

AN ANALYTICAL STUDY OF TEXTBOOK LEGISLATION
IN THE VARIOUS STATES AND
A RECOMMENDED TEXTBOOK LAW FOR KANSAS

A THESIS

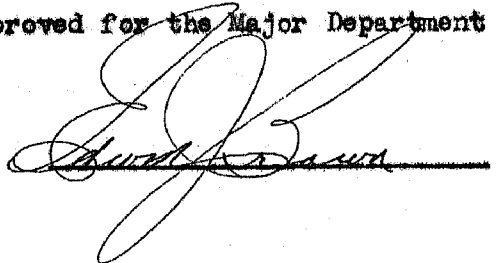
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THE REQUIREMENTS FOR THE DEGREE OF
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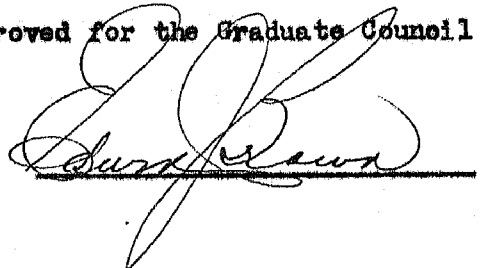
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W. W. T.

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CHAPTER I

INTRODUCTION

THE NATURE OF THE STUDY

No mathematical formula for measuring the efficiency of textbook legislation has yet been discovered, but it is possible, in the light of present knowledge, to list a number of factors which are generally conceded to be closely related to the textbook problem in any school system of the union, and from them seek the answer to the purpose of this study.

The purpose of this study is primarily two-fold. The writer attempted to obtain the opinions and standings of the various states in regard to certain factors that concern state textbook legislation, and from them recommend general textbook laws for the state of Kansas.

Present conditions were determined in the forty-eight states by answering as accurately as possible, when comparisons among states are attempted, the following questions:

1. How are the members of the state boards of education selected?
2. What are the legal qualifications of the state boards of education?
3. What is the number of members on each State Board of Education?
4. How long do the members of the state boards of education remain in office?
5. Who may remove members of the state boards of education?
6. When do the various state boards of education meet?

7. What compensation is received by state board members?
8. In what states is bribery of the members of the State Board of Education prohibited, and what is the penalty?
9. Who selects the textbooks in each state?
10. What states require copies of textbooks to be filed and with whom?
11. What is the length of time textbooks are adopted in each state?
12. Who contracts for and purchases the textbooks in each state?
13. What is the publisher's bond required in every state for each book that is considered for adoption?
14. What is the penalty for using non-adopted textbooks in each state?

PREVIOUS STUDIES

A study of this field shows that there have been few careful studies concerning the problem.

The Kansas Teacher conducted an open forum discussion on the subject. Leading textbook concerns have made studies of textbook legislation. The writer used the general school laws of all forty-eight states. Sixteen state superintendents were asked to answer certain questions concerning textbook legislation, because the answers to the problems could not be found in the general school laws.¹

The greater number of studies concerning textbook legislation have been made by publishing houses. In a few instances state school associations have made investigations.

¹ See Appendix for form letter used in securing data.

THE METHOD OF PROCEDURE

The data used in this study were taken from the most recent general school laws and their supplements of each of the forty-eight states, from the state department of education at Topeka, Kansas, and from magazine articles and journals.

It was believed that this study would be of more significance if some comparable grouping were made of the various states. The regional (geographical) grouping was selected because it also facilitated the handling of tables, charts, and graphs. The state population status was considered inadequate as a grouping basis because some of the smaller states are so densely populated as compared to a great density of population in the large states. Since all public schools are similarly financed these bases of differentiation were also excluded.

For comparative study and convenience the groups used in this study will be known as Group I (New England States); Group II (Middle States and Maryland); Group III (North Central Association); Group IV (Southern Association); and Group V (Northwest and Western States).²

² This group includes California and Nevada which are not members of any regional group or association.

CHAPTER II

THE PRESENT STATUS OF THE PROBLEM

Chapter II represents largely the opinions of textbook publishing companies, the Bureau of Education, and many prominent educators.

Problems considered are: the specifications of states for textbooks, units of textbook adoption, state printing of textbooks, and state uniformity. Many of the opinions quoted are criticisms of the textbook commissions and of the State Board of Education. Opinions are taken from studies that have been made in Texas, California, Kansas, and Mississippi recently.

TEXAS

The periodical, Time, writes:¹

Texas is the largest single purchaser of textbooks in the United States. Texas buys books for all elementary school children in the state, spends some \$2,000,000 a year. According to the report in Time, the Harcourt Company and Row-Peterson Company were fighting for an adoption of seventh grade history. The Row-Peterson Company won out and their book was eleven cents higher than the bid of the Harcourt Company. The report also infers that the Row-Peterson Company had more friends on the Board of Education than did the Harcourt Company. There is to be an investigation of the textbook adoptions after a House of Representatives committee has completed the first audit of the State Department of Education ever made in Texas.

About five years ago, the Board of Education of the State of

¹ "Textbooks." Time, 30:55-6, November, 1937.

Texas adopted formal specifications for all textbooks to be supplied to the state under contract. More recently the departments of education in several states have taken similar action.

The usual method of putting the plan into operation has been for the responsible body to issue two formal documents, after official notice of a coming adoption has been given. Copies of these are sent to publishers. One of them contains the minimum manufacturing specifications and standards that have been approved by the Board. The second is what is called a report form. On this form the publisher is expected to enter a correct statement concerning the items enumerated in the first document and, at the same time, make note of such deviations from these as appear in an official sample copy of the book filed with the department. This statement is to be signed by an official of the company, who agrees that all copies of a book that may be furnished under a contract that may be awarded later, shall conform to the sample, except in respect to those differences that are noted on the report form, which in turn may be subject to revision by the Board. One copy of the filled out form is filed with the official sample of the book, another with the publisher's bid. And, of course, a duplicate has to be made for the publisher's own file.²

The official minimum manufacturing standards and specifications for books and pamphlets have been worked out in great detail. In one set there is over one hundred items. They occupy four pages of print. In several report forms Greeley³ found the following items: Number of pages; grade and weight of paper; number of pages in a signature; number of inserts; method of sewing; quality of designation of the cloth on the cover; thickness of the book; the color, finish, bursting strength and opacity of the paper of the text; the name of the manufacturer of

² W. H. Greeley, "State Specifications for Manufacturing Text-books." The American School Board Journal, 94:27-30, May, 1937.

³ Ibid., p. 27.

the paper; its trade name or description; the style of back; the number of wire staples used; and many, many more items.

Greeley objects to many of the specifications because he maintains they cannot be reached. For example, he points out that it is not practicable to combine all the desirable qualities to the degree wished for in a single sheet of paper in the lighter weights. In these, if one quality is stressed, it is at the expense of another. For example, a paper made to have a high bursting strength tends to be hard, or "tinny."

Presumably, this test was included in the specifications for the purpose of securing strength. But it is not a measure of wearing quality, or resistance to tear. It simply reveals the hardness of the surface.⁴

Greeley continues to point out in his report the trouble the manufacturers are having in meeting the specifications for all the qualities we should like to see, especially in the thinner papers.

In conclusion, Greeley states:

In states where specifications are not insisted upon, the publisher is required to file a copy of the book for which he submits a bid. The contract which may later be entered into provides a heavy penalty for the publisher who does not maintain the standard of the sample copy on file.⁵

Greeley urges all those that are responsible for adopting textbooks to select regular editions of books issued by those publishers

⁴ Loc. cit., p. 27.

⁵ Ibid.

that have a reputation to sustain for producing durable books, for fair dealing, and for satisfactory service. He believes it is possible to do away with the varying report forms, difference in method, and excessive restrictions. He wonders if it is possible to work out a uniform specification plan for all states.

At the present time the Book Manufacturers' Institute is at work on a set of uniform specifications which will require materials and processes of ample quality, but which are not so burdensome but that the publisher can accept them.⁶

According to Eye,⁷ most textbook commissions have but two functions: first, to determine subjects open for adoptions; and second, to select the textbooks. Eye believes that some of the shortcomings in adoptions are: the lapse of time between the opening of a subject and the final adoption; the laws providing for state adoptions are too rigid with regard to the subjects; the manner in which the course is to be executed; and the problem of keeping in step with the best elements of educational progress. Eye says:

It should not be necessary to make identical adoptions for wholly different teaching situations. Rural pupils should have a different program in agriculture, science and nature study than the city children. Likewise, schools with well-arranged rooms and adequate equipment may need different texts than the meagerly equipped schools.⁸

Many criticisms on textbook legislation seem to be without

⁶ Ibid., p. 30.

⁷ Glen G. Eye, "Who Should Choose Textbooks." Nation's School, 20:41-2, October, 1937.

⁸ Ibid., p. 41.

foundation or fact. One criticism is:

Textbook commissions show favoritism toward certain publishing companies. Critics have been unable to indicate the approximate percentage of adoptions held by the individual companies.⁹

Another common criticism is the usual one of corruption.

Official investigations are seldom initiated. This should be the procedure when factual evidence is at hand. The members of such a commission should not resent a request for such an investigation. If their personal position cannot stand questioning, they deserve the sympathy of no one.¹⁰

Eye believes that authorities in the field of education generally agree that the unit of administration should be the unit of textbook adoption. He believes this plan would work well if each school unit has well-qualified officers. It is Eye's belief that at the present time, the states having city, county, and township adoptions, both under professional and lay control, develop as much criticism and comment as states having state adoptions.

It is his contention that small unit adoptions are better adapted to local needs. Eye admits that there may be handicaps in that small towns, counties, and townships are at some disadvantage because their administrative officers have little time to give to the tasks of an adoption.

He believes that state textbook commissions should seek methods of improving their plan for the study of textbooks, allowing ample time for this study. He would like to see, when the decision is made as to

⁹ Ibid., p. 42.

¹⁰ Ibid., p. 42.

what subjects are open for adoptions, a set of criteria established as a basis for studying the textbooks that are submitted. At the close of the adoption he believes the commission should be required to publish a report of its selections, basing this report upon the criteria set up. The commission should include a summary of the analysis made and a statement of the reasons for adopting the book.

Eye¹¹ states:

Some attention should be given to the state authority which selects the personnel of the state commission. Such authority might be vested in the governor, state board of education, or the supreme court. The selection, as nearly as possible should be removed from politics.

The following was received in a letter from a leading publisher of school textbooks, by the editors of the Elementary School Journal:¹²

It is unquestionably true that the only real remedy for corruption in textbook adoptions is a more pronounced ethical attitude on the part of school officers.

It is also unquestionable that the plan of state printing does not solve the difficulty, since it has been shown to lead to more corruption where it has been tried, than any other form of providing textbooks, with the additional objection that the product is worse. California is an outstanding example.

The publisher also advocates in his letter the abolition of uniform state adoptions and to substitute good textbook laws, such as are current in Missouri, Michigan, Ohio, and Wisconsin. He maintains that these laws insure the cheapest books and at the same time are satisfactory to publishers. He declares them to be cheaper than state adoptions, for no machinery is needed in the way of a state commission

¹¹ Ibid., p. 42.

¹² "State Adoptions of Textbooks," Elementary School Journal, 28:403-4, February, 1928.

to assemble and adopt books. The publisher writes:¹³

We do not find uniform adoptions in the states that are most progressive educationally but rather in states which are far distant from central sources of supply. The laws inaugurating these state adoptions were in most cases engineered by a concern in the Capitol city in the state which hoped to profit by being assigned the distribution of books in that state.

This publisher believes that state uniformity is open to a great many criticisms, that the schools of the state are not uniform enough to thrive on the same book, that it is difficult to find individuals adequate to the task of selecting the best books. He mentions the law in states having uniform textbook laws that requires publishers to list their books at the state capitol and to furnish bonds guaranteeing that the prices are the lowest at which the books are sold anywhere, under any circumstances. The publisher believes that states are breaking away from uniform adoptions. Missouri, he points out, has done so entirely. Texas, Tennessee, North Carolina, and other states are substituting multiple lists in many cases for complete uniformity. He believes all these steps are in the direction of progress.

