for all high-school pupils whose legal residence is in said county but who are attending high school in another county within the state.

Section 9. The rate of high-school tuition, to be collected by the state and to be paid to high schools educating out-of-county pupils, shall be determined by the average rate for all high schools in the county where tuition is to be paid. The rate for each high school shall be determined by dividing the total actual cost by the average daily attendance. The items to be considered in the actual cost of schooling are all maintenance items, capital outlay, and debt service. The State Board of Education shall define and determine the scope of these items.

Section 10. Pupils residing in joint high-school districts extending across county lines shall not be considered as out-of-county high-school tuition pupils if they attend in said joint high-school district.

Section 11. The State Board of Education shall be vested with the power to make and administer reciprocity agreements with the adjoining states for the payment of

interstate high-school tuition. Until reciprocity agree-
ments with adjoining states can be effected, the State
Board of Education shall be vested with the power to pay
or not to pay out-of-state high-school tuition.

Section 12. The State Board of Education shall de-
termine what constitutes legal residence in the payment of
intercounty high-school tuition; and what method of appor-
tionment of money to be raised in joint high-school dis-
tricts, extending over county lines, shall be used.

Section 13. The State Board of Education shall be
vested with full authority and power to enforce, carry out,
execute, and administer previously stated provisions of
this act.

Section 14. The members of the State Board of Educa-
tion shall be reimbursed for their time consumed in the
administration of this act. The rate and amount shall be
in accordance with other acts governing pay and duties of
the State Board of Education.

Section 15. All powers pertaining to high-school
financing and high-school tuition not expressly and specif-
ically delegated in this act shall be vested in the State
Board of Education.

Section 16. All laws pertaining to high school tuition
and county high school financing and any other law conflict-
ing with the provisions of this act shall, hereby, be re-
pealed.

APPLICATION OF THE LAW

The proposed law does solve all but one of the Kansas high-school tuition problems as revealed by the inquiry made in connection with this study.⁶ This problem is the adjoining state tuition problem which, of course, depends for its solution upon the ability of the states concerned to reach an agreement. This power to make such an agreement is given by this law to the State Board of Education. This should be a logical step in the solution of the Kansas interstate high-school tuition problem.

The change made in the financing of high schools in the counties, certainly, does solve the need for uniformity. However, the following question might be asked: Will the law injure any of the high schools financially? This question can be answered by stating that the plan is very similar to the present Barnes plan in operation in Kansas. Furthermore, the State Board of Education is vested with sufficient power to increase the county-wide participation by increasing the amount raised per high-school teaching unit which would tend to protect the high schools. The State Board of Education is also vested with all powers not specifically dealt with in the law which will tend to lessen the possibility of injury that might be caused if a

⁶ Cf. ante, pp. 71-75.

static law should be passed. The needs of changing conditions and different localities can be administered better by a board than by a set law.

The financing plan of Barnes counties would undergo very little change. This fact eliminates any question as to the ill effects caused by the operation of the law in these counties.

The high schools in counties operating under the tuition county plan and the Montgomery county plan would benefit from the law for the territory in these counties not organized into high school districts would have to pay a larger share of the burden of high school costs. This unorganized territory has never paid its full share of the high school burden in these counties.⁷

Community counties and Stevens county have no territory not already organized into high-school districts. The financing plan under this law would simply be superimposed on these districts and the burden of high-school costs in the counties would be more nearly equalized.

Sumner county's financing plan is similar to the one that would be in effect under the proposed law.

The net result of the application of this law, to all of the counties, seems to be that most of the counties would have the burden of high-school costs more nearly equalized and would also have their tuition problems solved.

⁷ A. K. Loomis, "The Financial Aspects of School Administration in Small and Medium-Sized High Schools in Kansas," The Journal of Rural Education, December 1923, Vol 2, pp. 157-58.

