

THE UNIVERSITY OF OKLAHOMA
GRADUATE COLLEGE

LEGISLATIVE CONTROLS OVER THE
PUBLIC SCHOOL CURRICULUM

A DISSERTATION
SUBMITTED TO THE GRADUATE FACULTY
in partial fulfillment of the requirements for the
degree of
DOCTOR OF EDUCATION

BY
MAJOR L. MCCLURE
Norman, Oklahoma
1957

LEGISLATIVE CONTROLS OVER THE
PUBLIC SCHOOL CURRICULUM

APPROVED BY

Earl Shannon

*Respectfully,
F. F. Guisher*

*Chester S. Williams
Arthur J. Johnson*

DISSERTATION COMMITTEE

ACKNOWLEDGEMENT

I wish to acknowledge the assistance given me by the librarians of the University of Oklahoma Law Library. Without their help, the legal phase of my research would have been much more difficult.

I should like, also, to express gratitude for the able counseling of my major professor, Dr. Gail Shannon. His foresight, patience, and guidance made a difficult task a pleasant one.

TABLE OF CONTENTS

	Page
LIST OF TABLES	vi
 Chapter	
I. INTRODUCTION	1
Statement of the Problem	3
Importance of the Problem	6
Scope of the Investigation	7
Delimitations	7
Definition of Terms	8
Method of the Investigation	9
Sources of Data	10
Organization of the Study	10
II. A HISTORY OF LEGISLATIVE CONTROLS OVER THE CURRICULUM	12
Colonial Period (1620-1776)	12
The Early National Period (1776-1860)	15
The Nationalistic Period (1860-1918)	19
Post World War I Period (1918-1940)	27
Summary	35
III. LEGISLATIVE ENACTMENTS RELATING TO THE TRADITIONAL SUBJECTS	37
Summary	45
IV. LEGISLATIVE ENACTMENTS RELATING TO PHYSIOLOGY AND HYGIENE	48
Alcohol and Narcotics	49
Physical Education	53
Communicable Diseases	55
General Health	56
Summary	57

Chapter	Page
V. LEGISLATIVE ENACTMENTS RELATING TO HUMANE EDUCATION	61
Summary	64
VI. LEGISLATIVE ENACTMENTS RELATING TO MANNERS, MORALS, AND RELIGION	66
Religion	66
Manners and Morals	72
Summary	75
VII. LEGISLATIVE ENACTMENTS RELATING TO CONSERVATION AND AGRICULTURE	78
Conservation	79
Agriculture	82
Summary	83
VIII. LEGISLATIVE ENACTMENTS RELATING TO PATRIOTISM	85
Patriotism and Citizenship Classes	85
Related Classes	89
Activities and Events	95
Summary	99
IX. LEGISLATIVE ENACTMENTS RELATING TO MISCELLANEOUS AREAS OF THE CURRICULUM	103
Use of the English Language	103
Military Drill and Gymnastics	106
Special Days to be Observed	107
Safety Education	110
Some Unique Subjects	115
Summary	117
X. SUMMARY AND CONCLUSIONS	120
Findings	120
Conclusions	126
Recommendations	127
BIBLIOGRAPHY	129

LIST OF TABLES

Table	Page
1. Year and Method by Which Tax Support Was Denied Religious Schools	22
2. Required Studies in the Public Elementary Schools of the Forty-eight States in 1911 According to Number and Percentage of States ..	28
3. Subjects Showing the Largest Gain According to Number of State Law Adoptions Between 1911 and 1925	32
4. New Subjects Added to the Curriculum Through State Laws Adopted Between 1911 and 1925, According to Number and Percentage of States ..	33
5. Subjects Required in the Public Elementary Schools by Legislative Authority in 1933 and the Number and Percentage of States Having Such Requirements	34
6. Number and Percentage of States Requiring Traditional Subjects in Public Schools in 1957	46
7. States with Current Laws in the Area of Physiology and Hygiene	60
8. States with Current Humane Education Laws	65
9. States Having Laws in the Area of Manners, Morals, and Religion and the Number and Types of Laws from Each State	77
10. States Having Conservation and Agriculture Laws and the Number of Laws from Each State ...	84
11. States Having Patriotism Laws and the Number and Types of Laws from Each State	102

Table		Page
12.	States Having Laws Covering Some Miscellaneous Areas of the Curriculum	119
13.	A Comparison of the Number of States Requiring Various Subjects in the Public Schools at Three Different Periods and Percentage of Increase or Decrease Since 1925	124
14.	Summary of the Number and Percentage of Laws Covering Selected Areas of the Curriculum in 1957	125

LEGISLATIVE CONTROLS OVER THE PUBLIC SCHOOL CURRICULUM

CHAPTER I

INTRODUCTION

One of the corner-stones of our American way of life is our educational system. The founders of our country were greatly concerned about who would be responsible for the education of our nation's masses. Thomas Jefferson gave a reason for this concern when he said: "If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."¹

From the earliest days of our nation, in face before we were a nation, there has been a concern among the common people for their schools. This early interest was shown by the passage of laws which forced communities to build schools, tax themselves for their support, and then required, permitted, prohibited, and regulated what was to be taught in those schools.

¹William B. Ragan, Modern Elementary Curriculum (New York: The Dryden Press, 1953), p. 10.

The anxiety on the part of the public, or segments of the public, has not lessened. Indeed there are indications that it has increased. Studies concerned with determining the number of laws pertaining to subject matter controls show consistently that laws in this area continue to increase in number.

In recent years professional educators have become concerned at both the number and the purpose of these laws. It has been noted that certain groups have influenced the passage of laws which are of doubtful value to the public at large. This pressure has been especially heavy during and shortly after major crises, such as depressions and wars. Many educators, feeling that they have a definite responsibility toward making critical examinations and evaluations of such laws, have either sponsored or personally undertaken investigations to determine their number and effect upon education.

Many of these investigations have been of a local or regional nature. They have, in most cases, dealt with:

(1) comparing the number of laws in one particular period with those in another later period, (2) determining the existing number and type of such laws at a particular period, and (3) determining what particular areas of the school curriculum are most affected.

Probably one of the reasons why educators have confined their research to particular regions lies in the Tenth

Amendment to the Constitution of the United States. By delegating all unmentioned powers to the several states, the Constitution places the control of education with the governing bodies of the several states. As a result the educational system in each state became an individual creature subject to the whims and desires of the voters and, more often, the pressure groups of that state.

As the educational systems were unique, so educators thought of them as being unique, each not too closely related to the others. Gradually as transportation and communication became faster and better, this interest widened into larger areas or regions. Such organizations as the North Central Association of Colleges and Secondary Schools, the Southern Association of Colleges and Secondary Schools, and others began to make efforts to standardize or at least systematize the course offerings, requirements for graduation, and other pertinent criteria within certain larger geographical areas. This broadening of geographical interest has brought a corresponding broadening of research in the sense that larger areas have come under consideration by individual researchers.

Statement of the Problem

It is the purpose of this study to investigate the legislative controls over the curriculum of the public schools of the several states. More specifically this investigation will deal with the following items:

1. The general history of legislative controls over the curriculum of the public schools in the United States.
2. The nature and extent of existing legislation affecting the curriculum of the public schools in the United States.
3. A comparison of the laws of the several states with those of two previous periods approximately fifteen years apart (1911 and 1925) and the significance of the trends noted.

A consideration of each aspect of the preceding topics will help to further amplify the problem.

A General History of Legislative Controls Over the Curriculum

To get meaning from an investigation concerning present legislative controls over the curriculum, we must understand what has existed in the past. Most educators are primarily interested in determining the direction in which legislative controls are pushing the public schools. More specifically they are interested in determining whether or not such legislation is leading to an enrichment or an impoverishment of the curriculum as a whole. Growing out of this phase of the investigation will come an examination of such topics as:

1. Laws affecting the curriculum in the colonial period.
2. Laws affecting the curriculum in the early nationalistic period.
3. Laws affecting the curriculum in the nationalistic period.
4. Laws affecting the curriculum in the post World

War I period.

Nature and Extent of Existing Legislation

Before the educator can answer the question "Where do we stand with respect to legislative controls over the curriculum at the present time?", he must carefully analyze the laws now existing on the statute books of the several states. For a more meaningful analysis he should probably divide the curriculum into several areas and consider each of these areas separately. For the sake of comparison this writer has chosen to use a division similar to that used by Flanders¹ in his 1925 report on elementary education. This section will, then, consist of chapters dealing with:

1. The Traditional Subjects
2. Physiology and Hygiene
3. Humane Education
4. Manners, Morals and Religion
5. Agriculture and Conservation
6. Patriotism
7. Miscellaneous

Comparison of Number of Laws

Not only will the educator want to know the number of laws on the statute books of the several states, but he

¹Jesse Knowlton Flanders, Legislative Control of the Elementary Curriculum (New York: Bureau of Publications, Teachers College, Columbia University, 1925).

will also be interested in a comparison of the number of laws now on the statute books with those listed in certain periods in the past. Growing out of this phase of the investigation will come such topics as:

1. The difference in number of laws now, compared with two previous periods (1911 and 1925).
2. A summary of the trends noted by previous investigations.
3. An evaluation of the direction in which legislative controls are taking the curriculum.

Importance of the Problem

As has already been mentioned, the number of laws on the statute books relating to the school curriculum is increasing steadily. This has been shown by previous investigations and is, in itself, of great concern to educators. Chambers points out that:

Professional opinion is nearly unanimous to the opinion that prescription of curriculums by the legislature is a practice which ought to decline in favor of methods which utilize the judgement of teachers and educational administrators. In other words, the revisions of curriculums should be a matter of administrative rather than legislative determination.¹

The trend has been in the opposite direction, however. Newlon notes:

The curriculum of the American public school is being determined more and more by legislative enactment. In every session of every legislature a number of bills seeking to regulate teaching are introduced. This

¹Merrit M. Chambers, Encyclopedia of Educational Research, ed. Walter S. Monroe (New York: The Macmillan Company, 1941), p. 1020.

legislation pertains mostly to such subjects as health and prohibition, nationalism and patriotism, economic and social ideas, and religious and ethical matters. Back of practically all such matters is an organized minority seeking to influence the course of events in this country.¹

With knowledge of such trends, educators cannot justly remain idle. They must be prepared to defend the cause of education against those who would use it for reasons detrimental to society as a whole. The first step in such a safeguard is to know where we stand. We must know the number of controlling laws enacted by legislative bodies and the types of controls which they impose upon the curriculum of the public school. We must continuously evaluate such laws as exist in order to determine the status of education with regard to control by such laws.

Scope of the Investigation

This investigation is concerned with all legislative enactments which directly affect the curriculum of the public schools of each of the forty-eight states of the United States.

Delimitations

1. This study is not concerned with the effect which national legislation has had upon the curriculum.

¹Jesse H. Newlon, Educational Administration as Social Policy, Report of the Commission on the Social Studies, American Historical Association, Part VIII (New York: Charles Scribner's Sons, 1934), p. 52.

Neither will it consider the actions of official boards and commissions. Only legislative action as recorded in the school codes and laws of the various states will be considered.

2. Consideration of agencies of control as set up by the various legislatures is to be limited to legislative enactments dealing with their establishment.

3. This investigation will deal only with those portions of the school laws which in some way affect the freedom of teachers and communities to select what they think important for their curriculum. It is admitted that the writer's personal opinion will enter into the choice of items which are regarded as pertinent to this investigation.

4. Although this investigation may appear legal in nature, it is intended primarily as an educative document, rather than a legal one.

5. This investigation is limited to the public schools and will not include private schools, kindergartens, or higher education.

6. This investigation will not attempt to determine the degree to which the school laws now in effect are either enforced or voluntarily complied with.

Definition of Terms

Curriculum: When referred to in this study, the curriculum will mean: All the experiences of the child for

which the school accepts responsibility.

Course of Study: That which is taught as a course or subject or is included as the major part of a course or subject.

Legislative Controls: Legislative controls as referred to in this study shall be of three kinds: mandatory, restrictive, and permissive.

Mandatory Laws: These shall include those laws which state specifically that a school must teach a certain subject or part of a subject.

Restrictive Laws: These shall include those laws which state specifically that a school cannot teach a certain subject or part of a subject.

Permissive Laws: These shall include those laws which permit a school, at its own option, to teach a certain subject or part of a subject.

Method of the Investigation

This investigation will be made by an analysis of the school codes of the forty-eight states. (In several states school codes, as such, do not exist and in these states the regular laws of the state will be examined.) This analysis will be preceded by a general history of legislative controls as noted by educators in previous investigations of this type, and by historians in general.

Sources of Data

The sources of data for this study were as follows:

1. Official published school laws and codes of the forty-eight states.
2. Official publications of the U. S. Office of Education and the Department of Interior.
3. Reviews of previous studies.
4. Selected published histories of American education.

