

THE UNIVERSITY OF MINNESOTA

GRADUATE SCHOOL

Report

of

Committee on Examination

This is to certify that we the undersigned, as a committee of the Graduate School, have given Lucy Adella Grimes final oral examination for the degree of  
Master of Arts

We recommend that the degree of  
Master of Arts

be conferred upon the candidate.

*J. M. Swift*  
Chairman

*L. J. Koos*

*M. G. Guesse*

*M. E. Haggerty*

*M. J. Van Wagenen*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

THE UNIVERSITY OF MINNESOTA

GRADUATE SCHOOL

Report  
of  
Committee on Thesis

The undersigned, acting as a Committee of the Graduate School, have read the accompanying thesis submitted by Lucy Adella Grimes for the degree of Master of Arts.

They approve it as a thesis meeting the requirements of the Graduate School of the University of Minnesota, and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts.

J. M. Swift  
Chairman

M. G. Neal

R. E. Cushman

Date May 16, 1922

A Comparative Study of State Compulsory Attendance  
Laws and of Provisions for their Enforcement;  
Together with a Brief Historical Survey of  
Attendance Legislation in Certain  
Selected States.

A thesis submitted to the  
Faculty of the Graduate School of the  
University of Minnesota

by  
Lucy Adella Grimes

In partial fulfillment of the requirements  
for the degree of  
Master of Arts

June  
1922.

UNIVERSITY OF  
MINNESOTA  
LIBRARY

MSM  
96552  
8

T A B L E O F C O N T E N T S.

	Pages
Chapter I. Social Significance of Compulsory Legislation	1-9
Chapter II. The Present Situation as to the Percent of School Population in Average Daily Attendance	10-48
Chapter III. The History of Legislation in California	49-59
Chapter IV. The History of Legislation in Minnesota	60-69
Chapter V. The History of Legislation in Kentucky	70-78
Chapter VI. The History of Legislation in Massachusetts	79-95
Chapter VII. The Present Situation in Minnesota	96-103
Chapter VIII. The Present Situation in California	104-111
Chapter IX. The Present Situation in Massachusetts	112-119
Chapter X. The Present Situation in New Jersey	120-124
Chapter XI. The Present Situation in Rhode Island	125-129
Chapter XII. The Present Situation in Oregon	130-133
Chapter XIII. The Present Situation in Kentucky	134-140
Chapter XIV. Conclusions and Recommendations	141-155

305095

DEC 1 1928 Bd. U. of M.

## LIST OF TABLES, FIGURES, AND GRAPHS.

TABLES.

<u>No.</u>		<u>Pages</u>
1.	First Compulsory Attendance Enactments.	8 & 9
2.	Rank of the Several States with Respect to (1) Percent of School Population Enrolled in the Public Schools, (2) Percent of Enrollment in Average Daily Attendance, and (3) Percent of School Population in Average Daily Attendance.	13
3.	States Grouped According to Percent of School Population Enrolled in Public Schools.	14 & 15
4.	States Grouped According to Percent of Enrollment in Average Daily Attendance.	16 & 17
5.	States Grouped According to Percent of School Population in Average Daily Attendance.	18 & 19
6.	Percent of School Population Enrolled in Public Schools.	22
7.	Percent of Enrollment in Average Daily Attendance.	23
8.	Percent of School Population in Average Daily Attendance in the Several Geographical Divisions.	24
9.	Enrollment and Attendance in Seven Represent- ative States, 1918.	25
10.	Enrollment and Attendance in the United States by Five-year Periods from 1890 to 1918.	27
11.	North Atlantic States.	33
12.	North Central States.	33
13.	South Atlantic States.	34
14.	South Central States.	34
15.	Western States.	35
16.	Compulsory Attendance Laws and Their Results by Various Periods, 1874 to 1919, in California.	59
17.	Compulsory Attendance Laws in Minnesota and Their Results by Five-year Periods, 1885 to 1918.	69
18.	Compulsory Attendance Laws in Kentucky and Their Results by Approximate Five-year Periods, 1896-1918.	78
19.	Compulsory Attendance Laws and Their Results by Five-year Periods, 1890-1918, in Massachusetts.	95

FIGURES.

<u>No.</u>		<u>Page</u>
1.	The Percent of School Population Enrolled in the Public Schools, and the Percent of Enrollment in Average Daily Attendance in the United States, from 1890 to 1918.	28
2.	The Present Situation in the North Atlantic States.	36
3.	The Present Situation in the North Central States.	37
4.	The Present Situation in the South Atlantic States.	38
5.	The Present Situation in the South Central States.	39
6.	The Present Situation in the Western States.	40.

GRAPHS.

1.	Number of States Having Compulsory Attendance Laws, by Ten-year Periods from 1865 to 1918.	43
2,3,4,5,6.	Increasing Number of States With Compulsory Attendance Laws by Decades, from 1865 to 1918.	44
	2. North Atlantic.	
	3. South Atlantic.	
	4. North Central.	
	5. South Central.	
	6. Western.	
7,8.	Number of States Having the Various Percentages of:	
	7. School Population Enrolled in Public Schools.	46
	8. Enrollment in Average Daily Attendance.	46
9.	Number of States Having the Various Percentages of School Population in Average Daily Attendance.	47

A COMPARATIVE STUDY OF STATE COMPULSORY ATTENDANCE LAWS AND  
OF PROVISIONS FOR THEIR ENFORCEMENT; TOGETHER WITH A  
BRIEF HISTORICAL SURVEY OF ATTENDANCE LEGISLATION  
IN CERTAIN SELECTED STATES.

CHAPTER I.

Social Significance of Compulsory Education.

The problem of compulsory school attendance is inseparably connected with those of child welfare and child labor. With them it is based upon, first, society's responsibility to protect the child, and, second, upon the broader, deeper problem of discipline and morality. The child who voluntarily plays truant is missing his rightful training in obedience and citizenship, and is developing habits of idleness, loafing, and disrespect for law and authority. This means, that the question of keeping children in school for the time required by law and of securing regularity of attendance during that time becomes a question of developing in them habits of orderliness and obedience, of training them in the principles of conduct necessary for good citizenship, and in general of character formation.

In the broader field of state policy this problem is one of the most vital before the public mind. Our democratic form of government makes education of the common people indispensable. Because of the fluid character of our

population this has ceased to be a matter of merely local concern. As long as our population shifts so from one state to another, a failure on the part of Ohio to educate its children is likely to be reflected in an increase of illiteracy among adults in South Dakota.

Universal education, so necessary to the success of a democracy, can never be realized without compulsory attendance laws and their effective enforcement. The problem of illiteracy will never be satisfactorily handled by providing schools, unless at the same time we compel the children to attend these schools.

The problem of the present investigation is (1) to discover the conditions actually existent in the different states of the Union, both with respect to laws regarding compulsory attendance and with respect to results obtained by them, as shown in the percent of school population enrolled in school, and the percent of that enrollment in average daily attendance; (2) to consider and compare the effectiveness of the provisions for enforcement in the various states, the officers appointed, their qualifications and duties, and the penalties for failure to comply with the law; (3) to make a comprehensive survey of legislation on this subject in seven states; (4) thru a brief historical survey of attendance legislation in four states, to trace the evolution of present day standards and ideals in this field.

The states selected for special study are as follows: from the North Atlantic group, Massachusetts, Rhode Island, and New Jersey; from the North Central, Minnesota; from the South Central, Kentucky; from the Western, California and

Oregon. No selection was made from the Southern Atlantic as it seemed probable after the cursory examination of the group as a whole that this group had little to offer either in the way of desirable legislation or methods of effective enforcement. For the history of legislation, Minnesota, California, Kentucky, and Massachusetts were selected.

The bases of this selection were: (1) Character of attendance legislation, as shown by the minimum term provided, and the days attendance required; (2) Effectiveness of enforcement, as shown in the average term provided, the percent of school population enrolled, and the percent of term wasted by non-attendance; and (3) availability of material.

It is to be hoped that the present study will be able to determine the provisions of an ideal compulsory attendance law, and to describe the best means and methods for enforcement of such a law.

Method: The method employed documentary, i. e., consultation of source material, compilation of statistics from these, formation of conclusions from the conditions reflected in these statistics, and a comparison of conditions in the several states.

Sources: The sources of material were, in the main: (1) School Laws; (2) Statutes and Session Laws; (3) Reports of State Boards of Education and Superintendents; (4) Reports of the U. S. Commissioner of Education; (5) Various bulletins of the U. S. Department of Education. Objections to the use of the last two groups may be made on the ground that their data are in some

instances incorrect. The reply to this objection is that, despite their inaccuracies, these reports of the U. S. Bureau furnish the only data available for comparison of conditions in the various states.

Our study will be found to fall readily into the following main divisions:

- I. A general survey of the present status of compulsory attendance as revealed by existing laws.
- II. The history of attendance legislation in four typical states.
- III. A survey of seven selected states.
- IV. Conclusions and recommendations.

Reserving for subsequent chapters our discussion of these last three topics, we may well conclude the present chapter with a brief summary of the present status of compulsory education as revealed by existing laws.

Every state of our Union has today a compulsory attendance law in some form. The first of these was passed by Connecticut as long ago as 1650<sup>1</sup>. It is therefore with some surprise that we learn that Mississippi enacted its first compulsory attendance law as recently as 1918<sup>1</sup>, and that five other states have enacted their first laws on the subject since 1914<sup>1</sup>. Evidently it is only very recently that the necessity for such legislation has become universally recognized.

Both in recency and character of legislation the different geographical groups of states differ widely. The

1. Bureau of Education Bulletin, 1920, No.11: Statistics of State School Systems, 1917-1918; Table 18, p.88.

North Atlantic States, with the exception of Pennsylvania, had compulsory attendance laws by 1883.<sup>2</sup>

The North Central States show a greater variation; Michigan, Kansas, Ohio, and Wisconsin having enacted compulsory attendance laws between 1871<sup>1</sup> and 1880<sup>1</sup>; North and South Dakota, Illinois, Minnesota, and Nebraska, between 1880<sup>1</sup> and 1896<sup>1</sup>; Indiana in 1897<sup>1</sup>, while Iowa passed her first law on the subject as late as 1902<sup>1</sup>.

Both the South Atlantic and the South Central groups show a greater homogeneity than either of the former groups. These states have been the slowest to see the need for compulsory attendance. Of the South Atlantic, only one (West Virginia, 1897), had a compulsory attendance law before 1900<sup>1</sup>. Georgia was the last of this group to pass such a law, in 1916<sup>1</sup>, Florida and South Carolina preceding her by only one year<sup>1</sup>.

Among the South Central States, we find again only one with a compulsory attendance law before 1900, viz. Kentucky in 1896<sup>2</sup>. The others range in date of their first enactment from 1905<sup>1</sup>, Tennessee, to 1918<sup>1</sup>, Mississippi.

The Western States also show a great similarity and a comparatively small range of dates. The earliest date here is 1871<sup>1</sup>, for Washington, and the latest, 1890<sup>1</sup>, for Utah.

In the matter of minimum attendance, all the North Atlantic States but one require the child to attend the full term. It is worthy of note, that the same state which was the last of that group to enact a compulsory attendance law, viz.

2. See table at end of chapter.

Pennsylvania, is the only one which does not require a full term's attendance<sup>2</sup>. As to the minimum length of term, New Hampshire alone makes no legal provision<sup>2</sup>; Pennsylvania requires 7 months<sup>2</sup>, Maine  $7\frac{1}{2}$ <sup>2</sup>, Massachusetts 8<sup>2</sup>, Vermont  $8\frac{1}{2}$ <sup>2</sup>, Rhode Island, Connecticut, New Jersey, and New York 9<sup>2</sup>.

Among the North Central States, the least requirement is made by Nebraska: two-thirds of the term, where the minimum term required is seven months<sup>2</sup>. Michigan and Minnesota, while requiring attendance for the full term, provide a minimum term of only 5 months<sup>2</sup>. Then come Indiana, South Dakota, Iowa, Wisconsin, and Missouri; the first two requiring attendance for the full term, but providing a minimum term of only 6 months<sup>2</sup>. In South Dakota several districts report a term of less than the minimum<sup>1</sup>. Iowa and Wisconsin require 120 days attendance<sup>2</sup>, while Missouri requires  $\frac{3}{4}$  of the term, which must be 8 months<sup>2</sup>. Ohio requires 140 days<sup>2</sup>. North Dakota, Kansas, and Illinois require attendance for the full term and provide a 7 months' term<sup>2</sup>. Illinois, however, reports several districts maintaining school for less than the minimum term<sup>1</sup>.

Among the Southern Atlantic States we find the greatest divergence. The attendance requirement ranges from 60 days in Delaware<sup>2</sup> to the full term in Maryland, where 9 months is the minimum term<sup>2</sup>. West Virginia requires 120 days<sup>2</sup>, while the remaining states are content with an 80 days requirement<sup>2</sup>.

The South Central States exhibit the greatest laxity in the matter of attendance required. Oklahoma requires  $\frac{2}{3}$  of a 3 months term<sup>2</sup>, which would amount to 40 days. Mississippi requires only 60 days, which may be reduced by the local

school board to 40<sup>2</sup>. Alabama requires 80, with a similar provision for reduction to 60<sup>2</sup>. The highest requirement is 140 days in Louisiana<sup>2</sup>, unless 3/4 of the term in Arkansas might mean more<sup>2</sup>. This, however, hardly seems probable in view of the fact that there is no legal provision for a minimum term in this state<sup>2</sup>.

Among the Western States all but one require attendance for the full term<sup>2</sup>, but the minimum term provided by law varies from three months in Wyoming<sup>2</sup> to eight in Arizona and Oregon<sup>2</sup>. Utah is content with a requirement of 100 days<sup>2</sup>.

Not less important than the character of legislation on the subject is the effectiveness of enforcement achieved in the various states and groups of states. This can best be judged by the results obtained in the proportion of school population enrolled in the public schools, the proportion of enrollment present in average daily attendance, and finally, computed from these two, the proportion of school population in average daily attendance. The facts under the present situation we shall take up in a subsequent chapter.

In conclusion let us present a table showing in graphic form the facts of the preceding paragraphs.

TABLE 1. First Compulsory Attendance  
Enactments.

	Date of 1st enactment	Minimum attendance required	Minimum term provided by law
<u>North Atlantic</u>			
Connecticut	1650	full term	9 months
Maine	1875 <sup>a</sup>	" "	7½ "
Massachusetts	1852 <sup>a</sup>	" "	8 "
New Hampshire	1871 <sup>a</sup>	" "	None
New Jersey	1875	" "	9 months
New York	1853	" "	9 "
Pennsylvania	1895	7/10 of term <sup>b</sup>	7 "
Rhode Island	1883	full term	9 "
Vermont	1867	" " <sup>c</sup>	8½ "
<u>North Central</u>			
Illinois	1883	full term	7 months
Indiana	1897 <sup>a</sup>	" "	6 "
Iowa	1902	120 days <sup>d</sup>	6 "
Kansas	1874	full term	7 "
Michigan	1871	" "	5 "
Minnesota	1885	" "	5 "
Missouri	1905	¾ of term	8 "
Nebraska	1887	2/3 of term <sup>e</sup>	7 "
North Dakota	1883	full term	7 "
Ohio	1877 <sup>a</sup>	140 days	7 "
South Dakota	1883 <sup>a</sup>	full term <sup>f</sup>	6 "
Wisconsin	1879	120 days <sup>g</sup>	8 "
<u>South Atlantic</u>			
Delaware	1907	60 days <sup>h</sup>	7 months
Florida <sup>i</sup>	1915	80 "	4 "
Georgia	1916	80 "	None
Maryland	1902	full term	9 months
North Carolina <sup>i</sup>	1907	80 days	4 "
South Carolina	1915	80 " <sup>j</sup>	3 "
Virginia	1908	80 "	5 "
West Virginia	1897	120 "	6 "
<u>South Central</u>			
Alabama	1915	60 days <sup>k</sup>	None
Arkansas	1909	¾ of term	None
Kentucky	1896 <sup>l</sup>	full term	6 months
Louisiana	1916	140 days <sup>j</sup>	None
Mississippi <sup>i</sup>	1918	40 days <sup>m</sup>	4 months
Oklahoma	1907	2/3 of term	3 months
Tennessee	1905	80 days <sup>j</sup>	None
Texas	1915	80 "	6 months

(continued on next page)

TABLE 1 (Continued)

	Date of 1st enactment	Minimum attendance required	Minimum term provided by law
<u>Western</u>			
Arizona	1899 <sup>a</sup>	full term	8 months
California	1874	" "	6 "
Colorado	1889 <sup>a</sup>	" "	4 "
Idaho	1887 <sup>a</sup>	" "	7 "
Montana	1883	" "	4 "
Nevada	1873 <sup>a</sup>	" "	6 "
New Mexico	1872 <sup>a</sup>	" "	7 "
Oregon	1889	" "	8 "
Utah	1890	100 days	5 "
Washington	1871	full term	6 "
Wyoming	1876	" "	3 <sup>n</sup> "

- a. True date may be earlier.  
 b. Full term if not reduced by school board.  
 c. Superintendent may exempt from further attendance any child who has attended 170 days.  
 d. Full term in cities.  
 e. In no case less than 60 days; in cities full term.  
 f. School board may require only 80 days consecutive attendance of children who have completed the sixth grade.  
 g. In cities required attendance varies from 160 days to the full term.  
 h. 100 days, if not reduced by school board.  
 i. Local option; law not state wide.  
 j. Full term, if minimum term is less.  
 k. 80 days if not reduced by school board.  
 l. Date given in Bureau of Education, Bulletin, 1920, No. 11, as 1893. Corrected from statutes.  
 m. 60 days if not reduced by school board.  
 n. Minimum term required to receive county aid is 6 months; for state aid, 3 months.

(This table is a reproduction of part of the table on p.88, Bureau of Education, Bulletin, No. 11, 1920.)

## CHAPTER II.

The Present Situation as to the Percent of the School  
Population in Average Daily Attendance.

The purpose of this chapter is to glimpse the situation as it exists today in the various geographical divisions and, by definite measures of the concrete results, to judge the efficacy of laws and the stringency of their enforcement. The results considered are three: first, the percent of school population enrolled in the public schools; second, the percent of enrollment in average daily attendance; and third, as a collaboration of these two, the percent of school population in average daily attendance. We shall consider: first, the present situation in the United States, in each of the five geographical divisions, and in each of the seven states selected for special study, viz., Massachusetts, Rhode Island, New Jersey, Minnesota, Kentucky, California, and Oregon; second, the trend in enrollment and attendance during the twenty-five years from 1890 to 1915 in the United States, and in the same groups, and single states; third, the increase in the number of states having compulsory attendance laws.

In marked contrast to the very encouraging situation reflected by the fact that every state in the union now has a compulsory attendance law, is the situation in regard

to the results obtained by these laws. When we consider the percent of children of school age throughout the country who are not in attendance at any school during the school year, or who are in attendance for a few weeks only, we realize that in passing a law compelling the attendance at school of children of certain ages we are still far from attaining our ideal of all the children in school for all the school year.

In 1915 in the United States as a whole we find not quite 75% of the school population enrolled in the public schools<sup>3</sup>. This percent had increased to 75.32 in 1918. The percent of enrollment in average daily attendance, however, dropped from 76.1 in 1915 to 74.6 in 1918<sup>4</sup>, due probably to war conditions which offered unusual opportunities for increasing school delinquencies<sup>5</sup>. At any rate, the fact remains that in 1918 only a little more than 75% of the school population was enrolled in the public schools, or only three out of every four children between the ages of five and fifteen; and that out of those enrolled not quite 75% were in average daily attendance. That is, only a very little more than half of the school population was in average daily attendance. Or, to be a little more specific, out of every sixteen children between the ages of five and fifteen in the United States in 1918, only twelve were enrolled in public schools, and only nine were in actual attendance on an average day.

Having thus glimpsed the situation in the country as a whole, it will be interesting to see how the several

3. Bureau of Education, Bulletin, 1920, No.11, Statistics of State School Systems, 1917-18, Table pp.4-5.

4. Ibid., Same table.

5. Ibid., p.6.

states stand in the matter and which ones are responsible, by their individual laxity, for the low average in the country. This is perhaps best portrayed by Tables 2, 3, 4, and 5 which follow, showing, respectively: (1) the rank of the several states in the percent of school population enrolled in the public schools, in the percent of enrollment in average daily attendance, and in the percent of school population in average daily attendance; (2) the states grouped according to the percent of school population enrolled in the public schools; (3) the states grouped according to the percent of enrollment in average daily attendance; (4) the states grouped according to the percent of school population in average daily attendance.

TABLE 2.

RANK OF THE SEVERAL STATES WITH RESPECT TO: (1) PERCENT OF SCHOOL POPULATION ENROLLED IN THE PUBLIC SCHOOLS; (2) PERCENT OF THE ENROLLMENT IN AVERAGE DAILY ATTENDANCE; AND (3) PERCENT OF SCHOOL POPULATION IN AVERAGE DAILY ATTENDANCE.

State	Sch.Pop. Enr. %	Rank	Enr.in A. D. T. %	Rank	Sch.Pop.in A.D.T. %	Rank
Alabama	78.2	35	59.5	48	46.8	44
Arizona	107.8	2.5	60.8	46	65.8	16
Arkansas	82.9	24	65	43	53.9	35.5
California	106	4	71.3	28	75.5	8
Colorado	88.2	14	68.7	35.5	60.4	27
Connecticut	98.9	6	78.3	14	77.1	6.5
Delaware	78.5	32	66.3	39	51.8	39
Dist.of Col.	107.8	2.5	77.7	17	83.7	2
Florida	76.1	40	69.9	33	53.2	38
Georgia	74.6	43	67.7	38	50.5	40
Idaho	90	11	71.2	29	63.9	19
Illinois	85.1	19	88.4	4	74.8	9
Indiana	84	21	92.7	1	77.8	5
Iowa	97.4	7	74.6	21	72.3	10
Kansas	85.8	18	71.1	30	60.9	25.5
Kentucky	80.2	28.5	59.1	49	47.2	43
Louisiana	60	49	71.6	26	42.9	49
Maine	88	15	80.8	7	71.1	12
Maryland	73.1	45	68.8	34	50.2	41
Massachusetts	87.8	16	82.2	5	72.0	11
Michigan	96.7	8	79.8	10.5	77.1	6.5
Minnesota	82.9	24	76.5	18	63.4	20
Mississippi	84.3	20	64	45	53.7	37
Missouri	81	27	76	19	61.5	23
Montana	122.8	1	74	23	90.8	1
Nebraska	90.8	9	71.5	27	64.9	18
Nevada	78.8	31	71.8	24	56.5	30
New Hampshire	87.2	17	79.8	10.5	69.4	15
New Jersey	82.9	24	75.4	20	62.1	22
New Mexico	71.2	47	65.8	40	46.7	45.5
New York	80.2	28.5	77.9	16	62.3	21
North Carolina	83.2	22	65.4	41	53.9	35.5
North Dakota	78.3	33.5	71	31	55.3	33
Ohio	90	12	89.2	3	80.1	4
Oklahoma	77.2	37	60.5	47	46.5	47
Oregon	79.1	30	89.7	2	70.7	13
Pennsylvania	75.7	41.5	81.1	6	61.3	24
Rhode Island	76.6	38	78.7	13	60.2	28
South Carolina	72.9	46	64.9	44	46.7	45.5
South Dakota	70.5	48	65.3	42	45.8	48
Tennessee	88.7	13	68.7	35.5	60.9	25.5
Texas	78.3	33.5	71.7	25	55.9	32
Utah	90.4	10	78	15	70.2	14
Vermont	82.2	26	80.2	8	65.6	17
Virginia	73.5	44	67.8	37	49.8	42
Washington	76.3	39	74.1	22	56.2	31
West Virginia	77.5	36	70.2	32	54.2	34
Wisconsin	75.7	41.5	79.3	12	59.7	29
Wyoming	101.3	5	80	9	80.8	3

Data in the first four columns are from the Bureau of Education, Bulletin, 1920, No.11, p. 94 and pp.108-9; data in columns 5 and 6 computed from these.

TABLE 3.  
STATES GROUPED ACCORDING TO PERCENT OF SCHOOL POPULATION  
ENROLLED IN PUBLIC SCHOOLS<sup>a</sup>.

Rank	State	Percent
100 - - 90%		
1	Montana	122.8 <sup>b</sup>
2.5	Arizona	107.8 <sup>b</sup>
2.5	Dist. of Col.	107.8 <sup>b</sup>
4	California	106 <sup>b</sup>
5	Wyoming	101.3 <sup>b</sup>
6	Connecticut	98.9
7	Iowa	97.4
8	Michigan	96.7
9	Nebraska	90.8
10	Utah	90.4
11.5	Idaho	90
11.5	Ohio	90
89.9 - - 80%		
13	Tennessee	88.7
14	Colorado	88.2
15	Maine	88
16	Massachusetts	87.8
17	New Hampshire	87.2
18	Kansas	85.8
19	Illinois	85.1
20	Mississippi	84.3
21	Indiana	84
22	North Carolina	83.2
24	Arkansas	82.9
24	Minnesota	82.9
24	New Jersey	82.9
26	Vermont	82.2
27	Missouri	81
28.5	New York	80.2
28.5	Kentucky	80.2
79.9 - - 70%		
30	Oregon	79.1
31	Nevada	78.8
32	Delaware	78.5
33.5	Texas	78.3
33.5	North Dakota	78.3
35	Alabama	78.2
36	West Virginia	77.5
37	Oklahoma	77.2
38	Rhode Island	76.6

(Continued on next page)

TABLE 3. (Continued)

Rank	State	Percent
79.9 - - 70% (Continued)		
39	Washington	76.3
40	Florida	76.1
41.5	Pennsylvania	75.7
41.5	Wisconsin	75.7
43	Georgia	74.6
44	Virginia	73.5
45	Maryland	73.1
46	South Carolina	72.9
47	New Mexico	71.2
48	South Dakota	70.5
69.9 - - 60%		
49	Louisiana	60

- a. Bureau of Education, Bulletin, 1920, No. 11, Statistics of State School Systems, 1917-1918, Table p.94.
- b. "This (excess over 100%) is probably explained by the fact that there has been a greater influx of population to Montana, Arizona, California, Washington, and the District of Columbia than census estimates based on 1910 can take account of." - - Bureau of Education, Bulletin, 1920, No. 11, Statistics of State School Systems, 1917-1918, p.7.

It seems probable that this same situation will account for some of the other very high percents.

TABLE 4.

