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Edwin George Hobbs

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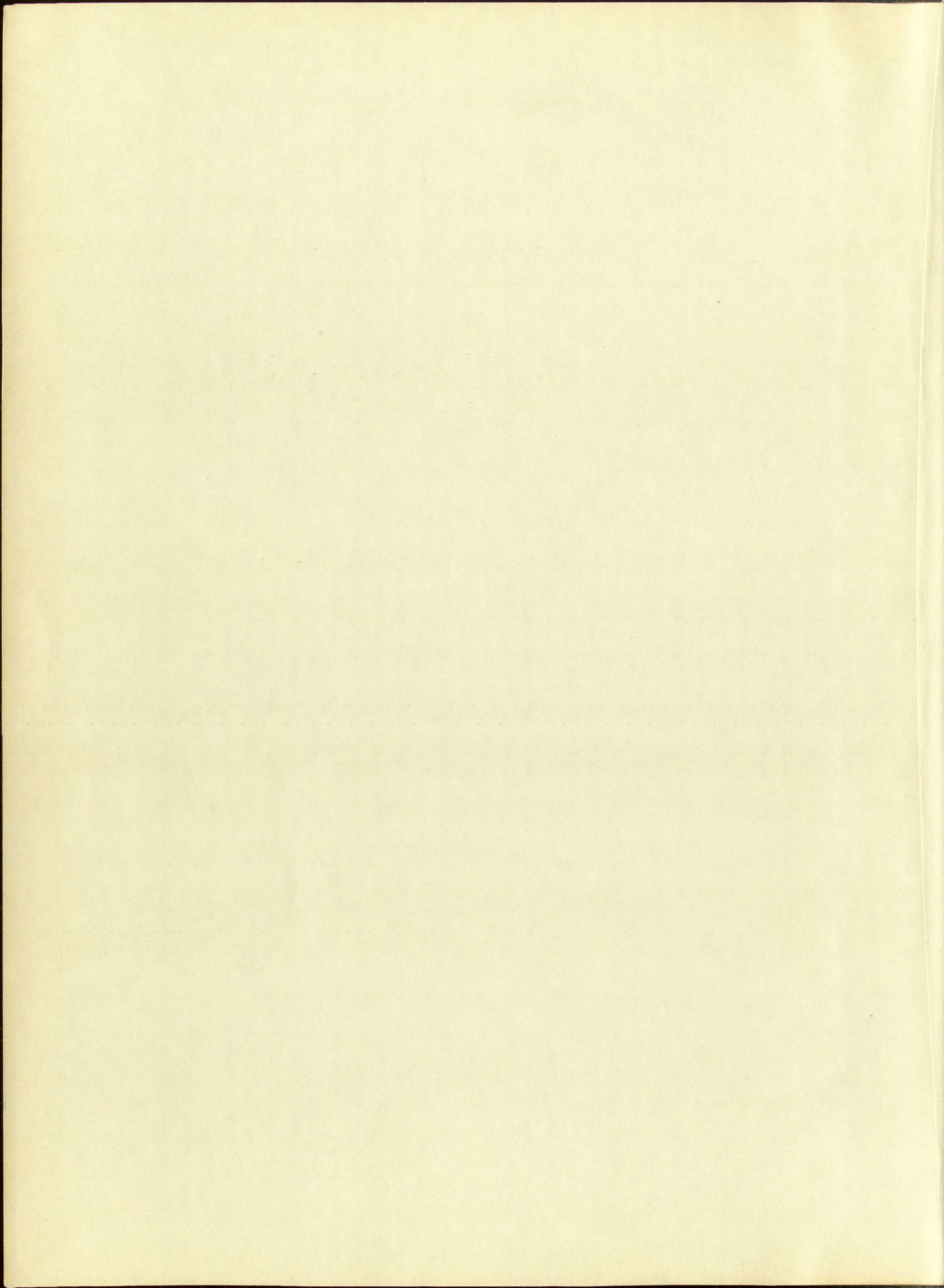
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NAME AND TITLE

TRENDS IN THE STATUTORY POWERS AND DUTIES
OF CITY SCHOOL SUPERINTENDENTS

By
Edwin George Hobbs

A Thesis Submitted for the Degree
of Master of Arts in Education

The University of New Mexico
1936

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THEORY IN THE STATISTICAL THEORY AND THEORY
OF CITY SCHOOL REFORMS

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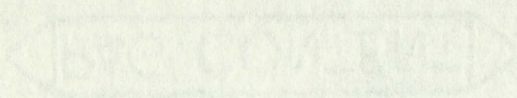
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TRENDS IN THE STATUTORY POWERS AND DUTIES OF CITY SCHOOL SUPERINTENDENTS

CHAPTER I INTRODUCTION

A knowledge of trends pertaining to the powers and duties conferred by statutes upon city school superintendents should be of value, particularly to educators, school officials, legislators, and to superintendents themselves. And to have information concerning the degree that the authority and responsibility accorded the office are keeping pace with the higher qualifications prescribed for it is more or less essential to action designed to improve conditions.

Statement of the Problem

The general purpose of this investigation is to determine trends in theory and practice as to the powers and duties of city school superintendents. More definitely stated, the objective is to present answers to the following questions:

1. What are the trends in the statutory powers and duties conferred upon city school superintendents in the several states?

THEORY IN THE STATISTICAL THEORY OF THE CITY SCHOOL SUPERINTENDENT

CHAPTER I

INTRODUCTION

A knowledge of trends in the city school superintendency is of value, particularly to statisticians, school officials, legislators, and to superintendents themselves. To have information concerning the degree and the nature of responsibility attached to the office and keeping pace with the higher qualifications prescribed for it is as necessary as essential to action designed to improve conditions.

Statement of the Problem

The general purpose of this investigation is to determine trends in theory and practice as to the powers and duties of city school superintendents. More definitely stated, the objective is to present answers to the following questions:

1. What are the trends in the statutory powers and duties conferred upon city school superintendents in the several states?

2. To what extent do the trends in statutory powers and duties of city school superintendents take the direction of the status recommended by educational leaders, and how closely do they conform to the powers and duties which city school superintendents actually exercise in practice?

Definitions and Delimitations

The term "powers and duties," as used in this study, refers to the thirty-eight functions of city school administration set forth by Morrison¹ in his study. These are itemized in Chapter III. Herein powers and duties of city school superintendents are treated from three points of view; namely, (1) initiatory, (2) approval, and (3) executory.

"Initiatory," as used in this study, refers to the advisory relationship of the superintendent to his board of education in the exercise of the various functions of school administration. It includes the right of the board to call upon the superintendent for advice or assistance, and the right of the superintendent to advise. It in no way connotes that the board is bound to follow his recommendations.

"Approval" implies that the right to initiate action is denied to the board. The superintendent is required by statute to approve the board's action, either before or after the decision of the board. The superintendent is usually

¹The Legal Status of the City School Superintendent, Pocket Chart A.

3. To what extent do the boards in statutory powers and duties of city school superintendents and the division of the status recommended by educational leaders, and how closely do they conform to the powers and duties which city school superintendents actually exercise in practice?

Definition and Delimitation

The term "powers and duties," as used in this study, refers to the thirty-eight functions of city school administration set forth by Morrison¹ in his study. These are itemized in Chapter III. Certain powers and duties of city school superintendents are treated from three points of view, namely, (1) initiatory, (2) advisory, and (3) executive. "Initiatory," as used in this study, refers to the advisory relationship of the superintendent to his board of education in the exercise of the various functions of school administration. It includes the right of the board to call upon the superintendent for advice or assistance, and the right of the superintendent to advise. It is not to be confused with the board's bound to follow his recommendations. "Advisory" implies that the right to initiate action is denied to the board. The superintendent is permitted by statute to approve the board's action, if he votes or after the decision of the board. The superintendent is usually

¹The Legal Status of the City School Superintendent
Pocket Chart A.

considered a representative of the state in the exercise of functions of this type.

The "executory" relationship exists when the city school superintendent has the power and duty to perform or execute a function over which the board of education has little or no control. He is usually responsible to a centralized state agency.

Only head superintendents in general charge of instruction and school affairs are of concern in this study. Associate and assistant superintendents, and specialized types of superintendents, such as building and grounds superintendents, are excluded. School superintendents of cities operating under special charters are not taken into consideration herein, unless they come within state laws applicable to city school superintendents in general.

The term "statutory" applies to the laws found in the latest state school codes, supplemented whenever necessary by session laws. No consideration has been given to provisions contained in special charters, municipal ordinances, and rules and regulations of state officials.

It is assumed that a statute contained in the official documents mentioned is legal, and no attempt has been made to determine whether the courts have declared it illegal. Neither has an analysis of court decisions been made to determine what interpretation has been placed upon the statute.

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termine what interpretation has been placed upon the stat-

Florida, Georgia, Maryland, and West Virginia were omitted from the list of states on account of the fact that they are organized into county units. The District of Columbia was omitted since it cannot be considered comparable to a state.

Sources of Data

The data for this study were obtained from the following sources:

(1) Statutory provisions in force in 1920 and prior thereto were obtained from Morrison's¹ study.

(2) Statutory provisions in force in 1935 were obtained from school codes and session laws.

(3) Recommendations of leading educators were found by analyzing textbooks, reports, and other educational writings. These sources are described more fully in Chapter II.

(4) Current educational practices were obtained from a report of a study made by the Department of Superintendence of the National Education Association.²

Procedure

The first step in the prosecution of this study was to determine trends in the statutory powers and duties of city school superintendents. This was done by comparing the status revealed by the school laws effective in 1935 with

¹Loc. cit.

²Eleventh Yearbook, pp. 135-142.

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The first step in the procedure of this study was to determine trends in the statutory powers and duties of city school superintendents. This was done by comparing the status revealed by the school laws effective in 1933 with

the status reported by Morrison¹ in 1922. The classification of powers and duties listed by Morrison² was followed in order to obtain comparable data. Latest school codes of the several states were examined, supplemented by session laws whenever necessary, to obtain the laws effective in 1935. This examination was made to learn whether the statutes give the superintendent initiatory, approval, or executory power, or no power, in each of thirty-eight functions of school administration. Whenever a change was found to have occurred, a closer examination eliminated different interpretations of the same or similar statutes.

The next step was to determine trends in the professional status which educational authorities recommend for city school superintendents. To do this a comparison was made of the views set forth in educational writings over the period 1917 to 1934. To the data secured by Seyfried³, from an analysis of five reports and textbooks, there was added the results obtained by surveying four additional textbooks and reports. The classification of the city school superintendent's powers and duties employed by Seyfried were followed in this part of the present study.

The final step was a comparison of the trends in the statutory powers and duties of city superintendents with those trends in recommendations of authorities, and with the

¹Loc. cit.