Organization of the Study

This study seems to divide itself into three parts. The first part, Chapters one and two, introduces the study and gives a brief and general history of legislative controls as noted by previous investigations. The second part, Chapters three, four, five, six, seven, eight, and nine, consists of an analysis of the present school laws and codes of the several states to determine the extent of mandatory, restrictive, and permissive legislation now affecting selected areas of the curriculum in the schools of the United States. The subjects selected for consideration in this section are: Traditional Subjects, Physiology and Hygiene, Humane Education, Manners, Morals, and Religion, Agriculture and Conservation, Patriotism, and Miscellaneous Subjects. The third part, Chapter ten, gives a summary of the findings, some conclusions concerning trends in both the number of laws and

the things which these laws control or regulate, and recommendations with regard to legislative controls over the curriculum of the public schools.

CHAPTER II

A HISTORY OF LEGISLATIVE CONTROLS OVER THE CURRICULUM

Colonial Period (1620-1776)

The first schools in America were the fruits of the Protestant revolt in Europe. The reformers in Europe had insisted upon the necessity of the Gospels as a means to personal salvation. This, in effect, meant that every child had to be taught to read so that he might become acquainted with the commandments of God and what was demanded of him.

As these reformists came to the new world seeking freedom of religion, they brought with them ideas as to religion and the training of children which were European in origin. These ideas formed the beginnings of American education.

It would be difficult, if not impossible, to separate education from religion or religion from education in the colonial period. As has already been mentioned, education was, in the beginning, for the purpose of fostering religion. We will find this a dominate purpose throughout the colonial period and a matter for much conflict in our early national

period. Even to the present day it is still discussed with some emotion in certain quarters.

Probably the most influential group among the early settlers, so far as our educational system is concerned, was the Puritans who settled New England. They established practices and principles relating to education which have been generally adopted by our several states.

The church leaders in Massachusetts were instrumental in having the state legislative body pass a number of resolutions whereby officials of each town were to ascertain, from time to time, if parents and masters were:

. . . attending to their educational duties: if all children were being trained in learning and labor, and other employments profitable to the Commonwealth.¹

This law, which was passed in 1642, is unique in that it is the first law in the English-speaking world, enacted by a legislative body representing a state, to order that all children be taught to read. It is also unique in that it is the first law in America which dealt with the curriculum of the public schools. This law still left the job of education with the home; and there was, therefore, a great deal of dissatisfaction with it.

Five years later, in 1647, the legislature of Massachusetts enacted the famous "Old Deluder Satan Act." This

¹Ellwood P. Cubberley, Public Education in the United States (Boston: Houghton Mifflin Company, 1919), p. 17.

law got its name from the preamble which stated "one chief point of that old deluder, Satan, is to keep men from a knowledge of the Scriptures . . . by keeping them in an unknown tongue," so now "by persuading from the use of tongues . . ." learning was in danger of "being buried in the grave of our fathers in church and commonwealth." Under the terms of this law it was ordered:

1. That every town having fifty householders should at once appoint a teacher of reading and writing, and provide for his wages in such manner as the town might determine; and

2. That every town having one hundred householders must provide a grammar school to fit youths for the university, under a penalty of five pounds for failure to do so.

Cubberley, in speaking of these two laws says:

It can be safely asserted that these two Massachusetts laws of 1642 and 1647 represent not only new educational ideas in the English-speaking world, but that they also represent the very foundation stones upon which our American public school systems have been constructed.¹

Other laws concerned with the curriculum of the schools can be found in the Connecticut Code of 1650. Within the sections entitled "Children" and "Schools" it is stated that parents are responsible for teaching their children at least enough to enable "them to fully read the English tongue and understand the Capital laws" under penalty of a fine of

¹Ibid., p. 18.

twenty-one shillings. By the terms of this law religious training was also made obligatory.

Laws in the Plymouth Colony decreed that the schools were to "teach the children and youth to read the Bible, to write, and to cast accounts."¹

Most of the laws in the colonial period dealt with the establishment of schools rather than with the curriculum. It was generally understood that the schools' purpose was to teach reading, writing and the Bible. This had been the reason for their establishment and was the only justification for their existence.

The Early National Period (1776-1860)

As has already been mentioned, the founders of our nation were vitally interested in the education of the populace. They believed that the democratic system of government depended upon an educated public.

In keeping with this theory Jefferson proposed his "Bill for the More General Diffusion of Knowledge" in the Virginia Assembly in 1779. This bill proposed a system of free schools under the direction of William and Mary College. The curriculum was to consist of reading, writing, arithmetic, and history of Greece, Rome, England, and America. It is

¹Edwin Grant Dexter, A History of Education in the United States (New York: The Macmillan Company, 1906), p. 39.

worth noting here that this proposal is unique in that it substituted history for religious instruction and the reading of the Bible.

The curriculum set forth for the grammar schools was to consist of Latin, Greek, English, geography, and higher arithmetic. This was a typical college preparatory curriculum, but it is again unique in that it did not mention religion.

Although Jefferson's work was hailed as a great humanitarian effort, it was doomed to failure because of the great prestige and strength of the church in Virginia.

New York enacted, in 1795, a law which was

. . . for the purpose of encouraging and maintaining schools in the several cities and towns of this state, in which the children of the inhabitants residing in this state shall be instructed in the English Language, or be taught English Grammar, arithmetic, mathematics, and such other branches of knowledge as are most useful and necessary to complete a good education.¹

In general, the trend during this period was toward some type of standardization of education within each state. Local control had prevailed and as a result there was no general agreement concerning education. It was not until 1846 that any standardization of the schools was attempted in Maine, and not until 1848 did it occur in New Hampshire.

Following the laws of 1642 and 1647 came numerous other examples of legislative control over the curriculum of

¹Ibid., p. 87.

the public school. By 1675 Massachusetts had added laws requiring the teaching of orthography and good behavior. In 1789 she added to this list the English Language, grammar, and arithmetic; in 1829 she added the teaching of geography followed by United States History in 1857.

Vermont, by the law of 1797, specified the teaching of reading, writing, and arithmetic in its public schools. To this list she added, in 1827, the teaching of spelling, geography, grammar, United States History, and good behavior.

Ohio, in her first school law of 1825, specified reading, writing, and arithmetic for all schools, but in 1831 permitted the cities and towns to organize instruction in other subjects. To the required subjects she added, in 1848, geography and grammar.

Michigan virtually adopted the Massachusetts plan in her school law of 1827.¹

In 1843 a general school law was passed in Arkansas which fixed the subjects to be taught, provided for a county board of education and stated the duties of the board with regard to teacher selection and certification. Here, too, we find one of the first laws enacted to control the sale of liquor in the locality of a school. It provided that "liquor cannot be sold in quantities of less than forty gallons within three miles of Talcon Academy."²

¹Cubberley, op. cit., p. 222.

²Dexter, op. cit., p. 130.

Other states followed closely the pattern indicated in the preceding examples. As a rule the required courses for this period were: reading, writing, arithmetic, spelling, geography, grammar, United States History, and good behavior.

Many of the cities began to exercise some controls over the schools during this period also. For instance, Providence, Rhode Island, had, in 1800, an ordinance which read:

The principal part of the Instruction will consist in Spelling, Accenting and Reading both Prose and Verse with propriety and accuracy, and a General Knowledge of English Grammar and Composition: Also writing a good hand according to the most approved Rules, and Arithmetic through all the previous Rules, and Vulgar and Decimal Fractions, including Tare and Tret, Fellowship, Exchange Interest, and etc.

The books to be used in carrying on the above Instruction are Alden's Spelling Book, 1st and 2nd part, the Young Ladies' Accidence, by Caleb Bingham, the American Preceptor, Morse's Geography, abridged, the Holy Bible in select portions, and such other Books as shall hereafter be adopted and appointed by the Committee. The Book for teaching Arithmetic shall be agreed on by the Masters.

The Scholars shall be put into Separate Classes, according to their several improvements, each Sex by themselves.¹

From this last statement we see some indication of the beginning of the graded school. Indeed, from that time until the present the graded system has continued to be represented by the twelve steps on the ladder of education.

The development of education in those states which would later be known as the "Old South" lagged greatly behind that of the New England states. Very little progress

¹Cubberley, op. cit., p. 223.

was made in the southern states toward a workable educational system until after the Civil War. Indeed, almost without exception, the present educational system of most of the southern states dates from the year 1866.

The Nationalistic Period (1860-1918)

Although France provided considerable leadership in advancing the idea of universal education in the latter part of the nineteenth century, the role of American educators cannot be minimized. Many prominent persons gave their support to the cause. Among these we find doctors, lawyers, educators, and authors. Almost every president favored universal education and several gave significant support to it in both their writing and their speaking. Jefferson devoted his entire life to the cause and Adams and Madison were among its staunchest supporters.

Whereas the guiding purpose of education had been until now, the fostering of religion, it now became the fostering of citizenship and loyalty to the new national state. Education during this period was often referred to as "Republican education" and it embodied a conception of education for patriotism.

"As the forces of nationalism grew stronger in the early decades of the nineteenth century, so did the demands

that the school exercise a patriotic duty."¹ Adding to this demand was the need for educating the great mass of immigrants who were flooding into America. It thus became one of the chief duties of the schools to develop the spirit of American citizenship in these immigrants.

Other arguments for education for all were based upon the conditions which were present in certain of the more heavily populated areas. In New York, for instance, it was estimated that during the period from 1870 to 1890 one-eighth of the total population of New York City was composed of public paupers or criminals, while the city had one saloon for every eighty men, women and children in the total population. Child labor and woman labor, for long hours and very low wages, became quite common. As a result of many of the women working, the restraining influences of the home seriously weakened. Idle and uneducated children, with little or no home control, appeared in numbers on the streets, and as a result the prevalence of juvenile crime and juvenile arrests began to turn attention to education as a possible remedy.²

Closely related to the question of universal education at this period in history was the question of religion

¹Freeman Butts and Lawrence A. Cremin, A History of Education in American Culture (New York: Henry Holt and Company, 1953), p. 191.

²Ibid., pp. 191-197.

in the school. The fight over the role of religion in public education was a long and bitter one, but through the leadership of such men as Horace Mann and Henry Barnard the group opposed to religion in the public schools emerged victorious. Most of the states handled the situation by a constitutional amendment, voted upon by the people, which prohibited the use of tax funds in schools which were sectarian in nature. Others wrote the same restraint into their constitutions when they were admitted to statehood.

Table 1 shows the states amending their constitutions and the date amended plus a list of the states which adopted the measure prohibiting the use of tax in parochial schools, as a part of their constitutions when they were admitted to statehood.

Paralleling the arguments mentioned for education we find laws being enacted in various state legislatures for the purpose of requiring specific instruction in those areas of the curriculum where it was felt the greatest needs of the time could be best met. Many of these laws were the result of pressure groups exerting their influence upon the legislative bodies. During this nationalistic period we find the following laws being passed by several state legislatures.

A New Hampshire law stated:

The board of education is to purchase at the expense of the city or town in which the district is situated, a United States flag of bunting, not less than five feet in length, with a flagstaff and appliances for displaying

TABLE 1

YEAR AND METHOD BY WHICH TAX SUPPORT
WAS DENIED RELIGIOUS SCHOOLS*

States Amending Constitution	Year	Adopted When Admitted	Year
New Jersey	1844	Wisconsin	1845
Michigan	1850	Oregon	1857
Ohio	1851	Kansas	1859
Indiana	1851	Nevada	1864
Massachusetts	1855	Nebraska	1867
Iowa	1857	West Virginia	1872
Mississippi	1868	Colorado	1876
South Carolina	1868	North Dakota	1889
Arkansas	1868	South Dakota	1889
Illinois	1870	Montana	1889
Pennsylvania	1872	Washington	1889
Alabama	1875	Idaho	1890
Missouri	1875	Wyoming	1890
North Carolina	1876	Utah	1896
Texas	1876	Oklahoma	1907
Minnesota	1877	New Mexico	1912
Georgia	1877	Arizona	1912
California	1870		
Louisiana	1879		
Florida	1885		
Delaware	1897		

*Cubberley, op. cit., p. 180.

the same, for every schoolhouse in the district in which a public school is taught not otherwise supplied. They shall prescribe rules and regulations for the proper custody, care, and display of the flag: and whenever not otherwise displayed, it shall be placed conspicuously in the principal room of the schoolhouse. Any members of a school board who shall refuse or neglect to comply with the provisions of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense.¹

In an Indiana school law of 1909 we find the following passage:

The state board of education shall require the singing of the "Star Spangled Banner" in its entirety in the schools of Indiana upon all patriotic occasions, and that the said board of education shall arrange to supply the words and music in sufficient quantity for the purposes indicated therein.²

The states of Massachusetts, Pennsylvania, Delaware, and New Hampshire passed laws ordering that the birthdays of such men as Washington, Lincoln, and Jefferson be observed as legal holidays.

It was during this period, too, that such organizations as the Women's Temperance Union exerted pressure for the passage of laws which required schools to teach the nature of alcoholic drinks. They believed that much of the crime and juvenile delinquency of the period was a direct result of ignorance about the effects of alcohol on the human body and mind. A typical example of this type of law

¹August William Weber, "State Control of Instruction" (unpublished doctoral thesis, University of Wisconsin, 1911), p. 78.