STATES GROUPED ACCORDING TO PERCENT OF ENROLLMENT IN  
AVERAGE DAILY ATTENDANCE.<sup>a</sup>

Rank	State	Percent
100 - - 90%		
1	Indiana	92.7
89.9 - - 80%		
2	Oregon	89.7
3	Ohio	89.2
4	Illinois	88.4
5	Massachusetts	82.2
6	Pennsylvania	81.1
7	Maine	80.8
8	Vermont	80.2
9	Wyoming	80
79.9 - - 70%		
10.5	New Hampshire	79.8
10.5	Michigan	79.8
12	Wisconsin	79.3
13	Rhode Island	78.7
14	Connecticut	78.3
15	Utah	78
16	New York	77.9
17	Dist. of Col.	77.7
18	Minnesota	76.5
19	Missouri	76
20	New Jersey	75.4
21	Iowa	74.6
22	Washington	74.1
23	Montana	74
24	Nevada	71.8
25	Texas	71.7
26	Louisiana	71.6
27	Nebraska	71.5
28	California	71.3
29	Idaho	71.2
30	Kansas	71.1
31	North Dakota	71
32	West Virginia	70.2
69.9 - - 60%		
33	Florida	69.9
34	Maryland	68.8

(Continued on next page)

TABLE 4. (Continued)

Rank	State	Percent
69.9 - - 60% (Continued)		
35.5	Colorado	68.7
35.5	Tennessee	68.7
37	Virginia	67.8
38	Georgia	67.7
39	Delaware	66.3
40	New Mexico	65.8
41	North Carolina	65.4
42	South Dakota	65.3
43	Arkansas	65
44	South Carolina	64.9
45	Mississippi	64
46	Arizona	60.8
47	Oklahoma	60.5
59.9 - - 50%		
48	Alabama	59.5
49	Kentucky	59.1

a. Bureau of Education, Bulletin, 1920, No. 11, Statistics of State School Systems, 1917-1918, Table pp.108-109.

TABLE 5.

STATES GROUPED ACCORDING TO PERCENT OF SCHOOL POPULATION IN  
AVERAGE DAILY ATTENDANCE<sup>a</sup>.

Rank	State	Percent
100 - - 90%		
1	Montana	90.8
89.9 - - 80%		
2	Dist. of Col.	83.7
3	Wyoming	80.8
4	Ohio	80.1
79.9 - - 70%		
5	Indiana	77.8
6.5	Connecticut	77.1
6.5	Michigan	77.1
8	California	75.5
9	Illinois	74.8
10	Iowa	72.3
11	Massachusetts	72.1
12	Maine	71.1
13	Oregon	70.7
14	Utah	70.2
69.9 - - 60%		
15	New Hampshire	69.4
16	Arizona	65.8
17	Vermont	65.6
18	Nebraska	64.9
19	Idaho	63.9
20	Minnesota	63.4
21	New York	62.3
22	New Jersey	62.1
23	Missouri	61.5
24	Pennsylvania	61.3
25.5	Kansas	60.9
25.5	Tennessee	60.9
27	Colorado	60.4
28	Rhode Island	60.2
59.9 - - 50%		
29	Wisconsin	59.7
30	Nevada	56.5
31	Washington	56.2

(Continued on next page)

TABLE 5. (Continued)

Rank	State	Percent
59.9 - - 50%		
32	Texas	55.9
33	North Dakota	55.3
34	West Virginia	54.2
35.5	North Carolina	53.9
35.5	Arkansas	53.9
37	Mississippi	53.7
38	Florida	53.2
39	Delaware	51.8
40	Georgia	50.5
41	Maryland	50.2
49.9 - - 40%		
42	Virginia	49.8
43	Kentucky	47.2
44	Alabama	46.8
45.5	New Mexico	46.7
45.5	South Carolina	46.7
47	Oklahoma	46.5
48	South Dakota	45.8
49	Louisiana	42.9

a. Computed from the data presented in Tables 3 and 4.

Tables 6, 7, and 8 reflect the same facts for the five great divisions. Taking the median as the measure of the different groups in each respect, we find the Western states ranking highest in the percent of school population enrolled in the public schools. Their median is 90%, while that of the next highest group, the North Central, is only 84.5. It makes little difference which central tendency, the median or the average, we consider, as the groups rank in the same order in either case. The average for the Western group is 92, while the North Central states again rank second with an average of 85.7. The other groups rank as follows: North Atlantic third, with a median of 82.9 and an average of 84.4; the South Central fourth, with a median of 78.8 and an average of 78.7; and the South Atlantic lowest of all, with a median of 75.4 and an average of 76.2.

When we compare with these the ranks of the several groups in the matter of the percent of enrollment in average daily attendance we realize that the question of getting a child enrolled in school is different now from that of securing his attendance every day, and that most of the states or groups of states whose laws are effective in enrolling the children of school age are not always the ones which have the best success in securing regular attendance. The North Atlantic states, as a group, are foremost in the matter of daily attendance, while the North Central states rank second, with a median of 76.3% as compared with that of 79.8% for the North Atlantic. We find here as in the percent of school population enrolled in the public schools that the respective ranks are not changed by considering the average instead of the median. The Western states, which

ranked first in the percent of school population enrolled, are reduced to third in this matter of the percent of enrollment in average daily attendance. Their median is 71.8%, while that of the South Atlantic states is 67.8%, and that of the South Central is only 64.5%.

A measure fairer perhaps than either one of these alone is one calculated from a combination of the two, viz., the percent of school population in average daily attendance. This really measures the efficiency of the state in terms of the proportion of its school children which it succeeds in bringing into the schools on an average day. Tested by this, the North Atlantic group again ranks first, with a median of 67.9%; the Western group second, with 65.5%; the North Central third, with 64.2%; the South Atlantic fourth, with 51.3%; and the South Central again is the lowest group, with a median of 50.6%. It is interesting to note that while the North Atlantic group ranked first in two of these rankings, the Western first one and second once, and the North Central second twice and third once, the two groups of southern states have in each case been the fourth and fifth in rank. The same indifference to the need for universal education which is seen in the comparative recency of their compulsory attendance laws is reflected here in their failure of these laws both in enrolling the children in school, and in securing their attendance when once enrolled.

TABLE 6.

PERCENT OF SCHOOL POPULATION ENROLLED IN PUBLIC SCHOOLS:<sup>a</sup>

<u>North Atlantic</u>		<u>South Central</u>	
1. Connecticut	98.9	1. Tennessee	88.7
2. Maine	88.0	2. Mississippi	84.3
3. Massachusetts	87.8	3. Arkansas	82.9
4. New Hampshire	87.2	4. Kentucky	80.2
5. New Jersey	82.9	5. Texas	78.3
6. Vermont	82.2	6. Alabama	78.2
7. New York	80.2	7. Oklahoma	77.2
8. Rhode Island	76.6	8. Louisiana	60.0
9. Pennsylvania	75.7		
Average for group	84.4	Average for group	78.7
Median	82.9	Median	78.8
-----		-----	
<u>North Central</u>		<u>Western</u>	
1. Iowa	97.4	1. Montana	122.8
2. Michigan	96.7	2. Arizona	107.8
3. Nebraska	90.8	3. California	106.0
4. Ohio	90.0	4. Wyoming	101.3
5. Kansas	85.8	5. Utah	90.4
6. Illinois	85.1	6. Idaho	90.0
7. Indiana	84.0	7. Colorado	88.2
8. Minnesota	82.9	8. Oregon	79.1
9. Missouri	81.0	9. Nevada	78.8
10. North Dakota	78.3	10. Washington	76.3
11. Wisconsin	75.7	11. New Mexico	71.2
12. South Dakota	70.5		
Average for group	85.7	Average for group	92.0
Median	84.5	Median	90.0
-----		-----	
<u>South Atlantic</u>			
1. North Carolina	83.2		
2. Delaware	78.5		
3. West Virginia	77.5		
4. Florida	76.1		
5. Georgia	74.6		
6. Virginia	73.5		
7. Maryland	73.1		
8. South Carolina	72.9		
Average for group	76.2		
Median	75.4		

a. Data taken from Bureau of Education, Bulletin, 1920, No. 11, Statistics of State School Systems, 1917-1918, Table, p.94.

TABLE 7.

PERCENT OF ENROLLMENT IN AVERAGE DAILY ATTENDANCE<sup>a</sup>.North Atlantic

1. Massachusetts	82.2
2. Pennsylvania	81.1
3. Maine	80.8
4. Vermont	80.2
5. New Hampshire	79.8
6. Rhode Island	78.7
7. Connecticut	78.3
8. New York	77.9
9. New Jersey	75.4

Average for group	79.4
Median	79.8

South Central

1. Texas	71.7
2. Louisiana	71.6
3. Tennessee	68.7
4. Arkansas	65.0
5. Mississippi	64.0
6. Oklahoma	60.5
7. Alabama	59.5
8. Kentucky	59.1

Average for group	65.0
Median	64.5

North Central

1. Indiana	92.7
2. Ohio	89.2
3. Illinois	88.4
4. Michigan	79.8
5. Wisconsin	79.3
6. Minnesota	76.5
7. Missouri	76.0
8. Iowa	74.6
9. Nebraska	71.5
10. Kansas	71.1
11. North Dakota	71.0
12. South Dakota	65.3

Average for group	76.3
Median	76.3

Western

1. Oregon	89.7
2. Wyoming	80.0
3. Utah	78.0
4. Washington	74.1
5. Montana	74.0
6. Nevada	71.8
7. California	71.3
8. Idaho	71.2
9. Colorado	68.7
10. New Mexico	65.8
11. Arizona	60.8

Average for group	73.2
Median	71.8

South Atlantic

1. West Virginia	70.2
2. Florida	69.9
3. Maryland	68.8
4. Virginia	67.8
5. Georgia	67.7
6. Delaware	66.3
7. North Carolina	65.4
8. South Carolina	64.9

Average for group	67.6
Median	67.8

a. Data taken from Bureau of Education, Bulletin, 1920, No. 11, Statistics of State School Systems, 1917-18, pp.108-109.

TABLE 8.

PERCENT OF SCHOOL POPULATION IN AVERAGE DAILY ATTENDANCE IN THE STATES OF THE SEVERAL GEOGRAPHICAL DIVISIONS<sup>a</sup>.

North Atlantic

1. Connecticut	77.4
2. Massachusetts	72.1
3. Maine	71.1
4. New Hampshire	69.5
5. Vermont	67.9
6. New Jersey	62.5
7. New York	62.4
8. Pennsylvania	61.3
9. Rhode Island	60.2
Average of group	67.1
Median	67.9
-----	

North Central

1. Ohio	80.2
2. Indiana	77.7
3. Michigan	77.1
4. Illinois	75.2
5. Iowa	72.3
6. Nebraska	64.9
7. Minnesota	63.4
8. Kansas	61.0
9. Missouri	60.5
10. Wisconsin	60.0
11. North Dakota	55.5
12. South Dakota	46.0
Average of group	66.1
Median	64.2
-----	

South Atlantic

1.5 North Carolina	54.4
1.5 West Virginia	54.4
3. Florida	53.1
4. Delaware	52.0
5. Georgia	50.6
6. Maryland	50.2
7. Virginia	49.8
8. South Carolina	47.3
Average for group	51.4
Median	51.3

South Central

1. Tennessee	60.9
2. Texas	56.1
3. Mississippi	53.9
4. Arkansas	53.8
5. Kentucky	47.3
6. Oklahoma	46.7
7. Alabama	46.5
8. Louisiana	42.9
Average for group	51.0
Median	50.6
-----	

Western

1. Montana	90.8
2. Wyoming	80.8
3. California	75.5
4. Oregon	70.9
5. Utah	70.5
6. Arizona	65.5
7. Idaho	64.0
8. Colorado	60.5
9.5 Nevada	56.5
9.5 Washington	56.6
11. New Mexico	46.8
Average for group	66.9
Median	65.5
-----	

a. Data taken from Column No. 5 of Table 2.

The following table, No. 9, shows the conditions in the seven states selected for special study.

TABLE 9.

## ENROLLMENT AND ATTENDANCE IN SEVEN REPRESENTATIVE STATES, 1918.

States	Rank <sup>a</sup>	% Enr. <sup>b</sup>	Rank <sup>a</sup>	% Enr. in Attend. <sup>c</sup>	Rank <sup>a</sup>	Sch. Pop. in Attend. <sup>d</sup>
Minnesota	24	82.9	18	76.5	20	63.4
California	4	106.0	28	71.3	8	75.5
Massachusetts	16	87.8	5	82.2	11	72.0
New Jersey	24	82.9	20	75.4	22	62.1
Rhode Island	38	76.6	13	78.7	28	60.2
Oregon	30	79.1	2	89.7	13	70.7
Kentucky	28.5	80.2	49	59.1	43	47.2

- Rank among 49 units, consisting of 48 states and the Dist. of Col.
- Percent of total population of school age, (5-18) actually enrolled in public school.
- Percent of total number enrolled, which is actually in attendance.
- Percent of total school population which is in average daily attendance.

The respective ranks, 4, 16, 24, 28.5, 30, and 38 in the percent of school population enrolled; 2, 5, 13, 18, 20, 28, and 49, in the percent of enrollment in average daily attendance; and 8, 11, 13, 20, 22, 28, and 43, in the percent of school population in average daily attendance, would indicate that these states selected exemplify widely varying conditions. Also, as we found in the case of the geographical divisions, so with the several states, those which are the most successful in enrolling the children are not the ones which have the best success in securing daily attendance. For example, California, which ranks fourth in enrollment, ranks twenty-eighth in average daily attendance secured. Oregon, ranking thirtieth, with only 79.1% of its

school population enrolled, is second in the other list, having succeeded in getting 89.7% of its enrollment to attend every day. So we must conclude that the same states will not furnish us with the best provisions for enrollment and the most effective law-enforcement, leading to the actual attendance of the children enrolled.

The present situation will best be appreciated if compared with that of previous years. In the United States as a whole the situation has been steadily improving since 1890. In that year we find only 68.61% of the school population (5-18) enrolled in the public schools, and only 64.1% of that enrollment in average daily attendance. Or, to put it in another way, less than 45% (44.9%) of the school population was in daily attendance. The percent of school population enrolled increased slightly from 1890 to 1900, when it was 68.93. From this time the increase is more marked, the percent enrolled being 70.35 in 1905, 71.30 in 1910, 74.57 in 1915, and 75.3 in 1918. The rise in the percent of enrollment in average daily attendance is gradual but steady up to 1915, when it was 76.1, since when it has dropped to 74.6 in 1918. The really significant percents are the percents of the school population actually present in school. This, we have already noted, was a little less than 45% in 1890. By 1900 it had increased to 47.23%; by 1910 it was 50.4, and in 1918, it was 56.17. The gradual improvement in the situation is best seen by reference to the table and graph following.

TABLE 10.

ENROLLMENT AND ATTENDANCE IN THE UNITED STATES  
BY FIVE-YEAR PERIODS FROM 1890 TO 1918.

Date	Enrolled in Pub.Sch.	% of Sch.Pop.	Av.Daily Att.	% of Enr.	% of Sch.Pop. in Av.D.Att. <sup>c</sup>
1889- 90 <sup>a</sup>	12,755,950	68.61	8,144,938	64.1	43.91
1895 <sup>a</sup>	14,280,070	69.85	9,387,507	66.11	46.10
1900 <sup>a</sup>	15,341,220	68.93	10,513,518	68.53	47.23
1905 <sup>a</sup>	16,468,300	70.35	11,481,531	69.7	49.03
1910 <sup>a</sup>	17,813,852	71.30	12,827,307	72.1	50.4
1915 <sup>a</sup>	19,704,209	74.57	14,985,900	76.1	56.74
1918 <sup>b</sup>	20,853,516	74.6	15,548,914	75.3	56.17

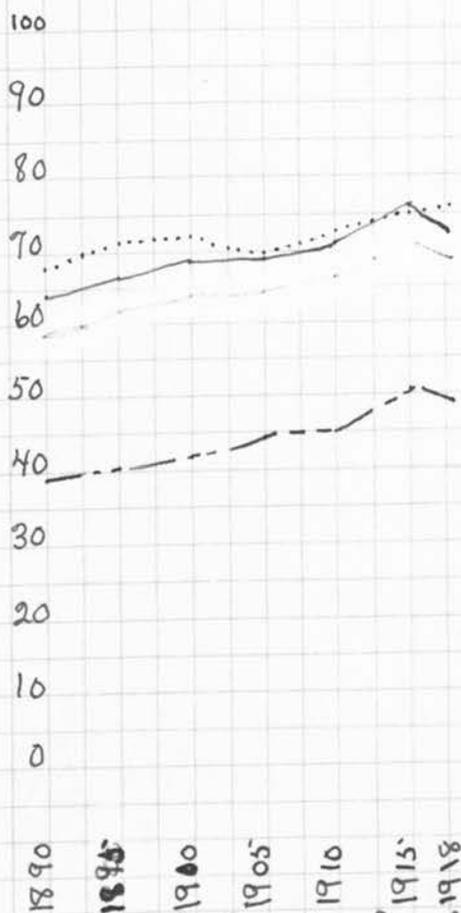
a. Commissioner of Education, Report, 1916, Vol. II, p.19.

b. United States Bureau of Education, Bulletin, 1920, No. 11,  
pp. 96 and 100.

c. Computed.

FIGURE 1.

THE PERCENT OF SCHOOL POPULATION ENROLLED  
IN THE PUBLIC SCHOOLS, AND THE PERCENT OF  
ENROLLMENT IN AVERAGE DAILY ATTENDANCE,  
IN THE UNITED STATES, FROM 1890 to 1918.



... Percent of school population enrolled  
 — Percent of enrollment in average daily attendance  
 (Copied from Figure 1, p. 7, *Bull. Ed. Bull.*  
 1920, no. 11, *Statistics of State School*  
*Systems, 1917-18.*)  
 - - - Percent of school population in  
 average daily attendance.  
 (From table on preceding page.)

Let us pass from this view of the school attendance situation in the United States as a whole to a consideration of the same in the major geographical divisions of the country. In the North Atlantic states we find the percent of school population enrolled in the public schools not varying much from 1890 to 1918<sup>6</sup>. In 1890, 70.44% was enrolled; this falls to 68.09 in 1900, and rises only to 69.93 in 1910 and to 71.18 in 1915. This rises almost phenomenally to 82.9% in 1917-18, according to the only available statistics<sup>7</sup>. The percent of enrollment present in average daily attendance shows a steady and more substantial increase during the same period. In 1890 only 66% of the enrollment was in average daily attendance; by 1900 this had increased to 72.43%, by 1910 to 78.5, by 1915 to 80.9, but from 1915 to 1918 it decreased to 79.8%. Once again war conditions, with their consequent laxity of attendance requirements, may be blamed for this decrease. The percent of school population in average daily attendance shows a steady rise during all of this period, from 46.46 in 1890 to 49.31 in 1900, 54.89 in 1910, 57.58 in 1915, and 67.9 in 1917-18, this marked increase due to the same sort of condition in the figures for percent of school population enrolled. In order to facilitate comparison with conditions in other sections, the tables and graphs representing the tendency in each section will be placed at the end of the textual discussion.

The North Central states show a slight improvement over the North Atlantic group in each of the three

6. Data in this paragraph repeated in Table 11.

7. See Table 6.

percentages considered<sup>8</sup>. Here we find in 1890, 76.46% of the school population enrolled in the public schools. This, however, drops to 75.68 in 1900, continues to drop until 1905, when it is 74.04, then begins to rise slowly. By 1910 it has reached 74.42, then begins to rise slowly. By 1910 it has reached 74.42, by 1915, 77.31, the first date which shows a percent equal to that attained in 1890, and 1918 it is 84.5. The percent of enrollment in average daily attendance shows a gradual though not rapid increase from 1890 to 1915, after which it drops over five percent in the next three years. In 1890 there is 64.5% of the school population enrolled, in 1895, 66.68%, and so on until in 1915 there is 81.5%, when it begins to fall off, there being only 76.3% in 1918. The percentage of school population in average daily attendance, resulting from these two, shows a steady increase all the way from 1890 to 1918. Beginning with 49.31 in 1890 it increases but slightly more than one percent in the ensuing five years, being 50.37 in 1895. The rate of increase remains slow until the period from 1910 to 1915, in which the percentage increases from 55.59 to 63.0. This rate is not maintained after 1915, the percent for 1918 being only 64.2, an increase of only 1.2% for three years, in contrast to a gain of 7.41% in five years.

In the South Atlantic states, the percent of school population enrolled is appreciably lower throughout the twenty-eight year period than in either the North Atlantic or the North Central states. Here, in 1890, we find only 59.22% of the

8. Data in this paragraph repeated in Table No. 12.

school population enrolled<sup>9</sup>. This increases slowly until in 1918 there are 75.4% enrolled, the increase being evident in every five year period but one. From 1895 to 1900 the percent dropped from 61.73 to 61.37. The percent of enrollment in average daily attendance compares more favorably with that in the other sections than the percent enrolled does. Here again we find an increase in every five year period up to 1915, excepting that from 1895 to 1900. Beginning with 62% in 1890, it rises to 62.44 in 1895, then drops to 61.02 in 1900, rises again to 62.82 in 1905, to 65.7 in 1910, 68.5 in 1915, after which it drops to 67.8 in 1918. The resultant percentage of school population in average daily attendance begins with 36.71 in 1890, rises to 38.54 in 1895, drops to 37.44 in 1900, rises again to 40.84 in 1905, then more rapidly, to 45.37 in 1910, to 50.01 in 1915, then more slowly again, to 51.3 in 1918.

The South Central states rank very close to the South Atlantic both in the percent of school population enrolled, and in the percent of enrollment in average daily attendance<sup>10</sup>. Beginning with 60.14% in 1890 the percent of school population enrolled increases to 63.96 in 1895, falls to 61.90 in 1900, then increases again to 65.15 in 1905, to 68.38 in 1910, 72.70 in 1915, and 78.8 in 1918. On the other hand, the percent of enrollment in average daily attendance rises and falls alternately, showing little permanent increase. Rising from 63.2% in 1890 to 66.80 in 1900, it drops to 62.50 in 1905, then rises again to 67.8 in 1915, and

9. Data in this paragraph repeated in Table 13.

10. Data in this paragraph repeated in Table 14.

and drops to 64.5 in 1918, only 1.3% higher than it was in 1890. The percent of school population in average daily attendance rises fairly constantly from 38.0 in 1890 to 50.6 in 1918, although in the five year period from 1900 to 1905 it drops from 41.34 to 40.71. This shows a gain of 12.6% in the twenty-eight years from 1890 to 1918, as compared with 14.59 for the South Atlantic states, and contrasted with 20.44 for the North Atlantic.

The Western states show the greatest gain of any group in the percentage of school population enrolled, increasing from 70.01% in 1890 to 90% in 1918<sup>11</sup>. During the period from 1905 to 1910 alone do we find a decrease, but that is a decided one, from 86.41 to 74.70, followed, however, by a gain of almost 10% in the next five years, back to 84.09. The percent of enrollment in average daily attendance increases from 63.5 in 1890 to 76.1 in 1915, then drops to 71.8 in 1918. Up to 1915 the gain is steady, except from 1895 to 1900, when the percent drops from 68.73 to 68.08. The percent of school population in average daily attendance in 1890 was greater than that in either the South Central or the South Atlantic states, but less than that in either the North Atlantic or North Central states. In 1918 it is less than the North Atlantic alone, having passed the North Central group in 1895 and remained in advance of it with the single exception of 1910 when the Western states had only 54.53% of school population in average daily attendance, as compared with 55.59% in the North Central group. The five years preceding that date show the only break in an otherwise constantly rising curve from 44.45% in 1890

11. Data in this paragraph repeated in Table 15.

to 65.5 in 1918.

The following tables and graphs will illustrate these facts and furnish material for further comparison and contrast among the various sectional groups.

TABLE 11.  
NORTH ATLANTIC STATES.

Year	Enrolled in Pub.Sch.	% of Sch.Pop.	Av.D.Att.	% of Enr.	% of Sch.Pop.
1890	3,112,622	70.44	2,036,459	66.0	46.46
1895	3,411,862	71.07	2,341,204	68.61	48.75
1900	3,633,240	68.09	2,631,368	72.43	49.31
1905	3,904,624	69.88	2,963,751	75.88	53.02
1910	4,216,879	69.93	3,310,279	78.5	54.89
1915	4,747,247	71.18	3,839,871	80.9	57.58
1918		82.9		79.8	67.90

TABLE 12.  
NORTH CENTRAL STATES.

1890	5,015,217	76.46	3,188,732	64.5	49.31
1895	5,408,928	75.58	3,604,851	66.65	50.37
1900	5,823,019	75.68	4,066,169	69.84	52.85
1905	5,923,472	74.04	4,269,083	72.05	53.34
1910	5,981,989	74.42	4,463,915	74.70	55.59
1915	6,263,151	77.31	5,103,733	81.50	63.00
1918		84.5		76.3	64.20

TABLE 13.

## SOUTH ATLANTIC STATES.

Year	Enrolled in Pub.Sch.	% of Sch.Pop.	Av.D.Att.	% of Enr.	% of Sch.Pop.
1890	1,785,486	59.22	1,126,683	62.00	36.71
1895	1,980,537	61.73	1,236,847	62.44	38.54
1900	2,174,083	61.37	1,326,684	61.02	37.44
1905	2,322,740	65.02	1,458,923	62.82	40.84
1910	2,753,386	69.07	1,687,665	65.70	45.37
1915	2,904,997	73.01	1,988,837	68.50	50.01
1918		75.40		67.80	51.30

TABLE 14.

## SOUTH CENTRAL STATES.

1890	2,293,579	60.14	1,467,649	63.20	38.00
1895	2,719,256	63.96	1,736,454	63.84	40.83
1900	2,912,698	61.90	1,945,883	66.80	41.34
1905	3,321,852	65.15	2,075,832	62.50	40.71
1910	3,813,989	68.38	2,468,257	64.80	44.31
1915	4,250,732	72.70	2,883,629	67.80	49.29
1918		78.8		64.50	50.60

TABLE 15.  
WESTERN STATES.

Year	Enrolled in Pub. Sch.	% of Sch. Pop.	Av. D. Att.	% of Enr.	% of Sch. Pop.
1890	515,677	70.01	334,112	63.50	44.45
1895	681,169	74.80	468,151	68.73	51.41
1900	798,180	81.13	543,414	68.08	55.23
1905	994,612	86.41	713,942	71.78	62.02
1910	1,227,609	74.70	897,191	73.00	54.53
1915	1,538,082	84.09	1,169,830	76.10	63.99
1918		90.00		71.80	65.50

FIGURE 2.