The Bureau of Education prepared the following statement reviewing the facts with regard to the treatment of the textbook problem in various states:¹⁴

The importance of the selection of textbooks has been recognized by legislative action regulating it in some degree in all the states. In some states a uniform list has been adopted for the whole state. In others there is uniformity through county adoptions. In others

¹³ Ibid., p. 4.

¹⁴ "Summary of the Situation in Various States Regarding Text-books." Elementary School Journal, 28:404-7, February, 1928.

the selection of textbooks rests with the local school unit.

Two states, California and Kansas, print textbooks. Four states lend them to school districts, which in turn lend them to pupils, retaining them as state property. At the present time twenty-six states have state-wide uniform systems of adoptions, five have county adoptions, while in the remaining seventeen the textbooks are selected by the local unit.

Of the states having state-wide uniformity, eleven provide for selection of textbooks by the state boards of education, and the others by special textbook commissions, usually appointed by the governor. The tendency to charge the state board of education with the function of selecting textbooks seems to be growing in favor.

Selection should be made by or with the advice of professionally trained persons, including teachers, supervisors and superintendents, and recommendations made solely on the merits of the books, without regard to price or other consideration.

Philadelphia was probably the first city to provide free textbooks for children attending its public schools, and Massachusetts the first state to pass a state-wide mandatory free-textbook law. At present nineteen states and the District of Columbia supply elementary school textbooks without cost.

In fifteen of these states the law for free textbooks is applied to secondary schools also. In twenty-two other states local school districts may supply textbooks. In practically all states books are furnished free to indigent children.

According to the editors of the Elementary School Journal, a form of bribery which is insidious and legally almost inaccessible is being practiced in many of the states as a means of securing the adoptions of school textbooks by state textbook boards. It is pointed out that¹⁵

the attorney is known to have direct relations with a member of the adopting board. In other cases the attorney has local political power which is difficult for the adopting board to withstand.

¹⁵ "Political Attorneys and Textbook Adoptions." Elementary School Journal, 23:162-4, November, 1927.

Cases are known in which a political or personal punishment to members of the adopting board or their agents has been given.

The editors suggest remedies for the situation. One suggestion is the return to local adoption although it is not believed that local adoption is a cure. The editors are impressed with the possibilities of avoiding difficulties by turning the whole matter of preparing textbooks over to the state printer. They admit, however, that, where this expedient is being tried, it does not seem to be in all cases a happy solution to the problem. The only real remedy advanced by the editors is one which is rather indefinite when expression by words is attempted. It is that school officers must cultivate a more pronounced ethical attitude.

Knowlton states:¹⁶

Of the twenty-two states having complete or partial textbook uniformity, none has embraced state adoption in recent years. There is far more school sentiment in state-adoption states in favor of local choice, or an "open list," than there is school sentiment in open-list territory in favor of state adoption. State adoption is essentially a relic of bygone generations, when the one-room school predominated and a country teacher's facilities for textbook selection were no better than a bookman's facilities for reaching individual rural schools.

Under a system of state uniformity provision for local needs or for individual pupil differences becomes difficult. Under such a system, for example, the adoption of a special set of basal readers for children coming from foreign-speaking homes becomes impossible. City and country schools, industrial and agricultural communities, dull and bright children, expert and novice teachers

¹⁶ P. A. Knowlton, "Problems Common to Educators and Publishers." Kadelpian Review, 15:109-19, January, 1936.

must all use the same book. The adoption of supplementary texts relieves the situation somewhat, especially when used as a subterfuge to displace an inappropriate basal text; but at best the institution of state-wide uniformity tends to prevent the differentiation of instruction without which most educational progress is impossible.

It is Knowlton's belief that many school men and publishers believe that both would be benefited if there were no such thing as a book adoption--that is, if the system of free local choice from an approved list containing virtually all school books of any merit, now followed in some sections of the country, were applied universally. Under such a system the selection is the function of the local school administrators and their advisers. Mistakes, he believes, are sometimes made even under such a system, but they are more easily corrected than under a state or county uniformity.

Whipple writes:¹⁷

The professional trust-busting politician bemoans the way in which the schoolbook trust is draining the pockets of the taxpayer by its nefarious practices. Not much of a cry can be raised, however, about paying 57.7 cents for a typical elementary-school textbook, freely conceded to offer more useful material, better presented, better illustrated, better printed, and more attractively and more substantially bound, than can be bought for that money elsewhere in the world or than can be bought over the counter in general trade here in the United States. And not many tears can be extracted at the terrible revelation that, of every dollar contributed to the schools by the toiling taxpayer, 1.6 cents is paid out for textbooks, considering that in the country at large more money is spent for chewing gum than for textbooks.

Whipple presents good arguments against uniformity of textbooks as presented by a textbook committee in Wisconsin that favored uniform

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G. M. Whipple, "Selection of Textbooks." American School Board Journal, 80:51-3, May, 1930.

adoption. The points he attempts to disprove as presented by the committee are:¹⁸

1. It secures the lowest price of the best textbooks published.
2. It supplies, instead of the poor selection of purely local (school district) boards, textbooks selected by persons thoroughly acquainted with the educational problems.
3. It avoids the large increased cost owing to a continually shifting population.
4. It makes possible the formulation of a minimum course of study for the state that can be and will be taught in the schools.

Whipple believes that adopting bodies such as state boards of education, state textbook commissions, and county textbook commissions usually offer great temptation to political interference; that they often increase rather than decrease the cost of textbooks; and that they have not demonstrated their superiority to the smaller county and local selecting agencies.

He says:¹⁹

Perhaps it will be well to add that, contrary to the belief current in some quarters that the state adoption system and the state uniformity doctrine are favored and abetted by textbook publishers, the truth is just the opposite; the reputable and substantial textbook publishing houses would welcome the immediate and complete abolition of state uniformity, state prescription, state selection, and adoption.

¹⁸ Ibid., p. 52.

¹⁹ Ibid.

Maxwell says:²⁰

At present there seems to be a tendency to recognize the supervisory unit--whatever that may be, whether city, county, or intermediary districts--as probably the best unit for the adoption of textbooks, and that a district based on a political division, such as county or state, does not tend to represent the best area for the selection of textbooks.

Few will disagree with the thesis that the selection of textbooks is a professional matter and that lay people represented by boards of education, because of their unfamiliarity with educational ideals, objectives, and aims are not in a position to select suitable subject material for public schools.

CALIFORNIA

William John Cooper, State Superintendent of Public Instruction in California in 1928 and later Commissioner of Education, and Carroll H. Smith, state printer, object to the statement made in a letter quoted in the February (1928) issue of the Elementary School Journal that state printing has tended,²¹

to more corruption where it has been tried than any other form of providing textbooks, with the additional objection that the product is worse. California is an outstanding example.

The editors of the Elementary School Journal say that they have made an attempt to secure an impartial view of the facts but that it appears there have been times when the textbooks in California have

²⁰ G. R. Maxwell, "The Score Card as a Tool in the Selection of Textbooks." American School Board Journal, 83:54, November, 1931.

²¹ "State Adoptions of Textbooks." Elementary School Journal, 28:403, February, 1928.

been inferior in quality of contents and in workmanship. The editors considered it fair to permit the state printer of California to be heard by giving him space in the June issue of the Journal for 1928. Smith says:²²

Consider for a moment the educator. Just who is he in our great educational scheme of things in California but a public servant, an employee of the people of the state, just as we are who endeavor to carry on the states' business here in Sacramento? Now if in his activity over the selection of textbooks the educator has manifested such a marked determination to have his own way at all costs, isn't it high time that his employer stepped in and administered a little discipline for thus abusing his privilege and bringing about wasteful extravagance, particularly since by his activities he has played into the hands of, and become the spokesman for, one of the most sinister financial organizations in the country--the book trust?

Smith admits that in the past state printing of textbooks may not have been sound, but he says that state printing now offers a fundamentally sound method of actual saving. He believes rather than abolish it, we should be considering ways and means of its promotion and extension.

The California textbook plan began in 1886. Four textbooks were then printed by the use of an appropriation of \$170,000. Twenty thousand dollars were used for compiling and \$150,000 for plant, material, and labor.

By 1903 the state of California was publishing fourteen books. Free textbooks were adopted in the state in 1913. The right

²² "State Publication of Texts." Elementary School Journal, 28:721-2, June, 1928.

to lease plates from publishing houses was granted.

Hyatt states:²³

Certainly the state would not recede from or give up its textbook system under any circumstances. It is running more smoothly, giving more general satisfaction, and meeting with less opposition than ever before in its history.

It is alleged by some that our books are not so well bound as those of private publishers. We find, however, that they last as long in actual use as any books.

In 1915 Hyatt wrote:²⁴

Some editions were badly bound. Some books were poorly written. Every teacher preferred to use some favorite textbooks, that he had been brought up on perhaps, and to be obliged to give these up for something else again made loud verbal explosions on every hand. There were hundreds of book dealers in the state who were out of the profits of retailing books, and they were frequently heard from.

Hyatt states further that:²⁵

The cost in the future for free textbooks seems likely to be about \$200,000 per year, if the present policy is pursued.

The Commonwealth Club of California is composed of leading men in the state for the purpose of giving disinterested consideration to the questions of public policy. The issue for discussion in September, 1932, was the selecting and printing of school books.

Some of the noted members of the Club are: Roy Williamson, member of the state assembly committee on education; Willard E. Givens, formerly superintendent of schools in Oakland and now

²³ "The California Textbook Plan." Department of Education, Sacramento, California, 14 pp., 1915.

²⁴ Ibid., p. 12.

²⁵ Ibid., p. 14.

Executive Secretary of the National Education Association; E. P. Cubberley, Dean of Education (Emeritus) of Stanford University; and Marshall De Motte, member of the California commission for the study of educational problems.

The report states:²⁶

It is significant that after almost half a century of experience with the plan, state printing is still considered a debatable issue in California and by a group like the Commonwealth Club.

The committee is most seriously concerned over the fact that many of the larger publishing companies will not lease the plates of their books and that, therefore, most of the best books and texts are not available to elementary-school children of the state. The committee finds that educators generally are opposed to state printing of books. The committee regards it as extremely significant that, although many other states have considered the California system, only one--Kansas--has adopted state printing of textbooks.

The committee after studying the state adoption of uniform textbooks arrived at the following conclusions:²⁷

1. that under this plan books which have outlived their usefulness continue in use,
2. that the advent of free textbooks has removed the principal reason for state adoption,
3. that uniform state textbooks prevent the adaptation of school work to individual differences,
4. that the educational unit preparing the course of study is the logical unit for the adoption of textbooks in order that textbooks will fit courses outlined, and
5. that the preferable practice is probably to have the state board of education approve a list of elementary textbooks from which selection may be made by the adopting unit.

²⁶ "Selecting and Printing Textbooks in California." School Review, 40:8-10, January, 1932.

²⁷ Ibid., p. 9.

The claim made by the California state printing office that the printing of state textbooks pays is challenged by many prominent educators. They express their opinions in the same article in the American School Board Journal.

Gubberley says:²⁸

The whole question of costs as brought out by political adventurers in this field is deceptive. They can show you with a pencil that the state printing office at Sacramento can produce the state textbooks, for, let us say, 80 per cent of the retail cost of the same books, bought from the publisher. If we neglect all overhead and developmental costs, which is always done, this probably is about the right figure.

According to a late study by Percy Roland Davis and published by the California Society of Secondary Education, the state of California is denied the best books, the actual cost is not revealed, and no proof can be presented that economy is effected under the present plan.

Davis reports:²⁹

The final conclusion reached in this study is: that, when all costs, direct and indirect, are included, the probabilities point to an actual loss rather than to the possibility of any financial gain to the state resulting from the state publication of textbooks is relatively insignificant and that no more valuable educational agency per dollar invested is to be had; that, even were there a saving to be shown in the state printing of textbooks, the possibility of comparatively slight financial savings should not be permitted to curtail an ample, regular and unrestricted supply to the schools of the best modern books produced;

²⁸ "California's State Publication of Textbooks." American School Board Journal, 81:140, September, 1930.