²Ibid.

³Employment Contracts of City School Superintendents.

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trends in the powers and duties which superintendents actually have in practice. Findings in the surveys by the Department of Superintendence in 1923 and 1933 were used to determine the powers and duties which city school superintendents have in practice.

Review of Related Studies

In a report published in 1922 Morrison shows the status accorded to city school superintendents by statutes, over the period 1914 to 1920. He also presents the legal status which should be given to city school superintendents. His chief conclusion is that the initiatory and executive phases of all administrative functions should be vested in the city school superintendent and his subordinate executive officers.¹

Gilland² found the nature of the powers conferred by local boards of education in thirty cities widely scattered geographically. He examined annual reports, minutes, laws, rules, and regulations of city boards of education covering the period from 1830 to 1929. In the development of the position of city school superintendent he found the order of accession to powers and duties to be: (1) to act under the direction of the board; (2) to act as executive officer of the board; (3) to serve as secretary of the board; (4) to

¹Op. cit., pp. 148-154.

²The Origin and Development of the Powers and Duties of the City School Superintendent.

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Gilliland² found the nature of the powers conferred by local boards of education in thirty cities widely scattered geographically. He examined annual reports, minutes, laws, rules, and regulations of city boards of education covering the period from 1880 to 1929. In the development of the position of city school superintendent he found the order of accession to powers and duties to be: (1) to act under the direction of the board; (2) to act as executive officer of the board; (3) to serve as secretary of the board; (4) to

¹Op. cit., pp. 148-154.
²The Origin and Development of the Powers and Duties of the City School Superintendent.

attend meetings of the board; (5) to visit schools; (6) to assist in the selection of teachers; and (7) to perform duties connected with buildings and finance.

The legal status of school superintendents has been a popular subject for masters' theses during the last several years. Seven of these were examined preliminary to the selection of this problem. The theses of both Duncan¹ and Gill² were national in scope, but the other five studies were confined to a particular state or area. Although powers and duties of city school superintendents were shown, not one of the studies was concerned primarily with trends in powers and duties conferred by statutes upon city school superintendents.

Seyfried³ studies the status of city school superintendents in conjunction with a survey of their contractual status. In order to make recommendations as to the contractual status which city school superintendents should have, it was necessary to determine the legal status that authorities believed should be conferred upon them. As a basis he analyzed five reports or textbooks pertaining to the problem at hand. His earlier study⁴ approached the problem from the

¹The Legal Status of City School Superintendents Throughout the United States.

²Comparison of the Legal Status of County Superintendents and City School Superintendents with Emphasis upon Superintendents of New Mexico.

³Employment Contracts of City School Superintendents.

⁴Contractual Status of California City School Superintendents.

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⁴Contractual Status of California City School Superin-
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standpoint of California superintendents and dealt largely with the legality of contracts, a form for which was proposed. The later study was national in scope.¹

Theisen² studied the relations of the school superintendent to his board. He was concerned mainly with the status which should be given the superintendent by rules and regulations of the board.

A study by Morehart³ deals with the legal status of city boards of education, and only secondarily with the superintendent's status.

The Department of Superintendence contributed a survey in 1923⁴, and another in 1935⁵. By using the same list of administrative functions in both surveys comparable data were obtained. Trends were determined in the powers and duties which city school superintendents actually exercise, by a comparison of the status revealed by the two surveys. The trends reported in the 1933 yearbook indicate that the city school superintendents delegate a great many duties to subordinates and are more active in matters pertaining to personnel, finance, and buildings than they were in 1923. As executive officer of the board of education, he performs an increasing number of functions of school administration.

¹Employment Contracts of City School Superintendents.

²The City Superintendent and the Board of Education.

³The Legal Status of City School Boards.

⁴Department of Superintendence of the National Education Association. First Yearbook.

⁵Department of Superintendence of the National Education Association. Eleventh Yearbook.

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¹Employment Contracts of City School Superintendents.
²The City Superintendent and the Board of Education.
³The Legal Status of City School Boards.
⁴Department of Superintendence of the National Educa-
tion Association. First Yearbook.
⁵Department of Superintendence of the National Educa-
tion Association. Eleventh Yearbook.

CHAPTER II

POWERS AND DUTIES RECOMMENDED FOR CITY SCHOOL SUPERINTENDENTS

Introduction

Before trends in the statutory powers and duties of the city school superintendent can be evaluated, it is necessary to establish a basis upon which to make the evaluation. The purpose of this chapter is to determine the powers and duties that leaders in the field of educational administration recommend for city school superintendents. This was done by an analysis of the writings listed below. Not only were the recommendations of the several authorities noted, but trends were studied in order to be more certain as to the status which superintendents should have.

The following writings were analyzed. As to the first five, an analysis made by Seyfried¹ was used.

1. Theisen, W. W. The City Superintendent and the Board of Education, 1917.

2. Morrison, J. C. The Legal Status of the City School Superintendent, 1922.

3. Department of Superintendence of the National Education Association. First Yearbook: The Status of the Superintendent, 1923.

¹The Contractual Status of California City School Superintendents, p. 97.

CHAPTER II

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Before trends in the statutory powers and duties of the city school superintendent can be evaluated, it is necessary to establish a basis upon which to make the evaluation. The purpose of this chapter is to determine the powers and duties that leaders in the field of educational administration recommend for city school superintendents. This was done by an analysis of the writings listed below. Not only were the recommendations of the several authorities noted, but trends were studied in order to be more certain as to the status which superintendents should have. The following writings were analyzed. As to the first five, an analysis made by Seyler¹ was used.

1. Thissen, W. W. The City Superintendent and the Board of Education, 1917.
2. Morrison, J. C. The Legal Status of the City School Superintendent, 1932.
3. Department of Superintendence of the National Education Association. First Yearbook: The Status of the Superintendent, 1933.
4. The Constitutional Status of California City School Superintendents, p. 27.

4. Morehart, G. C. The Legal Status of City School Boards, 1927.

5. Cubberley, E. P. Public School Administration. 1929.

6. Reeder, Ward G. The Fundamentals of Public School Administration, 1930.

7. Engelhardt, Fred. Public School Organization and Administration, 1931.

8. Graves, Frank P. The Administration of American Education, 1932.

9. Almack, J. C., ed. Modern School Administration, Chapter I. The Superintendent and the Board of Education by George D. Strayer, 1933.

It should be noted that absence of a recommendation by one of the writers does not necessarily indicate disapproval. Some of the studies reported were pursued from a point of view other than that of making specific recommendations for powers and duties of the city school superintendent.

Trends in the Recommendations

An examination of Table I reveals remarkable agreement among educational authorities as to the powers and duties which a city school superintendent should have. Certain functions are recommended by all the authorities. All agree that the city school superintendent should be the chief executive officer of the board, and that all school activities should be centered in him, with all employees subordinate to and responsible to him. Engelhardt¹ suggests that the

¹Public School Organization and Administration.

4. Morehart, G. C. The Legal Status of City School Boards, 1937.
5. Capperley, H. P. Public School Administration, 1939.
6. Reeder, Ward G. The Fundamentals of Public School Administration, 1930.
7. Engelhardt, Fred. Public School Organization and Administration, 1931.
8. Graves, Frank P. The Administration of American Education, 1932.
9. Almack, J. C., ed. Modern School Administration, Chapter I. The Superintendent and the Board of Education by George D. Strayer, 1933.

It should be noted that absence of a recommendation by one of the writers does not necessarily indicate disapproval. Some of the studies reported were pursued from a point of view other than that of making specific recommendations for powers and duties of the city school superintendent.

Trends in the Recommendations

An examination of Table I reveals remarkable agreement among educational authorities as to the powers and duties which a city school superintendent should have. Certain functions are recommended by all the authorities. All agree that the city school superintendent should be the chief executive officer of the board, and that all school activities should be centered in him, with all employees subordinate to and responsible to him. Engelhardt¹ suggests that the

¹Public School Organization and Administration.

TABLE I

TRENDS IN POWERS AND DUTIES OF CITY SCHOOL SUPERINTENDENTS, AS
RECOMMENDED BY AUTHORITIES IN EDUCATIONAL ADMINISTRATION

Functions	Recommended by*									Total
	1	2	3	4	5	6	7	8	9	
I. The superintendent shall be										
1. Chief executive officer of the board	x	x	x	x	x	x	x	x	x	9
2. Ex-officio secretary of board (small city)					x				x	2
(a) Assistant superintendent or superintendent's clerk shall be secretary of board		x		x					x	3
II. Superintendent may attend any meetings of the board, or committee meeting thereof, except when his tenure and salary are under consideration. He may speak on all matters but shall have no vote					x	x				2
III. All school activities shall be centered in superintendent, with all employees subordinate and responsible to him	x	x	x	x	x	x	x	x	x	9
IV. Board shall employ executive assistants, principals, teachers, and other employees only on superintendent's recommendation	x	x	x	x	x	x	x	x	x	9
V. Board shall dismiss employees under (IV) only on superintendent's recommendation		x	x		x		x	x		5
VI. The superintendent shall have power and it shall be his duty to:										
1. Initiate policies for approval of board	x	x	x	x	x	x	x	x	x	9
2. Determine and prepare curricula	x	x		x	x	x	x	x	x	8
3. Assign, transfer, and promote all employees	x	x		x	x	x	x	x		7
4. Suspend teachers	x	x								2
5. Supervise instruction		x	x	x	x	x	x	x		7
6. Select textbooks	x	x	x	x	x	x	x	x	x	9
7. Select instructional supplies and school equipment	x	x	x	x	x	x	x	x	x	9
8. Keep a continuous school census		x	x		x	x	x	x		6
9. Enforce attendance laws		x	x	x	x	x	x	x		7
10. Prepare annual budget	x	x	x	x	x	x	x	x	x	9
11. Recommend the purchase and sale of school buildings and grounds	x	x	x	x	x	x	x	x	x	9
12. Supervise buildings, grounds, and equipment			x	x	x	x	x	x		6
13. Approve or recommend plans for building construction	x	x	x	x	x	x	x	x	x	9
14. Supervise new construction (or have general oversight)		x	x		x		x	x		5
15. Supervise repairs of school property		x	x	x	x		x	x		6
16. Make rules and regulations covering routine matters	x	x	x	x		x	x	x		7
17. Make annual report or such reports as board may require		x		x	x	x	x	x		6
18. Make certain expenditures up to a limited amount in any calendar month					x			x		2
19. Hear all complaints against the schools; board to act only on appeal from superintendent's decision	x			x	x		x			4
20. Delegate to subordinates the necessary powers and duties		x			x	x	x	x		5

*The numbers represent the following authorities:

- | | |
|-----------------------------------|---------------------|
| 1 Theisen (1917) | 6 Reeder (1930) |
| 2 Morrison (1922) | 7 Engelhardt (1931) |
| 3 National Education Assn. (1923) | 8 Graves (1932) |
| 4 Morehart (1927) | 9 Strayer (1933) |
| 5 Cubberley (1929) | |

Note: Recommendations of first five authorities were reported by Seyfried.