## THE PRESENT SITUATION IN THE NORTH ATLANTIC STATES.

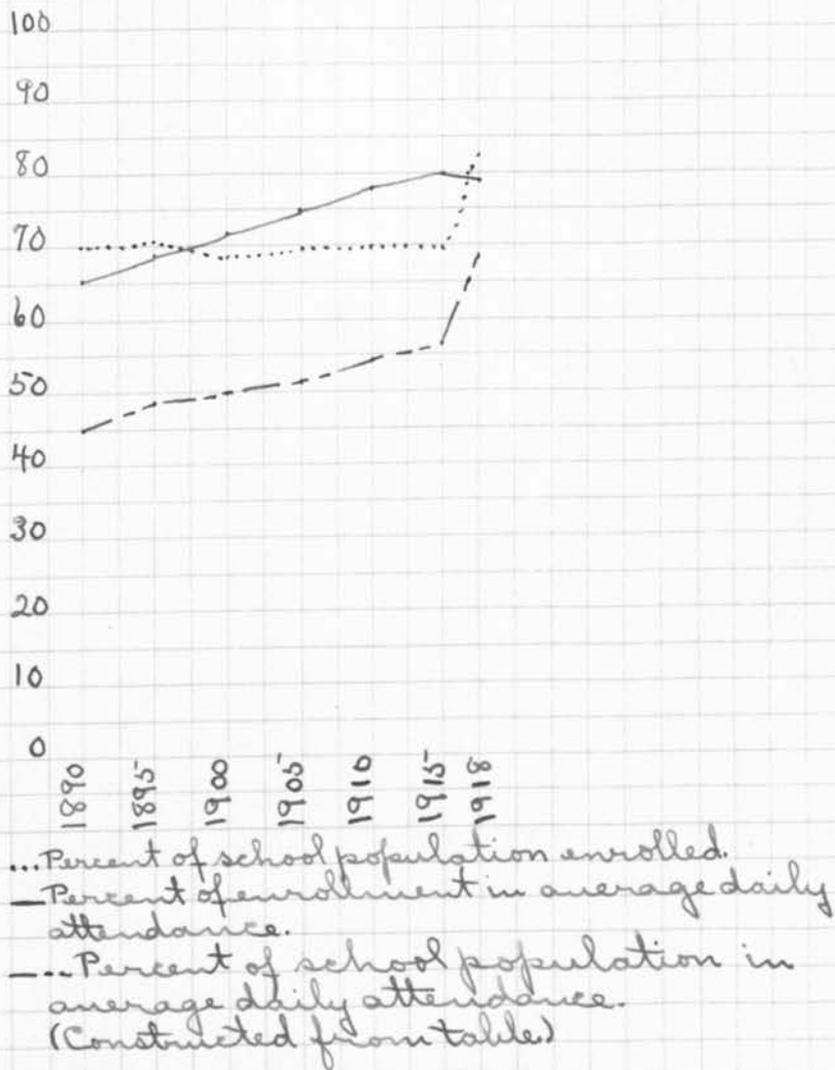
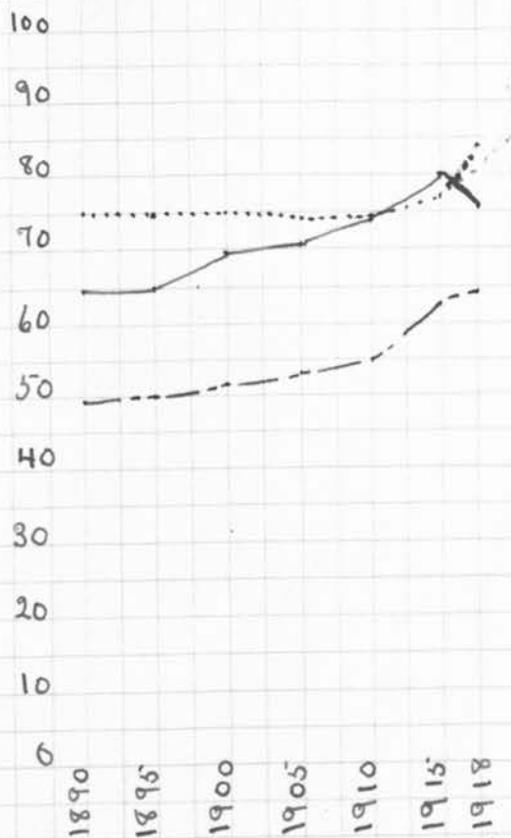


FIGURE 3.

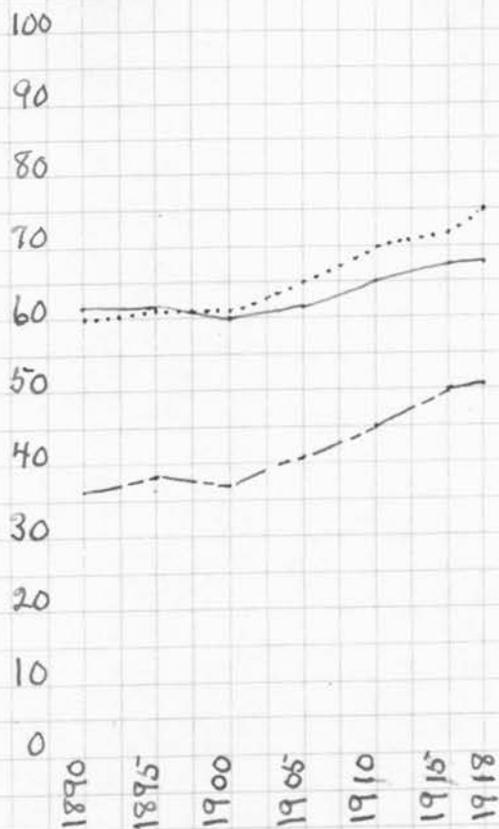
## THE PRESENT SITUATION IN THE NORTH CENTRAL STATES.



... Percent of school population enrolled.  
 — Percent of enrollment in average daily attendance.  
 - - - Percent of school population in average daily attendance.  
 (Constructed from table.)

FIGURE 4.

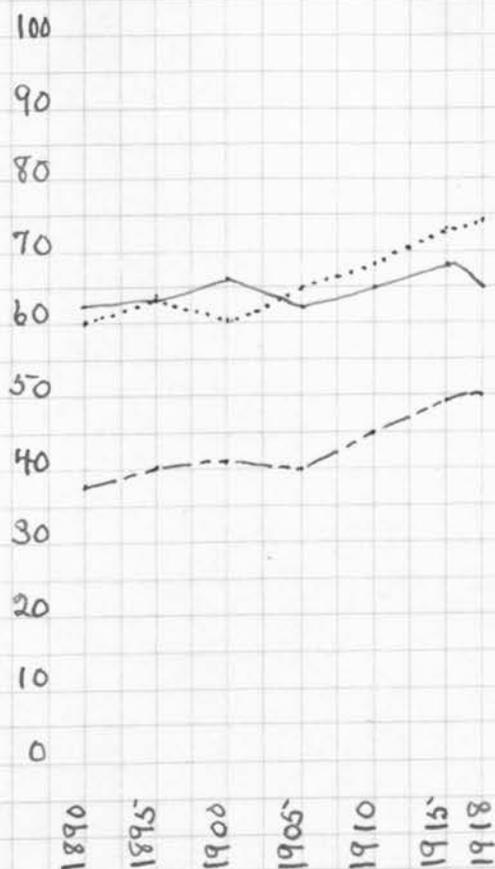
## THE PRESENT SITUATION IN THE SOUTH ATLANTIC STATES.



... Percent of school population enrolled  
 — Percent of enrollment in average daily attendance.  
 --- Percent of school population in average daily attendance.  
 (Constructed from table)

FIGURE 5.

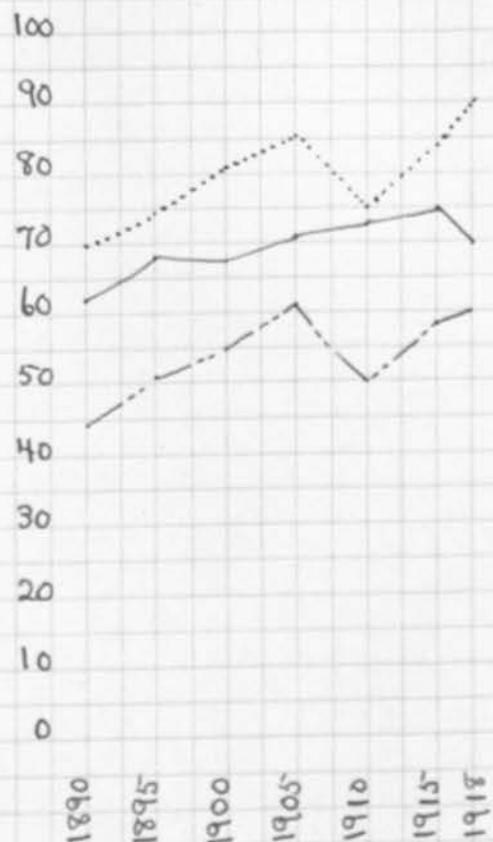
## THE PRESENT SITUATION IN THE SOUTH CENTRAL STATES.



... Percent of school population enrolled.  
 — Percent of enrollment in average daily attendance.  
 - - - Percent of school population in average daily attendance.  
 (Constructed from table.)

FIGURE 6.

## THE PRESENT SITUATION IN THE WESTERN STATES.



..... Percent of school population enrolled.  
 — Percent of enrollment in average daily attendance.  
 --- Percent of school population in average daily attendance.  
 (Constructed from table)

Having now the general situation in the United States as a whole, in each of the five geographical groups, and in each of the seven states selected for special study, let us now consider the increase by periods in the number of states having compulsory attendance laws. Connecticut, with her enactment of 1650,<sup>12</sup> stands alone on the subject for more than two hundred years, until in 1852<sup>12</sup> Massachusetts joins her. The period from 1850 to 1865<sup>12</sup> sees two more states pass their first laws on the subject: viz., New York, 1853,<sup>12</sup> and the District of Columbia in 1864.<sup>12</sup> From 1865 we have divided the time into decades, and find fairly even distribution of the states among these decades. From 1865 to 1875 there are ten new states added,<sup>12</sup> making a total of fourteen by the end of 1875. Among these ten are four Western states, four North Atlantic, and two North Central. Between 1875 and the end of 1885, nine more enact their first laws,<sup>12</sup> bringing the total to twenty-three. Of these nine new ones six are North Central states, which comprise half of the North Central group; two are Western, and one is North Atlantic. Of the twenty-three states with compulsory attendance laws in 1885, are eight North Atlantic out of the nine in the North Atlantic group, six Western states, and eight North Central. The twenty-third is the District of Columbia, which probably should be considered as belonging to the South Atlantic group. From 1885 to 1895, inclusive, six more first enactments are passed, adding to the group the one remaining North Atlantic state, Pennsylvania,<sup>12</sup> one North Central state, Nebraska,<sup>12</sup> and four Western states;<sup>12</sup> making the totals for the several geographical

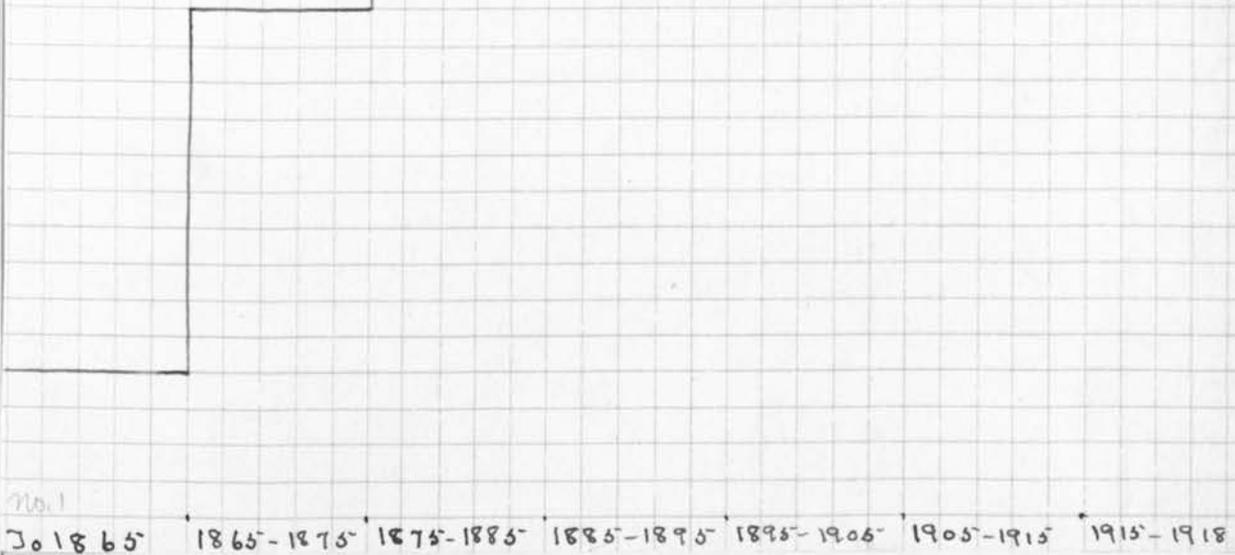
12. Data in this paragraph repeated in Table 10.

groups as follows: North Atlantic, nine; North Central, nine; Western, ten; South Atlantic, one. Between 1895 and 1905, the Southern states begin to appear. Kentucky and Tennessee represent the South Central division, and Maryland and West Virginia, the South Atlantic. Within this decade comes also the last one of the Western states, viz., Arizona, and all the remaining North Central states, viz., Indiana, Iowa, and Missouri. By 1895, then, all the North Atlantic states had compulsory attendance laws; by 1905, all the Western and all the North Central state had such laws. Between 1905 and 1915 appear five more South Atlantic states, and four more South Central, while from 1915 to 1918, inclusive, have appeared Georgia of the South Atlantic group and Louisiana and Mississippi of the South Central, making the list of states complete.

The statements of this chapter are perhaps made more clear by the graphs following, which show the gradual increase throughout the country as a whole in the number of states having compulsory attendance laws, and the more sudden rise by periods in the different sections.

## GRAPH 1.

NUMBER OF STATES HAVING COMPULSORY  
ATTENDANCE LAWS, BY TEN YEAR PERIODS,  
FROM 1865 to 1918.



No. 1

301865

1865-1875

1875-1885

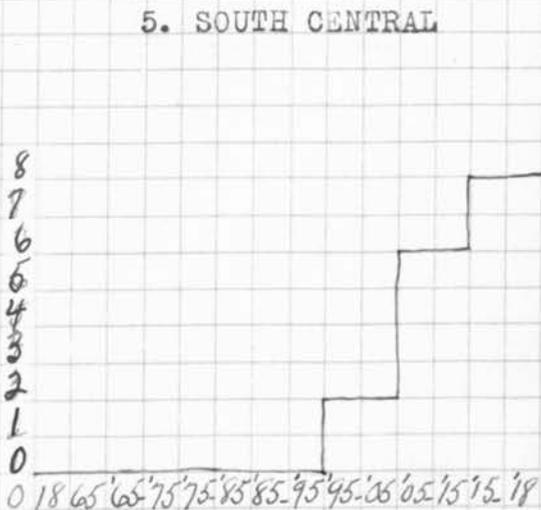
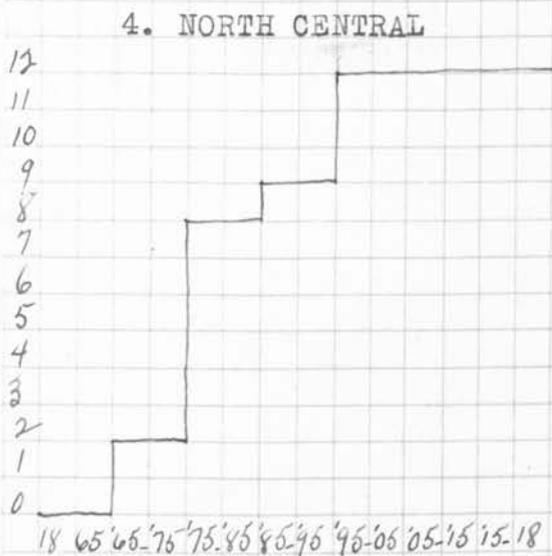
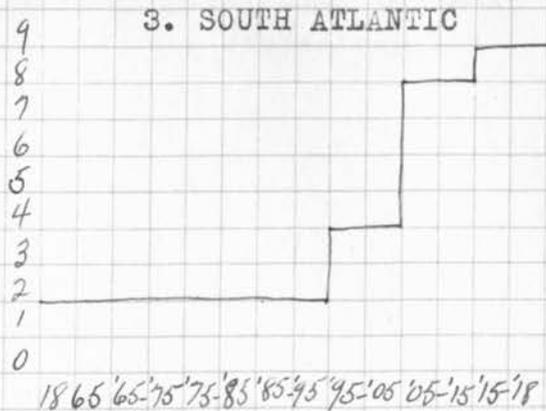
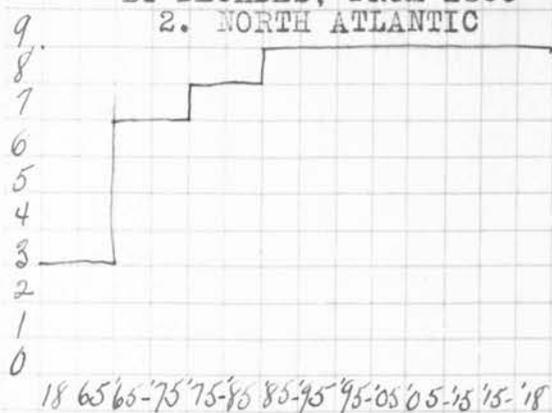
1885-1895

1895-1905

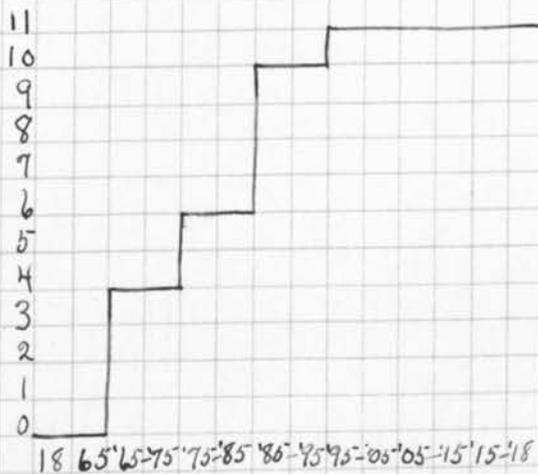
1905-1915

1915-1918

## GRAPHS 2,3,4,5,6.

INCREASING NUMBER OF STATES WITH COMPULSORY ATTENDANCE LAWS  
BY DECADES, FROM 1865 -1918.

## 6. WESTERN



Graph 1, representing the situation in the country as a whole presents a comparatively smooth curve, showing the gradual increase in the number of states having compulsory attendance laws, when all the states are considered. This is not at all true, when we consider the different sections by themselves. In the case of all but one, the Western group, there is one decade during which practically fifty percent of the group enact their first compulsory attendance laws. For the North Atlantic group this decade is from 1865 to 1875, when four out of the nine pass their first enactments. For the North Central, it is from 1875 to 1885, when six out of the twelve, just fifty percent, are added to the list. For the Southern groups, both South Atlantic and South Central, the decade of greatest growth is from 1905 to 1915. The Western states show two decades of equal growth, from 1865 to 1875, and again from 1885 to 1895, during each of which four of the eleven states passed their first enactments. The early enactments in the North Atlantic states, as contrasted with the recent enactments in the Southern groups is perhaps more strikingly portrayed by these graphs than by the corresponding tables.

By way of summarizing the facts presented on enrollment and attendance, let us see how the tables of distribution look when converted into graphs.

7.

8.

GRAPHS 7 and 8.  
 THE NUMBER OF STATES HAVING  
 THE VARIOUS PERCENTAGES OF  
 (7) SCHOOL POPULATION ENROLLED  
 IN PUBLIC SCHOOLS; AND (8)  
 ENROLLMENT IN AVERAGE DAILY  
 ATTENDANCE.

- 49
- 48
- 47
- 46
- 45
- 44
- 43
- 42
- 41
- 40
- 39
- 38
- 37
- 36
- 35
- 34
- 33
- 32
- 31
- 30
- 29
- 28
- 27
- 26
- 25
- 24
- 23
- 22
- 21
- 20
- 19
- 18
- 17
- 16
- 15
- 14
- 13
- 12
- 11
- 10
- 9
- 8
- 7
- 6
- 5
- 4
- 3
- 2
- 1

100% - 90% 89.9% - 80% 79.9% - 70% 69.9% - 60%

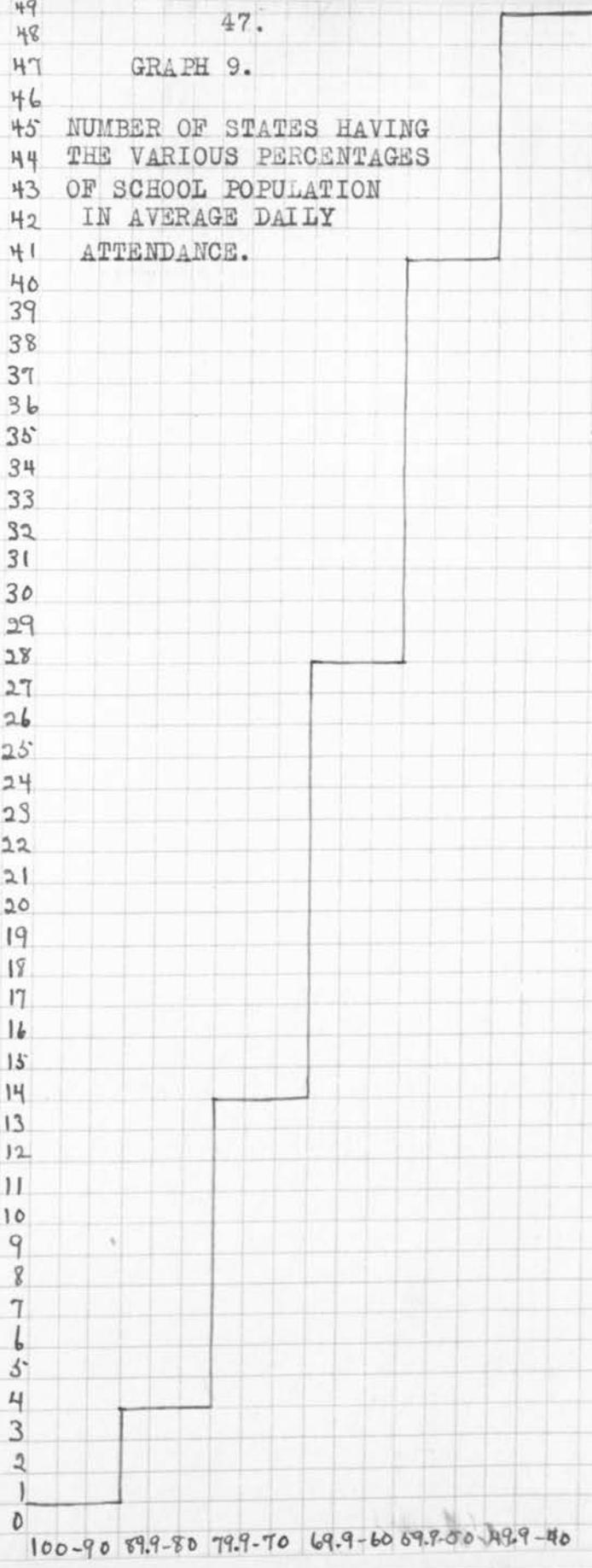
100% - 90% 89.9% - 80% 79.9% - 70% 69.9% - 60% 59.9% - 50%

49  
48  
47  
46  
45  
44  
43  
42  
41  
40  
39  
38  
37  
36  
35  
34  
33  
32  
31  
30  
29  
28  
27  
26  
25  
24  
23  
22  
21  
20  
19  
18  
17  
16  
15  
14  
13  
12  
11  
10  
9  
8  
7  
6  
5  
4  
3  
2  
1  
0

47.

GRAPH 9.

NUMBER OF STATES HAVING  
THE VARIOUS PERCENTAGES  
OF SCHOOL POPULATION  
IN AVERAGE DAILY  
ATTENDANCE.



The encouraging feature of Graph 7 is the fact that twelve of our states have from 100 to 90% of their school population enrolled in the public schools. By far the greater portion of the states, however, lie in the next two percentage groups, that is, between 89.9 and 80%, or between 79.9 and 70%. In the matter of the percentage of enrollment in average daily attendance, we find, as we should expect, a general lowering of the scale. That is, only one state has as much as 90% of its school enrollment in average daily attendance, only nine of them have as much as 80%, and so on. The large groups here fall between 80 and 60%, instead of between 90 and 70. Graph 9, a composite of these two, is consequently lower than either. Here we find only one state with as much as 90% of its school population in average daily attendance, only four with as many as 80%, only fourteen with as much as 70%, while the large groups fall between 70 and 50%. As we improve the situation in these respects, the curves of these graphs will be moved to the left, until an ideal situation in each case will be represented by no curve at all, but by a straight line, showing forty-nine units with 100% of its school population enrolled and in average daily attendance.

## CHAPTER III.

## The History of Legislation in California.

Although the constitution of California, adopted in 1849, contained a provision for a minimum term of six months,<sup>13</sup> no further legislation in any way connected with compulsory school attendance was enacted until 1874, when a law was passed including provisions for compulsory age, attendance, bases of exemption, agents of enforcement, and penalties for failure to comply with the law<sup>14</sup>

According to this law children from eight to fourteen, inclusive, were compelled to attend school for at least two-thirds of the term held<sup>15</sup>. They might be exempted from this requirement on any one of five bases<sup>15</sup>: (1) bodily or mental disability; (2) sickness or extreme poverty of parents or guardians; (3) instruction in a private school or at home; (4) completion of the ordinary branches of study; (5) the lack of any school with a three months term within one mile of their home.

The enforcement was put into the hands of the city or district board<sup>14</sup>. The board must obtain a list of children of compulsory school age from the census marshall, pass such list on

13. Constitution, Article IX, Sec. 5.

14. School Law of California, 1889, p.51.

15. Ibid., p.50.

to the teachers, receive from the teachers from time to time lists of absentees and truant children, investigate such cases and prosecute where such a measure seems called for.<sup>14</sup>

The penalties provided were confined to the clerk of the board for neglect of duty, and to the parent for failing to send a child to school in accordance with the law.<sup>14</sup> The clerk might be fined from \$20 to \$30; the parent, for a first offense, not more than \$20, for each subsequent offense, from \$20 to \$50.

Meagre and unsatisfactory as this law seems to us now in comparison with the elaborate enactments existing in some of our states today, nevertheless it was, for that period, a most excellent law, and compares very favorably with those in force now in some of our younger states. Noticeable among its features is the very scant attention given to the machinery of enforcement. Not until many years later did the legislators come to realize that the district or city board, with other duties and interests, receiving no remuneration for their services on the board, would not be satisfactory agents to be entrusted with the enforcement of compulsory attendance laws. In fact, this law remained in force without change or amendment until 1903.

Educational legislation bearing upon school attendance in California may be divided into three periods: the first including the constitutional provision, and the rather extensive law of 1874; the second, including the laws of 1903 and some of the provisions of the 1907 enactment; the third beginning with 1907 and continuing up to and including 1919. The first period is characterized by requirements and standards and may be described as didactic; that is, legislation of this period is

satisfied to make demands and impose upon the public ideas and ideals; the second, with its realization of the necessity for detailed provision both of means and agents for enforcement, may be termed as pragmatic, in other words, concerned with getting results; while the third, with its emphasis on the limitation of child labor, is clearly protective, the main interest now having transferred from statistics of attendance to welfare of the child.