²⁹ Ibid., p. 142.

that the policy of state printing operates in this state seriously to curtail such a supply of books and otherwise to retard educational progress; and that, for these reasons, state publication of textbooks in California cannot be defended upon either financial or educational grounds.

Maxwell writes:³⁰

The advantage of the selection of a textbook by the teaching force and the superintendent is so obvious that it is difficult to understand how school boards could feel it is their prerogative to select texts.

KANSAS

In studying the act providing for the state publication of textbooks in Kansas, the writer found that the following appropriations were made for the purpose:³¹

1. For building, grounds, machines, etc.	\$150,000
2. Authors, Artists, Compilers, etc.	50,000
3. Revolving fund-paper, etc.	25,000
4. Contingent fund-postage, etc.	4,000
5. Salary of the secretary of the school book commission.	2,500
6. Expense of the commission.	1,500

This made a total of \$232,500. The same amount was appropriated in Kansas as was set aside in California for building and grounds. The

³⁰ C. R. Maxwell, The Selection of Textbooks. Houghton Mifflin Company, 1921, 138 pp.

³¹ Act Providing for the Publication of School Books and the Appointment of a State School Book Commission for Kansas. Topeka, Kansas, 1913, 7 pp.

salary of the secretary included \$500 for part of one year's work and \$2,000 for the next year's work. Two thousand dollars for each of two years was appropriated in the contingent fund.

To show the complexity of any commission's or state board of education's task in selecting textbooks, a review of the comments of the Kansas School Book Commission in 1932 on the report of the investigating committee appointed by the Kansas legislature to investigate the Kansas School Book Commission is given.

Some of the major assertions made (and never proved) by the investigating committee were:³²

At least \$500,000 of the taxpayers' money has been unnecessarily expended during a period of eight or more years.

Too little time has been spent by the commission in the discharge of its duties.

Increasing the prices without any reason or justification.

By and with the consent and approval of the School Book Commission the Kansas Book Company became the Kansas depository for the distribution of school books not published by the state.

There was paid out of the treasury of the State of Kansas to John C. Winston Company for the right or privilege to print, manufacture, and publish said supplement for a period of five years a total sum of \$10,000.

Another outstanding example of the care and attention given to the business and financial interests of the state is the Hausam Writing Lessons.

School textbooks have been too frequently changed in Kansas.

³² "Comments by the Kansas School Book Commission on the Report of the Investigation Committee Appointed by the Kansas Legislature to Investigate the Kansas School Book Commission." Kansas Teacher, 35:5-8, April, 1932.

It appears that a fixed purpose prevailed with the School Book Commission to destroy uniformity and the economical benefits of state publication.

No attempt was made by the commission to acquire state ownership of the textbook on agriculture by Dr. Henry Jackson Waters, and this should have been done.

Statements made by the Kansas School Book Commission were in regard to the manufacture of books. This group pointed out; that the Commission had no right by law to manufacture books and did not attempt to do so; that ten days to two weeks was the time given by each member of the Commission to the consideration of the texts submitted before an important adoption; that it was not the policy of the Commission to sell books it publishes for more or less than the cost of production and handling and that accumulation of the school book fund is passed on to the children of the state by lower prices of books; that the present depository referred to by the investigation committee was established in 1897 when state uniformity of textbooks began in Kansas, and that it was a convenience to the 600 local book dealers of the state in making prompt distribution of books, especially during the season of rush orders and emergency orders; that the \$10,000 paid to John C. Winston Company was drawn up in a contract for readoption. (The lump royalty before had been \$65,000 and the sum was divided in the contract into \$55,000 for the two volumes of the regular edition, and \$10,000 for the supplement.) This division of the total royalty was made at the request of the publishers in 1931 and is immaterial as it in no way effects the price of the books. The

Commission defended their position on the Hausam Practical Writing Course by stating the royalty Mr. Hausam received and the total number of pupils and teachers that were benefited by the course, and they pointed out the money saved by adopting this course as compared to other courses. The Commission pointed out also that according to records, since 1914, no book published by the state had been adopted for a period of less than five years, and that many books published by the state had been retained without change twelve years or more. Of the books not published by the state, the average of time that such books were retained was nine and two-thirds years.

The Commission states that no attempt was made to obtain ownership of the Waters Agriculture because Dr. Waters had already sold his manuscript to the publishers in 1912, or one year before the law was passed providing for state publication of textbooks.

MISSISSIPPI

One of the best reports the writer obtained on state publication of textbooks was made by a committee of the Mississippi Education Association. The conclusions of the committee are as follows:³⁵

1. The state printing of elementary textbooks came as a natural step in California and Kansas and solved for those states some of the same problems that "state adoptions" solved for Mississippi. The terms "state printing" and "state adoption" are confused in Kansas and California.

³⁵ "State Publication of Textbooks," Elementary School Journal, 29:721-23, June, 1929.

2. The purchase, editing, and publication of manuscripts as textbooks in Kansas and California resulted disastrously, and each state has been forced to resort to the lease of plates from publishing companies.

3. Because of pressure from the school people in each state, there has been an improvement in content and mechanical makeup of the state printed books, with a consequent material increase in cost and retail charges.

4. According to school officials in California, one of the books adopted this year has a better mechanical makeup than the same book as sold by the original publisher. The price is also higher than that of the publisher. Several other books are equal, but by far the larger number are inferior, both in content and mechanical makeup to the supplemental books bought in the open market and used in these states.

5. The standard of the basal books printed in California and Kansas is much below in content and mechanical makeup that which would have been in vogue in both states had the selections been unhampered by the limitations of state printing.

6. State printing in these states is not materially handicapping educational progress except in the rural districts because these states have ample financial resources to enable them to displace unsatisfactory textbooks printed by the state with more satisfactory books bought in the open market. Mississippi could not overcome the handicap of state printing in this way, that is, through supplementary material, as Mississippi has only one-fifth the wealth back of each school child that Kansas has and only one-seventeenth the wealth that California has.

7. State printing was inaugurated in California and Kansas during the period of the prevalence of the four and five month school in those states and has promoted none of their present development. It is a carry-over from the period of one-teacher schools, of split-log seats, one reader per session, and district adoption. Just as some other states cling to other obsolete educational fetishes, so are Kansas and California still attempting to print a part of their own books. Each is tending away from it, however, and the day is probably not far distant when this plan will be abandoned. To inaugurate the state printing of textbooks now is not a progressive measure for any state but is distinctly retrogressive as it applies to the educational development of children.

8. The attitude of the school people of Kansas and California toward state printing of school books is one of apologetic defense, and, were it not for their financial ability and legal means provided for the purchase of supplementary books to take the place of unsatisfactory state printed books, they would have abandoned the plan long ago.

9. If retail price to the pupil is to be the sole criterion for judging school books, the Ontario plan of state publication with a subsidy paid to private printers is far in advance of the plans now being used in Kansas and California.

Total costs of textbooks in the United States last year were about \$50,000,000. Less than a score of nearly 100 companies publishing textbooks handle most of the business. The big four are: Ginn and Company, American Book Company, Scott Foresman and Company, and the Macmillan Company. Each of these companies is believed to sell between \$4,000,000 and \$7,000,000 worth of texts a year.

Other figures presented in Time concerning textbooks are, that teachers and superintendents write most of the books. They get five to eight per cent royalties. About 85 per cent of the United States public school children get free textbooks. Twenty-three states require and twenty-two authorize schools to furnish them free. One-half the states buy them by the Texas state adoption plan.

The report states,³⁴

Two states, California and Kansas print their own textbooks. But in California a political battle over state printing has raged for years. The state printer claims to have saved California taxpayers \$360,000 on textbooks in the past two years. Publishers declare California textbooks are inferior.

P. A. Knowlton,³⁵ editor of the educational department of the Macmillan Company cites the havoc which politicians, the public, and

³⁴ Ibid., p. 56.

³⁵ P. A. Knowlton, "Politicians, Teachers, and Schoolbooks." Scribners Magazine, 95:421-4, June, 1934.

teachers themselves wreak upon schoolbooks by false economy and attempts to make texts conform to local or professional prejudices by pointing out that:

In spite of the large contribution of schoolbooks to the educational process, their cost has never been more than 2 per cent of the total cost of public education.

What is the result in the classroom? A schoolbook publisher recently took steps to find out. He learned of districts that had not changed a single text in ten, twelve, yes, sixteen years--not since two depressions ago. The state department of public instruction in a certain state told the publisher's representative in strict confidence that tens of thousands of children in that state were entirely without books and without prospects of books.

Most significant were the reports of specific instances of schoolbook shortage.

Complete local freedom in the choice of books--freedom from outside restraint, freedom from petty economic inhibitions, freedom even from the consequences of past mistakes--was the goal of the original advocates of "free textbooks." The practice of lending old books year after year to on-coming generations of children has seemed only to defeat this purpose. Yet it is an important objective, closely bound up with the ultimate success of public education in a democracy which must make its education successful if it is to survive.

In half our states state-adoption laws have been passed. These tend to keep the control of books in the hands of politicians and keep the plums to be awarded or the economies to be capitalized, as the case may be, as large as possible; in a word, they keep the everyday teacher from choosing the books which she thinks best for her particular school.

Nelson, a representative of the Macmillan Company, summarizes the effects of the depression on textbooks in the schools by making the following statements:³⁶

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A. H. Nelson, "Effects of the Depression on Textbooks Provided in the Schools." Elementary School Journal, 36:17-25, September, 1935.

Owing to radically decreased purchases and increased enrollments the available supply of textbooks is inadequate, out of date, badly worn, and in need of entire replacement.

Publishers have learned or must learn to cooperate in educating the public to the importance of books and to their relatively low cost as educational instruments.

School men have learned in the bitter school of experience that curtailment in purchases of books saves little and is immediately reflected in lower standards.

School men have learned that publishers cannot do the impossible, cannot cooperate in furnishing the great variety of books needed for rapidly changing curriculums unless their business can be supported sufficiently to provide the necessary funds for such experimentation.

Some of the southern states are now furnishing free textbooks and some have rental systems. According to a report in School and Society:³⁷

Kentucky, Florida, and Alabama furnish free textbooks. A rental system has been adopted on a state-wide basis, the rental plan is being followed by several cities and counties in Georgia and Virginia. South Carolina is attempting to adopt such a program, but Governor Olin Johnston sees no funds to buy the initial books.

Dr. J. A. Keller, state superintendent of education in Alabama, is reported to have said that the plan should result in a sharp reduction of the 53 per cent failures annually in the first grade. One of the chief causes for this high figure in his opinion is that only 30 per cent of the pupils in the first grade had textbooks.

Chicago has adopted new methods for selecting, purchasing, and distributing textbooks. The methods are described in the following paragraphs:³⁸

³⁷ "The Introduction of Free Textbooks in the South." School and Society, 42:224, August 17, 1935.

³⁸ W. H. Johnson, "Old Textbook Policies for New." School Executive, 56:421-2, July, 1937.

Under the provisions of the law, the Chicago Board of Education furnishes them free to the half million children in the Chicago public schools. The books are selected by the superintendent of schools and are approved and purchased by the school board.

To insure that the children have the latest and best textbooks, the Chicago approved textbook list, which was approved and recommended by the superintendent, was prepared by committees composed of teachers, principals, directors, and district superintendents. These committees reviewed more than 2,600 books submitted for listing by 67 leading local and national publishers.

Johnson points out that the samples of the approved books are kept in the textbook library for inspection. In 1934 the handling of textbooks was characterized by wastefulness and extravagance. Practically all schools in Chicago handled books in their own way. Thousands of books were reported "lost or stolen." In order to bring about a change the school board established a division of textbook control, and this division put seven major policies into effect. These were: the textbook inventory, the establishment of book quotas because of the unequal distribution among the schools, the new budgetary procedure, competitive bidding with exchange, the establishment of a textbook bindery, the establishment of a textbook depository, and an installation of a uniform system of textbook accounting similar to that of other large city school systems.