²Ibid.

enacted by the various states can be found in the following text taken from the Illinois school code. This law provides:

The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene as thoroughly as are other branches in all schools under state control, or supported wholly or in part by public money, and also in all schools connected with reformatory institutions. All pupils in the above mentioned schools, below the second year of the high school, and above the third year of school work, computing from the beginning of the lowest primary year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year from suitable textbooks in the hands of all pupils, for not less than four lessons a week for ten or more weeks each year, and must pass the same tests in this as in other studies. In all schools above mentioned, all pupils in the lowest three primary school years, or in corresponding classes in ungraded schools, shall each year be instructed in this subject orally for not less than three sessions a week for ten weeks each year . . .¹

Closely allied to this type of law and coming from the same type of pressure group are those laws dealing with the teaching of moral and spiritual values. A Utah law of about 1900 states:

Moral instruction tending to impress upon the minds of the pupils the importance of good manners, truthfulness, temperance, purity, patriotism, and industry shall be given in every district school, and all such schools shall be free from sectarian control.²

A Virginia law of the same period reads:

Provision shall further be made for moral education in the public schools to be extended throughout the entire course. Such instruction shall be imparted by reading books and textbooks inculcating the virtues of a pure and noble life. The textbooks shall be selected,

¹Ibid., p. 70.

²Ibid., p. 86.

as are other textbooks, by the State Board of Education.¹

Although most states carefully prohibited sectarian teaching of any aspect of religion in the public schools, such states as Georgia, Pennsylvania, Massachusetts, and South Carolina did enact laws requiring that the Bible be read as a means of fostering better moral and spiritual values. The school laws of Massachusetts state:

A portion of the Bible shall be read daily in the public schools, without written note or oral comment: but a pupil whose parents or guardian informs the teacher in writing that he has conscientious scruples against it, shall not be required to read or take part in reading.²

During this period there was a great deal of waste of the natural resources of our nation, especially the vast forests of timber. As a result of this waste, certain groups exerted pressure for the passage of laws which would teach the importance of conservation of our forests to all school children. It was felt, by these groups, that only through proper education could our national forests be saved from complete destruction. One of these laws was passed as early as 1872 and by 1900 a large number of the states had such a law. California, Arizona, Illinois, Indiana, Louisiana, New Mexico, and Tennessee added to this law a provision for making their school grounds more attractive. A good example of this latter type of legislation is one taken from the

¹Ibid.

²Ibid., p. 89.

Arizona school laws of 1912. This law states:

In order that the children in our public schools shall assist in the work of adorning the school grounds with trees, and to stimulate the minds of children towards the benefits of the preservation and perpetuation of our forests and the growing of timber, it shall be the duty of the authorities in every public school in the Territory of Arizona to assemble the pupils in their charge on the above day in the school building or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the County School Superintendents, to have and to hold such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results; and that the grounds around such buildings may be improved and beautified; such planting to be attended with appropriate and attractive ceremonies, that the day may be one of pleasure as well as one of instruction for the young; all to be under the supervision and direction of the teacher, who shall see that the trees and shrubs are properly selected and set.¹

Similar laws were passed concerning birds. A

Louisiana law reads:

The State and Parish Boards of Public Education are directed to provide for the celebration, by all public schools, of "Bird Day," on May fifth of each year, being the anniversary of the birth of John James Audubon, the distinguished son of Louisiana. On the recurring anniversary days, suitable exercises are to be engaged in, and lessons on the economic and esthetic value of the resident and migratory birds of the state are to be taught by the teachers to their pupils.²

Still another law passed during this period was the result of pressure from the "Society for the Prevention of Cruelty to Animals." Although several states passed laws in this area, a look at an excerpt from a North Dakota school

¹Ibid., p. 81.

²Ibid., p. 82.

law will give an idea of the general type of legislation enacted. This law provides:

There shall be taught in the public schools of North Dakota, in addition to the other branches of study now prescribed, instruction in the humane treatment of animals; such instruction shall be oral and to consist of not less than two lessons of ten minutes each per week.¹

Of course not all the laws passed during this period were the result of pressure groups. Many of them resulted in the honest efforts of state legislatures to give the children of their state the best education possible. A list of the courses required by law during this period and the number and percentage of states passing such laws is shown in Table 2. It may be noted from this table that ninety per cent of the states had laws in the area of physiology and hygiene, seventy-three per cent had laws relating to patriotism, and seventy-three per cent had laws regarding Arbor Day. Sixty-three per cent of the states had laws in the areas of arithmetic, English Grammar, geography, orthography, and reading.

Post World War I Period (1918-1940)

As might be expected, one of the subjects most frequently required by states following the end of World War I was a study of citizenship. This was a result of pressure from such groups as the American Legion and the Daughters of the American Revolution. Each state had a little different

¹Ibid., p. 82.

TABLE 2

REQUIRED STUDIES IN THE PUBLIC ELEMENTARY SCHOOLS
OF THE FORTY-EIGHT STATES IN 1911 ACCORDING TO
NUMBER AND PERCENTAGE OF STATES*

Courses Required	Number of States Requiring Subjects	Per Cent of States Requiring Subjects
Agriculture	19	40
Algebra	3	6
Arithmetic	30	63
Arbor Day	35	73
Bookkeeping	3	6
Civil Government	17	35
Domestic Science	5	10
Drawing	9	19
English Grammar	30	63
English Literature	1	2
Forestry	2	4
Geography	30	63
Horticulture	1	2
Humane Education	14	29
Manners and Morals	19	40
Manual Training	5	10
Mental Arithmetic	4	8
Metric System	2	4
Music	6	12
Nature Study	6	12
Orthoepy	1	2
Orthography	30	63
Patriotism	35	73
Physiology and Hygiene	44	92
Plane Geometry	1	2
Reading	30	63
School Law	1	2
State Constitution	13	27
State History	19	40
Stock Feeding (Animal Husbandry)	1	2
Theory and Practice of Teaching	1	2
Tuberculosis	6	12
U. S. Constitution	9	19
U. S. History	27	56
Writing	29	60

*Weber, op. cit., p. 88.

wording of its laws and there was a considerable amount of difference in the degree of effect which such laws had on the public schools of the various states. An example of the requirements of one such law can be found in the following Massachusetts law of 1923. This law states:

In all public elementary and high schools American history and civics shall be taught as required subjects for the purpose of promoting civic service and a greater knowledge thereof, and of fitting the pupils, morally and intellectually, for the duties of citizenships.¹

An Iowa law of the same date reads:

All public and private schools located within the state of Iowa shall be required to teach the subject of American citizenship. The Superintendent of Public Instruction shall prepare and distribute to all elementary schools an outline of American citizenship for all grades from one to eight, inclusive.²

Still other states worded their laws so that the school could have a great deal of prerogative about how they should teach the subject of citizenship so long as they developed a student body schooled in the duties of citizens. A good illustration of this type of law is one taken from the New Jersey statutes. This law orders:

Courses shall be given together with instruction as to the privileges and responsibilities of citizenship as they relate to community and national welfare with the object of producing the highest type of patriotic citizenship.³

¹Flanders, op. cit., p. 39.

²Ibid.

³Ibid., p. 40.

A great many of the states added to their list of required courses the study of American History, United States History, and Civics. Still others required the study of the United States Constitution and their own state constitution.

In general there was a tremendous increase in the number of laws dealing with patriotism and nationalism during the first few years following World War I. (Table 3, Page 32).

Another area which received considerable attention during this period was that of conservation of life and property. A number of states passed laws dealing with: (1) fire prevention; (2) thrift; (3) good roads day and various other days already mentioned which were set aside to teach conservation of forests, birds, etc.

An example of a law dealing with fire prevention can be found in the Alabama school code of the 1920's. This law says:

It shall be the duty of the State Fire Marshal, his deputies and assistants, to require officials and teachers of public and private schools, and educational institutions to have at least one fire drill each month.¹

Another law from the California school laws of the same period states:

The aims and purposes of the courses of fire prevention established under the provisions of this act shall be as follows: (1) To create an understanding of the causes and origin of fires; (2) to emphasize the dangers of carelessness and neglect in homes and public buildings

¹Ibid., p. 101.

and the necessity of care in the use of fires; (3) to promote an interest in preventing fires and the protection of lives and property.¹

Thrift is a requirement of the curriculum in four states. An example of this type of law is the one to follow which was taken from the school laws of Nevada. This law reads:

It is hereby made the duty of all teachers in the public schools of the State of Nevada to teach in their respective schools lessons on the subject of thrift. These lessons shall emphasize the importance of industry, earning, wise spending, regular saving and safe investment; also the importance of thrift in time and materials.²

An Ohio law states that

. . . as an additional study the subject of thrift shall be taught at least thirty minutes in each week in each grade of the elementary and high schools of the state.³

There was also a large increase in the number of "practical" subjects prescribed by various state laws. Such subjects as agriculture, drawing, music, household arts, industrial art, bookkeeping, cotton grading and art increased in number by over one hundred per cent from 1903 to 1923. A number of such laws have been stated in previous sections. The general structure of the new laws was essentially the same.

The number of laws dealing with humaneness increased

¹Ibid., p. 106.

²Ibid., p. 107.

³Ibid.

by two hundred per cent from 1903 to 1923.

Although there was not such a large increase in the number of laws dealing with religious and ethical subjects, it is significant to note that there was an increase.

Increases are also apparent in the number of fundamental subjects such as arithmetic, English, geography, reading and spelling which were prescribed by various state legislatures.

Tables 3, 4, and 5 give a summary of the changes noted in number and types of laws affecting the curriculum of the public schools of the several states between the years 1911 and 1925.

TABLE 3

SUBJECTS SHOWING THE LARGEST GAIN ACCORDING TO NUMBER
OF STATE LAW ADOPTIONS BETWEEN 1911 AND 1925*

Subject	Number
Flag Display	22
Days of Special Observance	22
Fire Drill	21
Physical Examination	20
All Instruction in English	20
Physical Education	20
Fire Prevention	17
Agriculture	14
Constitution of the United States	14
Citizenship	13
History of the State	12
Patriotism	12

* Flanders, op. cit., p. 92.

Table 3 gives a list of the subjects showing the largest gain during this period. It may be noted, from this table, that five of the twelve subjects mentioned deal either directly or indirectly with patriotism. Combined, these make a total of seventy-three new laws in the area of patriotism from 1911 to 1925.

Table 4 shows new subjects to come under legislative control during the period from 1911 to 1925 along with the number and percentage of states requiring such subjects.

TABLE 4

NEW SUBJECTS ADDED TO THE CURRICULUM THROUGH STATE LAWS
ADOPTED BETWEEN 1911 AND 1925, ACCORDING TO
NUMBER AND PERCENTAGE OF STATES*

Subject	Number of States Adopting Law	Per Cent of States Adopting Law
Fire Prevention	17	35 . .
Patriotism	12	25 . .
Sanitation	7	15 . .
Accident Prevention	5	10 . .
Thrift	4	8 . .
Exhibitions	3	6 . .
Patriotic Songs	3	6 . .
Declaration of Independence . .	2	4 . .
Placards	2	4 . .
Art	1	2 . .
Cotton Grading	1	2 . .
Darwinism	1	2 . .
Dictionary	1	2 . .
Forestry and Plant Life	1	2 . .

*Weber, op. cit., p. 92.

Table 5 lists the subjects required by law in 1925 and the number and percentage of states requiring each subject.

TABLE 5

SUBJECTS REQUIRED IN THE PUBLIC ELEMENTARY SCHOOLS BY
LEGISLATIVE AUTHORITY IN 1933 AND THE NUMBER AND
PERCENTAGE OF STATES HAVING SUCH REQUIREMENTS*

Subject	Number of States Requiring Subjects	Per Cent of States Requiring Subjects
Agriculture	14	29 . .
Algebra	3	6 . .
Arithmetic	36	75 . .
Bible	13	27 . .
Citizenship	26	54 . .
Civil Government	22	46 . .
Composition	12	25 . .
Constitution	37	77 . .
Domestic Science	7	15 . .
Drawing	13	27 . .
Elementary Science	4	8 . .
Forestry	1	2 . .
Geography	35	73 . .
Grammar	32	67 . .
Health	17	36 . .
History (state)	22	46 . .
Humane Treatment of Animals	20	42 . .
Hygiene and Sanitation	4	8 . .
Industrial Work	2	4 . .
Language	11	23 . .
Literature	2	4 . .
Manual Training	7	15 . .
Morals	20	42 . .
Music	9	19 . .
Nature of Alcoholic Drinks	48	100 . .
Physiology and Hygiene	38	79 . .
Physical Training	29	60 . .
Prevention of Communicable Diseases	12	25 . .
Reading	36	75 . .
Safety	4	8 . .
Spelling	34	71 . .
Thrift	5	10 . .
Writing	34	71 . .

* Henry J. Otto, Elementary School Organization and Administration (New York: Appleton-Century Company, 1934), p. 66.

It is interesting to note that one hundred per cent of the states had laws relating to the nature of alcoholic drinks in 1933, while the next highest area was physiology and hygiene which was required by seventy-nine per cent of the states.

Summary

The foundations of our present educational system are to be found in the work of the church leaders in colonial America. Their efforts to insure that all children were taught to read, in order that they might know the Bible, form the basis for the first curriculum, prescribed by a legislative body, affecting all students.