In the law of 1903 we find the attendance requirement raised to five months, with a stipulation that at least eighteen weeks of this be consecutive.<sup>16</sup> The bases of exemption are not materially changed, but are more strictly interpreted;<sup>16</sup> for example, bodily or mental disability must, according to this law, be proved by a doctor's certificate.<sup>16</sup> Attendance officers are mentioned for the first time,<sup>16</sup> though there is no definite provision for their appointment, the law merely stating that its enforcement be left to the local boards except in the case of cities, or city and county organizations having attendance officers. The penalties, or rather the maximum penalty in case of the parent is lowered from \$20 to \$10,<sup>17</sup> and a penalty for the guilty child is included: namely, that he may be arrested and returned to school.<sup>18</sup> If he qualified as an habitual truant he may be sentenced to a parental school.<sup>18</sup> The provisions in regard to the parental schools are doubtless the most important features of this law.<sup>19</sup> The term "habitual truant" is defined at length, and is perhaps worthy

16. California School Law, 1903, p.140.

17. Ibid., p.141, Sec. 2.

18. Ibid., p.145, Sec. 6.

19. California School Laws, 1907, p.170, Sec. 5.

of our more extended notice, that we may clearly understand under what circumstances a child might be sentenced to the parental schools. Any child who is absent without a valid excuse for more than three days or tardy on more than three days, is a truant.<sup>18</sup> After he has once been reported a truant, each subsequent unexcused tardiness or absence of one day or more constitutes him a truant again.<sup>18</sup> Upon being reported a truant three or more times, he is pronounced an habitual truant. <sup>18</sup>

Any city, or city and county is allowed to establish and maintain a parental school, but such establishment and maintenance are not made compulsory upon them.<sup>19</sup> The term for which a child may be committed is limited to the current year.<sup>19</sup> The child may be excused from commitment on a \$200 bond of the parent or guardian for the child's return to school, and subsequent good behavior there.<sup>19</sup>

Beginning with 1907 there ensues a period of activity in educational legislation, with laws on some phase or other of compulsory school attendance every legislative session from then until 1916.<sup>20</sup> The salient feature of all this legislation is the limitation of the employment of minors, though other provisions, such as the extension of the compulsory school age, are included as well.

In 1907 the time of compulsory attendance was extended to the entire term the schools should be in session. A "permit to work" was substituted for the provision of "services

20. Act of 1907, Sections 1,4,5; Act of 1909, Sections 2,4; Act of 1911, Section 1; Act of 1913, Sections 1,2,3,7; Act of 1916, Sections 4,5,7,8.

needed," as a basis of exemption.<sup>21</sup> The permission to appoint attendance officers, and to establish parental schools was extended to any district having 600 census children, whereas heretofore both had been limited to cities, and city and county organizations.<sup>22</sup> Thus far, the provisions of the 1907 law seem to characterize it as belonging to the period of provisions for enforcement, or what we termed the "pragmatic" period.<sup>23</sup> The remaining provisions, however, are in regard to the limitation of child labor, and therefore belong rightfully to the period of protective legislation.

According to these provisions, children under eighteen years were not allowed to be employed more than nine hours a day, or fifty-four hours in any week.<sup>24</sup> Under the age of sixteen they were not to be employed between the hours of 10 p.m. and 6 a.m.<sup>24</sup> Children under fourteen, in order to be employed, must have an employment certificate, issued by the judge of the juvenile or superior court.<sup>24</sup> These certificates are issued only to children past twelve years of age, whose parents are, through illness, incapacitated for labor.<sup>24</sup> Any child over twelve, however, may be employed during vacation time.<sup>24</sup> An age and schooling certificate, approved by the superintendent of schools of city, or city and county, must be kept on file by the child's employer and a notice posted in every establishment employing children under fourteen, giving the names and ages of children so employed.<sup>24</sup>

The limitation of child labor is seen to extend in

21. California School Laws, 1907, p.167, Sec. 1.

22. Ibid., p.169, Sec. 4.

23. See page of this chapter.

24. California School Laws, 1909, pp.203-206.

three directions: first, to an ever increasing educational requirement for the issuance of labor certificates; second, to an increasingly limited list of permissible employments, hours per day, per week, and other similar limitations; and third, to an ever higher minimum age for securing such certificates.

In 1909 all children under sixteen who are employed must have employment certificates.<sup>25</sup> The age and schooling certificates must now certify to the child's ability to read and write simple sentences in English, or else to his regular attendance at night school.<sup>25</sup> A duplicate copy must be kept by the person issuing these and filed with the county superintendent. The county superintendent must file statistics from such certificates with the Commissioner of Labor Statistics.<sup>25</sup>

According to this law of 1909 a penalty is attached to the violation of this child labor law.<sup>26</sup> An employer who willfully violates any provision of it, shall be fined from \$50 to \$200, or imprisoned for not more than sixty days, or both. The fines are to be paid into the school funds of the county or the city and county, where the offense occurs, except when such fines are collected by the Commissioner of the Bureau of Labor Statistics, in which case one half of the fine is paid into the state treasury and credited to the contingent fund of the Bureau of Labor Statistics.

In 1911 the compulsory school age is extended to fifteen and the following new regulations are made concerning the

25. California School Laws, 1909, p.204, Sec. 2.

26. Ibid., p.208, Sec. 4.

employment of minors:<sup>27</sup> (1) children under eighteen shall not be employed between 10 p.m. and 5 a.m.; (2) children between fifteen and sixteen, with employment certificates, who would otherwise be compelled to attend school, shall not be out of school and idle for more than two weeks; (3) nothing in the act is to be construed as prohibiting children from agricultural, horticultural, vitacultural, or domestic labor when schools are not in session; children between fifteen and eighteen are not prohibited from employment at theatres and similar places of public amusement, and, provided the performance begins before 10 p.m. it may continue from 10 to 12 p.m. The Bureau of Labor Statistics is charged with enforcing the provisions of this act.

The school law of 1913 contains additional regulations of child labor. Those under 18 are not to be employed more than eight hours a day, nor more than forty-eight hours a week; those under fifteen, only on permit.<sup>28</sup> This permit shall state: (1) that the child has completed the grammar school course and is physically fitted for labor; or, that he is past twelve years old and his parents incapacitated for labor and in need of his earnings; (3) that it is issued for specific labor known to be waiting, and shall not be valid for more than six months. This permit is issued subject to revocation by the Commissioner of the Bureau of Labor Statistics.<sup>28</sup> Children under sixteen must not work during school hours unless they have completed the grammar school or are regular attendants at night school. For employment in theatres a child

27. California School Laws, 1911, §.258, Sec. 1.

28. California School Laws, 1913, p.246, Sections 1-2.

must have the written consent of the Commissioner of the Bureau of Labor Statistics.

Attendance officers and commitment to parental schools are provided for in more detail by the school law of 1915. According to the provisions of this law, an officer and assistants may be appointed by any city, city and county, or district with an average daily attendance of 300, but not more than one officer shall be appointed for each 7500 in average daily attendance.<sup>29</sup> The Board of Supervisors of any county on petition of the majority of the board of trustees of the districts not provided with attendance officers shall appoint on nomination of the county superintendent an attendance officer and assistants. <sup>30</sup>

If there is no parental school in the district, the county superintendent shall make and file a complaint against a truant or disorderly child, and the court shall commit the child to some other parental school in the county; if there is none in the county the court shall order the parent to deliver the child to school every day or give bond for \$200 that the child will be there.<sup>31</sup> The city superintendent, or if there be no city superintendent, the board of education, or county superintendent, may parole a child from a parental school at any time, except when commitment has been by order of the court in which case the court has the sole authority to parole.

The regulations of employment of minors were again amended in 1916, in effect as follows: (1) children under fifteen

29. California School Laws, 1915, p.148, Sec.4.

30. Ibid., p.153, Sec.6.

31. Ibid., p.152, Sec.6.

may be employed only outside of school hours and in vacation time, on a vacation permit,<sup>32</sup> (2) children of fourteen or over shall be granted permits to work outside of school hours, on application to school authorities and compliance with the requirements for age and schooling certificate;<sup>32</sup> (3) a permit to work shall be granted to a minor of fourteen on completion of the grammar school course and on certification of his physical fitness for labor; or, in case his family is in need of his earnings and there is suitable specific work waiting;<sup>32</sup> (4) a minor under sixteen may not work in certain prohibited occupations, where there is dangerous machinery, poisons, heavy building operations, or other injurious employment, these occupations to be designated by the Bureau of Labor Statistics;<sup>33</sup> (5) a child under eighteen shall not be employed between 9 p.m. and 6 a.m.;<sup>34</sup> (6) boys less than ten and girls less than eighteen are prohibited from street occupations in cities of 23,000 or more.<sup>35</sup>

The legislature of 1919 passed a law making detailed provision for a census to be taken in 1919, though there is no provision for a similar census in succeeding years. The board of every district, except the high school districts, shall appoint, on or before October 15, 1919, a registrar of minors.<sup>36</sup> His compensation is to be fixed by the local Board of Education at not more than \$4 per day.<sup>36</sup> If the Board fails to appoint, the county superintendent may appoint.<sup>36</sup> In either case, the district pays

32. California School Laws, 1916, p.298, Sec. 1.

33. Ibid., p.300, Sections 4-5.

34. Ibid., p.302, Sections 7-8.

35. Ibid., p.309, Sec. 16.

36. California School Laws, 1919, p.126, Sections 1-6.

for the services.<sup>36</sup> The registration is to be made during the month of November, when the registrar shall visit the homes. His report shall include: the name and residence of each head of a family and of all minor children; the nativity, sex, race, date of birth of each minor; the school attended, grade location, or occupation, name and address of the employer. The registrar's report shall include a statistical abstract showing: (1) the number of families enumerated; (2) the total number of boys; total number of girls; (3) total number of native, and of foreign born children by sex; (4) the number of boys and of girls of each race; (5) minors under six years, by sex; (6) minors six and seven years old, by sex; (7) number of minors eight to fifteen years, inclusive, by sex; (8) number sixteen to twenty, by sex; (9) number sixteen to twenty attending school, by sex; (10) total number under and total number over sixteen in gainful occupations; (11) number crippled, blind, deaf, and dumb, by age and sex. The registrar shall file report by January 1920 with the county superintendent and the district clerk. The county superintendent shall report statistical data of the registrars' reports to the state superintendent.

It would seem that the benefits to be derived from this census might have been multiplied many fold by a provision for its repetition in future years.

The accompanying chart will show the effect of these several laws and amendments in the actual situation as represented by the percent of school population enrolled in the public schools, the percent of this enrollment in average daily attendance, and finally, the percent of school population in average daily attendance.

COMPULSORY ATTENDANCE LAWS AND THEIR RES. BY VARIOUS PERIODS, 1874 TO 1919, IN CALIFORNIA. TABLE 16.

	1874	1903	1907	1909	1911	1915	1919
<b>I. STANDARDS AND LEGAL REQUIREMENTS:</b>							
1. Compulsory school age	8 - 14	8 - 14			8 - 15		8 - 16
2. Minimum term	6 mos. (120 days)--Constitution.						
3. Attendance required	2/3 of term	5 mos. (18 wk. Whole term consecutive.)					
4. Average term.							
5. Exemption, bases of:							
(a) Physical or mental disability	x	x					
(b) Completion of grammar school	x	x					
(c) Services needed to support family	x	x	Permit to work.				
(d) Taught at home or in private school.	x	x					
(e) No school within two miles	(No school of 3 mos term)	x					
(f) Other bases.							
<b>II. ENFORCEMENT OF LAW--MEANS AND AGENTS:</b>							
1. Provisions for school census	Required (by census marshal) Reported to local board.				Reported by Co. Supt. to State Supt. and Co. Supervisors.		
2. Penalties for violation							
(a) Child		Arrest and return to teacher or parent. Commitment to parental school.					
(b) Parent.	1st. Offense: Fine not more than \$20; subsequent, fine \$20 to \$50.	1st offense: not more than \$10 or 5 das. subsequent, \$10-\$50, or 5 to 25 das. or both.					
(c) Employer					Fine: \$50-\$200 or not more than 60 days, or both.		
3. Attendance Officers							
(a) Title and field of jurisdiction	Clerk of Bd. of Ed. or of Bd. of Dist. Trustees.	Bd. of Ed. or attendance officers--local dist.			Com. of Labor Statistics--state.		
(b) Appointment		Bd. of Ed. of city or county.	Trustees of any dist. with 600 census children.			Trustees of any dist. of 600 avg. daily attendance.	
(c) Term							
(d) Legal requirements							
(e) Salary							
(f) Authority and duties							
(1) Investigate cases of non-attendance							
(2) File complaints							
(3) Attend to prosecution	x	x					
(4) Miscellaneous							
III. School Census Age and School Census	5-17; 159,717	5-17; 390,141	5-17; 435,405	5-17; 469,473	5-18 <sup>a</sup> 483,436	5-18 553,704	
IV. RESULTS:							
1. Enrollment, % of school population	66.29	74.26	73.30	75.18	69.22 <sup>b</sup>	75.09	
2. Attendance, % of enroll.	60.11	68.74	69.73	69.31	78.72	79.80	
3. Truancy, no. of cases							

a. The 1910 school census was the last taken in California as according to it was no longer used as a basis for apportionment. The figures given here for 1911 and succeeding dates are taken from the annual Report of the U. S. Commissioner of Education.

b. The figures for enrollment previous to 1911 are for pupils 5-17 enrolled in public schools; from 1911 on they are for total enrollment in elementary schools. Change was necessitated by statistics available in State Superintendent's Report.

## CHAPTER IV.

## The History of Legislation in Minnesota.

The first legislation relating to compulsory school attendance in Minnesota was enacted in 1885.<sup>37</sup> Before considering this law and succeeding ones in detail, let us present a brief outline of the entire legislation in this field together with the salient features of each enactment. The first law contains the expected requirement of a minimum amount of attendance for children between specified age limits,<sup>38</sup> names five bases of exemption,<sup>38</sup> makes the parent or guardian liable to a fine for non-compliance with the law,<sup>39</sup> and places the responsibility for law enforcement upon the school director, or president of the board of education in the case of an independent city district.<sup>39</sup> In 1899 truant schools are first mentioned and made permissive,<sup>40</sup> and a slight change is made in the bases of exemption.<sup>41</sup> In 1901 provision is made for the appointment of a truant officer by the board of each district or city.<sup>42</sup> In this year, also, the penalty for violation of the law is extended to include employer as well as parent or guardian.<sup>43</sup> The year of 1907 is an important one for education

37. Bureau of Education, Bulletin, 1920, No. 11, Statistics of State School Systems, 1917-18.

38. School Laws of Minnesota, 1885, Ch. 197, Art. 1.

39. Ibid., 1885, Ch.197, Art. 2.

40. Ibid., 1901, p.94, Art.282.

41. Ibid., 1901, Ch.280, Art. 2.

42. Ibid., 1901, p.94, Art. 281.

43. Ibid., 1901, p.95, Art. 284.

in Minnesota, as marking the beginning of the state's child labor legislation.<sup>44</sup> The bases of exemption are changed once more in 1911, though the most important enactment of that year is the provision for a minimum term.<sup>45</sup> Length of term was at that time made one of the bases for state aid. The next change, and the latest to be considered in this discussion, was made in 1919, when the bases of exemption were reduced to three, a maximum limit of ten months in a calendar year was placed upon the school term, and a requirement reflecting an attitude which is patently an outgrowth of the war, was introduced, designed to put an end to schools conducted either wholly or in part in any foreign language.<sup>46</sup>

As in the consideration of legislation in California, so here too we find upon examination of the successive enactments, not merely a series or succession of laws of similar character and intent, but a real evolution of educational ideas and ideals expressed in legislation. First of all come the requirements. Next, (in the case of Minnesota, fourteen years later), comes the beginning of provisions of ways and means in the form of truant schools. Two years after this another means of enforcement is provided in the requirement for the appointment of a truant officer. In 1907 we find the first of that legislation which we may term as corrective, and which, in this instance, takes the form of child labor laws. The element of incentive is furnished to districts in Minnesota by state aid. This enters for the first time in 1911, when districts are required to maintain school for seven months in

44. School Laws of Minnesota, 1907, p.91, Art. 206.

45. Ibid., 1911, p.64, Art.177.

46. Session Laws of Minnesota, 1919.

order to qualify for state aid, and for eight months in order to be in the highest class and therefore receive the maximum amount of aid. The 1919 laws do not show any particular advance in educational ideals, unless one counts the post-bellum idea of "one language" as an educational ideal. In addition to the requirements for the use of the English language, the session laws for that year contain only a maximum limit of ten months of school attendance required in any calendar year, and a revision, not embodying any fundamental change, of the bases for exemption.

Let us now consider these several enactments more in detail. The law of 1885 requires twelve weeks attendnace, six weeks of which must be consecutive, of all children from eight to sixteen years of age.<sup>38</sup> Five bases of exemption are recognized, as follows: (1) inability of parent or guardian to furnish suitable clothing; (2) mental or physical disability of the child; (3) instruction at home; (4) acquirement of the ordinary branches; (5) lack of a school within two miles.<sup>38</sup> The failure of the parent or guardian to comply with these requirements was to be punished by a fine of from twn to twenty-five dollars for a first offense and from twenty-five to fifty for each subsequent offense.<sup>39</sup> These fines were to be paid into the county treasury for the support of common schools.<sup>39</sup> The responsibility for the enforcement of the law was placed upon the school director, or the president of the board of education, whose duties in this respect were specified as follows: (1) to inquire into cases of absence or non-attendance, and (2) to proceed with prosecution.<sup>47</sup> For neglect of this duty, he was to be fined from twenty to fifty dollars, which fines, together with

47. School Laws of Minnesota, 1885, Ch.197, Art. 3.

those paid by parents or guardians, were to be paid into the county treasury for the support of common schools.<sup>47</sup>

In 1899 the requirement for attendance was raised to the whole time the public schools of the district were in session.<sup>48</sup> The first four bases of exemption were left unchanged, but the fifth, viz., the lack of any school within two miles, was dropped and in its place was substituted the provision for engaging in useful occupation, employment or service permitted by law.<sup>41</sup> In this same year districts are for the first time allowed by law to establish truant schools.<sup>40</sup> The children to be cared for by these schools are classified in the following three classes: (1) those enrolled but habitually truant; (2) those in attendance but vicious, immoral or incorrigible; (3) those not enrolled and not employed, but wandering about the streets.

In the law of 1901 we find the first suggestion of regulation of child labor in the extension of the penalty for non-compliance to include the employer as well as the parent or guardian.<sup>43</sup> The fine, too, is changed, the maximum becoming fifty dollars, and the minimum being removed.<sup>40</sup> The fine may by this law be replaced by a sentence of imprisonment for not more than thirty days. This same year brings forth also the first provision for appointment of a truant officer by the board of each district or city.<sup>42</sup> His duties are specified as follows: (1) to investigate cases of truancy or non-attendance; (2) to make complaints, serve notices and processes; (3) to enforce the laws respecting truant, incorrigible, and disorderly children, and the attendance of children; (4) to notify the parent or guardian; (5) to arrest with-

48. School Laws of Minnesota, 1901, Ch.280, Art. 1.

out warrant a truant child and take him to school.<sup>42</sup> The salary of this official is to be determined by the appointing board, the law stipulating that it shall be a specified salary, and that he shall not receive fees.<sup>42</sup>

The law of 1907 provides that in case the truant school is inadequate, the board shall direct the truant officer to make complaint to the court and the court may upon hearing sentence the child to the state training school.<sup>43</sup> This sentence may be suspended in the case of a first conviction. In this year, too, we find the first real regulation of child labor, including in its application all children under sixteen years of age.<sup>44</sup> These are divided into two classes; those under fourteen, and those between fourteen and sixteen. Children in the first class are not to be employed in any business or service during the time schools are in session, and at no time shall they be employed in factory, mill, workshop, or mine. Children from fourteen to sixteen, desiring employment, are required to secure an employment certificate. This is issued by the local superintendent of schools, or in case there is no local superintendent, by the chairman of the board, or by some one authorized by one of these officials. This certificate is to be kept accessible to truant officers, the commissioner of labor, his assistant, factory inspectors, and their assistants. In order to secure such a certificate the child must have his school record properly filled out and signed; must be able to furnish a transcript of his birth certificate or in lieu of this, an affidavit of his parent or guardian as to the date and place of his birth; he must have submitted to a personal examination by the

49. School Laws of Minnesota, 1907, p.91, Art. 204.

officer issuing the certificate, and have obtained the written statement of such officer, that he (the child) is fourteen years old, or over, and is properly developed and able to perform the work he has in view. The school record must show: (1) his regular attendance for the previous year, unless he has been lawfully excused; (2) his ability to read and write simple sentences in English; that he has had instruction in reading, spelling, writing, English grammar, geography, and the fundamental operations in Arithmetic up to and including fractions; (3) the age and residence of the child, and the name of his parent or guardian. In addition to the above requirements, the child must be able to prove that poverty renders it necessary for him to work.

Even when he possesses the employment certificate his hours of labor, and the occupations open to him, are limited by law. He must not be employed for more than 60 hours in one week, nor more than ten hours in one day, not before 7 a.m. or after 7 p.m., except that on Saturdays, or ten days before Christmas, he may be employed until 10 p.m., provided that he does not work more than ten hours a day. He must not be employed in sewing or adjusting belts; in oiling, wiping, cleaning machinery; in operating circular or band saws, wood-shapers, joiners, planers, sandpaper or wood-polishing machinery, emery or polishing wheels, or in various other occupations listed as dangerous.

An employer not complying with the provisions of the law is to be fined not more than fifty dollars, and in addition, for every day he retains the child after he is notified, not less than five nor more than twenty-five dollars.<sup>50</sup> The person

50. School Laws of Minnesota, 1907, p.95, Art.214.

authorized to sign the certificate may be fined not more than fifty dollars for certifying to any materially false statement. If the employer retains the certificate of employment he is to be fined ten dollars.

It may be interesting at this point to consider some statistics in regard to the number of cases of truancy reported to the Bureau of Labor (State), the number of employment certificates illegally issued in several years, and the reason on which they have been issued. In 1913, 1704 cases were reported to the Bureau of Labor, and 1660 of these were returned to school.<sup>51</sup> In 1914, in contrast to this, 316 cases were reported, and of these 268 were returned to school.<sup>51</sup> In 1918 only 103 cases were reported, and 97 were returned to school.<sup>52</sup> In the two years 1914-15 and 1915-16, (the year for the work of the Bureau ends June 30), 149 certificates issued were illegal and later cancelled.<sup>53</sup> Of those issued in the year 1918-19 only 3 were illegal and cancelled and in 1919-20, only one.<sup>54</sup> During the year ending June 30, 1910, 65.9% of the certificates issued were granted on the excuse of poverty, and only 19.6% on the completion of the eighth grade.<sup>55</sup> The former percent gradually decreases, and the latter increases even more rapidly until in 1918, 98.4% were granted on completion of the eighth grade, and only 1.1% on the excuse of poverty.<sup>52</sup> While this may indicate an improved economic status of the people of the state, it probably indicates as well increased care on the

51. Biennial Report of Commissioner of Labor Statistics, 1914.

52. Ibid., 1918.

53. Ibid., 1916.

54. Ibid., 1920.

55. Ibid., 1910.

part of officials issuing the certificates and a constantly increasing hesitancy in accepting poverty as a valid excuse.<sup>56</sup>

In 1911 the bases of exemption were once again changed, to read as follows: (1) mental or physical disability; (2) completion of the eighth grade; (3) the lack of a public school within a reasonable distance; (4) need of the services of a child at home, in which case a child fourteen or over, may be excused from April 1st to November 1st.<sup>45</sup> In 1911, we find, also, the first provision for a minimum term.<sup>45</sup> According to this law the common schools are to be divided into three classes, A, B, and C, in qualifying for state aid. In order to be recognized as in class A or B, in which a school receives \$150 or \$200 respectively, a school must be maintained for not less than eight months; to be in class C, which receives \$75 state aid, the school must be maintained seven months.

There is no further change in the laws regarding compulsory attendance until 1919. The session laws of that year provide that no child is to be required to attend more than ten months in any calendar year; that a school, in order to satisfy the requirements of compulsory attendance, must be one where all the common branches are taught in English, from English texts, by a teacher qualified to teach in English.<sup>46</sup> The bases of exemption are reduced to three: (1) physical or mental disability; (2) completion of the eighth grade; (3) lack of any school within reasonable distance. The need for the child's services at home is no longer a valid excuse for absence from school.<sup>46</sup>

56. In 1911 poverty was removed from the list of valid bases of exemption. See following paragraph.

The following table shows the actual results achieved by these different enactments as indicated by the percent of the school population enrolled at various times, the percent of the enrollment in average daily attendance, and the percent of school population in average daily attendance.

TABLE 17. COMPULSORY ATTENDANCE LAWS IN MINNESOTA, AND THEIR RESULTS BY FIVE YEAR PERIODS, 1885 to 1918

YEAR	LAW IN EFFECT	SCHOOL POPULATION	ENROLLMENT	PERCENT OF SCHOOL POPULATION ENROLLED	AVERAGE DAILY ATTENDANCE	PERCENT OF ENROLLMENT IN DAILY ATTENDANCE
1885	<p>COMPULSORY AGE: 8-16 years  MINIMUM ATTENDANCE: 12 weeks.  EXEMPTION, bases of:</p> <ol style="list-style-type: none"> <li>1. Lack of suitable clothing</li> <li>2. Mental or physical disability</li> <li>3. Instruction at home</li> <li>4. Completion of ordinary branches</li> <li>5. No school within two miles.</li> </ol> <p>OFFICIALS: School director, or president of board of education.</p>	359,366	232,721	64.75	118,697	51.00
1885-90	SAME	345,100	265,947	107.80	121,733	45.99
1890-95	SAME	430,056	316,367	74.52	160,818	51.00
1895-1900	MINIMUM ATTENDANCE: whole term	495,690	368,955	74.47	222,235	60.09
1900-05	OFFICIALS: Truant officer, appointed by board of each district or city	539,034	411,210	76.33	256,067	62.24
1905-1910	<p>CHILD LABOR LAW: No permits issued to children under 14.  Requirements for permits:</p> <ol style="list-style-type: none"> <li>1. School record</li> <li>2. Transcript of birth certificate</li> <li>3. Physical examination by officer issuing permit.</li> </ol> <p>OFFICIALS: State Commissioner of labor.</p>	601,084	431,313	71.79	304,848	70.21
1910-15	Poverty withdrawn as excuse for non-attendance.	591,003	447,171	75.64	342,255	76.18
1915-18	Completion of eighth grade required for employment certif.	620,292	475,322	77.17	374,212	78.38

## CHAPTER V.

## The History of Legislation in Kentucky.

Kentucky, for several reasons, has been chosen from the southern states as the one in which to make a study of the history of legislation. First, the material for such a study in Kentucky was more immediately available than such material for most of the other southern states. Second, Kentucky was the first state in either the South Atlantic or South Central division to enact legislation compelling school attendance.<sup>57</sup> Third, by its requirements and provisions for enforcement, it has achieved results, as measured by enrollment and attendance, slightly above the median for its own group.<sup>58</sup> It may therefore be regarded as fairly typical of the situation in the group as a whole.