In a short time the new system accomplished the following:³⁹

1. Distribution of books among schools has been equalized.
2. Book quotas per pupil have been increased.

3. Reference aids, such as, library books, dictionaries, and encyclopedias have been brought up to a uniform standard in all schools.

4. Library book expenditures per pupil in high school have been increased quite substantially, resulting in the full compliance with the library recommendations of the North Central Association.

5. A three year savings of \$540,000 or an average of \$180,000 per year has resulted, notwithstanding the fact that there are now 25,000 children more than before the depression, and that the schools have kept up the liberal quota of 10 textbooks per pupil.

CHAPTER III

THE PLACE OF THE STATE BOARD OF EDUCATION IN TEXTBOOK SELECTION

In studying the school laws of the various states the writer found significant data that should be considered in determining what textbook laws should be recommended for Kansas.

There was found to be no uniformity in the legal qualifications of state board members. Seven states did not permit a teacher to act on the state board of education. Two states required that all board members be citizens and four members be active educators. This shows quite a contrast as to whether or not a teacher should act on the state board of education. Four states have their entire boards made up of state officials. Some states require both men and women to be on the state board, several call for proof of residence, and one state demands that its board be made up of men and women from certain stated occupations. Seventeen commonwealths state no legal qualifications for members of their state boards of education. Table I shows the most outstanding legal qualifications asked for in the various states including the ones already mentioned.

Kansas has seven educators on the State Board of Education. Kentucky, Maine, Maryland, New Hampshire, and Texas do not permit any educators to be members of their state boards of education.

The following states have school laws calling for one or more

TABLE I
LEGAL QUALIFICATION OF STATE BOARD MEMBERS
AS SPECIFIED IN THE STATUTES

Qualifications	Number of States
Citizen 25-30 years of age; resident 2 years	1
Resident of state 5 years	1
Three appointees must be educators	2
Citizens and 4 members active educators	2
Only 5 of one political party out of 9 members and only one from a school of higher learning	1
Citizen 30 years of age and no educators	7
Must have 1 teacher and 2 women on board	1
All state officers	4
Take oath of civil officials	1
Eight male citizens, 2 women citizens; in state 5 years	1
Two educators of 4 years experience	1
Need not be a qualified elector	1
One farmer, one housewife, one laborer, one superintendent or principal	1
Must live in region of district conventions	1
Citizen and only 4 from the same political party	2
No qualifications stated in general school laws	20
Head of a state college; one educator; one county superintendent	1
Total	48

Read table thus: In 1 state the only qualification is for a citizen 25-30 years of age who has been a resident of the state for 2 years. Read in like manner for other states.

educators on their state boards of education: Georgia, Indiana, Iowa, Massachusetts, New Mexico, Oklahoma, South Dakota, Washington, Wisconsin, and Kansas. Other states may have representatives of the teaching profession on their state boards but it is not stated definitely that this is so in their general school laws.

Many state boards of education act also as state textbook commissions. There is reason for ascertaining how state boards in the various states are chosen. A scrutiny of the various school laws shows that in sixteen states the board members are appointed by the governor; in thirteen states, they are elected by popular vote; in six states, the boards are both appointive and ex-officio; and in ten states, the boards are both appointive and elective. The make-up of the various boards of education by states is shown in Table II.

In Kansas the State Board of Education is composed of the state superintendent, the state printer, and the state business manager who act as ex-officio members, and eight additional members.¹ One member of the Board is appointed by the governor from the faculty of the University of Kansas or the Kansas State College of Applied Science; one member is appointed from the faculty of the three state teachers' colleges at Emporia, Pittsburg, and Hays;

¹ Laws of Kansas. Chapter 303, p. 487.

TABLE II
HOW THE MEMBERS OF THE STATE BOARDS
OF EDUCATION ARE SELECTED

	States	:		:	States		
Group I	Me.	*	:		Va.	1	
	Vt.	1	:		W. Va.	4	
	N.H.	3	:		N.C.	4	
	Mass.	1	:		S.C.	4	
	R.I.	2	:		Ga.	1	
	Conn.	1	:	Fla.	2		
			:	Ala.	1		
Group II			:	Group			
			:	IV			
	N.Y.	2	:		Ky.	1	
	N.J.	1	:		Tenn.	4	
	Del.	1	:		Ark.	2	
	Penn.	1	:		Okla.	4	
	Md.	1	:		Miss.	2	
			:		La.	4	
Group III			:		Texas	1	
	Mich.	2	:				
	Ohio	*	:		Ariz.	3	
	Ind.	3	:		Cal.	1	
	Mo.	2	:		Nev.	4	
	Ill.	*	:		N.M.	3	
	Wis.	*	:		Group		
	Minn.	1	:		V		
	N.D.	*	:			Utah	4
	S.D.	4	:			Wyo.	1
	Neb.	*	:		Mont.	3	
	Iowa	2	:		Idaho	3	
	Kans.	3	:		Ore.	2	
			:		Wash.	4	

Read table thus: An asterisk indicates states that have no state board of education. Number 1 indicates boards that are appointed; 2, elected; 3, appointed and ex-officio; 4, appointed and elected. Vermont's Board is appointed.

one member is appointed from the faculty of a private endowed or denomination college in the state of Kansas; one county superintendent of public instruction is appointed, who serves only as long as he shall hold the office of county superintendent; one city school superintendent is appointed; one high school principal or superintendent from a fully accredited class A high school; and two members who are citizens of Kansas and engaged in business, farming, or some professional occupation. The governor has power to fill any vacancy in the State Board of Education by appointment for the remainder of any unexpired term. During the 1937 session of the state legislature, various textbook laws for Kansas were changed, and two new members were added to the State Board of Education, namely, the state printer and the state business manager. Both of them are ex-officio members.²

The number of persons on the state boards of education range from three to eleven. Colorado, Mississippi, and Oregon have only three members on the State Board of Education while Alabama, Louisiana, Montana, and Tennessee are represented by eleven members each. State boards made up of seven members are the most common. There are nine of the seven-member boards in the United States. States having seven representatives are: Maryland, Nevada, New Mexico, Oklahoma, South Dakota, Virginia, Washington, West Virginia, and Wyoming.

² Ibid., p. 487.

Apparently there is no uniformity in regard to the number on the state boards in the United States. The size of the state would seem to be a factor in the number of representatives for many of the larger states have a greater number on their boards. Topography and economic conditions also seem to play an important part in the size of the boards. The number of representatives on each state board of education is shown in Table III.

Five states have their state boards of education made up of nine members. These states are: Connecticut, Indiana, Iowa, South Carolina, and Texas.

Seven of the eleven members of the Kansas State Board of Education are educators and two must be engaged in business, farming, or some other profession other than teaching. Two members are state officials.

It is well to note that at least six other states will not permit an educator to be appointed or elected to the state board of education. However, many states do require that a certain number of their state board of education members be selected from the teaching profession. The writer, however, found no other state authorizing directly such a large number from the teaching profession to represent it on the state board of education as there is in Kansas, in proportion to the number on the respective boards.

Most of the state board members serve for four years. There are, however, ten states whose members remain in office six years. There is a variation in the terms of state board members of from two

TABLE III
 NUMBER OF MEMBERS ON THE STATE
 BOARDS OF EDUCATION

	States	:		:	States		
Group I	Me.	*	:		Va.	7	
	Vt.	3	:		W. Va.	7	
	N.H.	8	:		N.C.	5	
	Mass.	6	:		S.C.	9	
	R.I.	6	:		Ga.	6	
	Conn.	9	:	Group IV	Fla.	5	
Group II			:		Ala.	11	
		N.Y.	11	:	Ky.	8	
		N.J.	10	:	Tenn.	11	
		Del.	6	:	Ark.	8	
		Penn.	10	:	Okla.	7	
	Md.	7	:	Miss.	4		
Group III			:		La.	11	
		Mich.	4	:	Texas	9	
		Ohio	*	:			
		Ind.	9	:	Ariz.	8	
		Mo.	4	:	Cal.	10	
		Ill.	*	:	Nev.	7	
		Wis.	*	:	N.M.	7	
		Minn.	5	:	Group V	Colo.	8
		N.D.	*	:		Utah	10
		S.D.	7	:		Wyo.	7
		Neb.	*	:		Mont.	11
	Iowa	9	:		Idaho	6	
	Kans.	11	:		Ore.	3	
			:		Wash.	7	

Read table thus: An asterisk indicates states that have no state board of education. The numbers show how many members are on each board. Vermont has three state board members.

years to ten years. The states in which the members serve only two years are: Colorado, Indiana, North Carolina, and Washington. New Jersey is the only state that keeps its board members in office eight years.³ Maryland, Arkansas, and Utah rank second in the length of term, setting it at seven years. Tennessee permits its board to stay in office as long as the governor is in office. The length of terms of the various state boards of education is shown in Table IV.

REGULATIONS GOVERNING STATE BOARDS OF EDUCATION

Only ten states say definitely that the governor may remove state board members. The state boards of five states are made up entirely of state officials that are removed only by impeachment. In Wyoming, the State Board members may be removed by the State Superintendent, if approved by the governor.⁴ The State Board in Kentucky may remove its own members.⁵ The laws of eighteen states do not specify who shall remove a state board member. Removal rights over state board members in the various states are shown in Table V (page 39).

³ Commissioner of Education, New Jersey School Laws. Trenton: MacCrellish and Quigley Company, 1931, p. 5.

⁴ Katharine A. Merton, School Laws of the State of Wyoming. Cheyenne: Wyoming Labor Journal, 1933, p. 5.

⁵ James H. Richmond, Kentucky Common School Laws. Frankfort: Department of Education, 1933, p. 33.

TABLE IV
TERM OF STATE BOARDS OF EDUCATION

	States	Term in years		States	Term in years
Group I	Me.	*		Va.	4
	Vt.	6		W. Va.	6
	N.H.	5		N.C.	2
	Mass.	3		S.C.	4
	R.I.	6		Ga.	4
Group II	Conn.	6		Fla.	4
			Group IV	Ala.	6
	N.Y.	10		Ky.	4
	N.J.	8		Tenn.	(1)
	Del.	3		Ark.	7
Group III	Penn.	6		Okla.	6
	Md.	7		Miss.	4
				La.	4-8
	Mich.	6		Texas	6
	Ohio	*			
Group III	Ind.	2		Ariz.	(1)
	Mo.	4		Cal.	4
	Ill.	*		Nev.	4
	Wis.	*		N.M.	4
	Minn.	5		Group V	Colo.
Group III	N.D.	*		Utah	7
	S.D.	4		Wyo.	6
	Neb.	*		Mont.	4
	Iowa	6		Idaho	5
	Kans.	4		Ore.	4
			Wash.	2	

Read table thus: An asterisk indicates states that have no state board of education. The numbers indicate the term in years of the state boards. (1) shows that the board serves as long as the governor is in office. Maine has no state board; Vermont's state board serves six years.

TABLE V
WHO MAY REMOVE STATE BOARD OF
EDUCATION MEMBERS FROM OFFICE

States			States			
	Me.	*		Va.	8	
	Vt.	1		W. Va.	8	
Group I	N.H.	6		N.C.	6	
	Mass.	8		S.C.	1	
	R.I.	8		Ga.	8	
	Conn.	1		Fla.	4	
				Ala.	1	
	N.Y.	8	Group IV	Ky.	3	
Group II	N.J.	8		Tenn.	1	
	Del.	8		Ark.	8	
	Penn.	8		Okla.	7	
	Md.	1		Miss.	4	
				La.	8	
	Mich.	8		Texas	8	
	Ohio	*		Ariz.	8	
	Ind.	1		Cal.	8	
	Mo.	4		Nev.	8	
	Ill.	*		N.M.	8	
Group III	Wis.	*		Group V	Colo.	8
	Minn.	8		Utah	1	
	N.D.	*		Wyo.	8	
	S.D.	8		Mont.	8	
	Neb.	*		Idaho	1	
	Iowa	2		Ore.	4	
	Kans.	8		Wash.	8	

Read table thus: An asterisk indicates states that have no state board of education. The numbers indicate methods of removal of board members. 1 indicates removal by the governor; 2, governor and majority of the senate; 3, state board; 4, impeached; 5, state superintendent; 6, governor and council; 7, commission appointed by governor; and 8, no method stated in the general statutes. Vermont's board members are removable by the governor.