From the first laws dealing with the curriculum, passed in 1642, to the latest study in this area in 1925, there has been a definite trend toward including more and more courses as requirements by legislative enactment. The traditional subjects, English, mathematics, reading, spelling, geography, and history, were the first to be prescribed by law.

As our society changed and new problems were brought to the attention of the public, new laws relating to these problems were passed and the schools were given additional subjects and skills to teach. The great conflict over prohibition in the late nineteenth century resulted in every state in the Union passing laws requiring that the effects

of alcoholic drinks on the human body be taught in all public schools.

The poor physical condition of the young men of the United States, as revealed by army doctors during World War I resulted in a number of states passing laws requiring that physical education and health be taught in all public schools.

The strong patriotic feelings aroused by this same war resulted in the passage of a number of laws dealing with citizenship and patriotism.

It is interesting to note that in 1925, when the last study of this kind was made, there was every indication that the trend was toward an ever increasing number of laws regulating some phase of the curriculum of the public schools.

CHAPTER III

LEGISLATIVE ENACTMENTS RELATING TO THE TRADITIONAL SUBJECTS

This chapter marks the beginning of the study of current laws affecting the curriculum of the public schools. Because most of the laws dealing with the traditional subjects are mandatory in nature, the headings "permissive" and "restrictive" will not appear in this chapter.

The traditional subjects are those which are commonly found in most public schools. Included among these are: history, geography, mathematics, writing, reading, spelling, English Grammar and Literature, state and world history, state and federal government, science and language.

As was noted in Chapter II, these subjects were the first to come under legislative control. Beginning with the three subjects--reading, writing, and arithmetic--the others were gradually included, one by one, into the group of "common" subjects prescribed by legislative enactments.

Various states have added laws of their own to this list and so we find, today, a wide assortment of laws, mainly mandatory, covering almost any subject imaginable in the

public schools.

As we examine the laws of the various states we will note that many of the laws are similarly worded and that many are almost identical. This is not unusual when we consider that most of the midwestern and western states copied their government and laws from the older eastern states. Since many of the laws are either patterned after or are copies of laws enacted by some of the older states, it seems fitting that we examine certain of the laws from those states first.

A law currently on the statute books of Massachusetts states that the teachers shall be of good morals

. . . and shall give instruction and training in orthography, reading, writing, the English Language and grammar, geography, arithmetic, drawing, the history and constitution of the United States, the duties of citizenship, physiology and hygiene, good behavior, indoor and outdoor games and athletic exercises.¹

A South Carolina law provides that each school district must see

. . . that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English Grammar, the elements of agriculture, the history of the United States and of this state, morals and good behavior, algebra, physiology and hygiene, English Literature and such other branches as the State Board may from time to time direct.²

Maryland has among her school laws one which requires

¹Massachusetts, Annotated Laws (Supplement, 1945), sec. 1.

²South Carolina, Civil Code (1952), sec. 21-411.

that

. . . in every elementary school there shall be taught good behavior, reading, spelling, penmanship, arithmetic, oral and writing English, geography, history of the United States and of Maryland, community civics, hygiene and sanitation, and such other branches as the State Board of Education may from time to time prescribe.¹

A Virginia statute reads:

In the elementary grades of every public school the following subjects shall be taught: Spelling, reading, writing, arithmetic, grammar, geography, physiology and hygiene, drawing, civil government, history of the United States and history of Virginia.²

In some states the responsibility for carrying out the provisions of such laws as are passed by the legislature are stated within the law. A North Carolina law requires:

The county board of education shall provide for the teaching of the following subjects in all elementary schools: Spelling, reading, writing, grammar, language and composition, English, arithmetic, drawing, geography, the history and geography of North Carolina, history of the United States, elements of agriculture, health education, including the nature and effects of alcoholic drinks and narcotics, and fire prevention.³

Similarly a New Hampshire statute states:

The school board shall see that the studies prescribed by the state board are thoroughly taught, especially physiology and hygiene in as far as it relates to the effects of alcohol and narcotics on the human system. In all public schools in the state there shall be given regular instruction in the constitution of the United States and of this state. Any member of the school

¹Maryland, Annotated Laws (Supplement, 1951), sec. 85.

²Virginia, Civil Code (1950), sec. 22-233.

³North Carolina, General Statutes (1952), sec. 115-

board who neglects or refuses to comply with the provisions of this section shall be fined two hundred dollars.¹

Pennsylvania includes a few subjects not yet mentioned. A general law covering subjects of instruction in this state is as follows:

In every elementary public and private school, established and maintained in this commonwealth, the following subjects shall be taught, through the English Language and from English texts: English, including spelling, reading, and writing, arithmetic, geography, the history of the United States and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music, and art.²

For the sake of comparison we will now examine some of the laws of states admitted to the Union some time after the original nation was formed. Mississippi defines the curriculum of her public school system in the following law:

The common free schools shall consist of a grammar school of eight grades, viz: First to eighth grades inclusive. The curriculum of the common free school shall consist of: Spelling, reading, arithmetic, geography, English grammar, composition, literature, United States history, History of Mississippi, elements of agriculture and forestry, civil government with special reference to local and state government, physiology and hygiene with special reference to the effects of alcohol and narcotics on the human system, home and community sanitation, general science and elementary algebra, and such other subjects as may be added by the state board of education.³

¹New Hampshire, Revised Statutes (1955), Art. 189, sec. 11.

²Pennsylvania, Annotated Statutes (1950), Art. 15, sec. 1511.

³Mississippi, Annotated Code (1942), sec. 6217.

This law goes on to say:

The public high school shall consist of a high school of four grades, viz: Ninth to twelfth grades inclusive. The curriculum of the public high schools shall consist of: Mathematics, English, history and social science, pure and applied science, including agriculture, home economics and manual arts, safety on the highways, and such other subjects as may be added by the state board of education.¹

Section 38 of the Alabama School Code places some minimum requirements on the elementary schools of that state with the following law:

The state board of education, on the recommendation of the state superintendent of education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school in the state there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the state board.²

Indiana has a law which is very similar to the one just quoted, but which applies mainly to the high schools of that state. This law reads:

The following enumerated studies shall be taught in all commissioned high schools throughout the state, together with such additional studies as any local board of education may elect to have taught in the high school; Provided that such additions shall be subject to revision of the state board of education. Mathematics: Commercial arithmetic, algebra, geometry. History: United States, ancient, medieval or modern. Geography: Commercial or physical. English: Composition, rhetoric.

¹Ibid.

²Alabama, Civil Code (1940), sec. 17.

Literature: English, American. Language (foreign): Latin or any modern foreign language. Science: biology, physics or chemistry. Civil government: general and state. Drawing, and Music.¹

Section 280.3 of the Iowa Code requires that reading, writing, spelling, arithmetic, grammar, geography, physiology, United States History, history of Iowa, and the principles of American Government shall be taught in all schools in that state.²

A comparable law from the statutes of Louisiana requires that spelling, reading, writing, grammar, United States History, health, and the effects of alcohol and narcotics must be taught in the schools of that state.³

Wisconsin has among its statutes a requirement that reading, writing, spelling, English Grammar and Composition, geography, arithmetic, agriculture and conservation, government and history of the United States, and the History of Wisconsin, must be taught in the public schools of that state.⁴

A California law specifies:

A minimum of fifty per cent of each school week shall be devoted to reading, writing, language study,

¹Indiana, Annotated Statutes (1948), Art. 28, sec. 3418.

²Iowa, Annotated Code (1949), sec. 280.3

³Louisiana, Statutes Annotated (1951), sec. 17-154.

⁴Wisconsin, Statutes (1955), sec. 40.46.

spelling, arithmetic, and civics in grades one to six, inclusive, and a minimum of six hundred minutes of each school week shall be devoted to such subjects in grades seven and eight.¹

A New Mexico law requires the state board of education to prescribe certain subjects to be taught in the common public schools. This law states:

In such grades as the state board of education shall prescribe the following subjects shall be taught in the public schools of the state: reading, writing, arithmetic, spelling, geography, language and grammar, Spanish, New Mexico History, United States History, including the Declaration of Independence and the Constitution of the United States and of New Mexico, local civil government, elements of physiology and hygiene, morals and manners, music, drawing, elementary bookkeeping, the fundamentals of common honesty, honor, industry, and economy, the laws of health, physical exercise, household economics, manual training and other vocational subjects, and such other branches of learning as may seem expedient may be prescribed by the state board of education.²

It may be noted, also, that this law gives the state board of education the right to prescribe such controls or regulations over subjects in the public schools as it may desire.

North Dakota has a statute which requires that spelling, reading, writing, arithmetic, geography, United States history, elements of agriculture, civil government, nature study, and physiology and hygiene be taught in the public schools of that state.³

¹California, Annotated Code (1955), sec. 10303.

²New Mexico, Statutes (1953), Art. 73, sec. 17-1.

³North Dakota, Revised Code (1943), sec. 15-3807.

Montana requires that reading, penmanship, written arithmetic, mental arithmetic, orthography, geography, English grammar, physiology and hygiene, civics, United States history, history of Montana, music, art, elementary agriculture and cooperative economics be included in the school curriculum.¹

A Texas law states that all public schools in that state must teach orthography, reading in English, penmanship, mental arithmetic, Texas history, United States history, civil government, elementary agriculture, cotton grading, and other branches that the state board may specify.²

A little different type of law concerning the traditional subjects can be found in the statutes of Oklahoma and Kansas. Section 72-1101 of the statutes of Kansas says that there must be taught in the public schools of that state those skills indicated by the terms: reading, writing, arithmetic, geography, orthography, English grammar and composition, history of the United States, history of Kansas, civil government, the duties of citizenship, and health and hygiene.³

Similarly an Oklahoma statute says:

Courses of study formulated, prescribed, adopted or

¹Montana, Revised Code (1947), Art. 75, sec. 2002.

²Texas, Revised Civil Statutes (1951), Art. 2911, sec. 1.

³Kansas, General Statutes (1949), Art. 72, sec. 1101.

approved by the state Board of Education for the instruction of pupils in the public schools of the state shall include such courses as are necessary to insure:

(a) The teaching of citizenship in the United States, in the state of Oklahoma, and other countries, through the study of ideals, history and government of the United States and of Oklahoma, and other countries, through the study of the principles of democracy as they apply in the lives of citizens.

(b) The teaching of health, physical fitness and safety through the study of proper diet, the effects of alcoholic beverages, narcotics and other substances on the human system and through the study of such other subjects as will promote healthful living and help to establish proper health habits in the lives of school children; and through training in driving and operation of motor vehicles and such other aspects of safety which will promote the reduction of accidents and encourage habits of safe living among school children;

(c) The teaching of the necessary basic skills of learning and communication, including reading, writing, the use of numbers and such other skills as may be necessary for efficiency in the normal process of living;

(d) The teaching of conservation of natural resources of the State and the nation that are necessary and desirable to sustain life and contribute to the comfort and welfare of the people now living and those who will live here in the future, such as soil, water, forests, minerals, oils, gas, all forms of wild life, both plant and animal, and such other natural resources as may be considered desirable to study;

(e) The teaching of vocational education; by the study of the various aspects of agriculture, such as F.F.A. and 4-H clubs, homemaking and home economics, trades and industries, distributive education, mechanical and industrial arts and such other aspects of vocational education, as will promote occupational competence among school children and adults as potential and actual citizens of the state and nation.

(f) The teaching of such other aspects of human living and citizenship as will achieve the legitimate objectives and purposes of public education.¹

Summary

The traditional subjects are those which are commonly

¹Oklahoma, Statutes (1951), Art. 11, sec. 3.

found in the public schools. Included among these are: history, geography, mathematics, writing, reading, spelling, English grammar and literature, state and world history, state and federal government, science, and language. The majority of the laws in this area are mandatory in nature.

TABLE 6

NUMBER AND PERCENTAGE OF STATES REQUIRING TRADITIONAL
SUBJECTS IN PUBLIC SCHOOLS IN 1957

Subject	Number of States Requiring Subject	Per Cent of States Requiring Subject
American History	11	23
Arithmetic	21	44
Civics	6	12
Civil Government	16	33
English Composition	6	12
English Grammar	16	33
English Literature	6	12
Federal Government	10	21
Geography	17	36
Language	7	15
Orthography (Spelling)	18	38
Reading	19	40
State Government	7	15
State History	17	36
United States History	25	52
Writing	18	38

Table 6 shows the traditional subjects now required by the laws of various states and the number and percentage of states requiring each subject. It may be noted that United States History (52%), arithmetic (44%), reading (40%), geography (36%), writing (38%), and spelling (38%), are still required by law in a considerable number of states.

Such subjects as American history, civil government, English grammar, federal government, and state history are also required in at least twenty per cent of the states.