No detailed study of the laws in this state is needed to reveal the difference between its legislation and the legislation on school attendance in either of the two states already studied, both in amount and character. Kentucky makes a definite requirement of time in attendance, age, and bases for exemptions, each of which is changed from time to time, each change making the requirements more rigid.

Truant schools are after a time made permissive for cities of the first and second class. This classification of

57. See Table 1.

58. See Table 8.

cities is used as a basis of distinction in several other laws, so should perhaps be explained. The first class includes cities of 100,000 or more, of which Kentucky boasts but one, viz., Louisville.<sup>59</sup> The second class includes those from 20,000 to 100,000, and of these there are four: Lexington, Covington, Newport, and Paducah. The third class includes four more, between 8,000 and 20,000; and the fourth, thirty-two others, from 3,000 to 8,000. We see, therefore, that the law in regard to truant schools affects only five cities in the state. When we consider the provisions and limitations of child labor we find them meager and lax when compared with those of either California or Minnesota. The people of Kentucky, however, seem to be satisfied with them, as the law was passed in 1914,<sup>60</sup> and no change or addition has been made since.

One feature of compulsory attendance laws in Kentucky not found in the states previously studied is the separate provision for white and colored children. These will be considered in detail in connection with the several enactments making such distinction.

The first law in Kentucky providing for compulsory school attendance was enacted in 1896.<sup>60</sup> According to this all children between the ages of seven and fourteen, inclusive, were compelled to attend school annually for at least eight consecutive weeks.<sup>60</sup> The bases of exemption are five in number and read as follows: (1) Instruction at home, subject to the same examinations as offered in school; (2) Physical or mental disability; (3) Lack

59. Constitution of Kentucky, Sec. 156.

60. Kentucky Statutes, 1903, pp.1586-7, Art.14, Sec.4521a, 1-7.

of proper clothing through poverty; (4) Acquisition of the common branches; (5) No "white" or "colored" school for white or colored children, respectively, within two miles by the nearest traveled road.<sup>60</sup>

The enforcement of the law was left in rural districts to the school trustee, and in independent districts, to the president of the board.<sup>60</sup> This law specifies that it is to apply to colored children in the same manner as to white.<sup>59</sup> The only penalty attached is one for false statement, in which case there is a fine of from five to twenty dollars.<sup>60</sup> Curiously enough, non-compliance with the law, unless it includes some false statement, carries with it no penalty.

In 1908 this law was changed in certain important respects. The amount of attendance required annually was increased from eight weeks to the length of the term.<sup>61</sup> The bases of exemption were reduced to three: (1) instruction at home; (2) acquisition of the common branches; (3) physical or mental disability.<sup>61</sup> Another notable feature of the law of 1908 is that it contains the first provision for a school census.<sup>62</sup> It is to be taken by the school trustee for each subdistrict in April, and reported to the county superintendent. The county superintendent in turn reports to the state superintendent on or before June 1st. This census is to include all minors between the ages of 6 and 20, inclusive.

In 1910 a penalty is laid on failure to comply as well as on the making of false statement of age or time attended.

61. Kentucky Statutes, 1909, pp.1824-5, Sec. 4521,a,1-4.

62. School Law (Kentucky), 1914, p.47, Sec.122.

This law makes a distinction between the county district and cities of first, second, third or fourth class, according to which it provides a heavier penalty for making a false statement or failing to send a child to school in a city of 3000 or more than in a rural district. In a county district, for false statement of age, or time attended, a fine is levied, not more than fifty dollars, or imprisonment for thirty days, or both;<sup>63</sup> while the same offense in a city of 3000 or over carries with it a fine of not more than one hundred dollars, or fifty days imprisonment, or both.<sup>64</sup> For failure to comply in the county district the penalty is a fine of from five to twenty dollars for a first offense, and ten to fifty dollars and cost of suit for each subsequent offense.<sup>63</sup> In the city, on a first offense, the fine is not more than twenty-five dollars, and for each subsequent offense, the penalty is not more than one hundred dollars, or fifty days imprisonment, or both.<sup>64</sup>

In 1910, too, we find the first provision for a truant officer. This, however, is confined to cities of the first four classes, or all cities of 3000 or more population. The reason for the distinction between city and rural districts is probably due to the fact that it is easier to enforce compulsory education laws in cities than in rural districts, and easier to impose penalties for non-compliance with the law. Both the topography of the country and the sentiment of the people are, as a rule, more favorable to compulsory education in the former districts.

The truant officer is to be appointed annually,

63. School Law, (Kentucky) 1914, p.78, Sections 205-6.

64. Ibid., p. 80, Sections 211-212.

the first week in July.<sup>65</sup> The length of his term is left to the pleasure and discretion of the board, who appoints him.<sup>65</sup> There must be not more than one truant officer for each 10,000 children, or less.<sup>65</sup> When we come to a consideration of the qualifications required of the truant officer we find Kentucky providing more than most states. The officer must be a resident of the city, and a person of good moral character.<sup>65</sup> He must be able to read and write with ease, and must be examined by the city superintendent before appointment. He is not allowed to have any other occupation during the school year.<sup>65</sup> His salary is left to the discretion of the board, within the limits of one to three dollars per day.<sup>65</sup> In cities of the first class, of which Louisville is the only one, there is to be a chief truant officer whose salary is to be fixed by the board at not more than \$1200 per year.<sup>65</sup> His duties are as follows: (1) to examine into cases of truancy; (2) to serve written notice on parent or guardian; (3) to proceed against the child as a delinquent, and against the parent; (4) to report all violations of the child labor law to the city superintendent, or to the chief truant officer.<sup>65</sup>

In this year we find the first and, to date, the only mention of parental schools. The establishment of these is not made compulsory and only cities of the first and second classes are empowered to establish them.<sup>66</sup> There is no detailed explanation of their purpose, nor strict definition of the classes of children to be sent to them, such as we found in the case of California and Minnesota, but instead, the bare statement that

65. School Law (Kentucky), 1914, pp.81-82, Sections 215-216.

66. Ibid., p.83, Sec.221.

cities of the first and second class are "authorized and empowered" to establish them.

In 1910 we find, too, an extension of the requirements as to age and amount of yearly attendance; Here we find another distinction made between children in cities and in the county school districts. In cities of the first, second, third, or fourth class, children are required to attend school between the ages of seven and sixteen, inclusive, for the whole term the public school is in session.<sup>67</sup> The bases of exemption are changed so that acquisition of the common branches is no longer included, but in its place we find the provision for an employment certificate for children between fourteen and sixteen.

In the county school districts, the age is only from seven to twelve, inclusive, and we find no provision for an employment certificate, the bases for exemption being reduced to two.<sup>68</sup> The required attendance is, as in the cities, for the whole term of the school.<sup>68</sup>

A colored visitor is provided for at this time, who is to be elected in the same way as a sub-district trustee, except that only the colored voters vote for him.<sup>69</sup> His duties are the same as those of the sub-district trustee, except that they are confined to the colored schools. The law specifies that he is not to be a member of the Division Board, to which the white sub-trustees belong.

To 1914 belongs the child labor law of Kentucky. After a study of the laws on this subject in California and

67. School Law (Kentucky), 1914, pp.79-80, Sec.210.

68. Ibid., pp.77-78, Sec. 204.

69. Ibid., p.46, Sec.120.

Minnesota, this impresses one as merely a beginning. Perhaps it will prove to be so; as such it is an admirable law. According to its provisions no child under fourteen may be employed during the school term.<sup>70</sup> A child between fourteen and sixteen may be employed only in case he holds an employment certificate.<sup>70</sup> This certificate is to be issued by the local superintendent of schools. If there is no local superintendent, then it is issued by the county superintendent. In order to obtain such a certificate the child must present four papers: (1) his school record; (2) his birth certificate; (3) employer's statement; (4) health certificate.<sup>70</sup> His school record must vouch for his ability to read and write simple English sentences; and must affirm that he has completed the first five grades.<sup>70</sup> His birth certificate is presented to prove his age.<sup>70</sup> His employer's written statement must set forth his intention to employ the child, and the nature of the occupation.<sup>70</sup> The health certificate must show the child seeking employment to be normally developed for a child of his age, and physically capable of the work he is intending to do.<sup>70</sup>

In 1918 the only enactment having to do with compulsory school attendance is a reduction of the census age from twenty to eighteen, and a provision that a similar census be made of the colored children in the state.<sup>71</sup> This is an interesting provision inasmuch as the law of 1908 did not specify that it was to be applied to white children alone. Evidently it has been so applied.

70. School Law (Kentucky), 1914, pp.85-86, Sections 227-230.

71. School Laws (Kentucky), 1918, p.106, Sec. 207.

The following table shows in graphic form the efficacy of each of these enactments as shown in the results obtained in increased enrollment and attendance.

TABLE 18. COMPULSORY ATTENDANCE LAWS IN KENTUCKY, AND THEIR RESULTS BY APPROXIMATE FIVE YEAR PERIODS, 1896 - 1918.

YEAR	LAWS IN EFFECT	SCHOOL POPULATION	ENROLLMENT	PERCENT OF SCHOOL POPULATION ENROLLED.	AVERAGE DAILY ATTENDANCE	PERCENT OF ENROLLMENT IN DAILY ATTENDANCE
1896	COMPULSORY AGE: 7-14 years MINIMUM ATTENDANCE: 8 weeks EXEMPTION, bases of: 1. Instruction at home, subject to same examination as in public schools. 2. Physical or mental disability 3. Lack of proper clothing, due to poverty. 4. Acquisition of common branches 5. No white or colored school, for white or colored children respectively, within 2 miles OFFICIALS: School trustee, or president of board.	727,723	455,326	62.5	282,863	62.1
1900	Same	592,544	438,453	73.9	262,972	59.9
1905	Same	509,809	369,802	70.7	208,526	59.7
1910	COMPULSORY AGE: 7-16 years MINIMUM ATTENDANCE: whole term. EXEMPTION, bases of: 1. Instruction at home. 2. Employment certificate(14-16) 3. Physical and mental disability OFFICIALS: Truant officer appointed by board.	--1	--1	--1	--1	--1
1915	For county school district: Age: 7-12 Minimum attendance: whole term Exemptions: 1. Instruction at home 2. Mental or physical disability	682,569	524,273	76.8	341,552	65.1
1918	COMPULSORY AGE: 6-18 years 1 Data not available for 1910.	648,307	532,037	82.1	321,444	60.4

## CHAPTER VI.

## The History of Legislation in Massachusetts.

To Massachusetts belongs the distinction of having enacted the first compulsory education law of any of the states. In 1642 the Colony of Massachusetts passed a law requiring every householder to teach both his children and apprentices the following things: (1) perfectly to read the English tongue; (2) a knowledge of the capital laws; (3) the grounds and principles of religion; (4) an honest, lawful calling, labor or employment.<sup>72</sup> The enforcement of this law was entrusted to the selectmen of the town, and a penalty of twenty shillings for each neglect was attached. If after notification the parent was still negligent the children or apprentices were to be taken from him. In this act of enforcement the selectmen could call in the help of two magistrates if necessary. The fact that this law antedated the first provision for the maintenance of public schools, and was consequently impossible of fulfillment, was responsible for its lack of effectiveness. No further law on just this subject was enacted, however, until 1852, although in the interim the subjects of child labor and truancy had both been briefly dealt with.

In 1836 we find the beginnings of child labor

<sup>72</sup>, Barnard: The American Journal of Education, Vol. XVII, p.84.

legislation:<sup>73</sup> a law, the sole provision of which was that no child under fifteen was to be employed unless he had attended school at least three months during the current year. This law, while seemingly very brief and unsatisfactory was, nevertheless, the only one on this subject relating to education in Massachusetts until 1902. Since that date, however, seven separate enactments have been passed in this field, viz., in 1902, 1905, 1908, 1913, 1915, 1916, and 1919.<sup>74</sup>

In 1850<sup>75</sup> was enacted the first legislation on the subject of truancy, one which has been the theme of a number of subsequent enactments in 1862, 1873, 1898, and 1902.<sup>74</sup> It is interesting to note that since 1902 the state, instead of legislating against truancy, has endeavored to render it undesirable and to a considerable extent impossible, by restricting the employment of minors. According to this act of 1850 the towns were authorized to enact by-laws to remedy the existing evil of truancy. The act proceeds to define as truant any child between the ages of six and fifteen, who is neither attending school nor possessed of lawful occupation. Any parent or guardian who permits such truancy is punishable by a fine of not more than twenty dollars; while the truant child may be sent by justices to an institution of instruction, or to a house of reformation. Three or more persons, appointed annually, by the mayor and aldermen, shall make complaints to a judicial officer, and carry judgments into execution. Curiously enough, the enforcement of this law was entrusted

73. Monroe: A Cyclopedia of Education, p.151, a.

74. These laws are discussed separately in succeeding paragraphs, with references to data used.

75. Acts & Resolves of State of Massachusetts, 1850, Chap.294.

to the town treasurer, who was to be notified of violations by the school committee. Perhaps the fact that the penalties were fines accounts for the supposed interest of the town treasurer in law enforcement.

After these initial steps toward the prevention of child labor and of truancy, we find, in 1852, a typical compulsory attendance law, with definite age limits, time of attendance required, bases of exemption, penalties attached, and officials to be entrusted with the enforcement of the law.<sup>76</sup> According to this enactment all children between eight and fourteen years of age were required to be sent to school for at least twelve weeks, if the public schools were in session so long, and six weeks of this time must be consecutive. A parent failing to send his child in accordance with this law was to be fined twenty dollars. There were four bases of exemption, viz., (1) other instruction; (2) completion of the common schools; (3) physical or mental disability; and (4) poverty. The school committee was charged with the duty of investigating violations and reporting the same to the city or town. Upon receipt of their report, the town or city treasurer was to proceed with the commitment of the child to an institution of instruction or reformation, for not more than one year.<sup>77</sup> If the parent is sentenced to a fine and unable to pay he may be sentenced to an institution or to the county jail, and later discharged by the judicial officer imposing the fine.<sup>77</sup>

The cities and towns, authorized in 1850 to enact legislation to remedy the truancy situation, with regard to

76. Act & Resolves of the State of Massachusetts, 1852, Chap. 240.

77. Ibid., 1852, Chap. 283.

children between the ages of six and fifteen, are in 1862 required to make such needful provisions for children between the ages of seven and sixteen.<sup>78</sup> The maximum term of commitment to an institution of instruction or reformation is at this time increased to two years.<sup>78</sup>

In 1873 the maximum age at which children may be regarded as truants was reduced from sixteen to fifteen.<sup>79</sup> Truant officers were provided for in this same year. Two or more such officers were to be appointed by the school committee, who were to fix the salary of the officers. Their duties were to inquire into violations of the school attendance laws, make complaints and execute judgments. Cases might be brought before any of the following officials: justices of the police or district courts; trial justices; justices of juvenile offenders; and probate judges.

According to this law, three or more cities or towns, might in conjunction require the establishment by the county commissioners of truant schools. To these any city or town in the county might assign its truants for confinement and pay the county for such truants not more than two dollars a week each. With the assent of the Board of State Charities, the city or town might assign its truants instead to the state primary school at Monson.

No further legislation on the subject of truancy is enacted for twenty-five years, (until 1898), nor, for that matter, on any phase of compulsory attendance. But the act of 1873 contained a revision of the requirements for attendance.<sup>80</sup> The age

78. Acts & Resolves of State of Massachusetts, 1862, Chap. 207.

79. Ibid., 1873, Chap. 262.

80. Ibid., 1873, Chap. 279.

limits for compulsory attendance were changed to eight to twelve instead of eight to fourteen, while the time required was extended from twelve to twenty weeks. The penalty, twenty dollars for each offense, and the four bases of exemption were left the same as previously. This law provides, too, that truant officers and the school committee shall vigilantly inquire into cases of neglect of duty in regard to sending children to schools; at the direction of the school committee the truant officers shall prosecute. The officials before whom such cases may be brought are the same as those mentioned on the preceding page in the case of trying the truant children.

With this enactment of 1873, then, we seem to have come to the end of a period, chronologically speaking. For after a silence of twenty-five years, the legislature, in 1898, once more busied itself with the problems of compulsory attendance; and with that year began a period of activity continued, almost one might say continuous, through 1919. So far as the nature of the enactments is concerned, however, there is no break between those of the period ending in 1873 and those of 1878 and 1902. The division point as to the character of legislation is rather in 1902, in which year the latest truancy law to date was passed and in which occurs the first child labor legislation since the introductory enactment of 1836. Since 1902 child labor has been the subject of seven out of the nine enactments relating to compulsory attendance.<sup>81</sup>

In 1898 the first requirement was made for a minimum

81. See below, laws of 1902, 1905, 1908, 1913, 1915, 1916, 1919.

term, namely, for thirty-two weeks.<sup>82</sup> The age limits for compulsory attendance were increased, even beyond what they had been before the reduction in 1878, so that from 1898 they were from seven to fourteen.<sup>83</sup> The time of attendance yearly was extended to include the whole term the school was in session. Poverty was no longer to be recognized as a basis of exemption, the other three bases remaining unchanged.

This same year brought, too, the first provision for a census.<sup>84</sup> This was to be taken annually by the school committee of each town or city, and was to include the names, ages, and other information designated by the state board, of all children between five and fifteen years. Minors over fourteen who were unable to read simple sentences at sight and write legibly were also to be included in the report of the town or city in which they were residing on September first.

The law regarding truants was revised in 1898 to include a provision for placing them on probation.<sup>85</sup> At the time of conviction a truant might be placed on probation by the court by whom he was convicted, under the supervision of the truant officer or probation officer. If he violated the terms of his probation the officer might without warrant bring him before the court, which might make any lawful disposition of the case.

In 1902 the truancy law is revised in several particulars, and the real beginning is made of the extensive

82. Acts & Resolves, 1898, Chap. 496, Sec. 1.

83. Ibid., 1898, Chap. 496, Sec. 12.

84. Ibid., 1898, Chap. 496, Sec. 16.

85. Ibid., 1898, Chap. 496, Sec. 28.

regulation and limitation of the employment of minors. The truancy law was extended to include any habitual school offender.<sup>86</sup> According to this law, too, the county commissioners were given considerable control over truants.<sup>87</sup> They might permit convicted truants to be at liberty; with the permission of the court who imposed sentence, they might discharge them from a truant school; might parole them, and revoke the parole any time within the time of the sentence. By the text of this law, truants included all children between seven and fourteen years of age, who were wilfully and habitually absent from school.<sup>88</sup> As a penalty for truancy, boys might be sentenced to a truant school and girls to the state industrial school for girls, though in neither case must the sentence be for more than two years. Children between seven and sixteen, wandering about without lawful occupation, were also subject to the terms of this law. A little later this same age limit was set for those wilfully and habitually absent from school.<sup>88</sup> Upon complaint by an attendance officer and subsequent conviction, such a child might be committed to a county training school.

In 1902 the Massachusetts statutes attempted to regulate the attendance of children also by the following enactment: a parent whose child was absent for five days or ten half-days within six months, unless the child was physically or mentally disabled, might be punished on complaint of a truant officer, and on conviction, by a fine of not more than twenty dollars.<sup>89</sup> An employer guilty of employing a child during illegal absence was

86. School Laws, 1902-1914, Chap. 46, Sec. 5.

87. Ibid., Chap. 46, Sec. 8.

88. Ibid., Chap. 46, Sec. 3-4.

89. Revised Laws, 1902, Vol. 1, Chap. 44, Sec. 1.

liable to a fine of not more than fifty dollars.<sup>89</sup>

For the detailed regulation of the employment of minors, begun this year, children are divided into three classes according to age: first, those under fourteen; second, those from fourteen to sixteen; third, those who are over sixteen but under eighteen. The employment of children under fourteen is limited in three ways:<sup>90</sup> as to place, they are forbidden to work in a factory, workshop, or mercantile establishment; as to time, two limitations are placed upon them: first, they are forbidden to work during the hours when school is in session; second, they must not work before 6 a.m. nor after 7 p.m.

Children under sixteen and over fourteen, must be provided with an age and schooling certificate.<sup>91</sup> This was issued by the city superintendent or his agent; or, if there was no city superintendent, by the school committee or their agent, and issued only on presentation of an employment ticket, which was a statement of the prospective employer of his intent to employ the child. For any violation of the provision requiring an age and school certificate, or of the limitations on the employment of children under fourteen, the employer was liable to a fine of not more than fifty dollars. For every day such employment was continued after notification, he was liable to an additional fine of from five to twenty dollars.

Minors under eighteen years were not to be employed more than fifty-eight hours a week.<sup>92</sup> The penalty for violation of

90. Revised Laws, 1902, Chap. 106, Sec. 28.

91. Ibid., Chap. 106, Sec. 29.

92. Ibid., Chap. 106, Sections 23-25.

this provision, the same for employer as for parent, was a fine of from fifty to one hundred dollars.<sup>92</sup> The minor was not to be employed more than ten hours a day except to shorten one day a week and still keep within the fifty-eight hours per week. Under no circumstances was he to be employed between the hours of 10 p.m. and 6 a.m. For violation of this provision a fine of twenty to fifty dollars is provided for each offense.<sup>93</sup>

An additional effort to educate the minors is seen in the provision that where a public evening school is maintained, no one shall employ an illiterate minor over fourteen, unless he is a regular attendant either there or at day school.<sup>94</sup>

In 1905 the employment of minors under eighteen was further prohibited in that in the manufacture of textiles they must not be employed between the hours of 6 p.m. and 6 a.m.<sup>95</sup> By the terms of this same act, minors under sixteen, in order to obtain an age and schooling certificate, must show ability to write legibly and to read at sight simple English sentences:<sup>96</sup> an ability which, in 1906, is to be interpreted to mean ability requisite for admission to the second grade; in 1907, ability requisite to enter the third grade; in 1908 and thereafter, ability to enter the fourth grade. In spite of this provision, in 1906 this ability was by law interpreted as such as would be required for completion of the fourth grade.<sup>97</sup> In 1906, too, the bases of exemption are limited to two:<sup>97</sup> physical or mental disability, and other approved

93. Revised Laws, 1902, Chap. 106, Sec.27.

94. Ibid., Chap. 106, Sec.35.

95. Supplement to Revised Laws, 1902-1908, Chap. 106, p.833.

96. Ibid., Chap. 106, p.833.

97. School Laws, 1902-1914, Chap. 44, Sec.1.

instruction. In order for a child to be excused from attendance on the basis of either physical or mental disability, it must be shown that all reasonable measures have been taken for the correction of the disability, or for suitable instruction.

In 1908 an elaborate enactment limited the employment of minors in many details.<sup>98</sup> Minors were divided into three classes: those under sixteen; those from sixteen to eighteen; and those from eighteen to twenty-one. The classification is noteworthy in its difference from that of 1902. By this enactment of 1908 all minors under sixteen are considered in one class, while for the first time those over eighteen are protected from improper employment.

Children under sixteen were forbidden to engage in any dangerous or injurious trade or occupation.<sup>99</sup> The forbidden list was to be determined by the State Board of Labor and Industries, and in its compilation the protection of both morals and health was to be considered. For minors under eighteen a list of forbidden occupations was to be compiled in the same way, though this list was not supposed to be so inclusive as the former one.<sup>98</sup> The only limitation on the nature of employment open to minors over eighteen was that they were not to be employed in a saloon or bar-room. The employment of all minors was regulated also as to hours and extent or amount per week. Children under sixteen could be employed:<sup>99</sup> not more than six days nor more than forty-eight hours per week; nor more than eight hours a day; not before six-thirty a.m.; nor after six p.m. Boys under eighteen and girls under

98. School Laws, 1902-1914, Chap. 514, Secs. 5, 6, 7.

99. Ibid., Chap. 514, Sec. 8.

twenty-one could be employed:<sup>100</sup> not more than six days, nor more than fifty-four hours a week, nor more than ten hours a day; not before five a.m. nor after ten p.m.; if engaged in the manufacture of textiles they could not be employed after six p.m. Minors over eighteen could not work as messengers for a telegraph, telephone, or messenger company before five a.m., nor after ten p.m., except in connection with publishing a newspaper.<sup>101</sup> Boys under twelve and girls under eighteen were prohibited from engaging in street trades. A boy under sixteen desiring to engage in a street trade must have fulfilled the requirements of school attendance, be twelve years old, and able to prove this fact, and be mentally and physically fit.<sup>102</sup> If he could comply with these conditions he was then issued a badge by the officer authorized to issue employment certificates. Boys under sixteen, even complying with these conditions, must not be engaged in street trades after nine p.m., nor before five a.m., and not during school hours unless he holds a regular employment certificate.

The hours of employment of minors were required to be posted, and the list of minor employees kept on file.<sup>103</sup> The provisions regarding hours for minors of eighteen years or over might be suspended in case of an extraordinary emergency.

The school committee was this year allowed to appoint one or more special attendance officers to supervise employed minors.<sup>104</sup>

Penalties were limited to fine and imprisonment, and

100. School Laws, 1902-1914, Chap. 514, Sec.9.

101. Ibid., Chap. 514, Sec.10.

102. Ibid., Chap. 514, Secs. 12-13.

103. Ibid., Chap. 514, Secs. 16-17.

104. Ibid., Chap. 514, Sec.19.

arranged as follows:<sup>105</sup> for an employer, the first offense was punishable by a fine of from ten to fifty dollars, or not more than thirty days in prison. Each subsequent offense was punishable by a fine of from fifty to two hundred dollars, or not more than sixty days imprisonment. Any person found guilty of hindering an inspector or attendance officer was liable to a fine of from twenty-five to two hundred dollars, or not more than sixty days imprisonment, or both. A parent or guardian allowing a child to be employed in violation of any of the provisions of the law was liable to a fine of from two to ten dollars, or imprisonment for not more than five days, or both, for a first offense; for each subsequent offense he was liable to a fine of from five to twenty-five dollars, or imprisonment for not more than ten days, or both.<sup>106</sup> An officer convicted of neglect of duties could be fined from ten to two hundred dollars, or imprisoned for not more than sixty days, or both.<sup>107</sup> A child for violation of the regulations regarding street trades might be arrested and dealt with as a delinquent.<sup>108</sup> If over seventeen, he could be fined not more than fifteen dollars, or his employment badge might be revoked.<sup>108</sup>

In 1913 the regulations of child labor were made more stringent, and employment certificates were provided for in great detail.<sup>109</sup> According to this enactment children under fourteen were forbidden to engage in any occupation before six a.m. or after six p.m. For all under sixteen an employment certificate was required. This certificate was to be issued in the same manner as

105. School Laws, 1902-1914, Chap. 514, Sec.20.

106. Ibid., Chap. 514, Sec.23.

107. Ibid., Chap. 514, Sec.24.

108. Ibid., Chap. 514, Sec.25.

109. Ibid., Chap. 514, Secs. 56-59.

the age and schooling certificate, on presentation of the following documents properly executed: (1) promise of employment; (2) school record; (3) physician's certificate as to mental and physical fitness for work; (4) evidence of age. The school record here required had to include: (1) the grade last completed; (2) the number of weeks' attendance during the preceding twelve months; (3) the name, date of birth, and residence; (4) the name of parent or guardian. The child in order to secure an employment certificate, must have attended one hundred thirty days since becoming thirteen years old, unless he has attended seven years and is mentally incapable of further attainment. This requirement was left open to suspension at the discretion of the superintendent. The employment certificate was to include: (1) the name, sex, date and place of birth, and place of residence; (2) the color of hair and eyes, and any distinguishing facial marks; (3) a statement that the child personally appeared and was examined, and found to possess the necessary educational qualifications; (4) a statement that all required papers have been approved and filed; (5) the number of grade last completed; (6) the name of the prospective employer and the nature of the intended employment.