There is little uniformity in the number of meetings per year for the various state boards of education. Five states specify that their boards must meet annually; five, semi-annually; fourteen, quarterly; three, monthly; two, six times a year; two, at the call of the governor; one, at the call of the secretary of the board; one, weekly; and seven states make no mention in their statutes of a time for meeting. Pennsylvania permits its board to set its own time for all meetings.⁶ In South Carolina the board meets when it is called by the secretary of the board.⁷ Table VI shows the frequency of state board meetings.

In practice, all states guarantee their state board members traveling expenses. Eight states, however, state nothing at all about the compensation of their board members. The following states pay as is stated: Alabama, ten dollars per day plus traveling expenses; Delaware, twenty-five dollars per day for one meeting per month; and Georgia, two hundred and fifty dollars plus traveling expenses. Four states have nothing in their laws at all concerning the compensation of their state board members. Washington grants three dollars per day; Idaho, one hundred dollars per year plus traveling expenses; New Mexico, five dollars per day plus six cents per mile; Oklahoma, six dollars per day and traveling expenses;

⁶ James N. Ruls, The School Laws of Pennsylvania. Harrisburg: Department of Education, 1935, p. 71.

⁷ Jas. H. Hope, General School Laws of South Carolina. The Joint Committee on Printing, General Assembly of South Carolina, 1929, p. 14.

TABLE VI
FREQUENCY OF STATE BOARD OF EDUCATION MEETINGS

States			States		
	Me.	*		Va.	6
	Vt.	4		W. Va.	5
Group I	N.H.	5		N.C.	2
	Mass.	6		S.C.	9
	R.I.	4		Ga.	4
	Conn.	6		Fla.	11
			Group IV	Ala.	1
Group II	N.Y.	10		Ky.	4
	N.J.	6		Tenn.	2
	Del.	1		Ark.	4
	Penn.	3		Okla.	7
	Md.	4		Miss.	1
				La.	2
	Mich.	1		Texas	4
	Ohio	*			
	Ind.	2		Ariz.	4
	Mo.	1		Cal.	4
	Ill.	*		Nev.	3
Group III	Wis.	*		N.M.	4
	Minn.	4	Group V	Colo.	3
	N.D.	*		Utah	3
	S.D.	4		Wyo.	3
	Neb.	*		Mont.	4
	Iowa	4		Idaho	3
	Kans.	3		Ore.	3
				Wash.	3

Read table thus: An asterisk indicates states that have no state board of education. Maine has no state board. Numbers indicate frequency of meetings. 1 indicates annual meetings; 2, not stated in the laws; 3, semi-annual; 4, quarterly; 5, six times a year; 6, monthly; 7, when called by governor; 8, board sets time of meetings; 9, when called by secretary of board; 10, commissioner and five regents may call meeting; 11, weekly meetings.

South Carolina, four dollars per day for twenty days and expenses; Tennessee, ten dollars per day; and West Virginia, one thousand dollars per year and expenses. Table VII shows the compensation received in each state.

Sixteen states say nothing in their general school laws about bribery. One state, Arkansas, sets the penalty at one thousand dollars and two years in the penitentiary. Seven states prohibit bribery but do not state a penalty. Two states remove the state board member or commissioner from office in case of bribery. Two states have a penalty set at five hundred dollars and three months in jail. One state sets a two hundred dollar to five hundred dollar fine, and another a one thousand dollar fine and six months in a county jail or both. One state sets a penalty from five dollars to five hundred dollars and not less than thirty days to one year in jail. One state has a fifty dollar to five hundred dollar fine and eleven months and twenty-nine days in jail. Another sets the penalty from five to one hundred dollars. Still another sets the fine from five dollars to twenty-five dollars, or six months in jail, or both. One state has a penalty of twenty-five to one hundred dollars. The most severe penalty is in West Virginia and is set at from one to three years in the state penitentiary. Consult Table VIII (page 44).

TEXTBOOKS

Table IX (page 45) shows the states that have state selected

TABLE VII

COMPENSATION OF STATE BOARD MEMBERS

Group	States	Compensation	Group	States	Compensation
I	Me.	*	IV	Va.	traveling expenses
	Vt.	not stated in school laws		W. Va.	\$1000 per year and expenses
	N.H.	none		N.C.	not stated
	Mass.	traveling expenses		S.C.	\$4 per day for 20 days and mileage
	R.I.	traveling expenses		Ca.	\$250 plus expenses
II	Conn.	depend on board of finance	Fla.	none	
	N.Y.	none	Ala.	\$10 per day for 25 days	
	N.J.	\$5 per day and 6¢ per mile	Ky.	traveling expenses	
	Del.	\$25 per day for 1 meeting per mo.	Tenn.	\$10 per day	
	Penn.	traveling expenses	Ark.	traveling expenses	
III	Md.	traveling expenses	Okla.	\$6 per day and traveling expenses	
	Mich.	not stated in school laws	Miss.	none	
	Ohio	*	La.	\$10 per day and traveling expenses	
	Ind.	\$5 per day and 5¢ per mile	Texas	not stated	
	Mo.	none	V	Ariz.	\$5 per day and traveling expenses
	Ill.	*	Cal.	traveling expenses	
	Wis.	*	Nev.	traveling expenses	
	Winn.	\$10 per day and traveling expenses	N.M.	\$5 per day and 5¢ per mile	
	N.D.	*	Colo.	none	
	S.D.	traveling expenses	Utah	traveling expenses	
	Neb.	*	Wyo.	traveling expenses	
	Iowa	traveling expenses	Mont.	not stated in school laws	
	Kans.	\$5 per day and traveling expenses	Idaho	\$100 per year and traveling expenses	
			Ore.	not stated in school laws	
			Wash.	actual expenses incurred	

Read table thus: An asterisk indicates states that have no state board of education. Vermont has no compensation provisions stated in the school laws.

TABLE VIII

STATES IN WHICH BRIBERY OF THE STATE BOARD OF EDUCATION
OR STATE TEXTBOOK COMMISSION IS PROHIBITED IN THE
GENERAL SCHOOL LAWS

States	States	Key
Ala.	1 : Neb.	1 :: 1. Not stated in school laws.
Ariz.	1 : Nev.	1 :: 2. \$1,000 and 2 years in
Ark.	2 : N.H.	1 :: penitentiary.
Cal.	3 : N.J.	4 :: 3. Prohibited but no penalty
Colo.	1 : N.M.	1 :: stated.
Conn.	1 : N.Y.	1 :: 4. Removal from office.
Del.	1 : N.C.	1 :: 5. \$500 and 3 months in jail.
Fla.	3 : N.D.	8 :: 6. \$200 to \$500 fine.
Ga.	3 : Ohio	12 :: 7. \$1000 and 6 months in
Idaho	3 : Okla.	1 :: county jail.
Ill.	5 : Ore.	1 :: 8. \$500 to 3 months in county
Ind.	1 : Penn.	9 :: jail, or both.
Iowa	1 : R.I.	4 :: 9. \$5.00 to \$500 and not less
Kans.	1 : S.C.	8 :: than 30 days to one year
Ky.	5 : S.D.	3 :: in jail.
La.	1 : Tenn.	10 :: 10. \$50 to \$500 and 11 months
Me.	1 : Texas	11 :: and 29 days in jail.
Md.	1 : Utah	1 :: 11. \$5.00 to \$100 fine.
Mass.	1 : Vt.	13 :: 12. \$5.00 to \$25; 6 months in
Mich.	3 : Va.	1 :: jail, or both.
Minn.	8 : Wash.	1 :: 13. \$25 to \$100 fine.
Miss.	6 : W. Va.	14 :: 14. State Penitentiary--3
Mo.	7 : Wis.	8 :: years.
Mont.	1 : Wyo.	3 ::

Read table thus: Alabama does not state anything in the general school laws about bribery. Arkansas prohibits bribery of the state board of education and has a penalty fixed at \$1,000 and two years in the state penitentiary. Read in like manner all states.

TABLE IX
STATE SELECTION OF TEXTBOOKS FOR ELEMENTARY
GRADES AND HIGH SCHOOL

Group	States	Selecting Agency	Period in Years	Elementary Grades	High School
I	Conn.	state board	5	x	-----
II	Del.	state board	4	x	x
III	Ohio	text commission	5	x	-----
	Kans.	state board	5	x	x
	Ind.	state board	5	x	x
IV	Va.	state board	7	x	x
	W. Va.	state board	5	x	-----
	N.C.	state board	1-5	x	x
	S.C.	state board	5	x	x
	Ga.	state board	5	x	x
	Fla.	text commission	8	x	x
	Ala.	text commission	6	-----	x
	Ky.	text commission	5	x	x
	Tenn.	text commission	5	x	x
	Ark.	text commission	6	x	-----
	Okla.	text commission	5	x	x
	Miss.	text commission	5	x	x
	La.	state board	6	x	x
	Texas	state board	6	x	x
V	Ariz.	state board	5	x	x
	Cal.	state board	4	x	-----
	Nev.	state board	4	x	x
	N.M.	state board	6	x	x
	Utah	text commission	6	x	x
	Mont.	text commission	6	x	x
	Idaho	text commission	4	x	x
	Ore.	text commission	6	x	x
	Wash.	state text committee			
			3-5	x	-----

Read table thus: Connecticut's State Board of Education selects the textbooks for five years for the elementary grades. Read in like manner for other states.

textbooks, the title of the state agency which selects the books, and the period of selection in years for the elementary grades and high school. In the New England States (Group I) Connecticut is the only state that has state selected books. Delaware is the only state of the Middle States group that has a state agency for the purpose of selecting textbooks. Kansas and Indiana, as well as Ohio, are the representatives of Group III that select their textbooks through state agencies. All states in Group IV have a state selecting agency for textbooks. With the exceptions of Washington, Wyoming, and Colorado, Group V select their textbooks through state agencies.

There is some uniformity in the length of time for which textbooks are adopted in the forty-eight states. Twenty states are working with an adoption time of five years; six states, of three years; six states, of six years; four states, of four years; and one state, of eight years. Five states do not state in their general school laws the length of adoption for their textbooks. One state has no determined date, and in one state the period of adoption depends upon the contract at the time it is made. Consult Table IX (page 45) and Table X.

Four states, California, Oregon, Virginia, and West Virginia, require that all copies of books presented for adoption must be filed with the State Board of Education. Seventeen states require the copies to be filed with the state superintendent of public

TABLE X
 AGENCIES OTHER THAN STATE AGENCIES THAT
 SELECT TEXTBOOKS FOR THE ELEMENTARY GRADES

Group	States	Agency that selects	Period in years
I	Me.	Town committees	3
	Mass.	Town committees	*
	N.H.	District boards	*
	R.I.	Each town	3
	Vt.	District boards	*
II	Md.	County board of commissioners	3
	N.Y.	District boards	*
	N.J.	District boards	5
	Penn.	District boards	5
III	Ill.	District boards	5
	Iowa	-----	5
	Mich.	Town committees	5
	Minn.	District boards	3-5
	Mo.	County textbook committees	5
	Neb.	District boards	-----
	N.D.	District boards	5
	S.D.	County boards	5
	Wis.	County boards	5
V	Colo.	-----	4
	Wyo.	District boards	4

Read table thus: Maine has town committees to select textbooks for three-year periods in the elementary grades. Note that all states in Group IV have state selecting agencies and are not included in this table. An asterisk indicates that the period of selection is not stated in the general school laws.

instruction. Twenty-two states require no copies to be filed. Florida demands a copy to be placed in the hands of the secretary of state,⁸ and Utah asks that copies of textbooks for adoption be filed with the state textbook commission.⁹ These requirements for the various states are shown in Table XI.