CHAPTER IV

LEGISLATIVE ENACTMENTS RELATING TO PHYSIOLOGY AND HYGIENE

During the latter part of the nineteenth century considerable pressure was exerted on the legislatures of the various states for laws which made it mandatory for schools to teach, as a part of their regular curriculum, the harmful effects of alcohol and other questionable stimulants and narcotics. This pressure was quite effective for, according to the Flanders Study¹ of 1925, this subject was the most frequently controlled phase of the curriculum. Over seventy-five per cent of the states had laws making it mandatory as a subject or a part of a subject in the public schools. The degree of control of the subject varied considerably from state to state with some states making provisions for enforcement of the law while others did not. In some states the laws concerning this subject are so written that they specify the penalties for violation within the law itself while in still other states the local boards are responsible

¹Flanders, op. cit., p. 66.

for seeing that the laws are enforced.

After World War I there was also considerable interest in other laws which were designed to better the health of the school children of our country. Laws dealing with physical education, the nature and effects of certain diseases, and general health, were introduced and enacted in the legislatures of such states as Maryland, New Mexico, Oklahoma, Wisconsin, and Massachusetts. Almost all of these laws were of a mandatory nature. This is understandable when we consider that most legislative enactments were sponsored for the purpose of insuring that children be taught certain subjects or skills which were already more or less optional so far as individual schools were concerned.

Alcohol and Narcotics

The laws dealing with the teaching of alcohol and narcotics are the most prevalent in the area of physiology and hygiene and thus deserve first concern. Idaho's law in this area provides:

It shall be the duty of all school districts of the state of Idaho to provide that persons employed to give instruction and guidance to young people under eighteen years of age shall so arrange and present their instruction, guidance and plans for pupil and student thinking, discussion, decision and activity as shall give special emphasis to the harmful effects upon individual and society of alcoholic beverages including beer containing alcohol, tobacco and other forms of harmful narcotics as shall lead young people away from their use.¹

¹Idaho, Annotated Code (1948), Art. 33, sec. 2178.

A Connecticut law states:

The effects of alcohol and narcotics on health, character and citizenship shall be taught to pupils above the third grade in the public schools: and, in teaching such subjects in grades above the fifth, text-books and such other materials as are necessary, shall be used. This section shall apply to classes in ungraded schools corresponding to the grades designed herein. Teachers colleges shall give instruction on the subjects prescribed in this section and concerning the best methods of teaching the same.¹

A similar law from the state of Colorado reads as follows:

The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the public schools of the state, and shall be studied and taught as thoroughly, and in the same manner as other like required branches are in said schools, by the use of textbooks, designed by the board of directors of the respective schools and school districts, in the hands of pupils where other branches are thus studied, in said schools, and by all pupils in all said schools throughout the state.²

A New Mexico Law³ is almost identical with the one above.

A South Carolina law says:

The nature of alcoholic drinks and narcotics and special instruction as to their effects upon the human system shall be taught in all the grammar and high schools of this state which receive any state aid whatsoever and shall be studied and taught as thoroughly and in the same manner as all other required branches in the

¹Connecticut, General Statutes (1949), sec. 1385.

²Colorado, Revised Statutes (1953), Art. 123, sec. 21-10.

³New Mexico, Statutes (1953), Art. 73, sec. 17-6.

school.¹

South Dakota's control over this particular phase of the curriculum can be traced to the following law:

In addition to other prescribed branches, in all schools supported wholly or in part by public money, instruction shall also be given as to the nature of alcoholic drinks and narcotics and special instruction with emphasis on their effects upon the human system, in connection with several divisions of the subject of relative physiology and hygiene, and such subject shall be taught as thoroughly as arithmetic and geography are taught.²

Section 115-63 of the general statutes of the state of North Carolina specifies:

In addition to health education, which is now required by law to be given in all schools supported in whole or in part by public money, thorough and scientific instruction shall be given in the subject of alcoholism and narcoticism.³

A similar law from the statutes of Minnesota sets forth:

The State Department of Education is authorized and directed to prepare a course of instruction to the effects of alcohol upon the human system, upon character, and upon society. Such course of instruction shall be used in all public schools of the state.⁴

A law taken from the statutes of the state of Utah reads:

¹South Carolina, Code (1952), Art. 21, sec. 412.

²South Dakota, Code (1939), sec. 15.3107.

³North Carolina, General Statutes (1952), Art. 115, sec. 63.

⁴Minnesota, Annotated Statutes (1946), sec. 131.15.

It shall be the duty of all boards of education and officers in charge of schools and educational institutions supported in whole or in part by public funds to make provision for systematic and regular instruction in physiology and hygiene, including special reference to the effects of stimulants and narcotics upon the human system.¹

A law placing the responsibility for enforcement upon the local board comes from the Iowa Code. This law orders:

The board shall require all teachers to give and all scholars to receive instruction in physiology and hygiene, which study in every division of the subject shall include the effects upon the human system of alcoholic stimulants, narcotics, and poisonous substances. The instruction in this branch shall of its kind be as direct and specific as that given in other essential branches, and each scholar shall be required to complete the part of such study in his class or grade before being advanced . . .²

Michigan, along with Colorado and Arkansas, has laws which require that textbooks be used in teaching this subject. The Michigan law says:

In addition to the branches in which instruction is now required by law to be given in the public schools of the state, instruction shall be given in physiology and hygiene, with a special reference to the nature of alcohol and narcotics, and their effect upon the human system. Such instruction shall be given by the aid of textbooks in the case of pupils who are able to read, and as thoroughly as in other studies pursued in the same school.³

The Arkansas law goes even further than the Michigan law by stating that the textbooks commission shall have the

¹Utah, Annotated Code (1949), Art. 53, sec. 14-4.

²Iowa, Annotated Code (1949), sec. 280.10.

³Michigan, Annotated Statutes (1953), sec. 15.390.

power to require that textbooks give adequate treatment to the subject in the public schools of that state. This law, in part, specifies:

The State Textbook Commission is hereby directed and empowered to require the textbooks on the subject of physiology and hygiene in grades three (3) to eight (8), inclusive, to include a simple, scientific treatment on the effect of alcohol and other narcotics on the human system . . .¹

Arizona states, in her law pertaining to this subject, that

. . . instruction on the nature of alcohol and narcotics, and their effects upon the human system shall be included in the courses of study in grade and high schools. The instruction may be combined with health, science, citizenship or similar studies.²

Although a great many more states have laws pertaining to the subject of alcohol and narcotics, the wording is either very similar or exactly the same as the laws quoted previously. A table showing states having laws in this area and the number of laws for each state is given on page 60.

Physical Education

Perhaps no other one thing made the American public so aware of the poor physical condition of many of its citizens as did the first World War. Hundred of thousands of young men had to be turned away from military service because of their poor health and physical condition. As a result of

¹Arkansas, Statutes (1947), Art. 168, sec. 1.

²Arizona, Code (1952), Art. 54, sec. 811.

this condition, there were many bills introduced and many laws enacted requiring schools to teach physical education as one of the regular subjects of the curriculum. Many of these laws are written into more comprehensive laws covering several phases of health. North Dakota has a law in this area which requires:

Physical education shall be taught as a regular subject to all pupils in all departments of the public schools and in all educational institutions supported wholly or in part by money from the state. All schools, school boards and boards of educational institutions receiving money from the state shall make provisions for daily instruction in all the schools and institutions under their respective jurisdiction and shall adopt such methods as will adapt progressive physical exercises to the development, health, and discipline of the pupils in the various grades and classes of such schools and institutions under their respective jurisdictions . . .¹

A California law notes:

All pupils enrolled in the junior or senior high schools, except pupils excused, shall be required to attend upon the courses of physical education for an instructional period in each day which shall be not less than the length of the regular academic periods of the school.²

An Arkansas law places the responsibility for outlining a physical education course with the Commissioner of Education. This Arkansas law reads:

It shall be the duty of the Commissioner of Education to outline a course of physical training for use in the various schools of the state.³

¹North Dakota, Revised Code (1943), Art. 15, sec. 3809.

²California, Annotated Codes (1955), sec. 10124.

³Arkansas, Statutes (1947), Art. 168, sec. 1.

It may be noted that this law does not state definitely that physical education must be taught in all public schools, but it is definitely implied that all schools are to use the program outlined by the commissioner of education.

Section 49-1910 of the Tennessee Code states:

All pupils of both sexes, in all the elementary and secondary public schools shall receive as a part of their prescribed course of instruction therein such physical education as may be prescribed by the state board of education . . . and such programs of physical education shall occupy periods totaling as many minutes each day and as many hours each week, throughout each and every school term, as may be determined upon by said board.¹

This law, in effect, gives the state board the authority to make rules or regulations governing the public schools in the area of physical education.

Other states having laws similar to those mentioned are Washington, Wisconsin, Virginia, and New York.

Still other states have combined their health and physical education laws together as did Iowa, Illinois, Minnesota, Pennsylvania, and others. These laws are discussed under the section on general health. (Page 56)

Communicable Diseases

One of the least controlled areas of the physiology and hygiene field is that which deals with diseases with only three states having laws in this area. These are Michigan, Pennsylvania, and Missouri.

¹Tennessee, Code (1956), Art. 49, sec. 1910.

The Michigan law says:

There shall be taught in every public school within this state the principal modes by which each of the dangerous communicable diseases are spread and the best methods for the restriction and prevention of each such disease. Such instruction shall be given by the aid of textbooks on physiology supplemented by oral and black-board instruction. No textbook on physiology shall be adopted for use in the public schools of this state unless it shall give at least one-eighth of its space to the causes and prevention of dangerous communicable diseases and the requirements for maintaining good health.¹

A law from the statutes of Pennsylvania states:

Physiology and hygiene, which shall in each division of the subject so pursued, include special reference to . . . tuberculosis and its prevention, shall be introduced and studied as a regular branch by all pupils in all departments of the public schools, and in all educational institutions supported wholly or in part by appropriations from the commonwealth.²

Missouri's law in this area is very similar to that of Pennsylvania. This law reads:

Physiology and hygiene including their several branches, with special instruction as to tuberculosis, its nature, causes and prevention . . . shall constitute a part of the course of instruction, and be taught in all schools supported wholly or in part by public money or under state control.³

General Health

As has already been mentioned in the section on physical education, most of the general health laws are closely related to physical education and vice versa. An Iowa law

¹Michigan, Statutes Annotated (1953), sec. 15.389.

²Pennsylvania, Statutes Annotated (1950), sec. 15-1513.

³Missouri, Statutes (1952), sec. 163.170.

in this area states:

The teaching of physical education exclusive of interscholastic athletics, including effective health supervision and health instruction, of both sexes, shall be required in every public elementary and secondary school of the state . . .¹

From the Statutes of Minnesota comes a law which says that there shall be provided in all the public schools of that state

. . . physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school in so far as he or she is physically fit and able to do so, shall take the courses provided by this section . . . Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the courses prescribed for normal pupils. Nothing in this section . . . shall be held or construed to require any pupil to undergo a physical or medical examination or treatment if the parent or legal guardian of the person or such pupil shall in writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment: provided that high school students in the junior or senior years need not take the course unless required by the local school authorities.²

The Illinois statute in this area requires that

. . . school boards of public schools . . . shall provide for the health, physical education and training of pupils of the schools and educational institutions under their control and shall include physical education and training in the courses of study regularly taught therein.³

Summary

Many of the laws relating to physiology and hygiene

¹Iowa, Annotated Code (1949), sec. 280.13.

²Minnesota, Annotated Statutes (1946), sec. 131.13.

³Illinois, Annotated Statutes (1946), sec. 27-5.

are a result of external pressures exerted on the legislatures of the various states. Certain of these laws required schools to teach the harmful effects of alcohol and other questionable stimulants and narcotics as a part of the regular public school curriculum.

Other laws required that: (1) physical education be taught as a regular subject in the schools, (2) modes of spreading communicable diseases be taught as regular subjects, (3) the nature of certain diseases, such as tuberculosis, be taught as a part of the course of instruction in the public schools, and (4) general health habits and principles be taught in all public schools.

Eighty-four per cent of the states have current laws in the area of physiology and hygiene. Twelve, or twenty-five per cent, of the states have more than one law in this area. Although this appears to be a high percentage of states having laws dealing with a subject, it must be remembered that according to the findings of Otto¹ in 1933, every single state had a law concerned with this area of the curriculum.

Table 7 shows the states with current laws in the area of physiology and hygiene and the number of laws dealing with the subject in each state. About sixteen per cent

¹Otto, op. cit., p. 64.

of the states have no law covering this area of the curriculum.