REPORT BY BOARD OF DIRECTORS
FOR THE YEAR 1933

- I. The Board of Directors shall be composed of five members of the Board.
- II. The Board shall have the right to elect and re-elect its members for terms of one year.
- III. The Board shall have the right to elect and re-elect its members for terms of one year.
- IV. The Board shall have the right to elect and re-elect its members for terms of one year.
- V. The Board shall have the right to elect and re-elect its members for terms of one year.
- VI. The Board shall have the right to elect and re-elect its members for terms of one year.
1. To determine the policy of the Board.
2. To determine the general management of the Board.
3. To determine the general management of the Board.
4. To determine the general management of the Board.
5. To determine the general management of the Board.
6. To determine the general management of the Board.
7. To determine the general management of the Board.
8. To determine the general management of the Board.
9. To determine the general management of the Board.
10. To determine the general management of the Board.
11. To determine the general management of the Board.
12. To determine the general management of the Board.
13. To determine the general management of the Board.
14. To determine the general management of the Board.
15. To determine the general management of the Board.
16. To determine the general management of the Board.
17. To determine the general management of the Board.
18. To determine the general management of the Board.
19. To determine the general management of the Board.

The Board of Directors shall have the following powers and duties:

1. To determine the policy of the Board.
2. To determine the general management of the Board.
3. To determine the general management of the Board.
4. To determine the general management of the Board.
5. To determine the general management of the Board.

treasurer be the only employee independent of the superintendent's control, probably for the reason that in some states the treasurer is a state, county, or city officer. The superintendent should nominate all employees and the board should employ them only upon his recommendation, according to all the authorities named. The duty of initiating all policies for the approval of the board is also unanimously considered a responsibility of the superintendent. Selection of textbooks, instructional supplies, and equipment should be under the direction of the superintendent. He should prepare and submit the annual budget for the board's approval. Purchase and sale of buildings and grounds should be recommended by the superintendent, and plans for building construction should be approved by him. In respect to all these functions of school administration, authorities whose opinions were given after 1928 are in agreement with those made earlier.

As to preparation of curricula or courses of study, eight of the nine authorities recommend that such should be a responsibility of the superintendent. Only the Department of Superintendence¹ in the 1923 report, failed to include this function among the duties of the city school superintendent. It can be fairly assumed that, since this report is based on the opinions of superintendents, the survey would recommend that this be a duty of the superintendent.

¹Department of Superintendence of the National Education Association. First Yearbook.

treasurer be the only employee independent of the superintendent's control, possibly for the reason that in some states the treasurer is a state, county, or city officer. The superintendent should nominate all employees and the board should employ them only upon his recommendation, according to all the authorities named. The duty of instruction of policies for the approval of the board is also generally considered a responsibility of the superintendent. Selection of textbooks, instructional supplies, and equipment should be under the direction of the superintendent. He should prepare and submit the annual report for the board's approval. Purchase and sale of buildings and grounds should be recommended by the superintendent, and plans for building construction should be approved by him. In regard to all other functions of school administration, authority has been given since 1928 are in agreement with those made earlier.

As to preparation of curriculum or courses of study, eight of the nine authorities recommend that each school have a responsibility of the superintendent. Only the Department of Superintendence in the 1928 report, failed to include this function among the duties of the city school superintendent. It can be fairly assumed that, since this report is based on the opinions of superintendents, the survey would recommend that this be a duty of the superintendent.

Department of Superintendence of the National Education Association. 1928 Yearbook.

Seven of the authorities referred to stated that the chief executive officer of the board should assign, transfer, and promote all employees; supervise instruction; enforce compulsory attendance laws; and make rules and regulations covering routine matters. Since three of these authorities after 1928 concurred in the opinions of those before, trends can be considered definitely in the direction of recommending these powers and duties.

Keeping the census and making annual reports and such other reports as the board may require are among the duties recommended by six authorities, as are supervision of buildings and grounds and equipment, and supervising repairs to school property. Recommendations of later writers again agree with those of earlier writers.

It is recommended by Cubberley and Strayer that the city school superintendent in small cities should serve as secretary of the board. Although it is generally agreed that no board member should serve as secretary of the board, none of the other seven authorities recommend that the city superintendent should perform this duty. Three suggest, however, that an assistant superintendent or the superintendent's clerk should serve in that capacity.

The suggestion of Morrison and Theisen that the superintendent be given power to suspend teachers has not been followed by later writers, at least it has not been considered of sufficient importance to be included among the recommendations.

Seven of the authorities referred to stated that the chief executive officer of the board should administer, supervise, and promote all employees; supervise instruction; enforce compulsory attendance laws; and make rules and regulations covering routine matters. Since three of these authorities after 1938 concurred in the opinions of the majority, trends can be considered definitely in the direction of recommending these powers and duties.

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The suggestion of Morrison and Thibault that the superintendent be given power to suspend teachers has not been followed by later writers, at least it has not been considered of sufficient importance to be included among the recommendations.

Summary

1. The trend in recommendations of educational authorities as to the city school superintendent's powers and duties is definitely toward centralizing all initiatory and executory functions of city school administration in the chief executive officer of the board.

2. All the powers and duties, except suspension of teachers, which were recommended by educational authorities before 1928 are included among those recommended by nearly all the other authorities since 1928.

Summary

1. The trend in recommendations of educational authorities as to the city school superintendent's powers and duties is definitely toward centralizing all important executive functions of city school administration in the chief executive officer of the board.
2. All the powers and duties, except supervision of teachers, which were recommended by educational authorities before 1938 are included among those recommended by nearly all the other authorities since 1938.

CHAPTER III

STATUTORY TRENDS IN INITIATORY POWERS AND DUTIES OF THE CITY SCHOOL SUPERINTENDENT

Introduction

In this chapter statutory trends in the initiatory powers and duties of city school superintendents are presented. As stated in Chapter I, the trends are determined by comparing statutory powers and duties in force in 1935 with those in force in 1919, as set forth by Morrison.¹ The trends are evaluated on the basis of the recommendations of the authorities in educational administration as set forth in Chapter II.

Enforcement of Compulsory Attendance

Twelve of the fourteen states which in 1920 gave the city school superintendent initiatory power in the enforcement of compulsory attendance laws have changed their statutes, as Table II shows. The fact that five of these statutes placed the responsibility upon the boards of education indicates that a few legislatures consider this function as belonging to an agent other than the superintendent. Since

¹The Legal Status of City School Superintendents, 162 pp.

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¹The Legal Status of City School Superintendents.
128 pp.

seven of these states changed by statutory enactment the superintendent's initiatory power to executory, however, a more pronounced trend is shown toward placing the responsibility of enforcing attendance laws solely upon the superintendent. In these last seven states, apparently the superintendent is considered an agent of the state in the enforcement of its attendance laws.

The laws of those states which place executory responsibility upon the city school superintendent for enforcing the compulsory attendance laws approach the desirable as recommended by educational authorities. Following the recommendations shown in Chapter II, the superintendent should propose to his board a policy of enforcing the state compulsory attendance laws. After a policy has been adopted by the board, the superintendent should recommend individuals to execute the policy. He should then be held responsible for efficient administration of the board's policy and the law.

Preparation of the Budget

Nine states have joined Delaware since 1919 in conferring by statute upon the superintendent initiatory power in the preparation of the budget within tax limits. Statutes of these states indicate a trend toward placing entire responsibility for preparation of the budget upon the city school superintendent.

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TABLE II

PRESENT STATUS¹ AND TRENDS² IN THE INITIATORY POWERS AND DUTIES
OF CITY SCHOOL SUPERINTENDENTS IN THE SEVERAL STATES

Function ⁴	Ala.	Ariz.	Ark.	Cal.	Colo.	Conn.	Del.	Idaho	Ill.	Ind.	Iowa	Kan.	Ky.	La.	Me.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Nebr.	Nev.	N. H.	N. J.	N. M.	N. Y.	N. C.	N. D.	Ohio	Okla.	Ore.	Pa.	R. I.	S. C.	S. D.	Tenn.	Tex.	Utah	Va.	Vt.	Wash.	Wis.	Wyo.	
1. Attendance: a. Appointment of Attendance Officer																												Ia																	
b. Taking of Census															E	B					E			E			Ia			E	I	I			E	E		B		E	B	B	B		
c. Enforcement of Compulsory Attendance Laws																											Ia																		
d. Granting Working Papers																											Ia																		
2. Budget or Estimate, Preparation of:																											Ia																		
a. Within Tax Limits						Ia	Ia																				Ia			Ia				Ia	Ia										
b. Exceeding Normal Tax Limits																											Ia																		
3. Buildings & Grounds: a. Control of																											Ia																		
b. Purchase and Sale of																											Ia																		
c. Preparation of Plans for New Construction																											Ia																		
d. Supervision of New Construction																											Ia																		
e. Rent, Repairs, Insurance																											Ia																		
4. Course of Study, Preparation of:																											Ia																		
Enforcing use of State Course of Study														A		A	I		I							Ia																			
5. Employees (Janitors, Clerks, etc.):																																													
a. Appointment						Ia	Ia																				Ia																		
b. Transfer																											Ia																		
c. Promotion																											Ia																		
d. Dismissal																											Ia																		
6. Organization of Schools																											Ia																		
7. Pupils: a. Admission																											Ia																		
b. Suspension and Dismissal					I																						Ia																		
8. Reports: a. Superintendent to Board																											Ia																		
b. To County Authorities																											Ia																		
c. To State Authorities																											Ia																		
d. To Public																											Ia																		
9. Rules and Regulations:																																													
a. Making of																											Ia																		
b. Enforcement of																											Ia																		
10. Supervision (or supervision and direction) of																																													
a. Schools in General																											Ia																		
b. Classroom Instruction																											Ia																		
c. Evening Schools																											Ia																		
11. Supplies: Selection of a. Textbooks																											Ia																		
b. Instructional Supplies																											Ia																		
c. Other Supplies																											Ia																		
12. Teachers: a. Examination																																													
b. Certification																											Ia																		
c. Appointment																											Ia																		
d. Transfer																											Ia																		
e. Promotion																											Ia																		
f. Dismissal																											Ia																		

45 indicates that initiatory power and duty is now granted by statute to the superintendent.