There is no uniformity in regard to the organizations contracting for and purchasing textbooks. In eleven states the district boards contract and purchase all textbooks. In nine states, the state textbook commissions have this responsibility; and in eight states, the job is left to the state boards of education. Two states have made the county boards responsible, two states have a purchasing board, two states permit the district to appoint a retailer, one state makes no contracts for books, one leaves the problem to the state superintendent, and one state has district and county textbook commissions for the purpose of contracting for and purchasing books. Practically all organizations must contract for books, however, from an approved list. Agencies that contract for and purchase textbooks are shown in Table XII (page 50).

⁸ W. S. Cawthon, Compilation of the School Laws of the State of Florida. Tallahassee: Department of Education, 1934, p. 83.

⁹ Charles H. Skidmore, School Laws of the State of Utah. Kayville; Hiland Printing Company, 1933, p. 41.

TABLE XI

STATES IN WHICH FILING OF COPIES OF TEXTBOOKS IS
NOT REQUIRED AND THOSE THAT REQUIRE FILING
BEFORE ADOPTION WITH PLACE OF DEPOSIT

Group	States		Group	States	
I	Me.	5	IV	Va.	1
	Vt.	5		W. Va.	1
	N.H.	5		N.C.	5
	Mass.	5		S.C.	5
	R.I.	5		Ga.	2
	Conn.	5		Fla.	3
II	N.Y.	5	Ala.	2	
	N.J.	5	Ky.	2	
	Del.	5	Tenn.	3	
	Penn.	5	Ark.	2	
	Md.	2	Okla.	2	
			Miss.	5	
III	Mich.	2	La.	5	
	Ohio	2	Texas	2	
	Ind.	5	Ariz.	5	
	Mo.	2	Cal.	1	
	Ill.	2	Nev.	5	
	Wis.	2	N.M.	5	
	Minn.	2	Colo.	5	
	N.D.	2	Utah	4	
	S.D.	5	Wyo.	5	
	Neb.	2	Mont.	2	
	Iowa	3	Idaho	4	
	Kans.	1	Ore.	1	
		Wash.	2		

Read table thus: Number 1 indicates that textbooks for adoption are filed with the state board of education; 2, that the books are filed with the state superintendent; 3, with the secretary of state; 4, with the state textbook commission; 5, that there is no requirement. Maine has no requirement for the filing of textbooks.

TABLE XII
 AGENCIES THAT CONTRACT FOR
 AND PURCHASE ELEMENTARY TEXTBOOKS

Group	States	Agencies	Group	States	Agencies
I	Me.	not stated in laws	IV	Va.	not stated in laws
	Vt.	district boards		W. Va.	state board
	N.H.	district boards		N.C.	purchase boards
	Mass.	no contract		S.C.	state board
	R.I.	city boards		Ga.	state board
	Conn.	not stated in laws		Fla.	state textbook com.
II	N.Y.	district or city bds.	Ala.	purchase boards	
	N.J.	district boards	Ky.	district retailer	
	Del.	district boards	Tenn.	state textbook com.	
	Penn.	district boards	Ark.	state textbook com.	
	Md.	county boards	Okl.	state textbook com.	
			Miss.	state textbook com.	
III	Mich.	district boards	La.	state board	
	Ohio	city boards	Texas	state textbook com.	
	Ind.	state board	Ariz.	state board	
	Mo.	district boards	Cal.	state board	
	Ill.	city boards	Nev.	state or district bds.	
	Wis.	city boards	N.M.	state or district bds.	
	Minn.	district boards	Colo.	district boards	
	N.D.	district boards	Utah	state superintendent	
	S.D.	county boards	Wyo.	district retailer	
	Neb.	district boards	Mont.	state textbook com.	
	Iowa	district boards	Idaho	not stated in laws	
	Kans.	state board	Ore.	state board	
		Wash.	district or county committee		

Read table thus: The general school laws of Maine did not state what agency contracted for and purchased elementary textbooks. Read in like manner for all states.

Following is a digest of laws affecting the compositions of some of the state boards or other agencies for the selection of textbooks.

Alabama.--Textbook commission: State superintendent ex-officio chairman; and seven well-known educators engaged in public-school work appointed by the State Board of Education upon recommendation of the State superintendent.

Arizona.--State board of education: Governor, State superintendent, president of university, principals of 2 state normal schools, ex officio; and 1 city superintendent, 1 high-school principal, 1 county superintendent, appointed by Governor.

Arkansas.--Textbook commission: Governor and State superintendent ex officio; 4 teachers of recognized ability, and 3 business men, one of whom must be a lawyer, appointed by Governor.

California.--Legally the power of selection rests in the State board of education, composed of 10 members appointed by the Governor, but in practice the selection is made by the State curriculum commission composed of the State superintendent ex officio and 10 other members (including 1 county superintendent, 1 city superintendent, 1 high-school principal, 1 elementary-school principal, 1 college teacher of education, 1 classroom teacher) appointed by the State superintendent with approval of State board of education.

(It is the duty of school boards to give preference to textbooks written, compiled, printed, and published in the State.)

Delaware.--State board of education: Four members appointed by Governor.

Florida.--Textbook commission (ex officio): Same as the board of commissioners of State institutions, which consists of the governor, the secretary of state, the attorney general, the treasurer, the comptroller, the commissioner of agriculture, and the State superintendent.

Georgia.--State board of education: Governor and State superintendent ex officio, and four members appointed by the Governor.

Idaho.--State board of education: State superintendent ex officio, and five citizens appointed by Governor.

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Indiana.--State board of education; State superintendent, presidents of state and Purdue universities and presidents of the normal schools, ex officio; and 9 members engaged in educational work (including 1 county superintendent and 3 superintendents of schools of cities having the largest enumeration of school children), appointed by Governor.

Kansas.--State board of education; state superintendent, state printer, state business manager, one member appointed from the state university or Kansas State College of Applied Science, one member appointed from the three state teachers' colleges, one member appointed from a privately endowed or denominational college, one county superintendent, one city superintendent, one high school principal or superintendent from a class A school, and two members engaged in business and who are citizens of Kansas.

Kentucky.--Textbook commission: state superintendent, ex officio member and secretary; and eight members appointed by the state board of education, who shall be educators of high qualifications and graduates of a standard senior college and engaged in school work.

Louisiana.--State board of education; Three citizens appointed by Governor, and 8 members elected from the 8 congressional districts.

Mississippi.--State (elementary) textbook commission: state superintendent ex officio, and 8 educators (including 1 teacher of primary work and 1 teacher of elementary work) appointed by the Governor.

High school textbook commission: state superintendent ex officio, state high school supervisor, and 3 members from consolidated school districts, and 1 from the agricultural high schools, appointed by Governor.

Montana.--State textbook commission: Seven citizens appointed by Governor, five of whom shall be engaged in public school work.

Nevada.--State textbook commission: Governor, state superintendent, president of state university, ex officio; and four citizens engaged in school work, appointed by Governor.

New Mexico.--State board of education: Governor and state superintendent ex officio; and five others appointed by Governor.

North Carolina.--State board of education: Members ex officio--Governor, Lieutenant Governor, secretary of state, treasurer, auditor, state superintendent, and attorney general. In the selection of textbooks the state board is assisted by the following commissions:

The (elementary) textbook commission: Seven members engaged in school work, appointed by Governor and state superintendent.

The high school textbook commission: Five members engaged in school work, appointed by Governor and state superintendent.

These commissions prepare multiple lists of textbooks for elementary and high schools, respectively. The state board of education is directed to select textbooks from these prepared lists.

Oklahoma.--Textbook commission: State superintendent ex officio; and six citizens, one of whom shall be a woman, appointed by Governor. Three of the six shall have been actively engaged in public school work.

Oregon.--State textbook commission: Five citizens of recognized scholarship and professional standing who shall have been continuously engaged in school work in state for 5 years preceding appointment. Appointed by state board of education.

South Carolina.--State board of education: Governor and state superintendent ex officio, and seven citizens appointed by Governor.

Tennessee.--State textbook commission: Governor and commissioner of education ex officio, and 5 members appointed by Governor, 4 of whom shall have been engaged in school work in state for 5 years next preceding appointment.

Texas.--State board of education: Nine citizens, none of whom shall be engaged as professional educators, appointed by Governor.

Utah.--State textbook commission: state superintendent, presidents of university and agricultural college, and dean of state normal school, ex officio; and 5 citizens appointed by Governor, 3 of whom shall be district school superintendents.

Virginia.--State board of education: Seven citizens appointed by Governor. (Committee for selection: Two members of the state board of education who are trained educators and the state superintendent.)

West Virginia.--State board of education: state superintendent ex officio, and six citizens appointed by Governor.

The following states do not have state adoption but provide for the listing of books by publishers with the state department of education: Colorado, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Washington, Wisconsin, and Wyoming.

CHAPTER IV

A SUMMARY OF TEXTBOOK LEGISLATION

IN KANSAS FOR 1937-1938

Before considering textbook legislation in Kansas, one must ascertain what part the State Board of Education plays in textbook adoption. One should know something of the qualifications, membership, powers, and duties of such a body. In this chapter the writer attempts to show the influence and work of the State Board of Education in textbook adoptions. One may then compare the work of the Kansas State Board of Education with other state boards in the United States.

QUALIFICATIONS AND MEMBERSHIP

The qualifications and membership of the State Board of Education for Kansas may be found on page 32. With the exception of three ex-officio members, selection of the Board is left entirely to the judgment of the governor. Very few qualifications are stated in the Laws of Kansas.

All powers and duties that were invested in the State Textbook Commission are now invested in the State Board of Education. The State Board of Education has authority to adopt textbooks that are needed for use in grades one to twelve. The Board must, however, give careful consideration to the textbooks recommended by the textbook

advisory committees. The Board designates the committees and there must not be more than nine members. Membership of the committee or committees must be made up of representatives from all types of schools. The committee receives actual traveling expenses incurred in attending the meetings of the committee and five dollars per day for such days' actual service not exceeding fifteen days in any one year.

The Board is required to announce to the publishers the date set for adoption of any textbook and all necessary information for submitting bids.

All books printed by the state must be adopted not later than the first day of December, next preceding September of the year when they are first to be used by the pupils.

The Board has power to appoint a secretary other than the one authorized in section 74-802 of the General Statutes of 1935. The duties of this secretary are those heretofore imposed upon the secretary of the state school book commission and such other duties as the Board may prescribe.

The State Board of Education is authorized to have written, compiled, or to purchase, or contract with publishers to furnish, the textbooks to be used in the public schools. The Board is also authorized to purchase, have compiled or written, manuscripts of textbooks for use in the schools of the state. The Board has the power to fix the remuneration of authors and pay for other services

necessary in the preparation and publication of the books. The Board also has the power to obtain copyrights for the state for any school books, to contract with publishers or authors upon a royalty basis with an exclusive right to publish and use in the state of Kansas any school textbooks written or published by them, including the right to obtain the electroplates of such textbooks.

All textbooks adopted for use, grades one to eight, inclusively, must be printed and manufactured in the state-owned printing plant. The State Board of Education must furnish to the state printer copy and design for all diagrams and illustrations to be used in any textbooks published by the state.

The Board must receive from the state printer a statement of the cost of the material and labor required to publish each book. From this statement, the Board must fix maximum prices at which the books shall be sold for cash. The Board must consider copyrights, royalties, and authorship in fixing the prices of the books. No school textbook shall be sold in excess of the price set by the Board.

All supplementary books provided for by law are selected in the same manner as other textbooks. In addition to the books adopted or published, the supplementary readers for the first, second, third, and fourth grades must be approved by the Board. This is true of the science, geographical, literature, and historical readers of any grade. The Board has the power to set the maximum price at which the supplementary readers may be sold.

The State Board of Education is required to make a report to the governor of all business transacted by the Board for each fiscal year ending June thirtieth. This must be done not later than the first of September in each year.

Each member of the Kansas State Board of Education receives all necessary and actual expenses incurred in attending meetings of the Board and in the discharge of duties required by law. Each appointed member receives in addition to traveling expenses, the sum of five dollars per day for each day's actual service not exceeding ten days in any one year.