TABLE 7

STATES WITH CURRENT LAWS IN THE AREA OF
PHYSIOLOGY AND HYGIENE

State	Number of Laws	Subject Covered*	State	Number of Laws	Subject Covered*
Alabama	1	1	Nebraska	0	
Arizona	1	1	Nevada	0	
Arkansas	2	1,2	New Hampshire	1	1
California	2	2	New Jersey	0	
Colorado	2	1	New Mexico	2	1
Connecticut	1	1	New York	3	1,2
Delaware	0		North Carolina	1	1
Florida	1	1	North Dakota	1	1,2
Georgia	1	1	Ohio	0	
Idaho	2	1	Oklahoma	1	4
Illinois	2	1,2,4	Oregon	0	
Indiana	1	1	Pennsylvania	1	3,4
Iowa	2	1,2,4	Rhode Island	0	
Kansas	1	1	South Carolina	1	1
Kentucky	1	1	South Dakota	1	1
Louisiana	1	1	Tennessee	1	2
Maine	1	1	Texas	0	
Maryland	1	1	Utah	2	1
Massachusetts	1	1	Vermont	0	
Michigan	2	1,3,4	Virginia	2	1,2
Minnesota	3	1,2,4	Washington	1	2
Mississippi	1	1	West Virginia	1	1
Missouri	1	1,3	Wisconsin	1	1,2
Montana	1	1	Wyoming	1	1
Total number of states having laws				39	
Total number of laws				53	

*Key to subjects covered:

1. Alcohol and Narcotics
2. Physical Education
3. Communicable Diseases
4. General Health

CHAPTER V
LEGISLATIVE ENACTMENTS RELATING TO
HUMANE EDUCATION

The laws in the area of humane education are the result of much the same type of pressure as that which was exerted on the various legislatures by groups seeking legislation in the field of physiology and hygiene. The Humane Education laws are also a product of the same period as were the physiology and hygiene laws.

There were, as might have been expected, pressure groups whose first concern was to insure that certain controls were placed upon the public schools in the area of humane education. They believed that only by legislative control could they insure that the humane treatment of animals be adequately and properly taught.

Of course some of the laws were also designed to insure that children not be exposed to seeing animals killed or experimented upon in the public school. One such law of this particular type can be found in the statutes of Illinois. This restrictive law says:

No experiment upon any living animal for the purposes of demonstration in any study shall be made in any public

school. No animal provided by, or killed in the presence of any pupil of a public school shall be used for dissection in such school, and in no case shall dogs or cats be killed for such purposes. Dissection of dead animals, or parts thereof, shall be confined to the classrooms and shall not be practiced in the presence of any pupil not engaged in the study to be illustrated thereby.¹

A law of a mandatory nature, but with the same basic purposes, comes from the Statutes of Oregon. This law reads:

In every public school not less than one quarter hour of each week during the whole of each term of school shall be devoted to teaching the pupils thereof kindness and justice to and humane treatment of animals, and the important part they fulfil in the economy of nature. They shall be taught the true relation of the human to the animal life, the value of life and the cowardice of needless killing of any act of cruelty to man or beast, inculcating a love for truth, justice, and that beautiful generosity that makes the strong supporters, instead of oppressors of the weak. It shall be with each teacher whether it shall be a consecutive half hour or shorter periods daily. This instruction shall be a part of the curriculum of study of all public schools.²

A mandatory law from New Mexico places the responsibility in this area with the state board of education and goes on to say that the state board shall

. . . prescribe and cause to be taught in the public schools in the state of New Mexico a course of humane education and such as in the opinion of said board of education as will educate and train the pupils of said schools in humane treatment of dumb animals and other subjects calculated to develop in the minds of the pupils a spirit of kindness, humanity, and tolerance.³

A North Dakota law states simply that oral instruction in the humane treatment of animals shall be given in

¹Illinois, Annotated Statutes (1946), sec. 27-13.

²Oregon, Revised Statutes (1955), sec. 336.250.

³New Mexico, Statutes (1953), sec. 73-17-5.

each of the public schools of that state.¹

From the code of South Dakota comes the following law:

There shall be taught in the public schools of this state, in addition to other prescribed branches of study, a system of humane treatment of animals. Each school supported wholly or in part by the public funds of this state shall instruct all pupils in the laws of this state pertaining to the humane treatment of animals, with such studies on the subject as the board of education having supervision thereof may adopt, such instruction to consist of not less than one lesson of ten minutes each during each week of the school year. No experiment upon live animals to demonstrate facts in physiology shall be permitted.²

The state of Pennsylvania requires instruction in the field of humane education only up to and including the fourth grade. The statute controlling this subject goes on to say that instruction in this area

. . . need not exceed half an hour each week during the whole school term. No cruel experiment on any living creature shall be permitted in any public school of this commonwealth.³

A Michigan statute gives the classroom teacher a great amount of choice in the way in which she may teach the subject of humane education. This law states:

In every public school within this state, a portion of the time shall be devoted to teaching the pupils thereof the kindness and justice to, and humane treatment and protection of animals and birds, and the important

¹North Dakota, Revised Code (1943), sec. 15-3811.

²South Dakota, Code (1939), sec. 15.3109.

³Pennsylvania, Statutes Annotated (1950), Title 24, sec. 15-1514.

part they fulfill in the economy of nature. It shall be optional with each teacher whether such teaching shall be through specially designed courses or from personal experience. This instruction shall be a part of the curriculum of study in all the public schools of the state of Michigan.¹

Other states having laws in this area are: Louisiana, New York, Wisconsin, and Wyoming.

Summary

The laws in the area of humane education are the product of the era from 1900 to 1925. These laws were designed to insure that school children be protected from seeing cruel and inhuman experiments performed on live animals and, further, to insure that children be taught kindness and justice and humane treatment towards both dumb animals and their fellow man.

Only eleven states have laws that deal with humane education. The majority of these laws are concerned with controlling experimentation upon live animals in the classrooms of the public schools.

Table 8 shows the states having laws related to the subject of humane education. It may be noted that only one state, Pennsylvania, has more than one law in this area.

¹Michigan, Statutes Annotated (1953), sec. 15.391.

TABLE 8

STATES WITH CURRENT HUMANE EDUCATION LAWS

State	Number of Laws
Illinois	1
Louisiana	1
Michigan	1
New Mexico	1
New York	1
North Dakota	1
Oregon	1
Pennsylvania	2
South Dakota	1
Wisconsin	1
Wyoming	1
Total States Having Humane Education Laws . .	11
Total Number of Humane Education Laws	12

CHAPTER VI

LEGISLATIVE ENACTMENTS RELATING TO MANNERS, MORALS AND RELIGION

Although previous studies separated manners and morals from religion, this writer has chosen to combine them into one chapter. There are two reasons for this decision. First: manners, morals and religion are so closely related that it is almost impossible to tell where one stops and the other begins; and second: the number of laws dealing with each alone does not warrant its treatment as a separate chapter.

Because of the relatively large number of laws in the area of religion as compared with the number in the area of manners and morals, the writer has elected to discuss religion first.

Religion

The importance of morals and religion to the general public and the part religion played in bringing about the American educational system as we know it today, has undoubtedly perpetuated more legal battles than any other area of the curriculum.

As was previously noted, religion was the basis for the first educational system. Many of the leaders in the field of religion felt that there was no other justification for education except as it related to religion. As time passed and the nation changed, the role of education changed. The religious groups found themselves with less and less voice in the purpose and employment of education. With the de-emphasis and finally the elimination of sectarian religion from the curriculum of the public schools, there began the contest which resulted in numerous court decisions, legal battles, and passage of laws to control, prohibit, or require religion in the public schools of the various states.

To enable the reader to get a better understanding of the several laws in this area, the section on religion has been divided into the following three areas: (1) mandatory laws, (2) permissive laws, and (3) restrictive laws.

Mandatory Laws

Most of the mandatory laws in the area of religion deal directly with the reading of the Bible. The following law taken from the Idaho Code is typical of the laws in this area. This law states:

Selections from the standard American version of the Bible, to be selected from a list of passages furnished from time to time by the state board of education, shall be read daily in all the public schools maintained and conducted by all the school districts of the state.¹

¹Idaho, Code Annotated (1948), Art. 33, sec. 2705.

A Georgia law states that there will be no religious doctrine taught in the public schools of that state provided, however, that the Bible, including the Old and New Testament, shall be read in all the schools receiving state funds, and that not less than one chapter shall be read at some appropriate time during each school day.¹

A Delaware law provides that

. . . in each public school classroom in the state, and in the presence of the scholars therein assembled, at least five verses from the Holy Bible shall be read at the opening of such school upon each school day, by the teachers in charge thereof . . .²

Arkansas is still another state which places the responsibility for Bible reading upon the shoulders of the individual teacher. The Arkansas statute regarding this subject reads that

. . . every teacher or other person in charge shall provide for the reverent daily reading of a portion of the English Bible without comment in every public tax supported school up to and including every high school in the state in the presence of the pupils; and prayer may be offered or the Lord's Prayer repeated; Provided, that any pupil shall be excused from the room on written request of a parent or guardian.³

A law from the statutes of Maine shows the flowery language and phrasing for which many of the early laws in the area of religion are noted. This law reads as follows:

¹Georgia, Code Annotated (1952), Book II, sec. 32-705.

²Delaware, Code Annotated (1953), sec. 4101.

³Arkansas, Statutes (1947), Art. 80, sec. 1606.

To insure security in the faith of our fathers, to inculcate into the lives of the rising generation the spiritual values necessary to the well-being of our and future civilizations, to develop those high moral and religious principles essential to human happiness, to make available to the youth of our land the book which has been the inspiration of the greatest masterpieces of literature, art and music, and which has been the strength of the great men and women of the Christian era, there shall be, in all the public schools of the state, daily or at suitable intervals, readings from the Scriptures with special emphasis upon the Ten Commandments, The Psalms of David, The Proverbs of Solomon, The Sermon on the Mount and The Lord's Prayer. It is provided further, that there shall be no denominational or sectarian comment or teaching and each student shall give respectful attention but shall be free in his own forms of worship.¹

A Kentucky statute states simply that the Bible must be read daily in the public schools of that state.²

A Pennsylvania statute requires that at least ten verses from the Holy Bible be read, without comment, at the opening of each public school day, by the teacher in charge. This law goes on to specify

. . . where any teacher has other teachers under and subject to direction, then the teacher exercising such authority shall read the Holy Bible, or cause it to be read, as herein directed. If any school teacher, whose duty it shall be to read the Holy Bible . . . shall fail or omit to do so, said teacher shall upon charges preferred, for such failure and proof of same, . . . be discharged.³

Permissive Laws

Only two states have laws which can be deemed

¹Maine, Revised Statutes (1954), sec. 145.

²Kentucky, Revised Statutes (1953), sec. 158.170.

³Pennsylvania, Statutes Annotated (1950), Title 24, Art. 15, sec. 1516.

permissive in nature. A North Dakota law makes the teaching of the Bible optional with the teacher. This law says:

The Bible shall not be deemed a sectarian book. At the option of the teacher, it may be read in school for not to exceed ten minutes daily, but no sectarian comment shall be made thereon. No pupil shall be required to read it or to be present in the school room during the reading thereof contrary to the wishes of his parent or guardian or other person having him in charge.¹

An Iowa law gives the same permissiveness in stating that

. . . the Bible shall not be excluded from any public school or institution in the state, nor shall any child be required to read it contrary to the wishes of his parents or guardian.²

Restrictive Laws

Although many of the laws quoted in previous passages may appear very similar to those presented under this heading, there is one essential difference. The basic tone of the following laws is restrictive. A good example of this type of law is in the following excerpt taken from the statutes of Idaho. It reads:

The teacher shall not comment upon, interpret or construe any of the passages or verses read . . . In response to questions or verses calling for commentary upon, or explanation, construction or interpretation of the said verses or passages read, the teacher shall, without comment, refer the inquirer to his parents or guardian for reply.³

¹North Dakota, Revised Code (1943), sec. 15-3812.

²Iowa, Code Annotated (1949), sec. 280-9.

³Idaho, Code Annotated (1949), sec. 33-2707.

Another law of this type is the following statute taken from the Code of Delaware. This law states:

No religious services or exercises, except the reading of the Bible and the repeating of the Lord's Prayer, shall be held in any school receiving any portion of the moneys appropriated for the support of public schools.¹

From the Statutes of Oklahoma comes the following law dealing with religious doctrine. This law says that

. . . no sectarian or religious doctrine shall be taught or inculcated in any of the public schools of this state, but nothing in this section shall be construed to prohibit the reading of the Holy Scriptures.²

From Idaho comes a law which provides that

. . . no books, papers, tracts or documents of a political, sectarian, or denominational character shall be used or introduced in any school established under the provisions of this chapter, and any and every political, sectarian, or denominational doctrine is hereby expressly forbidden to be taught therein . . .³

From the Montana Code comes the following law:

No publication of a sectarian, partisan, or denominational character shall be used or distributed in any school, or be made a part of any school library; nor shall any sectarian or denominational doctrines be taught therein.⁴

A South Dakota law states simply that no sectarian doctrine may be taught or inculcated in any public schools of the state.⁵

¹Delaware, Code Annotated (1953), sec. 4101.

²Oklahoma, Statutes (1949), Title 70, sec. 11-1.

³Idaho, Code Annotated (1948), sec. 33-2704.

⁴Montana, Revised Codes (1947), sec. 75.2003.

⁵South Dakota, Code (1939), sec. 15.3103.

An Arkansas law makes it unlawful for any teacher or other instructor in any public school to teach the theory or doctrine that mankind ascended or descended from a lower order of animals.¹

Section 49-1922 of the Tennessee Code requires that . . . it shall be unlawful for any teacher in any of the universities, teachers' colleges, normal schools or other public schools of the state which are supported, in whole or in part, by the public school funds of the state, to teach any theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man descended from a lower order of animals.²

Manners and Morals

Closely related to the area of religion is the subject of manners and morals. The laws in this area have been divided into two categories: (1) Mandatory, and (2) Permissive.