¹As revealed by an analysis of the statutes in force in 1935.²Based upon statutory changes between 1920 and 1935.³Florida, Georgia, Maryland, and West Virginia have countyunit systems, with no city school superintendents except as provided by charter. None can be provided by charter in West Virginia.⁴I indicates that initiatory power and duty is now granted by statute to the superintendent.

Ia indicates that initiatory power has been added since 1920.

E, A, B, and S indicate that the superintendent's initiatory power has been changed to that of execution, approval, board, or to the state, respectively.

Joint responsibility is indicated by two or three letters, such as IS.

In the preparation of the budget when it exceeds the normal tax limits, only New Jersey and New York have definitely conferred initiatory power upon the superintendent, and only California has made his duty executory in such circumstances.

It is recognized that Table II does not give the true picture of the situation in respect to budget preparation. For instance, a substantial State Aid Fund is often distributed on the basis of "need and effort," a procedure which forces the local unit in practice to adopt two budgets, one for expenditure of local funds and one for expenditure of state funds. Other states have various methods for preparation of budgets, but in all states the superintendent's powers and duties are limited. This is not surprising in view of the fact that the last responsibilities delegated to the superintendent were those pertaining to finances. As early as 1856 the superintendent of schools of St. Louis urged adoption, by the board, of financial provisions.¹ A few years prior to 1920 Detroit adopted a budget system, giving the superintendent executory power in preparing and presenting the budget.²

Probably no other function of administration of public schools is so important in its implications to city

¹Gilland, Thomas M. The Origin of the Powers and Duties of the City School Superintendent, p. 249.

²Ibid., p. 249-250

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¹Clifford, Thomas M. The Origin of the Power and Duties of the City School Superintendent. Ph.D. thesis, University of Chicago, 1930. P. 249-250.

superintendents as is the financial. Since preparation of the budget is a basic educational function, the superintendent's duty should be to prepare the budget and submit it to the board for adoption.

Buildings and Grounds

In only four states has control of buildings and grounds been made an initiatory power of the superintendent, and these have passed such laws since 1920. Lack of statutory provision is possibly due to a practice, evidenced by New Jersey, of placing most of the functions pertaining to buildings and grounds under the control of a superintendent of buildings, or a business manager, subject to approval of the board of education but independent of the superintendent. This type of divided authority is condemned by many writers in the field of educational administration. Hesitation of boards to allow superintendents any power over buildings may also account to some degree for the limited legal status accorded to superintendents.

Montana, New Jersey, and New York give the superintendent initiatory power in the purchase and sale of buildings and grounds. Delaware provides that the state department of education exercise authority in respect to buildings and grounds along with the superintendent's initiatory duty, as a part of its unique state school building program¹

¹Delaware School Laws, 1929, pp. 41-45; 1931, H. B. 168; 1935, H. B. 79.

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¹Delaware School Laws, 1933, pp. 21-23; Laws, N. J. 1933, H. R. 75.

Course of Study Preparation

Nine states by 1920 had required by law that the city school superintendent prepare the course of study. In 1935 three states had changed his duty to approval, one to executory, and two had provided that an agency of the state department of education aid in preparing the course of study. These changes indicate that the law-makers are not in agreement as to the agency which should perform this important educational function. Educational authorities recommend that the course of study be prepared under the direction of the city school superintendent.

Dismissal of Employees

The city school superintendent is permitted to initiate the dismissal of employees other than teachers, such as janitors and clerks, under the laws of eight states, five of which have enacted such laws since 1920. This slight trend is toward the recommendation of writers in the field of educational administration.

Building Construction

Preparation of plans for construction of new buildings is assigned to the superintendent in an initiatory capacity only in Delaware, as is the supervision of new construction.

Authorities in educational administration do not make plain their recommendations concerning the superintendent's duties in connection with buildings and grounds except to

Course of Study Preparation

It is stated by 1930 had reported by law that the school superintendent prepare the course of study. In 1930 three states had changed his duty to approve, one to select, and two had provided that an agency of the state department of education aid in preparing the course of study. These changes indicate that the law-makers are not in agreement as to the agency which should perform this important educational function. Educational authorities recommend that the course of study be prepared under the direction of the city school superintendent.

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Building Construction

Preparation of plans for construction of new buildings is assigned to the superintendent in an advisory capacity only in Delaware, as is the supervision of new construction. Authorities in educational administration do not explain their recommendations concerning the superintendent's duties in connection with buildings and grounds except to

agree that all educational activities should center in the office of the superintendent of schools. From this recommendation it is reasonable to assume that they believe that plans for construction of school buildings and supervision of construction should be under the direction of the superintendent.

Rules and Regulations

Arkansas was the only state that in 1920 vested initiatory power in the city superintendent to make rules and regulations. Eight states have since given the superintendent this power. Educational authorities would approve placing this duty upon the city school superintendent.

Supervision of Instruction

Evening schools are to be supervised by city school superintendents in an initiatory capacity in six states according to laws enacted since 1920. This purely educational function should be executed by school superintendents.

Selection of Supplies

Textbooks were to be recommended by superintendents in eight states in 1920. Four have since 1920 enacted similar laws. Only seven states in 1935 conferred that power upon the superintendents. In selecting textbooks the trend is toward changing the superintendent's initiatory duty to a power of another type, and toward state-wide adoption of

agree that all educational activities should center in the office of the superintendent of schools. From this recommendation it is reasonable to assume that they believe that plans for construction of school buildings and equipment of construction should be under the direction of the superintendent.

Roles and Responsibilities

Arkansas was the only state that in 1930 vested in the superintendent the authority to make rules and regulations. Eight states have since given the superintendent this power. Educational authorities would approve placing this duty upon the city school superintendent.

Supervision of Instruction

Evening schools are to be supervised by city school superintendents in an advisory capacity in all states according to laws enacted since 1930. This purely educational function should be executed by school superintendents.

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uniform textbooks. Educational authorities recommend that textbooks should be selected by the unit of supervision, under the direction of city school superintendents in cities.

Appointment and Dismissal of Teachers

The trend in the powers and duties of the superintendent as to appointment of teachers is from initiatory to approval. Of the nine states which gave the superintendent power to recommend teachers for appointment in 1920, four have changed laws to make his power that of approval. Three states gave him initiatory power since 1920, which prior thereto had given him no power in this matter. According to opinions of educational authorities, a superintendent should recommend teachers for appointment. The board should accept or reject his recommendations but should not substitute the choice of any member of the board.

There is a slight trend in laws of the states toward providing more power for the city school superintendent in the appointment and dismissal of teachers.

Conclusions

Trends toward granting initiatory powers to the city school superintendent by statutes are not pronounced. In respect to enforcing compulsory attendance laws, his duty is executory instead of initiatory. He is to recommend preparation of the budget within tax limits in ten states, to approve it in four, and prepare it in four. Although making

uniform textbooks. Educational authorities recommend that textbooks should be selected by the unit of supervision, under the direction of city school superintendents in cities.

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Trends away from the city school superintendent's initiatory power are not noticeable. Some of the initiatory powers and duties of the city superintendents have been strengthened by granting him power of approval. Appointment and dismissal of teachers are the items showing the strongest trend. The laws show a trend toward placing responsibility on the state for regulating examinations and certification of teachers.

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CHAPTER IV

STATUTORY TRENDS IN APPROVAL POWERS AND DUTIES OF THE CITY SCHOOL SUPERINTENDENT

Introduction

The purpose of this chapter is to present the trends in the approval powers and duties of the city school superintendent as granted by state statutes. As in Chapter III, each trend will be considered in the light of opinions of educational authorities.

Enforcement of Compulsory Attendance

No state has taken away the approval power and duty of the city superintendent in the appointment of attendance officers. Table III shows that the laws of three states had given him this power by 1920, and that four states have since 1920 added such laws. There is a slight trend toward making the superintendent responsible by statute for approving the appointment of attendance officers.

Four of the eight states which in 1920 vested approval power of enforcing compulsory attendance laws in the superintendent have changed such to executory power. Educational authorities are of the opinion that the city school superintendent should recommend all employees for appointment by the

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The purpose of this chapter is to present the trends in the approval powers and duties of the city school superintendent as granted by state statutes. As in Chapter III, each trend will be considered in the light of opinions of educational authorities.

Enforcement of Compulsory Attendance

No state has taken away the approval power and duty of the city superintendent in the appointment of attendance officers. Table III shows that the laws of three states had given him this power by 1930, and that four states have since 1930 added such laws. There is a slight trend toward making the superintendent responsible by statute for approving the appointment of attendance officers.

Four of the eight states which in 1930 vested approval power of enforcing compulsory attendance laws in the superintendent have changed such to executive power. Educational authorities are of the opinion that the city school superintendent should recommend all employees for appointment by the

board, and should supervise and be responsible for enforcement of attendance laws.

Buildings and Grounds

As a whole the statutory provisions in regard to the superintendent's control over school buildings and grounds are meager. They do little to insure economy and efficiency as to construction and operation of school buildings and grounds, or to assure the proper aesthetic qualities. According to the unanimous recommendation of educational authorities, as mentioned in Chapter II, the city school superintendent should recommend purchase and sale of buildings and grounds, and approve plans for construction of buildings.

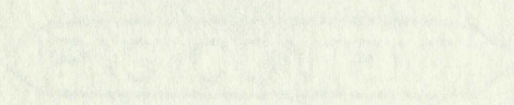
Alabama alone gives the superintendent approval power in the purchase and sale of buildings and grounds. In the important function listed as "preparation of plans for new construction of buildings" Texas retains its unusual method of requiring the superintendent to approve plans for buildings after they have been adopted by the board. Alabama and Virginia require the superintendent's approval in renting, repairing, and insuring school buildings. In Virginia the superintendent has independent power to close a building for school purposes on account of poor condition and to pass upon the sufficiency of repairs made by the board.

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Course of Study

Seven states require by law the city school superintendent to approve the course of study. Since six states have passed such laws since 1920 a trend is indicated in the statutes providing for the performance of this important educational function. The course of study should be prepared under the direction of the superintendent of schools, as was stated in Chapter II.

Non-Teaching Employees

Alabama, Kentucky, New York, and Virginia have definite statutory provisions conferring approval powers and duties upon city school superintendents in regard to employees. As to appointment of janitors, clerks, and so on, New Mexico, North Carolina, and Ohio require a recommendation of the superintendent before the board can employ them. It should be noted that there is a difference in the power to appoint janitors and to appoint clerks in educational offices. In New Mexico, for example, the board "may also employ an office clerk who shall be nominated by the superintendent and subject to his direction."¹ The fact that four of these states have since 1920 passed laws requiring the superintendent to approve the appointment of employees indicates a trend approved by writers in the field of educational administration.

¹New Mexico School Code, 1931. p. 72.

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¹New Mexico School Code, Article 1, Sec. 13.