Only as many books may be adopted in any one year as will cost approximately one-fifth the amount which all textbooks of all grades would cost.

CHAPTER V

RECOMMENDED TEXTBOOK LAW FOR KANSAS

After reading the school laws of the forty-eight states, it seems to the writer that it is impossible to set up a law for state adopted textbooks that will meet the requirements of present day problems. The writer has not found enough evidence to show, however, that the state should be eliminated entirely in textbook production. In the recommended textbook law which follows an attempt has been made to provide for: preventing the readoption of obsolete books, securing the best authors of the nation to write books for Kansas children, eliminating pressure on the adopting body for books that may be pushed by pressure groups whether schoolmen or politicians, securing new books for use in Kansas when the copyright is owned by a publisher who will not sell the plates to the State of Kansas, and finally, intellectual and mechanical excellence in books that are adopted.

Chapter I - General Provisions

No official, teacher, or school board member named in this code, in any public school may act as an agent for an author, publisher, bookseller, or any other person, to introduce any book in the common schools of the state of Kansas or directly contract for, or receive any gift or reward for so recommending or introducing the same. Any official, teacher, or school board member so receiving or acting shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine or imprisonment, or both, and be removed from office. The fine shall be one thousand dollars and the prison term two years.

Rating Sheets

Textbook rating sheets shall be printed by the State Printer for each subject upon instruction from the State Superintendent of Public Instruction. Every item on the textbook rating sheets must be rated by the adopting committee or committees and by the State Board of Education. All rating sheets must be filed with the Secretary of State and duplicate copies must be open to the general public in the office of the Secretary of State. Character, worth, adaptability, educational and mechanical value must be considered in the textbook rating sheets. The State Superintendent of Public Instruction shall state specifically what shall be rated in each subject and notify the State Printer of same. Binding, print, paper, covers, color, and all items deemed necessary by the State Superintendent of Public Instruction shall be placed in the rating sheets.

Laboratory Tests

The State Board of Education is hereby authorized and directed to use such schools of Kansas, up to and including the eighth grade, as in the judgment of said Board are needed to conduct laboratory tests of school textbooks which are being considered for adoption by the Board for use in the schools of Kansas.

Whenever there is submitted for adoption for use in the schools of Kansas a textbook which in the judgment of the Board, may be superior to the textbook then in use, the Board is authorized and directed to secure a sufficient number of said textbooks to use in forty to fifty of the average schools of the state for such period--not less than one year nor more than two years--as, in the judgment of said Board, is necessary to make comparison of the progress which can be made by pupils using the proposed text with the progress made by pupils in the same number of schools using the texts then in use in the same subject. Rating sheets for each subject shall be provided as stated in this code. Rating sheets shall be used by teachers in their respective subject fields in the laboratory schools and sent to the State Board of Education. Textbooks shall be adopted by the Board for a period of three years.

The State Board of Education shall adopt textbooks for each subject in grades one to twelve inclusive. Before adopting any textbook the Board shall give careful consideration to the rating sheets of teachers in the laboratory schools and the committee or committees appointed by the Board. The committees shall be made up of superintendents, principals, and teachers to represent all types of elementary and high schools in the State of Kansas. Total membership

of the committees shall not exceed nine in number. Members of the committee or committees shall receive actual traveling expenses incurred in attending the meeting of the committee.

Bids

Seven months before adoption, the State Board of Education must notify publishers of the books needed and advise information for bids. All books adopted from grades one to eight inclusive shall be printed by the State Printer in the state printing plant. Provided; that textbooks owned by publishing companies that will not sell their plates be sold by the Secretary of the State Board of Education following the regular form of adoption.

All books printed by the State Printer must be adopted not later than the first day of December, next preceding the September of the year when said books are first to be used by the pupils.

The state board of administration and state business manager are hereby authorized and directed to purchase all supplies and materials needed for textbook production. Estimates as to specifications and grade of paper shall be furnished by the State Printer.

The State Board of Education shall make a complete report to the governor for each fiscal year ending June thirtieth.

The State Board of Education shall receive actual traveling expenses incurred in attending all official meetings of said Board.

Chapter II - Textbooks

Article 1 - Textbooks and Supplementary Books

Any employee, teacher, principal, or school official of any elementary or secondary school who causes any pupil to purchase any supplementary book or books as the principal text for said pupil's use in the schools is guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than one hundred dollars. City boards of education and district boards shall have power, and it shall be their duty to enforce in their respective schools the use of the textbooks prescribed and adopted by the State Board of Education. Whenever required by the superintendent of public instruction, it shall be the duty of all city boards of education and all boards of school trustees, to make a report of all textbooks used in their schools. The county superintendents of public instruction shall have power, except in cities having a city board of education, to enforce in the public schools the use of a uniform series of textbooks.

Article 2 - Authors of Textbooks

It shall be the duty of all boards of education, school officials, or any other persons appointed or elected to carry out the laws of the State of Kansas, in regard to the power of designating textbooks to be used in the public schools, to select textbooks from the entire field in each subject on merit.

Chapter III - Elementary Textbooks

Article 1 - Adoption

The state board of education shall adopt and may cause to be published by the State Printer all books to be used in the elementary schools, provided further, that nothing in this article shall be construed as prohibiting district boards of education, or city boards of education from ordering and purchasing such supplementary textbooks as may be required. The term elementary school as used in this chapter includes all public schools, except junior high schools, in which instruction is given in the first to the ninth grades inclusive, or in any one or more of such grades. Textbooks shall be adopted for the public schools in this state for three years; provided, that the State Board of Education shall not change more than one-third of the textbooks used in the public schools of Kansas at any meeting of said Board, which said one-third of the textbooks for the elementary grades are to be indicated by the Superintendent of Public Instruction to the State Board of Education. All contracts with publishers for books not changed shall remain in force until the replacement, readoption, or substitution of said textbooks. The sessions of the Board shall be public, and the vote upon the selection of each textbook shall be viva voce, and the vote of each member shall be recorded in the minutes of the Board. The adoption shall include textbooks for all branches of study specified in the state course of studies for schools of all grades, and no others. At least six votes shall be necessary for approval of any book as a state adopted text.

Article 2 - Compilation or Purchase and Publication

The State Board of Education shall have power to cause compilation by the State Printer in whole, or in part, and manufacture all such textbooks as are now in use; to compile, or cause to be compiled and manufactured all other additional textbooks as it may deem necessary for use in the elementary grade schools; to purchase or lease maps, plates, engravings, or copyright material when necessary for use in manufacturing such books, which prices shall be established by the said Board of Education.

The State Board of Education shall have power to contract for and lease copyrights for use in compiling, printing, and publishing all adopted textbooks, to provide for the payments of royalties or for the leasing of plates or making the whole or part of any book, and to do all things that may be necessary for the purpose of producing a uniform series of textbooks for use in the elementary schools of Kansas. The secretary of the State Board of Education shall present to the State Board of Education all costs of plates or copyright matter and royalties in favor of individuals or companies, and said claim shall be paid quarterly, in the same manner as other claims upon the state treasury, on the approval of the state business manager. Any book compiled may be secured by the State Board of Education in the name of the people of the state of Kansas. Before the State Board of Education may purchase textbooks from any source other than the State Printer they must file with the secretary of the treasury a statement showing; the price to be paid for the books; the cause preventing its publication by the State Printer; evidence that will show that the publisher actually refused to lease copyright material to the State Printer, if that is the cause of preventing the State Printer from printing the book; and the advantages of the book they propose to purchase over other textbooks on the same subject.

Article 3 - Supplementary Textbooks

When supplementary textbooks are purchased, they must be paid for by the school district or board of education. Such books must be selected in the same way as other textbooks and shall be the property of said district in which the books are used and shall be furnished for the use of the pupils free of cost. No pupil shall be required to purchase said supplementary books, and pupils must be notified by the teachers that it is not required that such books for supplementary use be purchased by parents or pupils.

Article 4 - Uniform Textbooks

When any textbook shall have been compiled or purchased, adopted and published, the Superintendent of Public Instruction, by order of the State Board of Education, shall order all county and city superintendents to use the textbooks adopted for all elementary schools. The county or city superintendents must notify all the secretaries of all boards of education in all towns and cities and the clerk of the board of school districts and the principal or teacher in each district that the uniform use of such book or books

is required. After the order for the uniform use of textbooks has been published by the county and city superintendents, the same shall remain in force for a term of not less than three years. Provided: that thereafter extension of adoption contracts may be made as stated in this code. The order for the uniform use of textbooks shall not take effect until the beginning of the next fiscal year, or at such a time thereafter as may be fixed by the State Board of Education. The book or books shall go into use at the beginning of a fiscal year. After adoption, the State Board of Education shall enforce the uniform use of such book in the elementary schools for which said book has been adopted. Any school officer or teacher in city or county, or any board of education refusing or neglecting to use said series of state textbooks, shall be guilty of a misdemeanor, and upon proof thereof, shall be subject to a fine not exceeding two hundred dollars for each offense. There shall be no restriction as to the additional use of such supplementary books as may be purchased for school libraries under the provisions of this code. If any city or school district refuse or neglect to use the books that may be prescribed, or use any other textbook in any of the prescribed studies the Superintendent of Public Instruction must withhold from such city, or district twenty-five per cent of all state school moneys to which it may be entitled until it comply. Moneys so withheld must be apportioned by the Superintendent at the next annual apportionment in the same manner as other school moneys in the treasury.

Article 5 - Printing of Textbooks

The State Printer shall have supervision of all the mechanical work connected with the printing of a book that may be compiled and adopted subject to the approval of the State Board of Education. The State Printer shall receive payment for work done in printing adopted textbooks on the approval of items of said cost by the State Board of Education. The State Printer shall print and bind adopted books in lots of not less than four thousand and turn them over to the State Board of Education at the warehouse. The State Printer shall be notified of the number of books to be printed for each subject by the secretary of the State Board of Education. The State Printer shall furnish one copy each to the State Board of Education and to the State Business Manager of a cost-finding report showing items of work and materials and the exact cost of same, for each lot of books. By the fifth day of each month, the State Printer shall furnish to the State Board of Education a detailed statement showing the name and number of books published by him during the preceding month, the number at present in process of publication, and the stock on hand.

Article 6 - Price of Books and Sale

The State Board of Education shall determine the cost of each book in a lot after receiving a copy of the cost-finding report and the estimated cost of the publishing of the books, and fix the cost price of such books by adding to the manufacturing cost, the contract price to be paid as royalty, or for the use of maps, plates, and engravings, or for copyright matter. The price, to which has been added ten per cent of the cost price to cover overhead expenses, shall be deemed the whole cost of publication of such books at Topeka. Private schools, individuals, and dealers may be provided state textbooks at not less than cost price by the State Board of Education who shall adopt such rules and regulations as they deem necessary. Such books shall not be sold by dealers for more than ten per cent above price at Topeka, plus actual postage, packing, and cartage of such books, and the prices quoted must be filed with the State Board of Education. The Secretary of the Board will receive all orders for textbooks on blanks furnished by him. He shall investigate such orders and make any necessary changes and forward the same to the person in charge of the warehouse and shipment with definite orders for shipment of the textbooks. The person in charge of the warehouse, on receiving orders from the Secretary of the Board, shall forward by freight, express, or mail, as directed by the Secretary of the Board, to the nearest freight depot, express or post-office, in the name of the clerk of the school board or the city superintendent of schools in cities, the number of books called for in said order. An accurate account of all moneys received from the sale of textbooks for each month shall be kept by the Secretary of the Board, and he must report to the comptroller on or before the tenth of the succeeding month, the number of books sold, or distributed, and the amount of money collected for same, and shall pay such money into the treasury to the credit of the "School Textbook Fund."