Attendance officers were given the privilege of visiting factories, work-shops, etc., and were required to report all cases of illegal employment to the superintendent of schools, or the school committee, and also to the State Board of Labor and Industries.<sup>110</sup> Inspectors appointed by this State Board were required to visit all factories and other places of employment, and enter complaint against anyone violating the law. Any

110. School Laws, 1902-1914, Chap. 514, Sec. 62.

inspector consciously violating this section was to be fined not more than one hundred dollars. The employers were required to keep on file the educational certificates of all minors employed, and have them accessible to any authorized officer.<sup>111</sup> Within two days after the termination of the employment of any minor the employer was to return the certificate to the office of issue.

Illiterates between sixteen and twenty-one were required to be in attendance at either evening or day school.<sup>111</sup> Employers violating this law were to be fined not more than one hundred dollars for each offense, this money to be used for the evening schools. Parents or guardians guilty of violation of the law were to be fined not more than twenty dollars, to be put to the same use.

In 1913 a few more changes were made in the child labor laws.<sup>112</sup> The authority of the attendance officers was defined exactly as follows: "To apprehend and take to school without a warrant, a child under twenty-one, illegally employed. To report to the police, also to the district or municipal court, or the trial justice, and make complaint against whomsoever the court or justice directs." For violations of this duty such officer was to be fined not more than one hundred dollars.

The fine imposed on the parent or guardian for violation of any provision of the employment law was increased to any amount from ten to fifty dollars.<sup>112</sup>

In 1915 a penalty was imposed for altering an

111. School Laws, 1902-1914, Chap. 514, Sec.66.

112. General Acts, 1913, Chap. 779, Sec.21.

employment certificate after issuance, namely ten dollars.<sup>113</sup> In this year, too, the bases of exemption are reduced to two: <sup>114</sup> physical or mental disability, and other instruction approved by the superintendent or school committee. The number of absences that can be excused was limited to seven days or fourteen half days within six months.<sup>114</sup> For absence in excess of this amount, the parent was to be fined not more than twenty dollars.<sup>114</sup> All children under sixteen in order to be exempted must have the ability to read, write, and spell, required for completion of the fourth grade.<sup>115</sup> They must also hold employment certificates and have regular employment, or have the permission of the city superintendent to work at home.

In 1916, children between fourteen and sixteen were allowed a special certificate for the summer session, without fulfilling the educational requirements for the regular employment certificate.<sup>116</sup>

By an act of 1918 the minimum term requirement was changed from thirty-two weeks to one hundred sixty days. <sup>117</sup> Obviously, if all the regular school days in thirty-two weeks were taught the two would be identical. Perhaps the purpose of the change was to insure the keeping of school on every school day, or the making up of any time lost.

In 1919 the employment of minors was further restricted to nine hours a day, and forty-eight hours a week.<sup>118</sup> In

113. General Acts, 1915, Chap. 70.

114. Ibid., Chap. 81, Secs. 1-2.

115. Ibid., Chap. 81, Sec.3.

116. General Acts, 1916, Chap. 66.

117. Revised Laws, Chap. 42, Sec.174.

118. General Acts, 1919, Chap. 113, Sec.48.

seasonal occupations a fifty-two hour maximum was set, with an average not to exceed forty-eight hours per week for the year.

Although the existing regulations of the employment of minors in Massachusetts are not ideal, yet it must be admitted that the situation here, both with respect to child labor and to school attendance, compares favorably with that in the other states studied. The most encouraging feature is the recent interest as manifested in legislation. When the public takes the intelligent interest shown in these enactments a continual improvement in conditions is assured.

The following table shows in graphic form the effect of each enactment on the enrollment and attendance, by five year periods.

TABLE 19. COMPULSORY ATTENDANCE LAWS AND THEIR RESULTS BY FIVE YEAR PERIODS, 1890 - 1918, IN MASSACHUSETTS.

	1890	1895	1900	1905	1910	1915	1918
<b>I. PRESENT STANDARDS AND LEGAL REQUIREMENTS:</b>							
1. Compulsory school age	8 to 12	8 to 12	7 to 14	All under 16 who are unable to read and write.	7-14, all under 16 unable to read and write.	7-14, all under 16 unable to read and write.	7-14, all under 16 unable to read and write.
2. Minimum term			32 weeks	32 weeks	32 weeks	32 weeks	180 days.
3. Average term	8 mos. 17 das.	9 mos. 6 das.	9 mos. 9 das.	9 mos. 7 das.	9 mos. 6 das.	----- <sup>a</sup>	----- <sup>a</sup>
4. Attendance required:	20 weeks	20 weeks	whole term	whole term	whole term	whole term	whole term.
5. Exemption, bases of:							
(a) Character of							
(1) Poverty	x	x		x	x	x	x
(2) Other instruction	x	x	x	x			
(3) Completion of common branches	x	x	x	x			
(4) Physical or mental disability.	x	x	x	x	x	x	x
(b) Total number of bases.	4	4	3	3	2	2	2
<b>II. ENFORCEMENT OF LAW--MEANS AND AGENTS:</b>							
1. Provisions for school census				Taken annually by school committee	Taken annually by school committee	Taken annually by school committee.	Taken annually by school committee.
2. Penalties for violation:							
(a) Child	Commitment to institution of education or reformation for not more than 2 yrs.	Instit. of reform. or ed. for not more than 2 yrs.	Instit. of reform. or edu. for not more than 2 years.	Instit. of reform. or edu. for not more than 2 yrs.	Same as previous years.	Same as previous years, plus \$15 fine if over 17 years.	Same as 1915.
(b) Parent	Not more than \$20 fine	Not more than \$20 fine	Not more than \$20 fine	\$10-\$50 or not more than 30 days	\$2-\$10 or not more than 5 days; second offense, \$5-\$25.	Same as 1910	Same as 1910.
(c) Employer							
3. Attendance Officers							
(a) Title and filed of jurisdiction	Truant officer, town.	Truant officer, town.	Truant officer, town.	Truant officer, town.	Truant officer, town.	Truant officer, town.	Truant officer, town.
(b) Appointment	By school committee	By school committee	By school committee	By school committee	By school committee	By school committee.	By school committee.
(c) Term	Indefinite	Indefinite	Indefinite	Indefinite	Indefinite	Indefinite	Indefinite.
(d) Legal qualifications	None	None	None	None	None	None	None
(e) Salary	Fixed by committee	Fixed by committee	Fixed by committee	Fixed by committee	Fixed by committee	Fixed by committee	Fixed by committee
(f) Authority and duties:							
(1) Investigate cases of truancy	x	x	x	x	x	x	x
(2) Prosecute	x	x	x	x	x	x	x
(3) Arrest without warrant and take to school							
III. School Census Age.			5 - 15	5 - 15	5 - 15	5 - 15	5 - 15
<b>IV. Results of System:</b>							
1. Enrollment, % of school population <sup>d</sup>	100.2	100.	103.7	97.0	95.9	107.3	73.7 <sup>b</sup>
2. Attendance, % of enrollment <sup>d</sup>	73.8	76.	77.	81.1	82.4	85.6	82.2 <sup>b</sup>
3. Attendance, % of school population <sup>b</sup>	73.9	76.7	79.8	78.6	79.0	91.8	60.5

a. Data not available.  
 b. Bu. Ed. Bull. 1920, No. 11, based on 5-18 age. pp. 94 and 108.  
 c. Computed.  
 d. Board of Education, Reports.

## CHAPTER VII.

## The Present Situation in Minnesota.

In the discussion of the present situation of the various states in this and succeeding chapters, we shall consider the matter under the three divisions: present legal requirements; provisions for enforcement; and results. Under the present legal requirements we shall include on the one hand, the requirements made of officials and districts, as to the minimum term to be provided, and the taking of a census; and on the other hand, the requirements of the school population in regard to minimum attendance and similar matters.

Under the provisions for enforcement we shall consider the proper procedure to obtain enforcement, the officials concerned, both the special truant officers, and the regular officials whose duty involves some part in the enforcement of attendance laws, and the penalties attached for non-compliance with the law. All the officials will be considered with respect to their duties and authority, and the truant officers with respect to their appointment, term, qualifications, and salary, as well.

The results have to do with the percent of the school population enrolled, and the percent of the enrollment in average daily attendance. From these two we then may deduce the percent of school population in average daily attendance, which is, after all,

the real test of the efficiency of all our attendance legislation.

In Minnesota the present requirement is for a term of from six to ten months, both a minimum and a maximum term being specified.<sup>119</sup> In connection with this, it is interesting to note that in the school year 1917-18 the high and graded schools of the state averaged a term of nine months, while the semi-graded and rural schools averaged seven and six-tenths months.<sup>120</sup>

Taking the school census is required for state aid.<sup>121</sup> It must be done between July 1st and October 1st, and must include all children between six and sixteen. Concerning these it must state: (1) name and date of birth; (2) name and address of parent or guardian. Any special state aid is to be withheld until the census is taken.

The requirements for attendance are binding only upon children from eight to sixteen years of age.<sup>122</sup> These are required to attend the entire term of the district.<sup>122</sup> In case the several schools of the district maintain terms of different lengths, the child must attend at least the entire length of the shortest term in the district. There is no provision as to regularity of attendance, local officials being left to interpret as they see fit such terms as "truant", "habitually absent", and others. Exemptions from the attendance requirement are granted by the district school board on application made by the parent or guardian to said board, truant officer, principal, or superintendent, on any one of the following bases:<sup>122</sup> (1) bodily or mental

119. School Laws, 1919, Chapter VI, Sec. 161.

120. Department of Education, Report, 1917-18.

121. School Laws, 1919, Chap. XI. Sec. 266.

122. Ibid., Chap. XI. Sec. 260.

disability; (2) completion of the eighth grade; (3) no public school within reasonable distance.

In order to secure an employment certificate an applicant must show himself to be fourteen years old, or over; of normal development and in sound health; to have completed the studies of the common school; and to be able to read and write simple sentences in English.<sup>123</sup>

In case of a violation of the law, a complaint is made and filed on request of the county attorney, by the county superintendent, city superintendent, graded-school principal, or superintendent of a district maintaining a high school.<sup>124</sup> Thereupon a warrant is issued and the case brought into court, where the prosecution is conducted by the county attorney.

The truant officers, for whom no special qualifications are specified, are appointed by the district school board for an indefinite term.<sup>125</sup> Their duties are to attend to the enforcement of all laws and regulations respecting truant, incorrigible, and disorderly children, and school attendance.<sup>125</sup> They may arrest without warrant such children and take them to school. They are supposed to act under the supervision of the local board, or thru the board, or under the supervision of the city or district superintendent.

The co-operation of other officials with these truant officers is secured by the following provisions. The school board reports to the principal teacher of each school in the district the

123. School Laws, 1919, Chap. XI, Sec.272.

124. Ibid., Chap. XI, Sec.262.

125. Ibid., Chap. XI, Sec.268.

names of children on the school census within the jurisdiction of her school, and the excuses granted.<sup>126</sup> The teacher then reports to the county superintendent within five days the names of any non-attendants.<sup>124</sup> The county superintendent notifies the parent to send the child to school.<sup>124</sup> Upon the parent's neglect or refusal to do so, the county superintendent notifies the county attorney of the facts in the case.<sup>124</sup> In this event the county attorney requests the county superintendent or some other person in authority over the school, to file a written complaint, and legal action proceeds as described above.<sup>124</sup> The principal of a graded school, the superintendent of a district maintaining a high school, and the city superintendent shall proceed the same as the county superintendent, in their respective localities. It is the duty of the Commissioner of Labor Statistics to examine the excuses granted, to investigate the causes for excuses, and to revoke and cancel any excuses granted without proper or sufficient cause.<sup>127</sup>

The salary of the truant officer is to be fixed by the board appointing him, the law stipulating merely that it shall be a salary and not fees.<sup>125</sup>

Penalties for violation of the law are established for the child, parent, and employer. The child may be compelled to attend a truant school, or any department of the public school; or he may be brought before the juvenile court of the county for discipline.<sup>128</sup> The parent may be fined from twenty-five to fifty

126. School Laws, 1919, Chap. XI, Sec.261.

127. Ibid., Chap. XI, Sec.265.

128. Ibid., Chap. XI, Sec.267.

dollars.<sup>129</sup> The employer also is subject to a fine: twenty-five to fifty dollars for a first offense, and an additional fine of from five to twenty dollars for every day the violation is continued after notice is served.<sup>129</sup>

According to the United States Bureau of Education, 76.9% of the school population in Minnesota were enrolled in public schools in 1917-18, 6.0% were enrolled in private schools, and 17.1% were not in school.<sup>130</sup> These figures consider the school population as including all children from five to eighteen, while Minnesota requires school attendance only of those eight to sixteen, so that the percent of these in school must be much larger than the 76.9%. Unfortunately the reports of the state department do not furnish us with just those data. In the matter of attendance, also, the desired statistics are lacking, to show the percent of enrollment in average daily attendance. (The United States Bureau of Education gives 76.5% of the enrollment or 58.8% of the school population in average daily attendance.)<sup>131</sup> All that the report of the state department shows in that respect is that of the children enrolled in high and graded schools, 91% attended the entire year; while of those enrolled in semi-graded and rural schools, 71% were in attendance the entire year.<sup>132</sup> We understand this to mean merely that they continued to be enrolled the entire year, not necessarily that they were in attendance every day of the year.

129. School Laws, 1919, Chap. XI, Sec. 276.

130. Bureau of Education, Bulletin, 1920, No. 11, Statistics of State School Systems, p.96, Table 21.

131. Ibid., p. 108, Table 36.

132. Minnesota Dept. of Education, 20th Biennial Report.

The situation, while not appalling, is nevertheless far from ideal. An examination of the requirements and provisions for enforcement, made in an effort to determine the underlying causes of failure to get a greater percent of the school population into the schools, and keep them there all year, has led to the following suggestions. First, even the semi-graded and rural schools are averaging more than the required minimum term. This probably accounts for the fact that the semi-graded and rural schools keep only 71% of their enrollment the entire year. When the average is above the requirement, is it not time to raise the requirement? So the first positive suggestion is for a longer minimum term.

Second, the fact that there is no definite requirement as to regularity of attendance might account for the fact that regularity of attendance, as measured by the percent of enrollment in average daily attendance, is not included in the report of the state department. Every teacher realizes, and every legislator should realize, that if a child is required to attend school for six months, it makes a vast difference whether he attends three or four days out of every week, or every school day during the six months. Maximum efficiency of a school or maximum advancement of the several classes is impossible where irregular attendance is permitted. Moral suasion and artificial incentives will do much to improve attendance, but the firm hand of the law requiring a certain definite standard of regularity is needed as a foundation for these. The second recommendation, therefore, is for a definite standard of regularity of attendance during enrollment.

The third and final recommendation has to do with the truant officers. Inasmuch as these officers have to deal with children, it would seem that they ought by nature and training to be fitted for such work; and inasmuch as they have to deal with special classes of children, the truants, the incorrigible, and the disorderly ones, this special training and fitness becomes increasingly important. There doubtless are in most communities men or women who are capable of filling this position efficiently. But too often these are not the people who are chosen to fill the place. For to secure the services of trained child-welfare workers money is necessary, and in greater amounts than the truant officer sometimes receives. There is no question but that such a person would make a more efficient truant officer, and the way to secure such truant officers is first, to provide by law certain qualifications of character and education; and second, to require the district to pay the truant officer a certain minimum salary, sufficient to secure the services of competent educated men and women.

The provisions of the Minnesota law especially to be commended would seem to be: first, the limited number of bases of exemption from the attendance requirement; and second, the provisions for the co-operation of the school board, teacher, county superintendent, county attorney, and commissioner of labor, with the truant officer, in the matter of law enforcement. If Minnesota were to add to these, trained truant officers, she would

be reasonably assured of increasing success in the matter of bringing her children into the schools, and of keeping them there every day during the entire term.

## CHAPTER VIII.

## The Present Situation in California.

The requirements made of the school population in California in the matter of school attendance are not very different from those made in Minnesota. The one feature that impresses one in contrast with the situation in Minnesota is the precise definition of such terms as "truant," "habitually," and others, and, as a natural result of this attitude, the system of parental schools.

The minimum term which must be provided is one of one hundred twenty days,<sup>133</sup> but, unlike Minnesota, California has no maximum set. The minimum term must be held in order to qualify for apportionment of either county or state school funds.

In the matter of a census we find a peculiar situation. The only provision for a census is one made in 1919 to be taken on or before October 15 of that year.<sup>134</sup> There is no mention of making this a permanent arrangement, nor any other mention of a regularly recurring census since 1910, when it ceased to be a basis for apportionment of school funds.

Children of from eight to sixteen years are required to attend school for the full length of the term in their

133. School Laws, 1917, Art. XX, Sec. 1859.

134. School Laws, 1919, p. 126, Secs. 1-6.

district.<sup>135</sup> An absence of more than three days without valid excuse, or more than three cases of tardiness constitute truancy.<sup>136</sup>

After the first offense, one day absence or one tardiness may be considered as truancy. A child who has been a truant three or more times is to be regarded as a habitual truant.

Exemption from the attendance requirement is made only on one of the following bases:<sup>137</sup> (1) physical or mental unfitness, certified to by a physician; (2) more than two miles from a school, with the written approval of the county superintendent; (3) attendance at a private school, or instruction by a tutor; and (4) a permit to work.

The permit to work is issued to the employer, while the child is required to possess an age and schooling certificate.<sup>138</sup> These documents are both issued by the city superintendent, the city and county superintendent, or the county superintendent, for districts within a county not under the jurisdiction of a city superintendent. The permit to work permits employment of a minor of fourteen years who has graduated from the elementary schools.<sup>139</sup> Before issuing this permit the official issuing it must have seen three documents: (1) a physician's certificate of the child's physical fitness for the work he intends to take up; (2) the sworn statement by a parent or guardian, of the child's age, fourteen or more, and of the family's need of the child's earnings; (3) a written statement by the

135. School Laws, 1919, p.138, Sec.1.

136. Ibid., p.150, Sec.5.

137. Ibid., p.138, Sec.1.

138. Ibid., p.143, Sec.3c.

139. Ibid., p.141, Sec.3a.

prospective employer of the work waiting for the child.<sup>139</sup> The permit is valid for not more than six months.<sup>139</sup>

The age and schooling certificate issued to the child desiring employment is issued only on personal application of the said minor accompanied by his parent or guardian, on forms issued by the state superintendent of public instruction, and is not valid if the child is idle for more than two weeks.<sup>138</sup> In order to secure this certificate, the child must present: (1) his school record, (2) evidence of his age, (3) a written statement by his prospective employer of work waiting, and (4) a physician's statement of his good health and normal development.<sup>140</sup>

The provisions for enforcement of these regulations include officials and penalties. The qualifications for attendance officers are, by the law of 1919, to be established and prescribed by the state board of education.<sup>141</sup> Previous to that time none were specified. The truant officers are appointed by the board of education of a city or city and county, or by the board of trustees of any district having an average daily attendance of at least three hundred.<sup>142</sup> Or, on petition of the boards of a majority of the districts not so provided for, and on recommendation of the county superintendent, the board of county supervisors may appoint officers either for the entire county, or for several districts.<sup>142</sup>

The duties of such officers are: (1) to investigate charges of truancy or non-attendance, make and file criminal

140. School Laws, 1919, p.144, Sec.3c.

141. Ibid., Sec. 1519, a.

142. Ibid., pp.148-9, Sec. 4.

complaint, (3) see that the charge is prosecuted.<sup>143</sup> In the absence of special attendance officers, these duties devolve upon the board of education, of either the city, or city and county, or the trustees of any district.

The salary is to be fixed by the appointing board, and paid from the county or special school fund.<sup>142</sup> A notable exception to this is that the officers appointed at large by the county board of supervisors receive only their traveling expenses.

Penalties are provided for the parent or guardian, the child, and the employer. After including among the duties of the attendance officer that of filing a "criminal complaint," the law expressly states that the parent or guardian who fails to comply with the attendance laws shall be considered guilty of a misdemeanor, and the same statement is made in regard to the employer.<sup>144</sup> The parent who is convicted is liable to a fine of not more than ten dollars, or imprisonment for not more than five days, for a first offense.<sup>144</sup> For a subsequent offense, however, the fine is from ten to fifty dollars, and the imprisonment from five to twenty-five days, or both penalties may be inflicted.

If a truant child is not habitually truant, he is merely turned over to his parent or teacher.<sup>145</sup> If habitually truant, he is liable to commitment to a parental school. If there is no parental school within the county, the parent may be ordered to deliver the child at school every morning.

143. School Laws, 1919, p.140, Sec. 3.

144. Ibid., p.255, Sec.5.

145. Ibid., p.149, Sec. 5.

The guilty employer is liable to a fine of from fifty to two hundred dollars, or not more than sixty days in the county jail, or both.<sup>146</sup> There is no additional sentence for a repeated offense, or for employment continued after notification.

The parental schools, to which the truant child may be sentenced, are maintained, according to the law, for the improvement of the child. They are permissive in any city, city and county, or district with three hundred children.<sup>147</sup> The teachers in these schools must have the same qualifications as those in any other public school. A child may be paroled by the county superintendent, or the city superintendent, or the board of education, unless he has been committed to this school by order of the court, in which case, he must be paroled by the court on recommendation of the superintendent or board.<sup>147</sup>

The California State Board of Education includes a Department of Vocational Education, and the state maintains three schools for truant children: at Whittier, Ione, and Ventura.<sup>148</sup> Los Angeles maintains a special department of compulsory education,<sup>149</sup> which had its origin in three statutes: the Compulsory Education Law in 1903, the Juvenile Court Law in 1903, and the Child Labor Law in 1905. The first work done in this connection was the appointment of an attendance officer and the establishment of a school in the Dentention Home. In the spring of 1906 the first Special School was organized and in September of that year, two more were organized. The Special Schools, the School in the

146. School Laws, 1919, p.165, Sec.7.

147. Ibid., p.150, Sec.6.

148. Letter from E. R. Snyder, Commissioner of Vocational Education, 2/16,21.

149. Los Angeles City School District, Dept. of Compulsory Education & Child Welfare, Annual Report of Director, June 30, '17.

Detention Home, the work of attendance officers, the issuance of work permits, and the enforcement of child labor laws were all grouped, in 1906, in the Department of Compulsory Education. In 1910 it became the Department of Compulsory and Evening Schools; and in 1916, the Department of Compulsory Education and Child Welfare. The effective work done by the parental or special schools is well shown by a few statistics of April 1st, 1917, showing the number of pupils enrolled each for the first, second, third, and fourth time. One hundred sixty-nine pupils were in the special schools for the first time; thirteen for the second time, five for the third time, and none for the fourth time. In the Los Angeles Special School, the average percent of attendance for eleven years of existence, from 1906 to 1917, was more than 98%. Also, in 1905-06, out of 37,877 children in the public schools, fifty-six were brought before the juvenile court; while in 1916-17, out of 110,672 children in the city schools, only eight were brought before the juvenile court. The Pasadena City Schools include a Child Welfare Department. Though they have no special schools for truant children the Superintendent states that "this work has been handled so successfully we hardly need anything else."<sup>150</sup>

The results as shown by statistics from the United States Bureau of Education are, in the matter of enrollment, very encouraging. These show, for the year 1917-18, 99.4% of the school population, (from five to eighteen) enrolled in the public schools, 6.6% enrolled in the private schools, or 106.0% of the school population enrolled in all schools.<sup>151</sup> This excess of

150. Letter from Superintendent J. F. West, 3/5/21.

151. Bureau of Education, Bulletin, 1920, No. 11, p.94, Table 21.

school enrollment over school population, as has been explained in the chapter on the general situation in the United States, is probably due to the fact that the population in California has increased at a greater rate than estimates based on previous census results have taken account of. Even allowing for the very evident error, the probabilities are that a very large percent of the school population is enrolled either in public or private schools. In the matter of daily attendance, the facts are not so encouraging. Statistics from the same source show 71.3% of the public school enrollment, or 70.8% of the school population, in average daily attendance.<sup>152</sup>

The first conclusion that occurs after writing the above paragraph is that even without provision for a school census California has been wonderfully efficient in getting her school population enrolled in the schools. And then, that with all her provisions for parental schools, she has not satisfactorily succeeded in securing daily attendance from those enrolled. Referring to the tables appended to Chapter II, we find that whereas California ranks third in the union in the percent of school population enrolled in public schools, she ranks twenty-eighth in the percent of enrollment in average daily attendance. The reports from Los Angeles and Pasadena show a high percentage of attendance in those cities. The percentage for the state is doubtless considerably reduced by the situation in the mountainous districts where perfect attendance is a matter of difficulty and sometimes, a physical impossibility. It must be remembered that California

152. Bureau of Education, Bulletin, 1920, No. 11, p.108, Table 36.

has a large foreign population and that this fact complicates her educational problems. The same measures and the same amount of thought and effort that would secure 100% attendance in a state where the school population is largely American born would probably not produce the same results in California. Especially to be commended are her parental and special schools, and her Department of Vocational Education. The provision in 1919 for legal qualifications for attendance officers, to be established by the State Department of Education, is another progressive measure which ought to have far-reaching results. The question might be asked, however, "How many properly qualified persons will be found who can afford to devote their time to such work in return for traveling expenses, as the officers appointed by the county board of supervisors must?" It may be that the establishment of standards of training and education will lead to an increase in the salary of the officials, or it may be that comparatively few such officers are needed, as they are to supply only those districts not provided for locally.

## CHAPTER IX.

## The Present Situation in Massachusetts.

Massachusetts has been included among the states selected for a study of the present situation for two reasons: first, because the study of the history of legislation in this particular field has rendered many details of the situation familiar to us; second, because Massachusetts has the earliest compulsory education law of any state in the Union, and has always been among the first to extend its requirements and introduce reform in educational matters.

Each Massachusetts town or city is required to take a school census annually and return same to the state board of education.<sup>153</sup> The school committee is entrusted with the taking of this census, which must include: the names, ages, and any other information required by the board of education, of all children, (1) between five and seven; (2) between seven and fourteen; (3) between fourteen and sixteen; and (4) of all minors over sixteen who cannot read at sight and write legibly simple sentences in English on September 1st.<sup>153</sup> If a town fails to return this information to the board of education by August 15th, it forfeits ten

153. General Laws relating to Education, (Massachusetts), 1920-21, Chap. 72, Sec. 2.

percent of its school fund; if it fails to return by September 1st, it forfeits all of its school fund.<sup>154</sup> If a town is not entitled to any school fund, it must pay a fine of \$200 into the school fund.