Mandatory Laws

A North Dakota law states:

Moral instruction tending to impress upon the mind of pupils the importance of truthfulness, temperance, purity, public spirit, patriotism, international peace, respect for honest labor, obedience to parents, and deference to old age, shall be given by each teacher in the public schools.³

A Washington law places the responsibility for proper

¹Arkansas, Statutes (1947), sec. 80-1627.

²Tennessee, Code (1956), sec. 49-1922.

³North Dakota, Revised Code (1943), sec. 15-3810.

instruction in this subject with the state board of education.
This law orders:

The State Board of Education shall see to it that during the entire course of study, attention is given to the cultivation of manners, and of the fundamental principles of honesty, honor, industry, and economy . . .¹

A Minnesota law requires that the teachers in all public schools in that state give instruction in morals.²

From South Dakota comes a law which is almost identical with that of North Dakota. This law says:

Moral instruction intended to impress upon the minds of pupils the importance of truthfulness, temperance, purity, public spirit, patriotism, respect for honest labor, obedience to parents, and due deference to old age shall be given by every teacher in the public service of the state.³

An Oregon statute enumerates the various moral and ethical functions which are considered necessary for desirable citizenship in that state. This law reads that

. . . each teacher employed to give instruction in the regular courses of the first twelve grades of any public schools shall so arrange and present the instruction as to give special emphasis to honesty, morality, courtesy, obedience to law, respect for the national flag, the constitution of the United States and the constitution of the state of Oregon, respect for parents and the home, the dignity and necessity of honest labor and other lessons of a steadying influence which tend to promote and develop an upright and desirable citizenry.⁴

¹Washington, Revised Code (1951), sec. 28.05.020.

²Minnesota, Statutes Annotated (1946), sec. 131.14.

³South Dakota, Code (1939), sec. 15.3107.

⁴Oregon, Revised Statutes (1955), sec. 336.240.

An Illinois law states that every public school teacher shall

. . . teach the pupils honesty, kindness, justice and moral courage, for the purpose of lessening crime and raising the standard of good citizenship.¹

A law very similar to that of Oregon, but which includes all education in the state, comes from the statutes of the state of Indiana. This law states that it shall be the duty of each and every teacher who is employed to give instruction in the regular courses of the first twelve grades of any public, private, parochial or denominational school in the state to

. . . so arrange and present his or her instruction as to give special emphasis to common honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States and of the state of Indiana, respect for parents and the home, the dignity and necessity of honest labor and other lessons of a steadying influence, which tend to promote and develop an upright and desirable citizenry.²

Still another type of law which connects discipline and manners and morals can be found in the following law taken from the Arkansas Statutes. This law requires that

. . . every teacher seek to exercise wholesome discipline in his or her school, and endeavor by precept and otherwise to instill and cultivate in pupils good morals and gentle manners.³

¹Illinois, Annotated Statutes (1946), Chap. 122, sec. 27-11.

²Indiana, Annotated Statutes (1948), sec. 28-3428.

³Arkansas, Statutes (1947), sec. 80-1629.

Permissive Laws

Although most curriculum laws are passed for the purpose of requiring that some subject be taught, there are a few laws which are for the purpose of insuring that a school be allowed to use its own prerogative in teaching a subject. A good example of this type of law is the following which comes from the Kentucky Statutes:

The board of education of each school district may authorize a complete survey of all the pupils attending the public schools within the district and ascertain those pupils who desire moral instruction and have the consent of parent or guardian for the instruction.¹

Another similar law comes from the statutes of Maine. This law says:

The school committee of each city or town is authorized and empowered to provide for the moral instruction of pupils subject to the jurisdiction of such committee in the manner provided for in sections 146-152 inclusive.²

Summary

Religion was the basis for our first educational system and religious leaders were hesitant about relinquishing the role they had played in education. Attempts were made to regulate religion in the public schools by having legislatures pass laws requiring: (1) that a certain number of Bible passages be read each day, (2) that the Bible cannot be excluded

¹Kentucky, Revised Statutes (1953), sec. 158.210.

²Maine, Revised Statutes (1954), sec. 146.

from any public school, and that the children may or may not read or listen to a teacher read from the Bible, (3) that no sectarian or religious doctrine shall be taught or inculcated in any public school, and (4) that it is illegal to teach any theory which denies the story of the divine creation of man.

Closely related to religion is the subject of manners and morals. Laws in this area were for the purpose of impressing upon the minds of students the importance of truthfulness, temperance, purity, public spirit, patriotism, internal peace, respect for labor, obedience to parents, and deference to old age.

Twenty, or forty-two per cent, of the states of the Union have laws relating either to manners, morals, or religion. Of these twenty, seven have more than one law in this area. Most of the laws in the area of religion relate to reading the Bible in the public schools while the laws in the area of manners and morals deal with extremely broad objectives such as truthfulness, temperance, and a number of others already quoted.

Table 9 shows the states having laws in the area of manners, morals and religion and the number of laws in each state relating to the subject.

TABLE 9

STATES HAVING LAWS IN THE AREA OF MANNERS,
MORALS AND RELIGION AND THE NUMBER AND
TYPES OF LAWS FROM EACH STATE

State	Number of Laws	Type of Laws*
Arkansas	2	1,2
Delaware	2	1
Georgia	1	1
Idaho	3	1
Illinois	1	1
Indiana	1	2
Iowa	1	1
Kentucky	2	2
Maine	2	1
Minnesota	1	2
Montana	1	1
North Dakota	2	1,2
Oklahoma	1	1
Oregon	1	2
Pennsylvania	1	1
South Dakota	2	1,2
Tennessee	1	1
Virginia	1	2
Washington	1	2
Wisconsin	1	2
Total number of states with laws		20
Total number of laws		28

*Key for type of law:

1. Religious
2. Manners and morals

CHAPTER VII

LEGISLATIVE ENACTMENTS RELATING TO CONSERVATION AND AGRICULTURE

The conservation of the natural resources of the United States has long been a problem of great concern to many Americans. Many organizations have undertaken the task of bringing to the public the facts concerning the waste and destruction of many of the natural resources of our country. These natural resources include not only our great forests, our lakes and rivers, and our great deposits of coal, iron, and other products of industry, but also our wild life, including birds, animals, and fish.

Whenever the appeal to the public has not had the desired results, there have been efforts to pass laws which insure that certain practices are followed.

The laws in the area of agriculture are a product of the latter part of the nineteenth century. During this period the voice of agriculture was very strong. Many of the colleges of this era were established for the purpose of furthering the cause of agriculture. Strong political elements represented the great agricultural voice that comprised the

southern, midwestern, and western part of the United States.

Under these conditions it only seems natural that many of the primarily agricultural states should have laws requiring that agriculture, as a subject, be included in the curriculum of the public schools of said states.

Conservation

A good example of a comprehensive law in this area can be seen in the following excerpt from the Statutes of Oklahoma. This law states that among the courses of study formulated, prescribed, or adopted by the State Board of Education for the instruction of pupils in the public schools of the state there shall be included

. . . the teaching of the conservation of natural resources of the state and nation that are necessary and desirable to sustain life and contribute to the comfort and welfare of the people now living and those who will live here in the future, such as soil, water, forests, minerals, oils, gas, all forms of wild life, both plant and animal, and such other natural resources as may be considered desirable to study.¹

The state of Arkansas adopted laws in this area as recently as 1939. Considering the subject of conservation the Arkansas statutes say:

On and after September 1, 1939, all of the higher schools supported by public funds shall give instruction in the conservation of natural resources, including the study of fish and game, soil fertility and erosion, forests and minerals, and all students in said institutions shall be required to take such course of instruction.²

¹Oklahoma, Statutes (1949), Art. 11, sec. 3.

²Arkansas, Statutes (1947), sec. 80-1621.

Other Arkansas laws in this area deal with nature study and celebration of "Bird Week." The nature study laws require that:

On and after September 1, 1939, nature study shall be a fundamental requirement of promotion from grades in at least two of the elementary grades of the public schools.¹

The law regarding bird week is as follows:

The Arkansas State Game and Fish Commission, the State Board of Education and all local boards of education are hereby directed to provide for the celebration by all public schools of "Bird Week." During "Bird Week" suitable exercises are to be engaged in, and lessons on the economics and esthetic values of the resident and migratory birds of the state are to be taught by the teachers to their pupils.²

Other states having bird days are Utah and Illinois.

The Utah law reads as follows:

It shall be the duty of the board of education of every school district of this state to cause to be observed in the school the last Friday in April of each year Bird Day, with appropriate lessons and exercises relating to the observation, the study and the value of birds and other forms of animal life particularly as aids in the extermination of insects, weeds and other plants.³

The Illinois statute reads:

The Governor shall annually, designate by official proclamation a day in the spring to be known as "Arbor Day," to be observed throughout the state as a day for planting trees, shrubs and vines about public grounds, and as a day on which to hold appropriate exercises in the public schools and elsewhere tending to show the value of trees and birds and the necessity for their

¹Ibid., sec. 80-1622.

²Ibid., sec. 80-1612.

³Utah, Code Annotated (1953), Art. 53, sec. 14-3.

protection.¹

Mississippi has in its code a law dealing with a week which is to be set aside and called "Conservation Week."

This law orders:

The week beginning the first Monday in December of each year is hereby set aside as "Mississippi Conservation Week" with the days Monday through Friday, in their order, designated as minerals, water, soils, wildlife, both flora and fauna, and arbor day.²

The Arizona law in this area requires that

. . . the authorities in every public school shall assemble the pupils in their charge on Arbor Day and provide for and conduct, under the general supervision of the state superintendent of public instruction, such exercises as tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results, and cause trees to be planted around the school buildings with appropriate and attractive ceremonies.³

A slightly different law in this area comes from the California Code. This law, which is permissive in nature, states that the governing board of any school district may

. . . conduct programs and classes in outdoor science education and conservation within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.⁴

¹Illinois, Annotated Statutes (1946), Chap. 122, sec. 27-19.

²Mississippi, Code Annotated (1942), sec. 6229.

³Arizona, Code (1952), sec. 54-810.

⁴California, Codes Annotated (1955), sec. 10056.

Still another aspect of the area of conservation is to be found in laws from Tennessee and California which deal with the subject of forestry. The California law in this area is permissive in nature and states that the governing board of any school district may

. . . conduct courses in forestry, and for that purpose may employ instructors and supervisors of classes, and acquire necessary equipment.¹

The Tennessee law is mandatory in nature and states that the curriculum of every public school

. . . shall include a study of forestry and plant life which shall be taught therein, which study shall include the names and varieties of trees grown in the state, their age of maturity, their value to the soil, to animals and birds, and when possible or practical the children of such schools shall be given an object lesson in the study of forestry by one or more visits during each semiannual session, to some conveniently located forests and there instructed and taught by their respective teachers or some competent person selected for such purposes.²

Agriculture

The great majority of the laws in the area of agriculture are included as parts of more comprehensive laws. In the chapter on Traditional Subjects it may have been noted that agriculture was often mentioned as a requirement by the very broad laws dealing with that area of the curriculum. Because of this fact, little will be said of the laws in the area of agriculture except to list the states having them.

¹Ibid., sec. 10071.

²Tennessee, Code (1956), sec. 49-1918.

Summary

As was stated at the beginning of this chapter, the laws in the area of agriculture are a product of the period when the voice of agriculture and the rural population was very strong. As our economy changed from rural to urban, the pressure for making agriculture a required subject lessened. At the present time there is a trend towards decreasing the number of laws covering this area of the curriculum.

Laws relating to conservation were enacted as a result of waste and destruction of our forests, lakes, rivers, coal deposits, oil reserves, and all forms of wild life.

Table 10 shows the states with current laws in the area of conservation and agriculture and the number of laws relating to each subject from each state. It may be noted that of the eighteen states having laws in this area, five still have more than one law affecting either conservation or agriculture. Of the twenty-four laws relating to the two subjects, fifteen relate to conservation while the remaining nine relate to agriculture.

TABLE 10

STATES HAVING CONSERVATION AND AGRICULTURE LAWS
AND THE NUMBER OF LAWS FROM EACH STATE

State	Number of Laws	
	Conservation	Agriculture
Arkansas	2	1
Arizona	1	0
California	2	0
Idaho	1	0
Illinois	1	0
Indiana	2	0
Louisiana	1	0
Mississippi	0	2
Montana	0	1
New Mexico	1	0
North Carolina	0	1
North Dakota	0	1
Oklahoma	1	0
South Carolina	0	1
Tennessee	2	0
Texas	0	1
Utah	1	0
Wisconsin	0	1
Total for each area	15	9
Total number of laws	24	
Total number of states having laws	18	

CHAPTER VIII

LEGISLATIVE ENACTMENTS RELATING TO PATRIOTISM

The subjects relating to patriotism in the public schools can be divided into three groups. First, there are those subjects which deal directly with the subject and are called patriotism or citizenship classes. These have as their expressed purpose the making of better citizens through the teaching of known skills and desired behaviors in the area of patriotism. Second, there are those courses which are designed to teach patriotism through subjects closely related to patriotism and citizenship. These courses include American history, federal government, state government, and courses dealing with the Declaration of Independence. Still a third group of subjects attempt to teach patriotism by dealing with such things as the meaning behind the flag, the birthdays of famous patriots, and patriotic songs.