LAW BASED ON A STATE EQUALIZED FINANCING PLAN

Under the equalization plan of financing as proposed, in 1928, for Kansas, the minimum educational program is provided for all districts by having the state pay to all districts, in effect, the difference between the amount of money received by the district from the minimum district and county taxes, as provided by the Code, and other state sources, and the amount of money necessary to maintain a minimum school program as defined by the Code.⁸

This guarantees a minimum educational program for every grade and high school district in Kansas. Every district would bear the same tax levy to pay the minimum educational bill. Any district can go farther in providing facilities for education by levying more taxes on its property up to certain limits set by the Code. If these limits are exceeded, there must be a successful election in the district before the added levy can be made.⁹

Under a plan of financing as presented by the Code, the state pays a portion of the non-resident tuition bill. This is done by the state's paying on the basis of per pupil, per teaching unit, weighted attendance, or some other similar method. The district and county only pay to the extent

⁸ A Complete Report of the State School Code Commission of Kansas (Kansas State Printing Plant, Topeka, Kansas, 1928, I, II, and III with Supplement), 3:66.

⁹ Ibid., pp. 76-77.

of the minimum levy regardless of the number of pupils in attendance. The state must pay the balance according to one of the methods just cited. This causes the state to pay tuition for non-resident pupils for they are counted in the school attended.

However, if the district provides better educational facilities than provided for in the minimum program by an additional levy, then the district would be providing educational facilities for non-residents without receiving any reimbursement for the same.

If there is no provision made for this extra effort on the part of districts to provide facilities, there might be a tendency to maintain only the minimum program rather than to pay the educational bill for many pupils coming from districts other than their own. For this reason, there should be some provisions made for the payment of tuition to districts on non-resident pupils, if these districts are providing more than the minimum program.

All of the states that have attempted to equalize the burden of paying for public education have given consideration to the payment of non-resident tuition. Some states pay the whole tuition charge, others distribute funds to the resident district and hold it responsible for the payment of the tuition bill. No two states, operating an equalization plan, handle the non-resident tuition problem in

identically the same way. These various, non-uniform practices have grown out of the remains of old state programs after equalization was adopted.¹⁰

Any district or county plan of paying non-resident high school tuition would involve many or all of the objections already offered for our present system. It is only logical that some method of paying the tuition should be undertaken by the state in order to eliminate all of the tuition problems.

The following law would reimburse high-school districts for non-resident pupils when more than the minimum program is supported by the district.

THE LAW

Section 1. Any eligible pupil may attend any accredited high school in the state of Kansas and have his tuition paid by the state if he is not a resident of the district attended.

Section 2. The rate of high school tuition, within the state, shall be the average rate of all high schools in the county where tuition is to be paid, determined for each high school by subtracting the cost of the minimum program from the actual cost and dividing this amount by the average daily attendance. The items to be considered in the actual

¹⁰ Paul Mort, op. cit., p. 405.

cost of schooling are all maintenance items, capital outlay, and debt service. The State Board of Education shall have the power to determine the exact scope of these items.

Section 3. The State Board of Education shall be vested with the power to negotiate reciprocity agreements with adjoining states on the payment of interstate high-school tuition. Until such reciprocity agreements are made, the State Board of Education shall be vested with the power either to pay or not to pay high-school tuition into adjoining states.

Section 4. The State Board of Education shall be vested with the authority to make all rules and regulations necessary to carry out, execute, enforce, and administer the provisions of this act, except section six.

Section 5. All powers not expressly delegated in this act shall be vested in the State Board of Education.

Section 6. The members of the State Board of Education shall be paid for their time given to the administration of the provisions of this act. The amount of pay shall be in accordance to other acts governing pay and duties of the State Board of Education.

Section 7. All laws pertaining to high-school tuition and conflicting with the provisions of this act shall, hereby, be repealed.

APPLICATION OF THE LAW

This law would eliminate all of the high-school tuition problems¹¹ in Kansas with the same efficiency as the other law written on an unequalized basis, except that it does not solve, automatically, the problem of districts sending busses into other districts, in the same county, then demanding tuition for the pupils transported.

The proposed law, however, does give the State Board of Education the authority to make any rules and regulations necessary to enforce and carry out the law. It also vests all powers, not expressly delegated, in the State Board of Education which would give the said Board authority to stop payment on unfair practices of this nature.