Supervision of Schools

A decided trend is observable as to power to supervise the schools, namely from approval to executory power. Eleven states have given this executory duty to the superintendent since 1920. The exercise of this professional task has remained as an approval power in only three states. The six states which gave approval power in classroom instruction to the superintendent in 1920 by statute have changed the relationship to executory.

Educational authorities recommend that the city school superintendent should have charge of supervision of instruction and schools in general.

Selection of Supplies

Since 1920 the laws of four states have added the duty of approval of textbooks to powers of the superintendent. Four had already placed this responsibility upon him. This trend is in the direction of the status recommended, as shown in Chapter II.

Examination and Certification of Teachers

There is a tendency in the United States to centralize full certification authority in state departments of education. Thirty-six states now have central control of teachers' certificates.¹

¹Engelhardt, Fred. Public School Organization and Administration, p. 171.

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Journal of Educational Research, Vol. 17, p. 171.
Public School Administration and Management, p. 171.

Since 1920 seven states which formerly granted the city school superintendent approval power have provided that the state department of education take over the duty of licensing teachers. Four states have passed laws providing for examination of teachers by state departments.

According to these data the principal trend in administering examinations and in the certification of teachers is decidedly toward providing by statute for state control. This is in accordance with the most advanced thought on the subject¹

Appointment and Dismissal of Teachers

Table II shows that in 1920 seven states required the approval of the superintendent before the appointment of teachers became effective. Eight other states have enacted laws since 1920 granting the superintendent power to recommend teachers. The trend is definitely toward the approval status recommended by educational authorities.

Five states had conferred approval power upon the superintendent by 1920 in dismissing teachers. Five have passed such laws since 1920.

Educational authorities recommend that teachers be dismissed by the board of education upon recommendation of the city school superintendent. The teachers should have the

¹Cubberley, Elwood P. Public School Administration, p. 204.

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Educational authorities recommend that teachers be dismissed by the board of education upon recommendation of the city school superintendent. The teachers should have the

right of appeal to the state superintendent of education or to some other state authority.

Conclusions

The major trends as to approval powers of city school superintendents are in the direction of a better professional status for the superintendent.

1. Four states have since 1920 enacted laws requiring city school superintendents to approve the appointment of attendance officers. There is a trend toward requiring the superintendent to direct the enforcement of compulsory attendance laws, or to approve the actions of the attendance officers.

2. Since 1920 six states have added statutes which require the city school superintendent to approve preparation of courses of study.

3. Laws requiring the superintendent to execute instead of to approve the supervision of schools are gaining favor.

4. The duties of the superintendent accorded before 1920, in examining and licensing teachers, are becoming a power and duty of the state.

5. Fifteen states now permit by statute the superintendent to select teachers, subject to final approval by the board. Eight of these states enacted laws after 1920 granting him this power. This trend is advocated by authorities.

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6. Five states have placed, since 1920, the responsibility for recommending dismissal of teachers upon the superintendent. Five other states had a similar provision at that time.

8. Five states have placed, since 1930, the responsibility for recommending dismissal or teachers upon the superintendent. Five other states had a similar provision at that time.

CHAPTER V

STATUTORY TRENDS IN EXECUTORY POWERS AND DUTIES OF THE CITY SCHOOL SUPERINTENDENT

Introduction

It is the purpose of this chapter to point out the trends in the executory powers and duties of city school superintendents as conferred by the statutes. Executory powers and duties are those which the superintendents perform independently of the board.

Enforcement of Attendance

In 1935 power to enforce compulsory attendance laws was conferred upon city school superintendents in seventeen states, in addition to the five states which gave them this power in 1920. The data are shown in Table IV.

Morrison¹ found superintendents to have executory power to grant working papers or permits in twenty-three states. In 1935 such independent power of city school superintendents is found in thirty-five states.

The states continue to add attendance duties to those which superintendents already possess. This trend is in the

¹Op. cit., p. 53.

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¹Op. cit., p. 58.

⁴E indicates that the city superintendent's power and duty to execute the function was prescribed by statute in 1920 and has not been changed.

in 1920 and has not been changed.
Ea indicates that the superintendent's executory power has been added since 1920.

B, E, I, and S indicate that the superintendent's executory power in 1920 has been changed to the board, executory, initiatory, or to the state, respectively.

Section

1. Attendance: a. Percentage of attendance 100%
- b. Timing of classes
- c. Enforcement of attendance
- d. Grading system
- e. Method of grading
2. Budget of school: a. Budget for 1935
- b. Budget for 1936
- c. Budget for 1937
- d. Budget for 1938
- e. Budget for 1939
3. Building: a. Condition of building
- b. Condition of grounds
- c. Condition of furniture
- d. Condition of equipment
- e. Condition of other facilities
4. Course of study: a. Course of study for 1935
- b. Course of study for 1936
- c. Course of study for 1937
- d. Course of study for 1938
- e. Course of study for 1939
5. Employees: a. Appointment
- b. Transfer
- c. Promotion
- d. Dismissal
6. Organization of school: a. Organization of school
- b. Organization of department
- c. Organization of committee
- d. Organization of association
- e. Organization of other organizations
7. Faculty: a. Faculty for 1935
- b. Faculty for 1936
- c. Faculty for 1937
- d. Faculty for 1938
- e. Faculty for 1939
8. Records: a. Records for 1935
- b. Records for 1936
- c. Records for 1937
- d. Records for 1938
- e. Records for 1939
9. Rules and regulations: a. Rules and regulations for 1935
- b. Rules and regulations for 1936
- c. Rules and regulations for 1937
- d. Rules and regulations for 1938
- e. Rules and regulations for 1939
10. Supervision: a. Supervision for 1935
- b. Supervision for 1936
- c. Supervision for 1937
- d. Supervision for 1938
- e. Supervision for 1939
11. Supplies: a. Supplies for 1935
- b. Supplies for 1936
- c. Supplies for 1937
- d. Supplies for 1938
- e. Supplies for 1939
12. Teachers: a. Teachers for 1935
- b. Teachers for 1936
- c. Teachers for 1937
- d. Teachers for 1938
- e. Teachers for 1939

1. As revealed by an analysis of the records in force in 1935.
 2. Based upon statistical records for 1935 and 1936.
 3. Faculty, Department, and Year. The data have been unit
 with no city school organization except as provided by chart.

right direction, according to standards established in this study.

Preparation of the Budget

Alabama, California, Texas, and Utah, as shown by Table IV, have passed laws since 1920 permitting city superintendents of schools to prepare budgets within tax limits. California¹ laws permit city and county superintendents to revise budgets when there is no increase; and to prepare budgets with not more than five per cent increase. Texas² statutes make the president of the board the budget officer, but authorize the president to delegate the duties to the city school superintendent.

Educational authorities recommend that the city school superintendent should prepare the budget for approval by the board of education.

Course of Study

By statute ten states compel the city superintendent to enforce the use of the state course of study. Eight of the ten have added such a law since 1920. The evidence indicates that there is a trend toward requiring the superintendent to enforce the state course of study.

¹California. Statutes and Amendments to the Code, 1935, p. 2685.

²Texas. Public Schools Laws, 1935, p. 97

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¹California. Statutes and Amendments to the Code, 1933, p. 3665.
²Texas. Public School Laws, 1933, p. 47.

Making Reports

Since 1920 seventeen states enacted statutes placing upon the superintendent independently the power to make reports to the local board. Eighteen states had adopted a similar provision before 1920.

Eight states since 1920 have enacted laws which require the city superintendent to give information to the county. Five already required these reports by 1920. Those states which demand reports from the superintendent to the county authorities usually specify what the report is to include. Some of the items usually mentioned are census, budget, attendance, and teachers' certificates.

Reports from city superintendents to state authorities are now required by statute in twenty-eight states. Twelve of these states enacted the laws providing for these reports since 1920. The trend toward requiring such reports is marked.

Rules and Regulations

Enforcement of rules and regulations is an executory duty of the city superintendent in fourteen states. Ten passed the laws after 1920. The statutes indicate a trend toward charging the superintendent with the duty and power of enforcing rules and regulations.

Supervision of Schools

A city superintendent's power and duty in supervising

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Enforcement of rules and regulations is an exoneratory duty of the city superintendent in fourteen states. Ten passed the laws after 1930. The statutes indicate a trend toward charging the superintendent with the duty and power of enforcing rules and regulations.

Supervision of Schools

A city superintendent's power and duty in supervising

schools in general is executory by statute in twenty-three states. Only five of these states had enacted the law before 1920. These eighteen cases establish a trend toward compelling by law the superintendent to supervise the schools in his district.

Twenty-five states now require superintendents to execute the function of supervision of classroom instruction. Seven of these had the laws in effect by 1920. The arrangement would seem to be satisfactory, as no state has repealed the provision.

Evening schools are under the executory power of the city superintendent in eight states.

The trends in supervision of schools in general, of classroom instruction, and of evening schools are definitely in the direction recommended by "centering all educational activities in the office of the superintendent of schools."

Examination of Teachers

In seven states the city superintendent shares with some other official the duty of examining teachers for certificates. Laws in these states were enacted since 1920. Since his duties are not independent of the state, but are independent of the local board, the relationship is more nearly executory than initiatory or approval.

Conclusions

1. The most noticeable trend toward the superintendent's

schools in general is executed by statute in twenty-three states. Only five of these states had enacted the law before 1930. These eighteen cases established a trend toward compelling by law the superintendent to supervise the schools in his district. Twenty-five states now require superintendents to exercise the function of supervision of classroom instruction. Seven of these had the law in effect by 1930. The arrangement would seem to be satisfactory, as no state has repealed the provision.

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Conclusions

1. The most noticeable trend toward the superintendent's

executory power is in enforcing compulsory attendance laws. Seventeen of the twenty-two states which now require performance of this function enacted such laws since 1920.

2. Thirty-five of the forty-four states included in this study place the granting of working papers or permits upon the city superintendent. Twelve have added such a statute since 1920.

3. Utah, Alabama, and California, and Texas in certain circumstances, are the only states which place proper responsibility upon the superintendent for preparing the budget. The board approves or revises his recommendation before the budget becomes officially adopted.

4. Reports to the board are required of the superintendent by the laws of seventeen states, in addition to the eighteen which had enacted such a law before 1920. This shows a decided trend toward the proper relationship. Reports to county authorities are required in thirteen states. Eight of them have made statutory provision since 1920. Twenty-eight states require reports by the superintendent to state authorities. Twelve have passed such laws since 1920.

5. Enforcement of rules and regulations has been made a duty of the city superintendent within the last fifteen years in ten states. Fourteen states now have such a requirement.