Another important requirement made of the district is for a minimum term. This must be one hundred sixty days each year.<sup>155</sup>

Children from seven to fourteen, and all under sixteen unless they have completed the sixth grade, hold employment certificates, and are regularly employed, are required to attend school for the entire term in their district.<sup>156</sup> Only two bases of exemption are now recognized; viz., (1) physical or mental disability; and (2) other approved instruction.<sup>156</sup>

Not only the amount of attendance, but the regularity is specified carefully by the Massachusetts statutes. An absence exceeding seven days or fourteen half days within six months constitutes truancy, and renders both parent and child liable to punishment.<sup>156</sup> The child, if an habitual truant, absentee, or school offender, is liable to commitment to a parental school, which is a county training school.<sup>157</sup> In Boston this was replaced, (1914) by a disciplinary day school.<sup>158</sup> A child of either sex may be placed on probation by the county commissioners upon such conditions as they deem best.<sup>159</sup>

154. General Laws relating to Education, 1920-21, Chap. 72, Sec. 6.

155. General Acts of Massachusetts, 1918, Chap. 257, Sec. 174.

156. General Laws relating to Education, 1920-21, Chap. 76, Sec. 1.

157. Ibid., Chap. 77, Secs. 3-5.

158. Acts of Massachusetts, 1914, Chap. 738, Sec. 4.

159. General Laws relating to Education, 1920-21, Chap. 77, Sec. 8.

The parent who allows his child to be absent to the extent which constitutes truancy is liable to a fine of not more than twenty dollars.<sup>160</sup> For failure to send the child to a truant school after he is sentenced thereto, the penalty is a fine of not more than twenty dollars.<sup>161</sup> For allowing illegal employment, the parent is liable to a fine of from ten to fifty dollars.<sup>162</sup> For the employer in such cases there is a fine of from fifty to one hundred dollars.

Children under fourteen years are forbidden to work in a factory, workshop, or mercantile establishment; to work anywhere during the hours when school is in session, or before half past six in the morning, or after six in the evening.<sup>162</sup> For the employment of children between fourteen and sixteen, an employment certificate is required. This is issued by the city superintendent, or his agent, or, if there is no superintendent, by the school committee or their agent.<sup>163</sup> It must be kept on file by the employer and be accessible to inspectors.<sup>164</sup> It is issued on presentation of the following duly executed documents: (1) promise of employment; (2) school record; (3) physician's certificate; (4) evidence of age.<sup>163</sup> The school record must include: (1) a statement of the grade last completed; (2) the number of weeks of attendance during the preceding twelve months; (3) the name, date of birth, and residence; (4) name of parent or guardian.<sup>165</sup> The child must have

160. General Laws relating to Education, 1902-1918, Chap. 76, Sec. 2

161. Supplement to Revised Laws, (Mass.) 1920-21, Chap. 76, Sec. 4.

162. General Laws relating to Education, 1920-21, Chap. 76, Sec. 4.

163. Ibid., Chap. 149, Sec. 87.

164. Ibid., Chap. 149, Sec. 94.

165. Ibid., Chap. 149, Sec. 88.

attended one hundred thirty days since he became thirteen years old, unless he has attended seven years and is mentally incapable.<sup>165</sup> This requirement may be suspended by the superintendent at his discretion.<sup>165</sup> The employment certificate shall state: (1) the name, sex, date, and place of birth, and the place of residence; (2) color of hair and eyes, and any distinguishing facial marks; (3) that the child personally appeared and was examined, and found to possess the necessary educational qualifications; (4) that all required papers have been approved and filed; (5) the grade last completed; (6) the name of employer and the nature of the intended employment.<sup>166</sup> A child between fourteen and sixteen may, however, have a special certificate for the summer session without fulfilling the educational requirements for the regular employment certificate.<sup>167</sup>

A boy under twelve and a girl under eighteen in a city of over 50,000 shall not engage in street trades.<sup>168</sup> A boy under sixteen, in order to engage in street trades, must have fulfilled the requirements of school attendance, be twelve years old, for which he must show proof, be physically and mentally fit.<sup>168</sup> He is then issued a badge by the officer authorized to issue employment certificates. Even with this badge he must not be engaged in street trades after nine p.m., or before five a.m., nor during school hours, unless he holds a regular employment certificate.<sup>169</sup> The employment of children under sixteen, including those holding employment certificates, is limited in the following ways. They must not

166. General Laws relating to Education, 1920-21, Chap. 149, Sec. 89.

167. General Acts, Massachusetts, 1916, Chap. 66.

168. General Laws relating to Education, 1920-21, Chap. 149, Secs. 69-71.

169. Ibid., Chap. 149, Sec. 73.

be employed in any dangerous trade or occupation, or one that is injurious to either health or morals.<sup>170</sup> The permitted trades are listed in some detail in the statutes. They must not be employed more than six days or forth-eight hours a week, nor more than eight hours a day, nor before six-thirty a.m., nor after six p.m.<sup>171</sup>

Boys under eighteen and girls under twenty-one must not be employed more than ten hours a day, nor more than fifty-four hours a week.<sup>172</sup> For seasonal occupations there is a maximum of fifty-two hours per week, with an average of not more than forty-eight hours per week for the year.<sup>173</sup> There is the same provision regarding dangerous or injurious trades or occupations, though the list of prohibited trades is different.<sup>174</sup> Minors over eighteen may not be employed in a saloon or bar-room.<sup>175</sup> All illiterates between sixteen and twenty-one must be attending either evening or day school.<sup>176</sup>

Truant officers are appointed by the school committee of the town or city.<sup>177</sup> These truant or attendance officers may visit factories, workshops, etc.<sup>178</sup> They shall report cases of illegal employment to the superintendent of schools, or to the school committee, and to the state board of labor and industries.<sup>178</sup> The term of the attendance officers is indefinite, and the salary

170. General Laws relating to Education, 1920-21, Chap. 149,

Sec. 61.

171. Ibid., Chap. 149, Sec. 65.

172. Ibid., Chap. 149, Sec. 67.

173. Ibid., Chap. 149, Sec. 56.

174. Ibid., Chap. 149, Sec. 62.

175. Ibid., Chap. 149, Sec. 64.

176. Ibid., Chap. 149, Sec. 95.

177. Ibid., Chap. 77, Sec. 12.

178. Ibid., Chap. 149, Sec. 92.

is fixed by the committee who appoints them with the one provision that they shall not receive fees.<sup>177</sup>

When we come to consider results we find that in 1917-1918 Massachusetts succeeded in getting 87.9% of her school population enrolled in school.<sup>179</sup> In this she is surpassed by thirty-one of the states in the union.<sup>180</sup> In the matter of average daily attendance, however, she ranks fifth in the union with a percentage of 82.2.<sup>181</sup> This means that 72.1% of her school population are in average daily attendance, or of every ten children, approximately seven are in school on an average day. In comparison with the other states, the need for improvement seems to be in the matter of getting her school population enrolled in school. Undoubtedly the large proportion of immigrants in the state aggravates the situation. Another feature of the situation to be considered is that the percent here given is based on the school age of five to eighteen, while Massachusetts includes in her school census only children from five to fifteen. Consequently a percentage based on her own census would be much more encouraging. For example, the state board of education reports in 1915, 107.3% of the school population enrolled. Perhaps what Massachusetts needs, then, is an extension of the census age to include these children over fifteen, who surely ought still to be enrolled in school. The success with which the state has secured the enrollment of children between five and fifteen leads one to believe that the inclusion of these minors in the school census would result in

179. Bureau of Education, Bulletin, 1920, No. 11, p.94, Table 21.

180. See Table 2, Chapter II.

181. Bureau of Education, Bulletin, 1920, No. 11, p.108, Table 36.

their enrollment in school.

Massachusetts imposes a heavy fine for failure to make the required census returns. In addition to this we would suggest that the school committee transmit to the principal teacher of each school the list of census children in his or her jurisdiction; that the teacher, in turn, report back at the close of the first week of school, the names of those not enrolled, and that this list be put into the hands of the attendance officer.

In the matter of securing the daily attendance of the pupils who are enrolled, Massachusetts compares very favorably with the other states with her rank of fifth in the union. However, since she attains only a percentage of 82.2, the situation is hardly ideal. There are provisions for attendance officers, and parental schools, including the disciplinary day schools of Boston. Proper efficiency on the part of the attendance officers ought to result in an increasing percent of the enrollment in average daily attendance. The only feasible way to secure increased efficiency on the part of these officials would be first, to specify minimum requirements of morals, education, and training; second, to provide for a minimum salary sufficiently high to attract to the work men and women possessed of the desired qualifications. The possible improvement which would be produced by adopting these suggestions is entirely a matter of conjecture, except as we may judge from the increased efficiency resulting from increased training in other fields. Surely we may confidently expect that in the work of attendance officers as well, additional training and increasing

salary will result in increased efficiency, portrayed in an ever larger percent of school enrollment in average daily attendance.

## CHAPTER X.

## The Present Situation in New Jersey.

The only requirement which the state of New Jersey makes of the school districts is that a district must maintain its schools for a minimum term of nine months in order to share in the state appropriations and in the proceeds of the state school tax. In regard to the census, the district is permitted, but not required, to take a census of the children between five and eighteen years, not more than once in five years, and not in the year in which the United States or the state census is taken.<sup>182</sup>

Between the ages of seven and sixteen, inclusive, a child must attend school all days and hours that the public schools are in session in his district.<sup>183</sup> This provides at once for the amount and regularity of attendance. The law does not specify the maximum amount of absence excusable within any given length of time, nor the excuses which may be accepted. Apparently it is left to the discretion of the attendance officers to determine whether a child is absent enough of the time to warrant procedure against him as a truant.

The bases of exemption are only two:<sup>184</sup> (1) legal

182. School Law, 1918, Sec. 329, p.170.

183. Ibid., Art. V., Sec. 48, p.28.

184. School Law, 1914, Sec. 185, p.89.

employment; and (2) mental or bodily condition such as to prevent attendance at school. The provisions for legal employment are three: (1) that he be over fourteen years of age; (2) that he hold an age and schooling certificate; and (3) that he be regularly and lawfully employed in some useful occupation or service.

The means and agents of enforcement include attendance officers, special schools, and penalties for the child, parent, and employer.<sup>185</sup> The only legal specification in regard to the qualifications of attendance officers is that they must be "qualified persons." They are appointed by the board of education in the district, and there shall be a "suitable number" of them.<sup>186</sup> The number needed, as well as the qualifications essential, are thus left to the discretion of the local board. Their salary is fixed by the board appointing them,<sup>186</sup> and they hold office on probation the first year, but after one year's service, their term is for the duration of their good behavior and efficiency.<sup>187</sup>

The duties and authorities of the officers are as follows: (1) to examine into violations of the law; (2) to warn child and guardian; (3) to notify parent or guardian in writing; (4) to arrest without warrant; (5) to place child in jail or juvenile house of detention; and (6) to produce him in court.<sup>188</sup>

School districts are allowed, but not required, to establish special schools for children under sixteen arrested for any cause except murder or manslaughter.<sup>188</sup> The board may be given

185. School Law, 1914, Sec. 184-205, pp.89-90.

186. School Law, 1918, Secs. 231-232, p.118.

187. Ibid., Sec. 356, p.179.

188. Ibid., Secs. 422-424, pp.205-6.

entire charge of the child, who may be committed indefinitely.<sup>188</sup> During his commitment he must be instructed and trained for good citizenship and self-support. Thus a child arrested as a truant, habitual absentee, or school offender, is included with those arrested on other charges, and is proceeded against as any other juvenile delinquent, or disorderly person.<sup>189</sup> The parent, too, is considered a disorderly person and compelled to appear in court.<sup>190</sup> For a first offense he may be fined from five to twenty dollars, and for each subsequent offense, not more than twenty-five dollars.<sup>190</sup> An employer who employes a child in violation of the law is subject to a fine of fifty dollars or imprisonment for not more than one year, or both.<sup>191</sup>

In considering the results secured by this system, let us look first at the length of term provided. The requirement is for nine months in order to share in state aid.<sup>183</sup> In 1916-17 the average term provided was eight months and twelve days, or a total of one hundred seventy-two days.<sup>192</sup> In 1917-18, the average had risen to one hundred seventy-eight days, or six days more than in the preceding year, and within two days of the required length.<sup>192</sup> This provision is securing the results desired.

In the matters of enrollment and attendance of the school population, we find that New Jersey secures the enrollment of 82.9% of its school population, ranking twenty-fourth in the Union in this respect.<sup>193</sup> Of this enrollment 75.4% are in average

188. School Law, 1918, Sec. 228, pp.116-17.

190. Ibid., Sec. 229, p.117.

191. Ibid., Sec. 227, p.116.

192. U. S. Commissioner of Education, Report, 1918, p.156.

193. Bonner: Statistics of State School Systems, 1917-18, Bureau of Education, Bulletin, 1920, No. 11, p.94, Table 21.

daily attendance, a percentage which ranks the state as twentieth in the Union.<sup>194</sup> In the enrollment, this rank of twenty-fourth is shared by two other states, Minnesota and Arkansas, so it represents the median percent attained. This attainment seems remarkably high in view of the laxity of the legal provisions for securing enrollment. The district is not permitted to take a census oftener than once in five years. An adequate check upon the enrollment, to determine the extent to which it included the school population, would therefore be lacking four years out of every five. An annual census with provisions for furnishing the principal teacher in every school with a list of that portion of the census which included the children under his or jurisdiction, and for the said teacher's reporting back to the board any names not included in her enrollment, this list to be put into the hands of the attendance officers, ought to improve the situation.

When we come to a consideration of the attendance, the feature which impresses one familiar with the provisions in Minnesota, California, and Massachusetts, is the paucity of child labor prohibitions. More detailed provisions in this matter would doubtless be beneficial. Then, too, a definite statement of the qualifications required in attendance officers would be more likely to insure their being "qualified" than the present system of leaving it to the discretion of the district board. Another respect in which the district board is allowed to use its own discretion is in that of deciding what constitutes truancy. A definite

194. Bonner: Statistics of State School Systems, 1917-18, Bureau of Education, Bulletin, 1920, No. 11, p.94, Table 21.

statement of this, giving the number of days or half days of absence which would be excusable within a given length of time, would probably increase the average daily attendance. The provision that truant officers hold their positions after the first year, during good behavior and efficiency is to be commended, and will perhaps do much toward securing efficient work in this field, its efficacy depending upon the strictness of the board's definition of "good behavior and efficiency." So again we come to a dependence upon the board. Our criticisms may be summed up in this one general recommendation: viz., more detailed provisions of the law with less dependence upon the discretion of the local boards.

## CHAPTER XI.

## The Present Situation in Rhode Island.

In Rhode Island we find that the state makes two requirements of the school districts: viz., the maintenance of a minimum term, and the taking of a school census. The district is required to hold school for at least thirty-six weeks each year.<sup>195</sup> The census must be taken annually in January.<sup>196</sup> It includes all children between the ages of four and twenty-one, inclusive, and must be in the hands of the school committee by March 1st.<sup>197</sup> The commissioner of public schools must have the receipt of the chairman or clerk of the local board for the census returns before he draws an order for the payment of public money.<sup>197</sup>

The school population is required to attend school between the ages of seven and fifteen, inclusive, for all days and hours that the public schools are in session.<sup>198</sup> The only provision for regularity of attendance is the statement that a child "shall regularly attend."<sup>198</sup>

The law specifies that the bases of exemption are valid for exemption from enrollment only, and do not excuse from attendance any who are enrolled.<sup>198</sup> The state recognizes five

195. Public Laws, (Rhode Island), 1914, Chap. 1907.

196. School Laws, 1930, Chap. 1870, Sec. 15.

197. Ibid., Chap. 1870, Sec. 17.

198. School Laws, 1917, Chap. 1492, Sec. 1.

bases of exemption: (1) completion of the first eight grades; (2) lawful employment of a child fourteen years old, or more; (3) physical or mental disability; (4) lack of suitable clothing; (5) exclusion by some general law or regulation.<sup>198</sup>

The manes and agents employed for enforcement are truant officers, regulations of employment, and penalties imposed. Truant officers are appointed by the town school committee annually in December, one or more for a district, and their term may be for more than a year at the wish of the committee.<sup>199</sup> No legal qualifications are specified. Their salary is fixed by the committee and is payable from the appropriation for public schools.<sup>199</sup>

The employment of children under fourteen in any factory, or manufacturing or business establishment, is forbidden.<sup>200</sup> Children between fourteen and sixteen may not be employed between eight p.m. and six a.m.<sup>200</sup> For the employment of these children an age and employment certificate is required.<sup>201</sup> This is kept by the employer and must be accessible to inspectors.<sup>202</sup> It must identify and describe the child, and certify to his age, education, and physical ability.<sup>201</sup> In identifying a child, the certificate must state four things: (1) name; (2) date and place of birth; (3) height, color of eyes and hair, and complexion; (4) name and place of residence of guardian.<sup>201</sup> In regard to his age, education, and physical ability, it must certify as follows: (1) that he is fourteen years old; (2) that he is able to read at sight and write

199. School Laws, 1910, Chap. 78, Sec. 1.

200. School Laws, 1918, Chap. 1378, Sec. 1, Clause 1.

201. Ibid., Chap. 1378, Sec. 1, Clause 2.

202. Ibid., Chap. 1378, Sec. 1, Clause 7.

legibly simple sentences in English; (3) that there is reason to believe the child is healthy and physically able to do the work he plans.<sup>201</sup> The statement in regard to his health must be substantiated by the certificate of a licensed physician that the child has been examined and is in sound health.<sup>201</sup> The date and place of birth are to be corroborated by a copy of the birth certificate. However, if the birth certificate cannot be produced, the employment certificate may be granted on other satisfactory evidence.<sup>203</sup> No boy under twelve, and no girl under sixteen, in a city of over 70,000 population, shall sell anything, or be a boot-black or scavenger.<sup>204</sup> A boy under sixteen may engage in these activities if he is granted a badge and permit by the truant officer.<sup>204</sup>

The penalties provided are for the child, parent, and employer. The penalty imposed upon a truant child is commitment to a state industrial school, instead of which he may be placed on probation.<sup>205</sup> For the parent's neglect to send a child to school in accordance with the law, the penalty is a fine of not more than twenty dollars.<sup>198</sup> There is no definite penalty provided for the employer in case of illegal employment, the law merely stating that one must not employ a child except in accordance with its provisions "under penalty."<sup>206</sup>

In the matter of length of term provided, the districts are surpassing the requirement. The requirement is for thirty-six

203. School Laws, 1916, Chap. 1378, Sec. 1, Clause 6.

204. School Laws, 1915, Chap. 1264, Secs. 1-2.

205. General Laws, (Rhode Island), 1909, Chap. 72, Sec. 5.

206. School Laws, 1914, p.97.

weeks, or nine months. In 1913-14 the average length of term was nine months and fourteen days,<sup>207</sup> and in 1917-18, there was no district maintaining less than the required nine months.<sup>208</sup>

In 1917-18 Rhode Island secured the enrollment of 76.6% of her school population, considering that the school population includes all children between five and eighteen.<sup>209</sup> Of this enrollment, 78.7% were in average daily attendance, or about 60.3% of her school population.<sup>210</sup>

In respect to the percent of school population enrolled, we must again note the disparity between the census age according to the state and that recognized by the United States Bureau of Education. This 76.8% of the population between five and eighteen must necessarily be a considerably higher proportion of the population between five and fifteen. In order to do away with this difference, and, what is of more importance, to increase the amount of schooling gained by the average child in the state, we would suggest the extension of the census age in the state to include all between the ages of five and fifteen. In addition to this, some system of checking the school enrollment against the census list would be desirable, such as was suggested for New Jersey.

To increase the attendance we have two recommendations:

(1) that the attendance officers be required to meet certain specified standards of morals, education, and training; and (2) that the provisions for securing an age and employment certificate

207. Rhode Island School Commissioner's Report, 1914, Table 7, p. 216.

208. Bonner: Statistics of State School Systems, 1917-18, Bureau of Education, Bulletin, 1920, No. 11, Table 18, p.90.

209. Ibid., Table 21, p.94.

210. Ibid., Table 36. p.108.

be made much more stringent. Under the present law any child fourteen years of age, who is able to read at sight and write legibly simple sentences in English, and is physically able to work, may be excused from school to go to work. Surely only the direst need should excuse from school a child of fourteen, especially one whose educational achievement was limited to an ability to "read at sight and write legibly simple sentences in English." We recommend: (1) that the minimum age for excusal from school for work be advanced to sixteen; (2) that the educational achievement required be increased to that equivalent to completion of the elementary school; (3) that for the issuance of any employment certificate, proof of the family's need for the child's earnings be required. To these we might add detailed provisions regarding permitted occupations, hours, etc., but those are rather details to be worked out by the legislators from the study of the requirements of other states, and from their own experience.

## CHAPTER XII.

## The Present Situation in Oregon.

The requirements made of the districts in Oregon are three: (1) the taking of a school census; (2) submitting to the county superintendent a report of the results of the annual meeting; and (3) maintaining a minimum school term. For the first of these no incentive is offered and no penalty mentioned for failure to comply. The other two are necessary in order to secure the district's share of the county school fund. The census is taken annually by the district clerk the last week in October.<sup>211</sup> It must contain the names and ages of all children over four and under twenty; and the names and post-office addresses of all parents and guardians of such.<sup>211</sup> The items to be included in the report to the county superintendent are not specified, but the report must be submitted within fifteen days after the annual meeting.<sup>212</sup> The minimum term required is eight months.<sup>213</sup>

Children between the ages of nine and fifteen, inclusive, are compelled to attend school for the number of months school is held in their district.<sup>213</sup> Eight unexcused half-days in any

211. School Laws, 1917, Sec. 189, pp.65-66.

212. Ibid., Sec. 245, p.83.

213. Ibid., Sec. 358, pp.111-112.

four weeks constitutes irregular attendance.<sup>214</sup> The only excuses to be accepted are sickness either of the pupil himself, or some member of his family.<sup>214</sup> Four bases of exemption are recognized: (1) attendance at a private school; (2) physical disability; (3) a distance of more than one and a half miles from school, for children between nine and ten years, or more than three miles for children over ten; (4) instruction by parent or private teacher, or permission of the county superintendent, this last to be valid for the current year only.<sup>213</sup>

The state seeks to enforce these laws through truant officers and penalties levied for violations. In districts of the second or third class, the truant officers are appointed by the district boundary board.<sup>215</sup> Such a truant officer must also serve as probation officer of the juvenile court in counties of less than 100,000.<sup>215</sup> In districts of the first class, the truant officers are appointed by the school board, or they may, at the request of the board, be police officers.<sup>215</sup>

The salary of the truant officers is fixed at three dollars a day for actual services, and necessary traveling expenses.<sup>216</sup> In order to collect his salary, an officer must first file an itemized statement of the time actually spent.

The officer's duties are specified as three: (1) to investigate cases of non-attendance; (2) to serve formal written notice on the parent; (3) upon parent's failure to comply with the

214. School Laws, 1917, Sec. 368, pp. 115-116.  
 215. General Laws, 1911, Chap. 243, Sec. 2.  
 216. School Laws, 1919, Sec. 372, p.115.

notice, to make complaint against the parent.<sup>217</sup>

A violation of the requirements for attendance is considered a misdemeanor of the guardian, for which he is liable to a fine of from five to twenty-five dollars, or imprisonment for from two to ten days, or both.<sup>218</sup> Anyone who employs a child who is supposed to be in attendance at school is liable to a fine of from ten to twenty-five dollars for each offense.<sup>219</sup> This is the sole regulation of child labor and seems a very meager one.

In a consideration of results obtained, we find that the requirement for a minimum term is being fulfilled, no district in 1917-18 maintaining school for less than the specified time.<sup>220</sup> In the matter of enrollment Oregon secures only 79.1% of her school population basing that population on the ages of five to eighteen.<sup>221</sup> Remembering that her census age is from four to twenty, we realize that she is securing the enrollment of an even smaller percent of that census list. But of this 79.1% she secures an average daily attendance of 89.7%, Indiana alone ranking higher, with a percent of 92.7.<sup>222</sup>

Apparently, what Oregon needs is a more efficient means of securing the enrollment of her school population. To secure this, we recommend that the taking of the census be made one of the conditions necessary to receive the county school fund, and that the list of census children be put into practical use by serving

217. School Laws, 1919, Secs. 374-376, pp.116-117.

218. Ibid., Sec. 479, p.145.

219. Ibid., Sec. 480, p.145.

220. Bureau of Education, Bulletin, 1920, No. 11, Table 18, p.88.

221. Ibid., Table 21, p.94.

222. Ibid., Table 36, p.108.

as a check upon the enrollment, as suggested in the case of New Jersey and Rhode Island. Suggestions of ways to increase the percent of attendance are not wanting, especially in respect to the paucity of child labor laws, but in view of Oregon's success as compared with that of other states which have much more detailed provisions regarding the employment of minors, we withhold such suggestions and offer instead congratulations upon the results obtained.

## CHAPTER XIII.

## The Present Situation in Kentucky.

The State of Kentucky imposes upon its districts two requirements: (1) that they shall maintain school for a minimum term of six months;<sup>223</sup> and (2) that they take a school census. The census is taken annually in April by the school trustee for each sub-district, and the returns are reported to the county superintendent.<sup>224</sup> The county superintendent in turn reports the returns for the county to the state superintendent on or before June 1st. Separate enumerations are made for white and colored children, each including all from six to eighteen years, inclusive.<sup>225</sup>

In cities of the first, second, third, and fourth class, children from seven to sixteen inclusive are required to attend school the whole term of the public schools in the district.<sup>226</sup> Three bases of exemption are recognized: (1) instruction at home, to be tested by the same examinations as are given at school; (2) physical or mental disability; and (3) possession of an employment certificate.<sup>226</sup> This last is applicable only to children fourteen years of age or over. In the county school districts twelve is the

223. Bureau of Education, Bulletin, 1920, No. 11, p.88, Table 18.  
 224. School Law, Kentucky, 1914, p.47, Sec. 122.  
 225. School Law, Kentucky, 1918, p.106, Sec.207.  
 226. School Law, Kentucky, 1914, pp.79-80, Sec. 210.

maximum age for compulsory attendance, but here as well as in the city districts children are required to attend the full term.<sup>227</sup> Only two bases of exemption are recognized in the county districts: (1) instruction at home, subject to the same examinations as at school; (2) mental or physical disability.

The state attempts to secure enforcement of these laws by requiring the several districts to appoint attendance officers; by permitting cities of the first and second classes to establish parental schools; by imposing penalties for violation, and by limiting employment of minors.

Attendance officers are appointed in all cities by the school board, to serve at their pleasure.<sup>228</sup> There must be one for each 10,000 children or less. The officers must be residents of the city for which they are appointed, of good moral character, and able to read and write with ease.<sup>228</sup> Before their appointment they must be examined by the city superintendent. They must have no other occupation during the school year.