¹¹ cf. ante, pp. 71-75.

CHAPTER VI

SUMMARY AND CONCLUSIONS

The foregoing study has been made for the primary purpose of writing a high-school tuition law for Kansas that would tend to eliminate the many, complicated tuition problems arising under the present tuition laws.

Believing that the safest plan to follow in a study of this kind is to see what other states are doing, an investigation of the tuition laws of other states was made. A careful investigation of the Kansas tuition situation was then made and presented in brief summaries. The Kansas laws were then compared with tuition laws of other states with regard to the number of different tuition situations presented by each and the type of financing method used.

The results of this investigation indicate that Kansas is entirely out of line with other states. Kansas has ten different tuition situations while the most that any other state has is three, and most of the states have only one. It was found that but two other states have, approximately, the same method of financing tuition as has Kansas.

An inquiry was sent to thirty-five county superintendents in Kansas. The purpose of the inquiry was to get a summary of the tuition problems commonly experienced by

these offices. The counties were chosen with respect to their relative locations. Those counties surrounded by other counties with the tuition laws different from their own were chosen. It was believed that these counties would have experienced the most difficulty in administering the laws.

Twenty replies were received. The problems were all classified into a Table, and the statements volunteered that seemed significant were used in various parts of the study. From these, needs were suggested for remedying the tuition situation.

The various plans for handling tuition were then applied to the solving of the tuition problems. It was found that all were eliminated for very good reasons, except the county plan and what might be termed the "state" plan. It was found that a combination of the county plan and the "state" plan would probably culminate in the most feasible solution of the tuition problem.

A state-wide plan for paying tuition was then set up for Kansas based on a uniform county financing plan. The intracounty tuition problems were solved by having all the property in each county taxed for the support of high schools and by making tuition free to all eligible pupils in the county. The intercounty tuition problems were solved by having the state pay all such tuition on the basis of

average, actual cost in the county where tuition is to be paid. The state, according to the proposed plan, would collect its funds for the payment of intercounty tuition from the counties. All pupils residing in one county but attending high school in another county would constitute the number of pupil-tuition claims on which the state would collect.

The State Board of Education was given the power to make reciprocity agreements for the payment of tuition into adjoining states.

It was thought best to give the State Board of Education broad powers in the executing, enforcing, and administering of the plan.

The plan was then checked against all of the tuition problems presented by the county superintendents to see if it would solve them. It was found that all of the problems would be solved, except the adjoining state problem which, of course, is dependent upon the ability of the states concerned to reach equitable agreements. Having found that the plan would tend to solve the greater part of the tuition problems of Kansas, the next step was to write the plan into a law.

Due to the fact that there are, undoubtedly, definite trends toward a state equalized financing plan for education in Kansas as well as for the United States as a whole, at the present time, it was deemed necessary to write two laws.

The first proposed law is based on a county financing system, and the second law is based on a system of equalized financing which Kansas educators and statesmen are advocating.

The proposed laws were written and were then applied to the various counties represented by the many tuition problems in Kansas to determine the possible effects, if any, or financial injuries that might be done to any high-school district or section.

Under the proposed law based on the county financing plan, it was found that all types of districts now existing would either profit or receive what was actually due them, except possibly one; namely, the common school districts not now in a high school district in counties now classified under the general tuition law and the one special law, represented by Montgomery county. However, there is evidence to support the contention that these districts never have paid their full share of high school costs.

Under the proposed law based on equalization, all high schools educating pupils not residing in their home districts would receive the actual cost of such pupils' education; whereas, if this proposed law were not in effect, schools providing education for non-residents, at a cost greater than that set by the minimum program, would be doing so at a loss.

The net conclusion is that all of the major tuition problems, except the out-of-state problem, can be solved by the laws proposed and that school districts, as a whole, would tend to profit by the laws, financially. The first law based on the county financing plan also tends to equalize the burden of high school costs. The solution of the out-of-state problem, of course, is dependent upon the reciprocity agreement effected.

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