6. There is a decided tendency to require the superintendent to exercise supervision over the schools and to

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supervise classroom instruction. Eighteen and seventeen states respectively have made legal provision for exercising these functions since 1920. The total number of states which now have such laws is twenty-three for general supervision and twenty-five for classroom supervision.

7. The trend toward transferring the city superintendent's executory power to the state in the examination and certification of teachers continues.

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these functions since 1920. The total number of states which
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and twenty-five for classroom supervision.
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certification of teachers continues.

BOOK REVIEW

CHAPTER VI

EVALUATION OF PRESENT LEGAL STATUS OF CITY SCHOOL SUPER- INTENDENTS ON BASIS OF THEORY AND PRACTICES

Introduction

In this chapter the present legal status of the city school superintendent is evaluated in the light of the status recommended by educational authorities. Emphasis in each instance is placed upon the status as a whole in the several states, and not upon individual powers and duties as was done in preceding chapters. Comparison is made of the trends in statutory provisions with trends in the powers and duties which city school superintendents actually exercise.

Present Legal Status of City School Superintendents

An examination of Table V reveals the full statutory status of the city school superintendent, in the exercise of the thirty-eight functions of city school administration in each of the several states.

In some of the states the city school superintendent's powers and duties are predominantly initiatory, or approval, or executory, or a combination of two of these classes. For example, Delaware laws confer upon him principally initiatory powers, making him the executive officer and secretary

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TABLE V

PRESENT STATUS¹ OF THE POWERS AND DUTIES OF CITY SCHOOL
SUPERINTENDENTS IN THE SEVERAL STATES

Function	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Idaho	Ill.	Ind.	Iowa	Kan.	Ky.	La.	Me.	Mass.	Minn.	Mich.	Miss.	Mo.	Mont.	Nebr.	Nev.	N. H.	N. J.	N. M.	N. Y.	N. C.	N. D.	Ohio	Okla.	Ore.	Pa.	R. I.	S. C.	S. D.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	Wis.	Wyo.		
1. Attendance: a. Appointment of Attendance Officers	A		E			A	A			A			A														A		I																	
b. Taking of Census	E			E		E	E						E		E												E																			
c. Enforcement of Compulsory Attendance Laws	E		E	E		E	E		E	E	E	A	E	E	E			A	E		E	E					E		E																	
d. Granting Working Papers	E	E	E	E	E	E		E	E		E	E	E	E	E	E	E	E	E		E	E					E		E																	
2. Budget or Estimate, Preparation of:																																														
a. Within Tax Limits	A		E	E		I	I		I				A								I						I		I																	
b. Exceeding Normal Tax Limits				S																							I		Ip		I															
3. Buildings and Grounds: a. Control of																					I																									
b. Purchase and Sale of	A																				Ip																									
c. Preparation of Plans for New Construction	E												E	A																																
d. Supervision of New Construction	E																																													
e. Rent, Repairs, Insurance	A																																													
4. a. Course of Study, Preparation of	E					A							A			A	I				A		A				E		I																	
b. Enforcing use of State Course of Study						A				E			A																																	
5. Employees (Janitors, Clerks, etc.):																																														
a. Appointment	A					I	I						A								I						E	A	IE	A	I	A														
b. Transfer	E						I						A														A	A																		
c. Promotion	A																																													
d. Dismissal	A																																													
6. Organization of Schools	A					I	I																																							
7. Pupils: a. Admission																																														
b. Suspension and Dismissal		E		I								A	A																																	
8. Reports: a. Superintendent to Board	E			E		E	E			E																																				
b. To County Authorities	E		E			E	E		I																																					
c. To State Authorities	E			E		E	E				E																																			
d. To Public	A					E	E																																							
9. Rules and Regulations: a. Making of	A																																													
b. Enforcement of	E		I	E		I	E				I																																			
10. Supervision (or supervision and direction) of																																														
a. Schools in General	E		E	A		E	E		E	E		E	E	E	E	E	E	E			E		E		E		E	E	E		A															
b. Classroom Instruction	E		E	E		E	E		E	E		E	E	E	E	E	E	E			E		E		E		E	E	E		E															
c. Evening Schools																																														
11. Supplies, Selection of: a. Textbooks	A																																													
b. Instructional Supplies	A																																													
c. Other Supplies	A																																													
12. Teachers: a. Examination				A*																																										
b. Certification				A*																																										
c. Appointment	A					A	I						A	I	A	A																														
d. Transfer	E																																													
e. Promotion	A																																													
f. Dismissal	A																																													

¹As revealed by an analysis of the statutes in force in 1935.²Florida, Georgia, Maryland, and West Virginia have county unit systems and there are no city school superintendents except as provided by charter.³A indicates that city school superintendents have power to approve I to indicate, and E to execute.

Ip indicates that superintendents propose and the people vote on the matter. EB indicates that the board exercises joint authority with the superintendent

*indicates that there are important reservations.

Function

1. Attendance: a. Appointment of Attendance Officers
 - b. Testing of Census
 - c. Enforcement of Compulsory Attendance Laws
 - d. Granting Working Papers
2. Budget or Estimate, Preparation of:
 - a. Within Tax Limits
 - b. Exceeding Normal Tax Limits
3. Buildings and Grounds: a. Control of
 - b. Purchase and Sale of
 - c. Preparation of Plans for New Construction
 - d. Supervision of New Construction
 - e. Heat, Repairs, Insurance
4. a. Course of Study, Preparation of
 - b. Enforcing use of State Course of Study
5. Employees (Teachers, Clerks, etc.):
 - a. Appointment
 - b. Transfer
 - c. Promotion
 - d. Dismissal
6. Organization of Schools
 - V. English; a. Admission
 - b. Suspension and Dismissal
8. Reports: a. Superintendent to Board
 - b. To County Authorities
 - c. To State Authorities
 - d. To Public
9. Rules and Regulations: a. Making of
 - b. Enforcement of
10. Supervision (or supervision and direction) of
 - a. Schools in general
 - b. Classroom Instruction
 - c. Evening Schools
11. Supplies, Selection of: a. Textbooks
 - b. Instructional Supplies
 - c. Other Supplies
12. Teachers: a. Examination
 - b. Certification
 - c. Appointment
 - d. Transfer
 - e. Promotion
 - f. Dismissal

As revealed by an analysis of the census in force in Florida, Georgia, Kentucky, and West Virginia have shown there are no city school superintendents except as given

of the board. In Kentucky, his powers and duties are principally approval and executory. The Kentucky laws assign him the performance of twenty-eight of the thirty-eight functions. Ten of these are required of him alone without action by the board. Alabama requires the city school superintendent to perform fourteen functions independently and to approve the action of the board in sixteen other matters. Kentucky and Alabama have gone far toward giving the city school superintendent a desirable status by law. New York laws afford the city school superintendent much authority, but have not given him approval or executory power in regard to buildings and grounds. Virginia grants the superintendent approval power in fifteen of the thirty-eight functions, and executory power in nine.

A few of the states are conspicuous for the small number of powers and duties prescribed for the city school superintendent by statute. Missouri laws do not require the city school superintendent to perform a single function of the thirty-eight listed. Idaho and Colorado laws only require him to grant working permits. Nebraska permits him to initiate the dismissal of pupils in addition to granting working permits. Oklahoma laws permit him to initiate measures pertaining to the enforcement of compulsory attendance laws. New Mexico requires the city school superintendent to grant working permits, to enforce compulsory attendance laws, to nominate an office clerk, to make reports to the

of the board. In Kentucky, the powers and duties are main-

ly approval and execution. The law also provides

him the performance of twenty-eight of the thirty-eight func-

tions. Ten of these are required of him when acting as a

by the board. Alabama requires the city school superintend-

ent to perform twenty-five functions in addition to ap-

prove the action of the board in fifteen other matters.

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state and to his board.

Laws of twenty-one states permit the city school superintendent to exercise some authority in appointing teachers. This power is exercised as approval or initiatory. Fourteen states limit the selection by the board to those nominated by the superintendent and seven states allow the board to substitute a nominee without the superintendent's approval. The superintendent is permitted to take part in the dismissal of teachers in only seventeen states. New Hampshire and Vermont permit him to dismiss teachers independently; Alabama, Kentucky, Louisiana, New York, North Carolina, and Virginia require his approval.

Suspension and dismissal of pupils are duties of the city school superintendent in twenty states. Preparation of the budget within normal tax limits is required of him by law in eighteen states. Enforcing rules and regulations is his duty in seventeen states, and supervision of evening schools is required in the same number of states, as is also the selection of textbooks.

Evaluation of the Present Status in the Light of Theory

The functions of city school administration most often prescribed by the statutes for the city school superintendent are the same as those recommended by educational authorities. Most frequently specified are duties in connection with enforcing compulsory attendance laws, making reports,

state and to his board.

Laws of twenty-one states permit the city school superintendent to exercise some authority in appointing teachers. This power is exercised as approval or disapproval. Fourteen states limit the selection by the board to those nominated by the superintendent and seven states allow the board to substitute a nominee without the superintendent's approval. The superintendent is permitted to take part in the dismissal of teachers in only seventeen states. New Hampshire and Vermont permit him to dismiss teachers independently; Alabama, Kentucky, Louisiana, New York, North Carolina, and Virginia require his approval.

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Evaluation of the Present Status in the Light of Theory

The functions of city school administration most often prescribed by the statutes for the city school superintendent are the same as those recommended by educational authorities. Most frequently specified are duties in connection with enforcing compulsory attendance laws, making reports,

supervision of instruction, admission and dismissal of pupils, and the appointment and dismissal of teachers.

Responsibility for functions connected with buildings and grounds have been given to the city school superintendent in few state laws. Control of buildings and grounds is his statutory duty in only five states. These five enacted such laws after 1920. Purchase and sale of buildings and grounds has been made a legal duty of the superintendent in five states--in three states since 1920. Educational authorities are agreed that the city school superintendent should have duties regarding buildings and grounds.

Examination of teachers for certificates to teach should be listed as the superintendent's duty only as an administrative matter and as an agent of the state. Certification of teachers has become his duty in five more states than in 1920. Neither of these functions, except the first under certain limitations, would be recommended as duties which the city school superintendent should have. Two states which gave the superintendent power in connection with the transfer of teachers in 1920 had taken it away by 1935. Authorities in educational administration would grant the superintendent this power.

Evaluation of Trends in the Status in the Light of Theory

All the trends noted from a comparison of the statutory powers and duties of city school superintendents in 1935

ROCKY MOUNTAIN

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Evaluation of Grounds in the State in the light of theory

All the grounds noted from a comparison of the statutory
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with the status reported by Morrison in 1920, as shown by Table VI, are in the direction of the powers and duties recommended by educational authorities, with two exceptions. Enforcement of compulsory attendance laws has been placed under an authority other than the city school superintendent in two of the states which gave him this power in 1920. Supervision of the construction of new buildings was a duty of the city school superintendent in one state in 1920, but in no state in 1935. The recommendations of educational authorities as to this last item are not clear, but it can be fairly assumed that general oversight and not technical supervision should be expected of the city school superintendent. Authorities in educational administration recommend that all attendance enforcement functions be placed under the direction of the superintendent of city schools.