The school board fixes the salary of the officers within the specified limits of one to three dollars per day.<sup>228</sup> In cities of the first class, which means Louisville alone, there is a chief truant officer whose salary is limited only by the maximum of \$1200.<sup>228</sup>

The duties of the attendance officers are four: (1) to examine into all cases of truancy; (2) to serve written notice on the parent or guardian; (3) to proceed against the parent, and

<sup>227</sup>. School Law, Kentucky, 1914, pp. 77-78, Sec. 204.

<sup>228</sup>. Ibid., pp. 81-82, Secs. 215-216.

against the child as a delinquent; and (4) to report all violations of the Child Labor Law to the city superintendent or the chief truant officer.<sup>228</sup>

Only cities of the first and second class are authorized to establish parental schools, and even for them it is not compulsory, but merely permissive.<sup>229</sup>

The penalties for violation of the law are confined to the parent, and differ for city and county districts. In the county school district, for a false statement of the child's age, or the time he has attended school, the parent is fined not more than fifty dollars, or imprisoned thirty days, or both.<sup>230</sup> For failure to comply with the provisions of the law, he is fined from five to twenty dollars for the first offense; from ten to fifty dollars, and the cost of the suit for each subsequent offense.<sup>230</sup> In the cities, the penalty for a false statement is a fine of not more than one hundred dollars, or imprisonment for fifty days, or both.<sup>231</sup> For failure to comply, a fine of not more than twenty-five dollars for the first offense is exacted; for a subsequent offense, a fine of not more than one hundred dollars, or imprisonment for fifty days, or both.<sup>231</sup>

School attendance is encouraged and law enforcement facilitated by the following limitations of the employment of children up to and including the age of sixteen.<sup>232</sup> No child under fourteen may be employed during the school term, and a child

229. School Law, Kentucky, 1914, p.83, Sec. 221.

230. Ibid., p.78, Secs. 205-206.

231. Ibid., p. 80, Secs. 211-212.

232. Ibid., pp.85-86, Secs. 227-230.

between fourteen and sixteen, only with an employment certificate. This certificate is issued by the local superintendent of schools. If there is no local superintendent, it is issued by the county superintendent. For the issuance of the certificate, the child must present four documents: (1) his school record; (2) his birth certificate; (3) the written statement of his prospective employer of his intention to employ, and the nature of the occupation; and (4) a health certificate. The school record must show one hundred days attendance within the preceding twelve months; it must certify to his ability to read and write simple English sentences, and to the fact that he has completed the first five grades.

The distinction between white and colored children is shown in several provisions of the Kentucky law: for the separate census enumerations, for separate schools, and school visitors. It is worthy of our notice, however, that Kentucky does maintain schools for its colored children, takes an annual census of them, and by law requires the same amount of attendance of them as of white children.

In 1917-18 Kentucky secured the enrollment in the public schools of 80.2% of her school population, as based on the federal census age of five to eighteen, which would result in a little higher proportion according to her standards, as she includes in the census only those from six to eighteen.<sup>233</sup> This percent of 80.2 gave her the rank of 28.5 among forty-nine units, including the forty-eight states and the District of Columbia.<sup>234</sup> In the

233. Bureau of Education, Bulletin, 1920, No. 11, p.94, Table 21.

234. See Table 2.

matter of attendance Kentucky does not secure such good results, only 59% of her enrollment being in average daily attendance in 1917-18.<sup>235</sup> This ranks her as forty-nine among the aforesaid forty-nine units, and means that only 44.5% or considerably less than half of her school population is in average daily attendance.<sup>234</sup>

When we come to recommendations for Kentucky, the question is not "In what respect does the situation call for improvement?", but rather, "What are the most urgent needs, and which the most practicable reforms to suggest?" First of all, we suggest an increase in the length of the minimum term required. In 1917-18 no district was maintaining school for less than that term, so it would seem possible to raise the standard. In connection with the census, the percent of school population enrolled might be increased through some follow-up system of checking the school enrollment with the census list. Such a system has been described in detail in previous chapter. The age for compulsory attendance should be raised both in county and city districts; or, at least, the minimum age at which employment certificates may be secured in city districts should be raised to sixteen.

In the matter of attendance, let us consider each of the means by which the state attempts to secure attendance: (1) attendance officers; (2) parental schools; (3) penalties; and (4) limitation of employment. In the case of the attendance officers, the specified legal qualifications are especially to be recommended.

<sup>235</sup>. Bureau of Education, Bulletin, 1920, No. 11, p.108, Table 38.

An extension of their authority to include the power of arresting a truant child without warrant and taking him to school, would probably increase their effectiveness. In view of the fact that such an officer is not allowed to have any other occupation during the school year, the salary limit of three dollars a day seems inadequate to secure the kind of men and women who should be in these positions.

The excellent results secured by parental schools in some of the other states lead us to recommend that they be made compulsory upon cities of the first and second class, and permissive for those of the third and fourth class.

The penalties are at present confined to the parent. An extension of these to the employer in case of illegal employment, and to the guilty child, in the form of commitment to a parental school, or a fine for a child of fifteen or over, seems only just.

In regard to the limitation of employment the only criticism of the present law is that its provisions are too meager. We would recommend a raising of the educational requirements for the issuance of an employment certificate, with the additional provision that any child who has not completed the eighth grade must attend either day or night school regularly until the time of such completion. Permitted hours of employment for children of various ages, and prohibited trades and occupations are two other matters which should receive attention. For the desired provisions of a satisfactory child labor law, we suggest consideration of the laws of Minnesota, California, or Massachusetts on the subject.

Our recommendations for Kentucky may be summed up as follows: (1) increased minimum term; (2) system of checking the school enrollment by the census list; (3) increased age for compulsory attendance; (4) higher salary and increased authority for attendance officers; (5) parental schools compulsory for cities of first and second class and permissive for all cities; (6) penalties for employer and child as well as for parent; and (7) increased limitation of employment of minors.

## CHAPTER XIV.

## Conclusions and Recommendations.

The present chapter of this study will include a discussion of the present needs of the country as a whole, in order to secure the attendance at school of a larger proportion of the school population; the minimum essentials of a satisfactory compulsory education law; and the minimum essentials of provisions for effective enforcement.

The present needs seem to fall naturally into three distinct fields: (1) extension of the compulsory age; (2) more detailed and more stringent provisions for securing 100% enrollment; and (3) more effective enforcement.

In connection with the extension of the compulsory age we would suggest first of all, a modification of the census age, so as to correspond with the normal period of school attendance. If all the states would adopt a census age of five to eighteen, the one on which all statistics of the United States Bureau of Education are based, these statistics would take on an added value and significance, as representing more accurately the existing conditions in the several states. In addition to this extension of the census

age we would recommend also an extension of the compulsory age for school attendance. In no state in the Union do we find children under seven required to attend, and in none are children over sixteen required, except in five states, each of which makes certain special provisions regarding illiterates, or those who have not completed some specified amount of schooling.<sup>236</sup> In nineteen of the states the compulsory age begins at seven, in twenty-nine at eight, and in one at nine. Yet in all but two states children of six are allowed to attend. Bonner, of the United States Bureau of Education, indicates in his Bulletin, "Statistics of State School Systems, 1917-18" that 52.1% of the total population enters school at the age of six, and 75% by the age of seven.<sup>237</sup> Yet in 59% of the states the compulsory age does not begin until the age of eight. This situation results in considerable irregularity of attendance on the part of children in the first two grades, causing a disproportionate amount of retardation in those grades, as shown by the fact that one-tenth of all children in the public school repeat the first grade.<sup>238</sup> Therefore, we would recommend an extension of the compulsory age downward to the age of seven, with the provision that any child of lesser age who is admitted to school, be expected to attend with the same regularity required to children of the compulsory age.

As to the upper age limit for compulsory attendance, we recommend sixteen, with the additional provision that any minor,

<sup>236</sup>. Bureau of Education, Bulletin, 1920, No. 11, p.88, Table 18.

<sup>237</sup>. Ibid., p.32.

<sup>238</sup>. Bonner, H.R., "Compulsory Attendance Laws Lack Vigor", School Life, January 1, 1921.

not mentally incapable of so doing, be compelled to attend until he has completed the elementary grades. Exemptions to this regulation should be granted only after strict investigation, and only on one of the two bases: physical or mental disability, or the holding of an employment certificate. This employment certificate should be issued only in case of dire need of the parents, to pupils who have completed at least the sixth grade and are at least fifteen years old, and it should be valid for not more than the current year.

The improved provisions for securing 100% enrollment would include, first of all, provision for an annual census of the school population. This would seem essential to securing the desired enrollment. To this provision, we would add a device for checking up the school enrollment with the list of census children in the district, such as was recommended in the case of Rhode Island and New Jersey.

To secure more effective enforcement, several changes in the present system are needed. We suggest the following: (1) the education of public opinion; (2) more stringent qualifications, increased salaries, and increased powers for attendance officers; and (3) simplification of machinery.

It is a well-known fact that legislation that is not supported by public opinion usually fails of enforcement, and it is no less true of school attendance legislation than of any other. Until the public realizes the importance of keeping all the children of the state in school for the length of time required by law, 100% attendance can not be attained. And until it ceases to be a virtue and becomes a misdemeanor in the eyes of the public as well as of

the law, for a child to be kept out of school to help with the work on the farm or in the house, such absences will continue.

We have noticed in our study how few states provide any legal qualifications for attendance officers. When we consider that the work of these officials is to deal with children, and often with those who are in some respect and to some degree abnormal, or subnormal, the importance of special qualifications becomes evident. Among the qualifications to be specified by law we suggest the following: (1) educational and professional qualifications equivalent to those required for the highest professional certificate issued by the state; (2) a familiarity with the state attendance laws, to be tested by examination prepared by the state board of education; (3) unimpeachable character, to be certified to by three responsible people, in no way related to the applicant.

Closely connected with the question of qualifications goes the one of salary. Without a substantial increase in the salary allowed for truant officers it will be impossible to find applicants of the desired qualifications who can afford to act in that capacity. With the rapidly changing cost of living it is impossible to set a definite amount that would be adequate at all time. Instead it seems advisable to say that the salary should be equal to the average salary of grade school principals of the state. The reason for selecting this particular standard is because the work of the attendance officer seems to correspond more closely to that of the grade school principal than to that of any other grade of teacher.

When we have secured attendance officers with the recommended qualifications, it will be entirely advisable to entrust them with a little more authority than some of the states do at

present. The power to warn the parents and children, and to make reports to the county superintendent are surely insufficient to secure the best possible results. The authority to arrest a truant child without a warrant and return him to school is essential to efficient work of an attendance officer; also, the authority to inspect factories, workshops, and other places of employment, in a search for children illegally employed. In connection with the arrest and return to school of a truant child, or one illegally employed, the officer should be required to file a criminal complaint against the parent or guardian and the employer, and to see that the charge is prosecuted.

The recommendations for simplification of the machinery necessary for law-enforcement are closely related to those in regard to the extension of authority of the attendance officers, and are really included by them. The machinery for enforcement should be exceedingly simple, with sufficient authority vested in the attendance officer to arrest and return to school the truant child, and prosecute the offending parent and employer, without the intervention of any other official. Especially in rural districts is it advisable for the attendance officer to attend to these matters himself without the delay necessarily attendant upon reports to other officials.

The minimum provisions of a satisfactory law must care for the needs as stated in the preceding paragraphs of this chapter. For that reason we shall here in some instances merely refer to the detailed provisions previously stated. The minimum requirements to be placed upon the district must include at least two: (1) an

annual census of children between the ages of five and eighteen;  
(2) a minimum term of nine months.

Attendance should be made compulsory for the whole term for all children between the ages of seven and sixteen, with the provision that this compulsory age be extended to twenty-one for those who have not finished the elementary school and are not mentally incapable of such completion. For all admitted, whether within the compulsory age limits or not, not more than five days or ten half-days absence should be permitted with any six months, and such absences should be permitted only on account of the sickness of the child, or sickness or death of some member of his family. Absence beyond this limit should be penalized as truancy, and any child who is a truant three times should be considered an habitual truant. Exemptions to these requirements should be on one of only two bases: (1) physical or mental disability; and (2) possession of an employment certificate.

The minimum essentials of provisions for effective enforcement fall into four divisions: (1) a system of checking up the enrollment by the census list; (2) provisions for attendance officers; (3) penalties for violations of the law; and (4) limitations of employment. The first needs no explanation beyond what has already been given in previous chapters.<sup>239</sup> For the attendance officers the following qualifications should be specified by law: (1) unimpeachable moral character; (2) educational and professional qualifications equivalent to those required for the

239. See recommendations at close of Chapter X.

highest professional certificate issued by the state; and (3) a familiarity with the state attendance laws. These officers should be appointed by the county superintendent, to whom the local board should transmit applications of all applicants who fulfill the legal requirements. Thus the appointment would not be influenced by local prejudice, and yet the person making the appointment would have the names of those in a community who could be secured for the position. The term should be indefinite, limited only by efficiency and good behavior. The minimum salary, as suggested in a previous paragraph, should be the equivalent to the average received by the grade school principals in the state. Their powers and duties should include the power: (1) to investigate all cases of non-attendance or truancy; (2) to inspect all factories, work-shops, and other places of employment; (3) to arrest without warrant a truant child, or an habitual school offender; (4) to return a truant to school; (5) to file in the juvenile court a criminal complaint against an habitual truant, or an habitual school offender; in districts where no juvenile court exists, this complaint should be filed in the regular county court; (6) to file in the county court a criminal complaint against a parent or guardian of a child illegally absent, and against the parent or guardian and the employer of a child who is illegally employed.

Penalties should be provided for the offending child, parent, and employer. For the child who is truant for the first or second time, the only penalty recommended is return to school. If he is fifteen or over, however, a fine should be included. For an habitual truant or school offender, the penalty should be commitment

to a parental school, where he should receive training and instruction designed to reinstate him in the regular school. The establishment and maintenance of parental schools should be compulsory in the case of cities of 10,000 or more population, and permissive for any city or school district. There should be at least one in each county, to which towns and districts not maintaining such schools of their own could commit their habitual truants and school offenders. The penalties for parents should be a fine of not less than five dollars, or five days imprisonment, for a first offense, and for each subsequent offense, or for each day of continued violation after notification, an additional fine of not less than ten dollars, or thirty days imprisonment, or both. The penalties for the employer should be a fine of not less than ten dollars, or ten days imprisonment for a first offense, and for each day of continued violation after notification, an additional fine of not less than twenty-five dollars, or sixty days imprisonment, or both.

For the limitation of employment children should be divided into two classes. Class I will include two groups: (1) those who are under fifteen; and (2) those who are fifteen or over but have not completed the sixth grade. Class II will include all those who are fifteen or over, and have completed the sixth grade. For Class I employment during school hours, after six p.m., or before eight a.m., should be strictly forbidden. For their employment during other hours an employment certificate should be required, certifying to the child's good health, normal development, and ability to do the work in which he is engaged.

The employment of children in Class II should be permitted subject to the following requirements. An employment certificate should be required. This should be issued by the city superintendent, or if there is no city superintendent, by the county superintendent. For its issuance the child should present the following documents: (1) an age and schooling certificate, stating that he is fifteen years old or over, and has completed the sixth grade; (2) a health certificate, signed by a reputable physician stating that he is of normal development, in sound health, and physically able to perform the work he proposes to do; (3) a signed statement of his prospective employer that he has work waiting for the child, and stating the nature of such work; (4) a statement signed by his parent or guardian that the family is in need of his earnings for their support. Children in this class should not be employed after eight p.m., nor before seven a.m., nor more than eight hours a day, and not more than six days or forty-eight hours per week. There should be a list of prohibited trades and occupations determined by the state board of education, or the state commissioner of labor. The trades and occupations listed will differ in the various states, but the list should include all which would be dangerous to the health or morals of a child of the years under consideration.

The requirements and provisions for enforcement, outlined in this chapter, are incorporated into the following bill, the passage of which, in any state would, we feel sure, appreciably increase the percent of school population, not only enrolled, but present in average daily attendance and cause it to approach the goal of one hundred percent.

## A B I L L

AMENDING THE STATUTES OF THE STATE OF-----, RELATING TO  
COMPULSORY SCHOOL ATTENDANCE AND THE EMPLOYMENT OF MINORS.

Chapter 1709 of the Session Laws of 1913 shall be  
amended to read as follows:

Article I, Sec. 1. It shall be the duty of the school board of each district in the state to employ some competent person or persons to take a census of all children in the district, between the ages of five and eighteen, inclusive. This census shall be taken annually in August, and shall be in the hands of the board by the first of September. Upon receipt of the census list the clerk of the board shall transmit to the principal teacher of each school in the district a list of the children of school age under his or her jurisdiction. The teacher shall compare the school enrollment with this list and at the close of the first week of school shall return to the clerk of the board the names of any children included in the census list submitted by the clerk of the board who are not enrolled in school; and shall send a duplicate copy of this list to the attendance officer.

Sec. 2. Each district in the state shall maintain school for not less than nine months.

Article II, Sec. 1. Any person having in his care or under his control a child between the ages of seven and sixteen, inclusive, shall see to it that such child attends school every day and hour that the public schools in his district are in session. It is

further provided that all minors over sixteen who have not completed the elementary school, and are not mentally or physically incapable of so doing, shall attend the public schools throughout every entire day that such schools are in session.

Sec. 2. Any child who is absent more than five days or ten half-days within six months shall be considered a truant, and a child who is a truant three times shall be considered an habitual truant. No absence shall be permitted except in case of sickness or of the death of some member of the family, provided that this section shall not apply to children who are mentally or physically incapable of attending school, or who are fifteen years old, or more, and have completed the sixth grade, and are legally employed.

Article III, Sec. 1. The county superintendent of each county shall appoint one or more attendance officers for each school district in his county. Such appointment shall be made from a list of applicants submitted by the local board of each district, who shall transmit to the county superintendent the names of all applicants who are properly qualified. Such applicants must possess the following qualifications: (1) unimpeachable moral character; (2) educational and professional qualifications equivalent to those required for the highest professional certificate issued by the state; and (3) a familiarity with the state attendance laws. Applicants who possess the first two qualifications shall be required to pass an examination prepared by the state board of education and held under the auspices of the county superintendent, to test their familiarity with the state attendance laws.

Sec. 2. The term of the attendance officers shall be indefinite, limited only by their efficiency and good behavior. They shall receive as compensation for their services a salary not less than the average salary of grade school principals in the state. This shall be paid out of the funds from which teachers' salaries are paid.

Sec. 3. Each attendance officer shall be empowered and required to investigate all cases of non-attendance of truancy; to return a truant child to school; to file in the juvenile court a criminal complaint against an habitual truant, or an habitual school offender; in districts where no juvenile court exists, this complaint shall be filed in the regular county court; to file in the county court a criminal complaint against a parent or guardian of a child illegally absent, and against the parent or guardian, and the employer of a child who is illegally employed. Such attendance officer shall be further empowered and required to inspect all factories, workshops, and other places of employment, and to arrest without warrant a truant child or an habitual school offender.

Article IV, Sec. 1. Children under fifteen shall not be employed during school hours, after six p.m., or before eight a.m. Children fifteen or over, who have not completed the sixth grade shall for the purposes of employment be considered in this same class. For the employment of all such children outside the prohibited hours, an employment certificate shall be required. This shall be issued by the city superintendent of schools, or, if there is no local superintendent, by the county superintendent, upon the presentation

of the signed statement of a reputable physician that the child is in good health, of normal development, and physically able to do the work in which he proposes to engage.

Sec. 2. The employment of children fifteen years old, or more, is hereby forbidden, unless they hold an employment certificate. This certificate shall be issued by the local superintendent of schools, or if there is no local superintendent, by the county superintendent. It shall be issued only on presentation of the following documents: (1) an age and schooling certificate, stating that the child is fifteen years old or over, and has completed the sixth grade; (2) a health certificate, signed by a reputable physician stating that he is of normal development, in sound health, and physically able to perform the work he proposes to do; (3) a signed statement of his prospective employer that he has work waiting for the child, and stating the nature of such work, and the days and hours of employment, (4) a statement signed by the child's parent or guardian that the family is in need of his earnings for their support. Children between the ages of fifteen and twenty-one shall not be employed after eight p.m., nor before seven a.m., nor more than eight hours a day, nor more than six days or forty-eight hours a week. No minor shall be employed in any occupation or trade which is dangerous to his health or morals. The Commissioner of Labor of the state shall determine the list of trades and occupations unsuitable for minors; separate lists for children under fifteen, and for those between fifteen and twenty-one, if he deems advisable.

Article V, Sec. 1. A child who is fifteen years old, or more, and

is a truant or a school offender for the first or second time, shall be fined not less than five dollars. Any child who is declared an habitual truant or school offender shall be committed to a parental school, where his training and instruction shall be designed to reinstate him in the regular day school. Such commitment shall be for not more than the current school year.

Sec. 2. Any city or district may, and every city of 10,000 population or over must, establish and maintain one or more parental schools for the training of habitual truants and school offenders. The county commissioners of each county shall arrange with the board of some district within the county which maintains a parental school for the commitment thereto of truants and school offenders from the districts which do not maintain parental schools. Provided that in any county where there is no city of 10,000 or over, and wherein no city or district chooses to maintain a parental school, the county commissioners are hereby empowered and required to establish a county parental school, to which habitual truants and school offenders from all districts in the county may be sent.

Sec. 3. The parent or guardian of a child between the ages of seven and sixteen, inclusive, who does not keep such child in school in accordance with the provisions of Article II, Sec. 1. of this bill, shall, upon first conviction of such neglect, be subject to a fine of not less than five dollars, or imprisonment for not less than five days, or both. If the offense be repeated, or if the neglect is continued after notification by the truant officer, the parent or guardian shall upon conviction, be liable to a fine of not less than ten dollars, or imprisonment for not

less than thirty days, or both, for each subsequent offense or for each day of continued neglect.

Sec. 4. An employer who is convicted of employing a child in violation of the provisions of Article IV of this act shall upon conviction be subject to a fine of not less than ten dollars, or imprisonment for not less than ten days. For each day such employment is continued after notification, and for each subsequent offense, he shall be liable to a fine of not less than twenty-five dollars, or imprisonment for not less than sixty days, or both.

## B I B L I O G R A P H Y.

## GENERAL WORKS.

Sources.

- Bonner, H. R., Statistics of State School Systems, 1917-18, Bureau of Education, Bulletin, 1920, No. 11. Washington, Government Printing Office, 1920.
- Bonner, H.R., Compulsory Attendance Laws Lack Vigor, School Life, Jan. 1, 1921.
- Hood, William Ross: State Laws Relating to Education. (Enacted in 1915, 1916, and 1917.) Bureau of Education, Bulletin, 1918, No. 23. Washington, Government Printing Office, 1918.
- Commissioner of Education, Biennial Reports, as cited, 1886 to 1917. Washington, Government Printing Office.

Secondary Authorities.

- Barnard, Henry, The American Journal of Education, Vol. XVII. Office of the American Journal of Education, Hartford, Mass.
- Cubberley, Elwood P., Public Education in the United States, a study and interpretation of American educational history; an introductory textbook dealing with the larger problems of present day education in the light of their historical development. Boston, New York, Chicago. Houghton, Mifflin Co. 1919.
- Monroe, Paul, (Editor): A Cyclopedia of Education, 5 Vol. New York, The Macmillan Co. 1911.

## WORKS BEARING UPON INDIVIDUAL STATES.

California.

- California Department of Instruction; Biennial Reports, 1866, to 1918, as cited.
- California Statutes and Amendments to Codes, 1919.
- Los Angeles City School District, Department of Compulsory Education and Child Welfare, Annual Report of the Director Year ending June 30, 1917. Los Angeles, 1918.
- School Law of California. Extracts from the constitution, extracts from the political and penal codes, acts of the legislature relating to education, laws relating to the state normals and polytechnic schools, etc. 1874, 1889, 1903, 1909, 1911, 1913, 1915, 1916, 1919. Sacramento.

Kentucky.

Superintendent of Public Instruction of Kentucky, Biennial Reports, 1896-97, 1899-1917, as cited.  
The Common School Laws of Kentucky, 1914, 1916, 1918.  
The Kentucky Statutes, 1903, 1909.

Massachusetts.

Acts and Resolves passed by the General Court of Massachusetts in the year 1850, 1852, 1862, 1873, 1898, 1896 to 1901, 1912 to 1914. (Cited as Massachusetts Acts and Resolves.)  
 Educational Legislation Enacted in 1915, 1916, 1917, 1918,  
The Commonwealth of Massachusetts, Bulletin of the Board of Education, 1918, No. 7. Whole No. 98. (Cited as School Laws, 1915-1918.)  
Ibid., 1919. Bulletin, 1919, No. 6, Whole No. 108.  
General Acts of Massachusetts, 1918.  
 Massachusetts Board of Education, Annual Report, together with annual report of secretary of the board, 1853 to 1871.  
Ibid., Biennial Reports, 1917-1919.  
Revised Laws of the Commonwealth of Massachusetts, Relating to Public Instruction, 1901 to 1919. (Cited as Massachusetts School Laws.)  
Supplement to the Revised Laws of the Commonwealth of Massachusetts, containing the general laws enacted in the years 1902 to 1908 inclusive, an amendment to the constitution of the commonwealth, annotations, and a table of changes in the revised laws and in the laws subsequent thereto. 1910. (Cited as Supplement to the Revised Laws.)  
The Revised Laws of the Commonwealth of Massachusetts enacted November 21, 1901, to take effect January 1, 1902. With the constitution of the United States, the constitution of the commonwealth, and tables showing the disposition of the public statutes and of statutes passed since the enactment of the public statutes. 2 volumes. (Cited as Revised Laws.)  
General Laws Relating to Education. Enacted by the Legislature on Dec. 7, 1920 to take Effect Jan. 1, 1921; also subsequent amendments and additions enacted in 1921.

Minnesota.

Laws of Minnesota relating to the public school system including the state normal schools and the university of Minnesota, 1885, 1899, 1901, 1907, 1911, 1915, 1919. (Cited as Minnesota School Laws.)  
 Minnesota Department of Education, Biennial Reports, 1917-1918.

New Jersey.

New Jersey Commissioner of Education, Annual Report, 1918.  
New Jersey School Laws, and rules and regulations prescribed by the state board of education, with decisions by the commissioner of education and the state board of education, and notes, blanks, and forms for the use and government of school officers, 1914 to 1918. (Cited as New Jersey School Laws.)

Oregon.

Oregon School Laws with rules and regulations of the state board of education, 1911 to 1919. (Cited as Oregon School Laws.)  
Superintendent of Public Instruction of Oregon: Biennial Reports, 1913, 1914, 1919.

Rhode Island.

Laws of Rhode Island Relating to Education, 1910 to 1917.  
(Cited as Rhode Island School Laws.)  
Rhode Island State Board of Education: Annual Reports, together with those of the commissioner of public schools, 1914, 1915.  
Laws of Rhode Island Relating to Education, 1920, 1921.