Whenever the statement is filed as described in Article V by the State Board of Education, the State Printer must also file with the State Treasurer a statement showing the names of textbooks which he is competent to publish, their authors, whether or not they have been published before, and the names of their publishers. When maps, engravings, or plates of any publisher or author are adopted for use, or whenever any book is purchased as described in this code, the State Board of Education shall enter into a contract for not less than three years for the use of the same in the elementary schools of the State. The State Board of Education shall require a sufficient bond of the owner or owners of such maps, engravings, plates, or books with a written guarantee that the same shall be kept, revised and free from all errors and up to date as may be required by the State Board of Education. All information contained in the statements filed with the

State Treasurer by the State Printer and the State Board of Education shall be open and available to the public.

Article 7 - Disposal of Old Books

Books that are no longer in fit condition for instruction may be disposed of by the State Board of Education. If practicable, in the judgment of the State Board of Education, old textbooks may be sold to the highest bidder for the purpose of being made into paper pulp.

Article 8 - Textbooks Ordered by Teachers

At the close of each term of school, every principal or teacher shall prepare upon requisition blanks furnished by the Secretary of the State Board of Education, an order for the number of books needed for the ensuing term of school. All orders for textbooks as described in the preceding paragraph may be revised by the Secretary of the Board. All textbooks shall be delivered free of charge, to such an institution in the usual method of shipment, but only on the order of the Secretary of the State Board of Education.

Chapter IV - High School Textbooks

Article 1 - Textbooks Listed by the State Board of Education

A written application for the listing of all books shall be filed with the State Board of Education by any publisher. This application shall be accompanied by a uniform fee fixed by the State Board of Education, but may not exceed five dollars per book for which listing is applied. The money received with applications shall be deposited to the credit of the State Board of Education in the state treasury.

All publishers shall submit one copy of each book, with a statement of the list price of said book shown in the publisher's catalog, a statement of discounts allowed when new copies of such book are purchased, and a statement showing the lowest exchange price that will be paid when the old books in the same subject and of like grade and kind, but of different series, are received for exchange.

Article 2 - Bond of Publisher

All publishers wanting to offer one or more books for official listing as non-state printed adoptions must file with the State Board of Education a bond in the form approved by the attorney general and payable to the State of Kansas in a sum to be fixed by the State Board of Education.

The bond for any publisher offering one book or more shall be not less than one thousand dollars nor more than ten thousand dollars, and the bond shall be conditioned as follows:

First-The publisher shall state in writing that a greater price is not being asked than the lowest price made for such a book or books anywhere else in the United States;

Second-That whenever reductions in price are made elsewhere, the publisher will reduce the price to purchasers in the State of Kansas so that at no time shall any book that is filed and listed be sold to school districts in Kansas at a higher net price than is received for such a book elsewhere in the United States. Upon the refusal of the publisher to make these reductions all contracts for such books shall become null and void;

Third-All books offered for adoption, sale, or exchange in the State of Kansas shall be equal in quality to the book officially filed in the office of the State Board of Education as regards binding, printing, paper, subject matter, illustrations, and other particulars that may effect the value of the books;

Fourth-There shall be no restraint of trade in textbooks in Kansas. The publisher will not in any way enter into any agreement, understanding, or combination to control prices or restrict competition in the sale of school books for use in the State of Kansas;

Fifth-The publisher will maintain or designate an agent or arrange with a depository in Kansas, to receive and handle orders for said books;

Sixth-The publisher will pay the costs not to exceed five hundred dollars for any investigation of the merits of any book filed by him should the State Board of Education after public hearing, find that such a book contained sectarian or denominational doctrine contrary to law or propaganda injurious to the schools, and said Board of Education may remove said book from the official list.

It shall be a misdemeanor for any publisher or any of his representatives to offer for sale any textbook in the high schools in Kansas unless said book has been officially filed and there is a valid bond for same in the office of the State Board of Education.

Article 3 - Adoption of High School Textbooks

The school board of any high school district shall adopt textbooks for use in the schools under its control, providing, that such books have been officially filed and listed with the State Board of Education, under such regulations as may be prescribed by the Board. The State Board of Education shall classify all materials used in instruction and shall indicate which are textbooks. School boards need not refer to the list of state textbooks when materials are not classified as textbooks. Books adopted shall be put into actual use in the district not later than the school year next following their adoption. After said book has been selected and adopted by said Board, no book shall be changed nor substituted for, except as otherwise provided for in this chapter, for the period of four years after the date of its adoption, as shown by the official records of the district board. If courses of study are designed to meet the needs of pupils differing in preparation and ability and have been adopted by the district board of said school, different textbooks may be adopted by the district board of said school in such courses under regulation prescribed by the State Board of Education. Any textbooks in use in the high schools of Kansas on July, 1938, may be continued in use until textbooks are purchased and distributed by the high school board in accordance with the provisions of this chapter, but when said books are changed or other books substituted, the books adopted shall be from the official list filed and for a period of three years.

Article 4 - Purchase of Textbooks

Once a year the state department of education shall publish a complete list of all books officially listed for use in the high schools of Kansas. A copy of this list shall be sent to every county superintendent of schools, every city superintendent of schools, every high school principal, and to every clerk of the governing board of every high school district. One copy shall be sent to the publisher whose book or books are listed. No high school district may use a book beyond the current year of school if the State Board of Education has removed said book from the official list. Books may be removed from the list in any one of the following ways:

1. After formal investigation by the State Board of Education as provided for in this chapter.
2. Upon written request by the publisher.
3. By action of the State Department of Education after the book has been on the approved list for ten years, but such action shall not prevent the publisher from again officially filing such book for listing.

The clerk of the district board shall purchase textbooks on the order of the district board of education and shall examine them when received. If the books are found to be in accordance with the order, the clerk of said board shall draw up a warrant from the fund provided for the proper amount including the cost of transportation and remit to the publisher within thirty days after receipt of the books.

Article 5 - Penalty for Failure to Furnish Books

If any publisher fails to furnish books to any high school board after agreeing to the terms of this chapter within a reasonable time of the order is filed, said board shall notify the State Board of Education of such refusal or failure, and cause an investigation of such charge to be made. If such charge is found to be true by the State Board of Education, it shall notify such publisher and the principal of each high school and the clerk of each high school board in the State of Kansas that such books are not thereafter to be adopted or purchased by any of the public school authorities of the State of Kansas. Publishers as described in the preceding paragraph shall forfeit and pay to the State of Kansas the sum of one hundred dollars for each failure or refusal to furnish said book or books. The attorney general shall bring action in the proper court and the amount when collected shall be paid to the treasury to the credit of the high school fund of the State of Kansas.

Article 6 - Bribery

No agent of any publisher or any publisher shall offer or give money or any other valuable thing, or any inducement, to any member of any high school board or school official or teacher connected with any of the high schools of this state, for his vote, or promise to vote, or for the use of his influence for the adoption of any school textbook in any of the high schools of this state. Penalty for so doing shall be the same as stated in paragraph two, chapter one of this code. Nothing in this article shall prevent any person, publisher or publisher's agent, from supplying for purpose of examination necessary sample copies of school textbooks to any member of a high school board, school official, or teacher.

Article 7 - Penalties for Violation of this Chapter

Any person, publisher, publisher's agent, or any member of any high school board or public school official in the State of

Kansas, who violates any provisions of this chapter, and on conviction for same, shall be punished for a misdemeanor. Any member of high school board or public school official shall also be removed from office.

CHAPTER VI

SUMMARY AND CONCLUSION

This study has had as its chief objectives the comparison of factors that have influence upon textbook legislation in the United States and the recommendation of textbook laws for Kansas.

The data secured consisted of opinions by publishing companies, educators, and the school laws of all forty-eight states.

After considering the financial investment of equipment and plant used for textbook production, the grade of books that are printed, and cost of the books, the writer believes that it is probably best to retain many of our Kansas textbook laws. Several changes have been recommended but many sections in the recommended set of laws have been reworded. The Kansas legislature did make many changes in textbook legislation in 1937. The principal change did away with the State Textbook Commission and invested all powers that the Commission had in the State Board of Education.

Some of the factors studied that influence textbook legislation in Kansas that compare favorably with many states in the union are stated in the following summary.

1. The Kansas State Board of Education is primarily appointive.
2. The number of members on the State Board of Education.
3. The four year term of office.
4. The implied power of the governor to remove board members.

5. State selection of textbooks by a State Board of Education.
6. The adoption of textbooks for a five-year period with the possibility of renewal.
7. Many states that have legal qualifications state a certain number of board members that must be selected from the teaching profession.
8. Over half of the textbook-selecting agencies are state selection agencies.
9. Kansas requires the filing of all adopted textbooks.
10. Requirement of a bond to be posted by publishing companies that are to print textbooks that have been adopted.
11. State specifications for the manufacturing of textbooks. The writer did not find enough data to show that Kansas should do away with state printing of textbooks. Some of the textbook laws that Kansas has apply only to California and Kansas, as these are the only states that print most of their own textbooks.
12. Penalty for using non-adopted textbooks.
13. Only seven states are required to pay a fee for each book placed in the state board's hands for consideration. Kansas requires no fee.

CHANGES RECOMMENDED IN THE STATE TEXTBOOK LAWS

1. The State Board of Education shall meet every three months, but may call a meeting at any time. At the present time the Board calls all of its meetings as it deems necessary.
2. Members of the State Board of Education must be residents of Kansas two years or more, at least thirty years of age, and not more than six members shall be from the same political party. Kansas has no definite qualifications for members of the State Board.
3. The State Board of Education shall receive actual traveling expenses incurred for all meetings of the Board. Many of the State Boards receive only traveling expenses.
4. A clause concerning bribery of the State Board of Education, school teachers, or other public officials, in connection with textbook adoption was recommended. The fine was set at one thousand dollars and the prison term at two years. The recommended law makes it possible to receive both fine and imprisonment. Kansas has no such law now in force.
5. No school teacher, principal, or school official of any elementary or secondary school may cause a pupil to buy any supplementary book or books. The fine is one hundred dollars. Nearly all states require supplementary books to be purchased and placed in the school library.

6. It was recommended that textbooks for Kansas should be selected from the entire field on merit.
7. The term elementary school is defined and the junior high school is to select textbooks in the same way as senior high school.
8. The State Board of Education must file a statement with the Secretary of the Treasury, showing why the Board should purchase textbooks from any source other than the state printer, the cause preventing the publication by the state printer, and evidence, if obtainable, that will show that the publishers actually refused to lease copyright matter.
9. Uniform use of elementary textbooks shall be enforced by the State Board, and any school officer, teacher, or board of education, refusing or neglecting to use the uniform series, shall be subject to a fine not exceeding two hundred dollars for each offense.
10. If any city or school district refuses or neglects to use books that may be prescribed, the state superintendent of public instruction shall withhold from such city or district twenty-five per cent of all state school moneys to which it may be entitled until it complies. Moneys so withheld are to be apportioned by the superintendent of public instruction at the next annual apportionment in the same manner as other school moneys of the treasury.
11. The Secretary of the Board is to receive all orders for state textbooks. Such orders are to be investigated by him and necessary changes made. The Secretary instructs the person in charge of the warehouse concerning shipments.
12. It was recommended that rating sheets be used by teachers and textbook committees in the adoption of textbooks, and that duplicate copies of the rating sheets be open to the general public for inspection in the office of the Secretary of State.
13. It was recommended that not more than six members of the State Board of Education should be from one political party, and that six votes shall be needed for approval of any book as a state adopted text.

The writer found that Kansas textbook legislation compares favorably, in general, with many states in the union.

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State of California
County of [illegible]

Be it remembered

That on this day of [illegible]
19[illegible]

APPENDIX

3-18-38

State Superintendent of Schools,
Columbus, Ohio.

Dear Sir:

Will you please answer the following questions that are checked concerning your state school system so that I may complete my thesis concerning textbook legislation in the various states?

1. How is the State Board of Education selected?
2. How many members are on the State Board of Education?
3. What is the term of office of the State Board of Education?
4. Who may remove members of the State Board of Education from office?
5. What is the frequency of the State Board of Education meetings?
6. What is the compensation of the members of the State Board of Education?
7. Are copies of textbooks required to be filed before adoption? With whom?

Sincerely,

Willard Trusler,
Chanute, Kansas.