The most significant trend toward giving the city school superintendent a status by statute is noticed in the duty of preparing the budget or estimate within tax limits. In addition to the three states which required him to prepare the budget in 1920, there are in 1935 fifteen others. This change probably represents laws added by states in respect to this function, rather than relieving the board of the responsibility and placing it upon the superintendent. In either case, the trend is toward the direction recommended.

Supervision of evening schools is required of the city school superintendent by seventeen states, fourteen of which

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TABLE VI
COMPARISON OF PRESENT STATUTORY¹ POWERS AND
DUTIES WITH THOSE IN FORCE IN 1920²

Function	1920 ²	1935 ¹	Gain or Loss ³
1. Attendance: a. Appointment of Attendance Officer	3	10 ³	7
b. Taking of Census	3	9	6
c. Enforcement of Compulsory Attendance Laws	31	29	-2
d. Granting Working Papers	26	33	7
2. Budget or Estimate, Preparation of:			
a. Within Tax Limits	3	18	15
b. Exceeding Normal Tax Limits	0	2	2
3. Buildings & Grounds: a. Control of	0	5	5
b. Purchase and Sale of	2	5	3
c. Preparation of Plans for New Construction	5	6	1
d. Supervision of New Construction	1		-1
e. Rent, Repairs, Insurance	3	6	3
4. Course of Study: a. Preparation of	12	16	4
b. Enforcing Use of State Course of Study	4	11	7
5. Employees (Janitors, Clerks, etc.)			
a. Appointment	5	12	7
b. Transfer	2	5	3
c. Promotion	1	4	3
d. Dismissal	5	15	10
6. Organization of Schools	5	8	3
7. Pupils: a. Admission	1	9	8
b. Suspension and Dismissal	14	20	6
8. Reports: a. Superintendent to Board	22	33	11
b. To County Authorities	8	18	10
c. To State Authorities	21	32	11
d. To Public	7	14	7
9. Rules and Regulations: a. Making of	1	14	13
b. Enforcement of	8	17	9
10. Supervision (or supervision and direction) of:			
a. Schools in General	24	29	5
b. Classroom Instruction	16	28	12
c. Evening Schools	3	17	14
11. Supplies: Selection of: a. Textbooks	13	17	4
b. Instructional Supplies	6	15	9
c. Other Supplies	4	14	10
12. Teachers: a. Examination	14	12	-2
b. Certification	15	10	-5
c. Appointment	14	21	7
d. Transfer	7	5	-2
e. Promotion	5	6	1
f. Dismissal	11	17	6

¹As revealed by an analysis of statutes in force in 1935.

²As reported by Morrison.

³Positive numbers indicate gains and negative numbers losses.

TABLE VI

COMPARISON OF PRESENT STATUTORY POWERS AND
DUTIES WITH THOSE IN FORCE IN 1930

Function	1930	1935-1939	Gain or Loss
1. Attendance: a. Appointment of Attendance Officer	2	10	8
b. Taking of Census	2	2	0
c. Enforcement of Compulsory Attendance Laws	21	22	1
d. Granting Working Papers	22	23	1
2. Budget or Estimate, Preparation of:	3	18	15
a. Within Tax Limits	0	2	2
b. Exceeding Normal Tax Limits	0	2	2
3. Building & Grounds: a. Control of	8	2	6
b. Purchase and Sale of	2	0	2
c. Preparation of Plans for New Construction	1	0	1
d. Supervision of New Construction	3	0	3
e. Rent, Repairs, Insurance	12	12	0
4. Course of Study: a. Preparation of	4	11	7
b. Enforcing Use of State Course of Study	4	11	7
5. Employees (Janitors, Clerks, etc.)	2	12	10
a. Appointment	2	12	10
b. Transfer	1	4	3
c. Promotion	2	10	8
d. Dismissal	0	3	3
6. Organization of Schools	1	9	8
7. Pupils: a. Admission	12	20	8
b. Suspension and Dismissal	22	32	10
8. Reports: a. Superintendent to Board	8	10	2
b. To County Authorities	21	32	11
c. To State Authorities	7	14	7
d. To Public	1	14	13
9. Rules and Regulations: a. Making of	2	19	17
b. Enforcement of	2	19	17
10. Supervision (or supervision and direction) of: a. Schools in General	24	29	5
b. Classroom Instruction	10	29	19
c. Evening Schools	3	17	14
11. Supplies: Selection of: a. Textbooks	12	17	5
b. Instructional Supplies	8	12	4
c. Other Supplies	4	14	10
12. Teachers: a. Examination	12	12	0
b. Certification	12	12	0
c. Appointment	14	21	7
d. Transfer	7	14	7
e. Promotion	2	14	12
f. Dismissal	11	14	3

1As revealed by an analysis of statutes in force in 1935.
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have enacted such laws since 1920. Again it might reasonably be supposed that the states place responsibility upon superintendents when they add new services or requirements. It also might be assumed that the increasing complexity of the public school system has caused the states to place responsibility for the exercise of some of the functions upon the superintendent. The making of rules and regulations has been made a duty of his in thirteen more states in 1935 than had such laws in 1920. The supervision of classroom instruction is now a duty of the superintendent in twenty-eight states--twelve more than required it of him in 1920.

Eleven states have enacted laws since 1920 requiring the superintendent to make reports to his board and to the states.

Evaluation of Present Status in Light of Practices

Before making an evaluation of the present statutory status of city school superintendents in the light of the status which superintendents now have, it is necessary to set forth conditions in practices.

Trends in the powers and duties actually exercised by city school superintendents were determined from data presented in reports of the Department of Superintendence of the National Education Association. In 1933 a questionnaire was sent to 2,270 superintendents of cities of various sizes to determine the powers and duties which city school super-

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intendents exercise. Replies were compared with 1,168 replies for a similar questionnaire sent in 1923 to superintendents of the same classes of cities. In the 1933 survey there were 170 replies from superintendents in towns of less than 2,500 in population, whereas in 1923 no questionnaires were sent to cities of this size. The powers and duties were tabulated as initiatory, executory, and approval. It should be noted that the definition of approval powers differs from that used in this study in that it includes those duties which subordinates perform and which the superintendent approves. Only the functions performed by the superintendents personally were defined as executory. Functions performed by city school superintendents were ranked in the order of frequency of mention under the three divisions as reported by both surveys according to whether the powers were initiatory, approval or executory. The rank of the twelve functions most frequently mentioned as initiatory and executory of the 1923 survey and of the ten most frequently mentioned executory functions was compared with the rank of the same functions revealed by the 1933 survey.

Initiatory powers in connection with personnel matters have become increasingly important in the period 1923 to 1933. Appointment of teachers was the most frequently mentioned initiatory power in both surveys. Appointment of principals was second in rank in 1923 but fifth in 1933. Determination of new policies was third in rank in 1923,

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Of the ten rights of approval mentioned most often in the 1923 survey, only the direction of medical inspection is found among the ten most often mentioned in the 1933 report. Most of approval powers and duties in 1933 were concerned with the planning and construction of school buildings, preparation of the budget, and the appointment of janitors.

Supervision of instruction ranked first among the executive powers of the city school superintendent according to the 1923 survey. By 1933 this function had dropped to fifth place, and the enforcement of attendance laws took first place. The supervision of instruction is losing ground as an executive function. Determination of the content of subjects dropped from second to third place.

Trends in the statutory powers and duties of the city school superintendent are toward those which he is now exercising. In practice, however, the superintendent performs many more functions than he has statutory power to perform. In other words, his status in practice is far in advance of that accorded him by law. His power is derived chiefly from rules of the local board of education, from custom,

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and from common consent. Trends indicated by the changes in statutes since 1920 show that the superintendent is slowly gaining powers and duties which authorities recommend should be afforded him.

Conclusions

(1) The status accorded to the city school superintendent by statute as late as 1935 is somewhat limited. In so far as it goes it is generally in accordance with the recommendations of authorities in educational administration.

(2) The principal trends in statutory powers and duties are toward the status recommended.

(3) Trends in the statutory powers and duties are in the direction of those now practiced by superintendents.

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CHAPTER VII

SUMMARY OF CONCLUSIONS

In this study certain trends pertaining to the powers and duties of the city school superintendent have been presented. Legal trends, as revealed by an analysis of state statutes in 1920 and 1935, are pointed out, as are trends in the recommendations of educational authorities. Trends in the powers and duties actually exercised by city school superintendents from 1923 to 1933 are presented and compared with the present statutory status and that recommended by authorities.

Trends

In Recommendations of Authorities.

Nearly all the powers and duties recommended by earlier authorities in educational administration have been recommended by later writers. Authorities in educational administration would centralize all initiatory and executory powers and duties in the city school superintendent.

Statutory Trends.

(a) In initiatory powers. Authorities recommend that superintendents propose legislation to boards of education,

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Statutory Trends

(a) In initiatory powers. Authorities recommend that superintendents propose legislation to boards of education,

initiate new measures, and try to convince their employers of the merits of the proposed changes. There are definite trends in statutory provisions toward granting the superintendent more initiatory power in preparation of budgets, dismissal of employees, formulation of rules and regulations, and selection of textbooks and supplies.

Most of the changes in initiatory powers of superintendents have been to executory or approval powers. Seven states have made the city school superintendent independently responsible for enforcing compulsory attendance laws. Preparation of the budget is an initiatory duty in ten states, nine of which made it his duty since 1920. Eight states have made his duty executory and approval as to the budget.

Exceptions to the general trends of initiatory powers toward approval or executory are noted in compulsory attendance law enforcement and in teacher certification. Three states have set up attendance officers independent of the chief executive officer of the board, the superintendent. State departments of education usually perform the function of certification nowadays. Certification has become at least partially a state function in seven states which gave the superintendent initiatory power in issuing certificates in 1920.

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Much improvement in the statutes should be made in respect to the superintendent's initiatory power and duty as to policy-forming functions.

(b) In approval powers. Certain functions of school administration should be exercised by the board on the superintendent's recommendations. The board should approve or disapprove his recommendations but should not substitute recommendations of its own. Some of these functions are appointment and dismissal of teachers and other employees, selection of supplies, adoption of the budget after it has been prepared by the superintendent, and determination of the course of study.

Nine states require the city school superintendent to approve the course of study. Eight states grant him the privilege of nominating some of the non-professional employees. Textbooks are legally recommended only by the superintendent in ten states. Fifteen states now permit him to nominate teachers; eight of these have added such statutes since 1920. Power to dismiss teachers was granted by statute to superintendents in 1920 in five states, and in five more such laws have been passed since that time.

The changes in approval powers which have occurred since 1920, and which had been placed upon the city superintendent at that time, have been principally toward granting him executory power.

Much remains to be done by state law-making bodies in prescribing approval powers and duties for the superintendent in respect to appointment and dismissal of employees; organization of schools; formulation of rules and regulations;

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adoption of textbooks and supplies; preparation and adoption of courses of study; and the preparation and adoption of the budget.

(c) In executory powers. The most definite trends in the powers and duties prescribed by statutes for city school superintendent's functions independent of his board have to do with: (1) enforcing compulsory attendance laws; (2) granting working papers or permits; (3) making reports to the local board; (4) making reports to the state; (5) exercising supervision over schools in general; and (6) supervising classroom instruction.

The only loss of executory power by the superintendent has to do with examination and certification of teachers. State education departments are taking over these duties.

Items which should be placed under the superintendent's executory duties in many states, according to the standards established in this study, are: (1) preparation of the budget; (2) taking the census; (3) control of buildings and grounds; (4) preparation of plans for new buildings; (5) general supervision of construction of buildings; (6) preparation of courses of study; (7) transfer of employees; (8) supervision of instruction; (9) admission and suspension of pupils; (10) making reports; (11) selection of textbooks and supplies; and (12) transfer and suspension of teachers.

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Evaluations

The present statutory status of the powers and duties of the city school superintendent is more nearly that recommended by authorities than was the status in 1920. Alabama and Kentucky, two outstanding states, have taken long strides by enacting such laws as conform to the status recommended by authorities. The absence of provisions defining his power in a few states, however, is striking.

Superintendents of city schools perform more duties and exercise more powers under rules of the board, by custom, and by common consent than by virtue of state statutes. The trends in practice are toward the status recommended by authorities. Although somewhat short of the ideal, the superintendent enjoys in practice a status considerably in advance of that accorded to him by statute.

Compared to the status reported in Morrison's study, the statutory powers and duties in force in 1935 show significant trends toward the status recommended by educational authorities. In point of time, however, progress has been slow.

Discussion

The present statutory system of the power and duties of the city school superintendent is more nearly that recommended by authorities than was the status in 1933. Alabama and Kentucky, two outstanding states, have taken long strides by granting such laws as authority to the state recommended by authorities. The absence of provisions defining his power in a few states, however, is striking. Superintendents of city schools perform more duties and exercise more powers than that of the board, by statute, and by common consent than by virtue of state statutes. The trends in practice are toward the status recommended by authorities. Although somewhat short of the ideal, the superintendent enjoys in practice a status considerably in advance of that accorded to him by statute. Compared to the status reported in Morriss's study, the statutory powers and duties in force in 1933 show significant trends toward the status recommended by statistical authorities. In point of time, however, progress has been slow.

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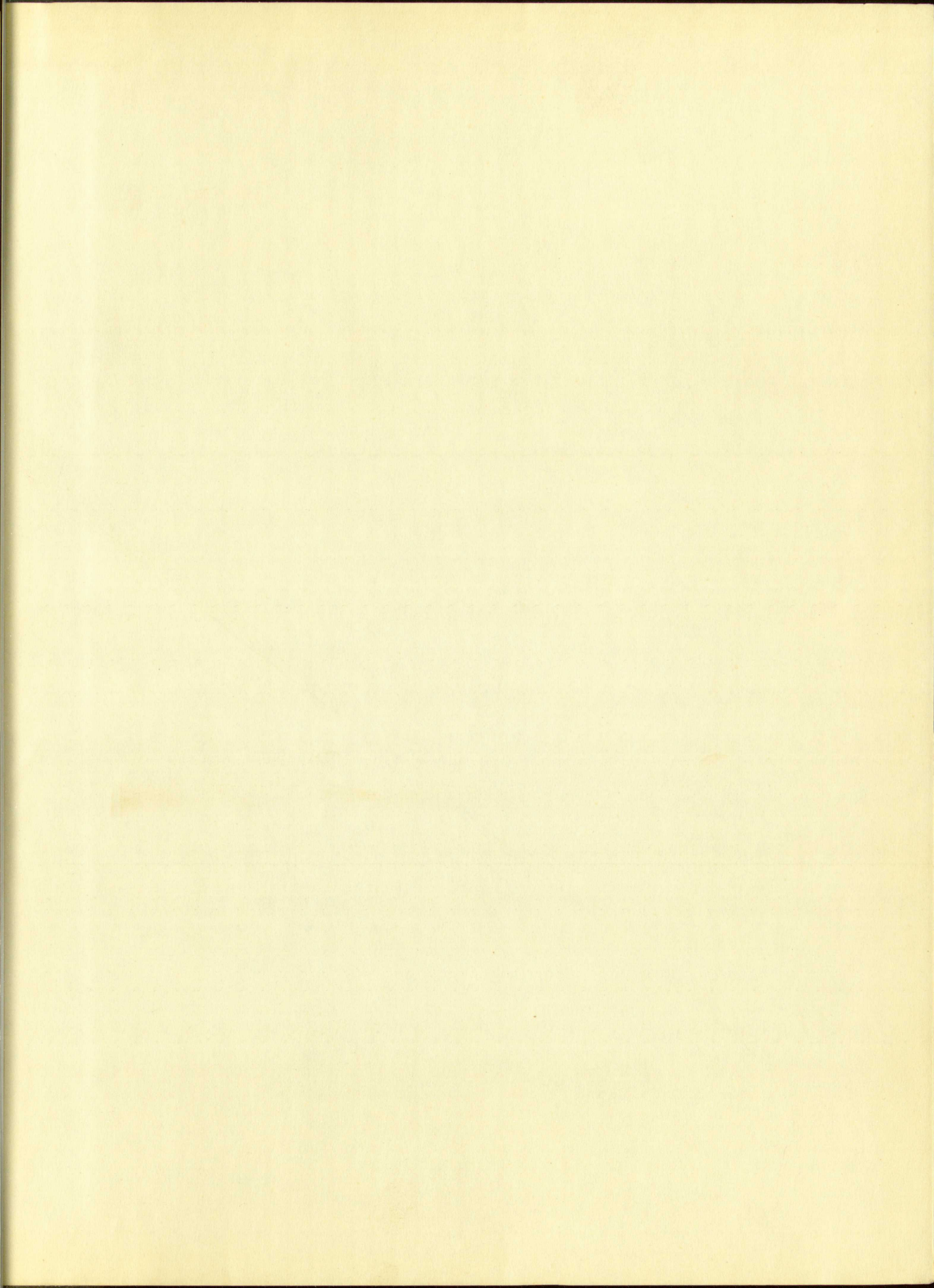
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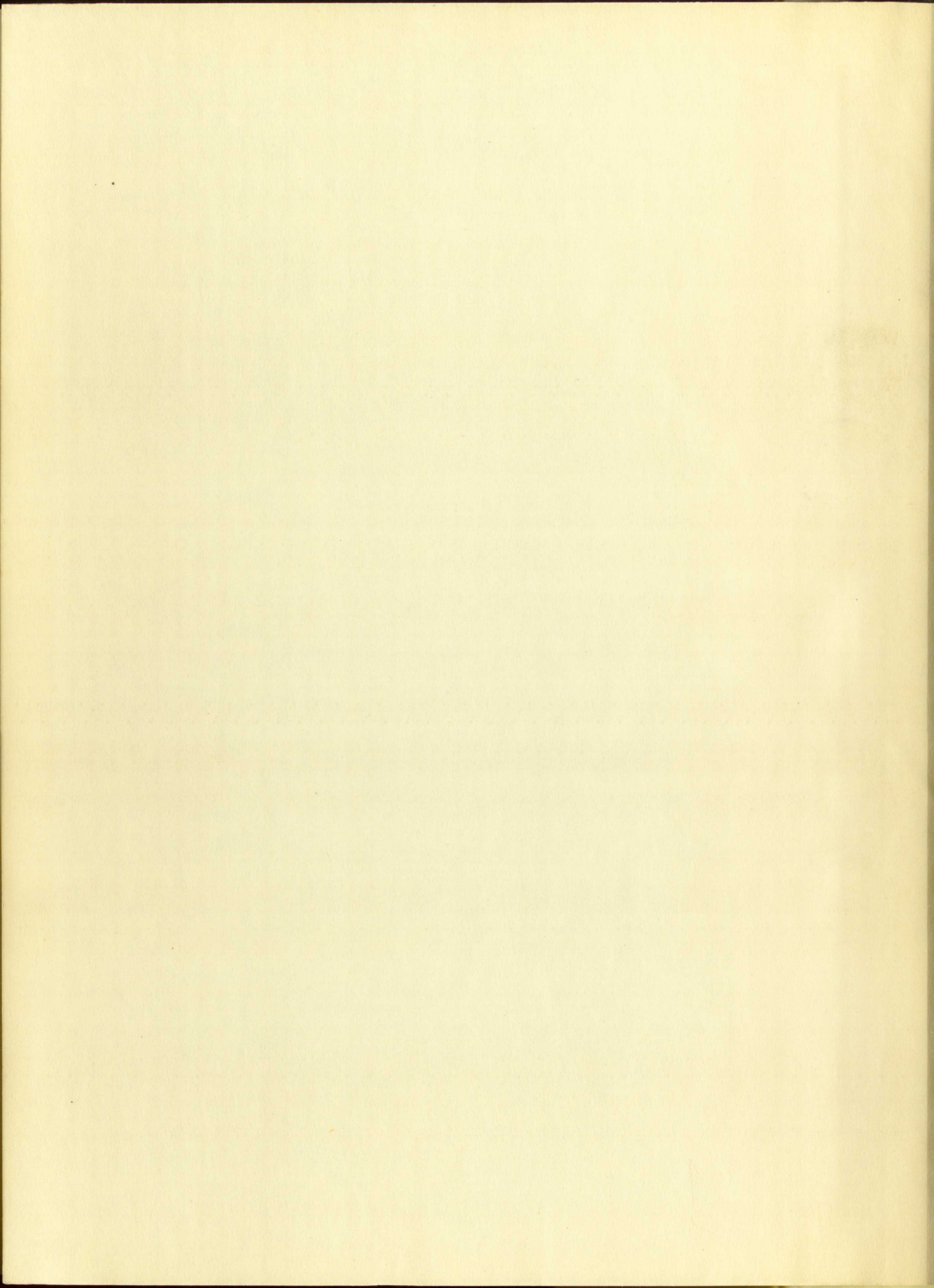
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