Patriotism and Citizenship Classes

North Carolina has as one of its general statutes a law which states that there shall be taught in the public schools of that state:

. . . a course which shall be known as Americanism.

There shall be included in the term "Americanism" the following general items of instruction:

- (A) Respect for law and order.
- (B) Character and ideals of the founders of our country.
- (C) Duties of good citizenship.
- (D) Respect for the National Anthem and the flag.
- (E) A standard of good government.
- (F) Constitution of North Carolina.
- (G) Constitution of the United States.¹

An Iowa law concerned with the same subject says:

Each public and private school located within the state shall be required to teach the subject of American Citizenship in all grades.²

It may be noted that the big difference between the North Carolina law and that of Iowa lies in the greater amount of leeway left to the school or individual teacher in the latter case. There seems to be a tendency to leave more to the discretion of schools and teachers in the newer laws.

An Illinois law reads:

American patriotism and the principles of representative government, as enumerated in the American Declaration of Independence, the Constitution of the United States and the Constitution of the state of Illinois, and the proper use and display of the American Flag, shall be taught in all public schools. . .

Instruction shall be given . . . in the method of voting at elections by means of the Australian Ballot System and the method of counting votes for candidates.³

Section 1353 of the general statutes of Connecticut requires that:

¹North Carolina, General Statutes (1952), sec. 115-64.

²Iowa, Code Annotated (1949), sec. 280.6.

³Illinois, Annotated Statutes (1946), Ch. 122, sec. 27-3.

An elementary course in the duties and responsibilities of United States Citizenship shall be taught for a period of not less than one year in the eighth grade of all grade schools, public or private, whose property is exempt from taxation, and if such school is ungraded, to advanced pupils whose school work corresponds most nearly with that of the eighth grade of grade schools.¹

A law from the state of Connecticut, but concerned with secondary schools, orders:

All state teachers colleges and other educational institutions supported by the state and all high preparatory and secondary schools, public or private, whose property is exempt from taxation, shall give a course of instruction in the duties and responsibilities of United States Citizenship. No student shall be graduated from any such state educational institution, teachers college or school who has not been found to be familiar with said subject.²

The law goes on to state that the state board of education shall either prepare or cause to be prepared for use in state schools under its supervision and jurisdiction the course of study required by the two sections mentioned above.³

An Arkansas law of a little different type states that

. . . unless a patriotic program has been otherwise arranged in or for the community wherein such school is situated, and in which the school children will participate, the principal or other person in charge of said school or schools shall provide a patriotic service for the pupils of said school, and to be included in such

¹Connecticut, General Statutes (1949), sec. 1353.

²Ibid., sec. 1352.

³Ibid., sec. 1355.

service shall be the meaning, use of and proper respect for the flag of the United States.¹

From the statutes of Minnesota comes a law which says that

. . . in all of the ungraded, graded elementary, and high schools of this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the pupils and students.

Such exercises shall consist of the singing of patriotic songs, readings from American History and from the biographies of American statesmen and patriots, and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of these days shall not exceed one-half hour.²

This law is rather unique in the fact that it is both mandatory and restrictive. It is mandatory in that it requires the teaching of the subject on at least one day out of each week and it is restrictive in that it prohibits more than one-half hour being spent on the subject.

A South Dakota law of 1939 states:

In every educational institution in this state, whether public or private, one hour each week in the aggregate shall be devoted to teaching of patriotism, the singing of patriotic songs, the reading of patriotic addresses, and a study of the lives and history of American patriots. It shall be the duty of all institutions and of all school officers and superintendents, to enforce the provisions of this section. It shall be the duty of the Superintendent of Public Instruction to revoke the certificate of any instructor in any school in this state who shall fail, neglect, or refuse to enforce the

¹Arkansas, Statutes (1947), sec. 80-1610.

²Minnesota, Statutes Annotated (1946), sec. 131.18.

provisions of this section.¹

Other states with laws in this area include New York and Wisconsin. The New York law requires that there be courses of instruction in patriotism and citizenship and in the Constitution of the United States.² The Wisconsin law simply states that there must be training in citizenship.³

Related Classes

The related classes, as noted at the beginning of this chapter, are those in history of the United States and America, history of the several states, Constitution of the United States, constitutions of the several states, civics and government, and a few incidental subjects such as relate to the Federalist Papers, the Declaration of Independence, etc.

An excellent example of this type of law is one taken from the statutes of Nebraska. This law states that in at least two grades of every high school, at least three periods per week must be devoted to the teaching of civics and that during this course specific attention must be devoted to:

(A) The Constitution of the United States and of the state of Nebraska.

(B) The benefits and advantages of our form of

¹South Dakota, Code (1939), sec. 15.3105.

²New York, Consolidated Laws (1953), Book 16, sec. 801.

³Wisconsin, Statutes (1955), sec. 40.46.

government and the dangers and fallacies of Nazism, Communism, and similar ideologies.

(C) The duties of citizenship.

(D) Appropriate patriotic exercises suitable to the occasion to be held under the direction of the school superintendent in every school and to Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day and Armistice Day, or the day preceding or following such holidays, if the school is not in session on the holiday.¹

A Virginia law orders:

In preparing the course of study in civics and history in both the elementary and high school grades, the state board shall give careful dependence, the Virginia Statute of Religious Freedom, the Virginia Bill of Rights, and section fifty-eight of the Constitution of Virginia, which subjects shall be carefully read and studied, thoroughly explained and taught by teachers to all pupils in accordance with the state course of study, which course of study shall require written examinations as to each of the last four mentioned documents of Virginia's history at the end of the term in which the course is given. An outline shall likewise be given of the Constitution of the United States and the general principles of the Constitution shall be carefully explained.²

A Tennessee law requires that every four-year high school in that state which receives public funds shall require every student to have at least one year of instruction in American history and government and preferably in the fourth year of high school. It further states that if any student

¹Nebraska, Revised Statutes (1950), sec. 79-213.

²Virginia, Code (1950), sec. 22-2234.

fails or refuses to take the subjects, he shall not be admitted to the University of Tennessee or any state college unless and until he agrees to take those subjects in his first year of college.¹

Another section of the Tennessee Code requires that a treatise on the history and interpretation of the Constitution of the United States which has been approved or adopted by the state board of education be required as a subject in the high schools of that state.²

Still another section of the same code reads:

It shall be the duty of the state board of education and all county boards of education to cause to be taught in each public high school in this state the Constitution of Tennessee. The State Board of Education shall determine the nature and extent of the instruction to be given for such course, provided that such course need not extend for more than one year.³

A South Dakota law requires that in all public and private schools within that state there must be given a regular course of instruction in the Constitution of the United States and of the state of South Dakota. It further provides that this instruction must begin not later than the opening of the eighth grade and must continue in the high school course to an extent to be determined by the Superintendent

¹Tennessee, Code (1956), sec. 49-1903.

²Ibid., sec. 49-1907.

³Ibid., sec. 49-1908.

of Public Instruction.¹

A very similar law from the state of South Carolina requires that all high schools in that state, which are sustained or are in any manner supported by public funds, must give instruction in the essentials of the United States Constitution including the study of and devotion to American institutions and ideals. This law goes on to state that no student in any such school can receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, and, if a citizen of the United States, he must satisfy the examining power concerning his loyalty to the United States.²

A Pennsylvania law provides:

In all public schools, there shall be given regular courses of instruction in the Constitution of the United States. Such instruction in the Constitution of the United States shall begin not later than the opening of the eighth grade, and shall continue in the high school course, and in courses in the State Teachers Colleges, to an extent to be determined by the Superintendent of Public Instruction.³

An Oregon law states that in all of the public and private schools in that state there must be given regular courses of instruction in the Constitution of the United

¹South Dakota, Code (1939), sec. 15.3104.

²South Carolina, Code of Laws (1952), sec. 21-420.

³Pennsylvania, Statutes Annotated (1950), Title 24, sec. 15-1515.

States. It further states that such instruction is to start in the grade school and is to continue through high school.¹

A North Dakota law requires that in all of the public schools of that state, regular courses of instruction in the Constitution of the United States are to be given, beginning in the high school to an extent to be determined by the superintendent of public instruction.²

Similarly, a New Jersey statute requires that regular courses of instruction in the Constitution of the United States be given in all the public schools of that state.³

A New Hampshire law says that instruction in the Constitution of the United States and of the state of New Hampshire begin not later than the opening of the eighth grade and continue in the high school to an extent to be determined by the state board.⁴

A Minnesota law notes that

. . . in the eighth grade and in the high school grades of all public schools and in the corresponding grades in all other schools within the state, and in the educational departments of state and municipal institutions, there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to the extent to be determined by the

¹Oregon, Revised Statutes (1955), sec. 336.230.

²North Dakota, Revised Code (1943), sec. 15-3808.

³New Jersey, Statutes Annotated (1940), Title 18, sec. 18:19-8.

⁴New Hampshire, Revised Statutes (1955), sec. 189-11.

state commissioner of education.¹

A Missouri law requires that the Constitution of the United States be taught as a regular subject in that state also.²

Michigan's law in this area states that in all public, private, parochial, and denominational schools within the state of Michigan

. . . there shall be given regular courses in the Constitution of the United States, in the constitution of the state of Michigan, and in the history and present form of civil government of the United States, the state of Michigan, and the political subdivisions and municipalities of the state of Michigan.³

The state of Louisiana has a law which is a little different from those already mentioned. This law requires that both the Declaration of Independence and the Federalist Papers be required as courses in the public elementary schools of that state.⁴

An Iowa law orders that public high schools which maintain three-year or longer courses of instruction are to offer, and all students are required to take, a minimum of instruction in American History and civics of the state and nation to the extent of two semesters, and schools of this

¹Minnesota, Statutes Annotated (1946), sec. 131.16.

²Missouri, Statutes Annotated (1952), sec. 163.200.

³Michigan, Statutes Annotated (1953), sec. 15.387.

⁴Louisiana, Statutes Annotated (1951), sec. 17.268.

class which have four-year or longer courses must offer one semester in social problems and economics.¹

An Arkansas law reads as follows:

From and after taking effect of this act, the teaching of American History in the primary grades of all the schools, both public and private, of this state shall be compulsory. Such teaching shall commence in the lowest primary grade of each of said schools and shall be continued all through the primary grades: provided that the teaching of the Arkansas History, as now provided by law, may be substituted for American History in one of the said grades. At least one hour in every scholastic week shall be devoted to such instruction. The instilling into the hearts of the various pupils of an understanding of the United States and of a love of country and of a devotion to the principles of American Government, shall be the primary object of such instruction, which shall avoid as far as possible, being a mere recital of dates and events.²

A great many other states have laws in this area on their statute books, but they are in most cases exact duplications of one of the laws already mentioned. A complete list of the states having laws in this area is given in Table 11 (Page 102).

Activities and Events

The American flag has a great many educational activities and events built around it. For instance, a Tennessee law states that all boards of education in that state are to require that teachers in the public schools give instruction on the uses, purposes and methods of displaying the American

¹Iowa, Code Annotated (1949), sec. 280.8.

²Arkansas, Statutes (1947), sec. 49-1909.

flag and other patriotic emblems.¹

A Mississippi law reads:

All boards of trustees of tax supported free public schools and all other state supported schools of the state of Mississippi are authorized and hereby directed to instruct and require teachers under their control to have all pupils respect and repeat the oath of allegiance to the flag of the United States of America at least once a week during the school year. The oath of allegiance required is as follows:

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all."²

An Idaho law states that in all public schools in that state

. . . there shall be given instruction in the proper use and display of the American flag, and the proper use of national colors . . . together with the federal flag laws and the pledge to the flag.³

Another section of the same law requires that

. . . such instruction also include the teaching of the words and music of the national anthem "The Star Spangled Banner," and of the hymn "America," and that the state board of education be authorized to take the necessary steps to carry out the provisions of this law.⁴

An Arkansas law says that the directors of any school district are to expend a reasonable sum from the funds of the school district for an American flag, and for the erection of a suitable flag staff on the schoolhouse or school grounds

¹Tennessee, Code (1956), sec. 49-1909.

²Mississippi, Code Annotated (1942), sec. 6227.

³Idaho, Code Annotated (1948), sec. 33-2725.

⁴Ibid., sec. 33-2726.

and they shall

. . . see to it that the pupils are instructed in the etiquette of the flag, and cause the flag to be displayed on the flag staff during school hours when the weather permits.¹

Several other states have laws requiring that the American flag be displayed on or near the public schools of the respective states. Among these states are: Iowa, Mississippi, Oklahoma, New York, Colorado, Delaware, and Nebraska.

A few other examples of this type of law are to be found in the following paragraphs. An Iowa law orders:

The board of directors of each public school corporation . . . shall provide and maintain a suitable flag-staff on each school site under its control, and a suitable United States flag therefor, which shall be raised on all school days when weather conditions are suitable.²

A Mississippi law requires that

. . . the flag of the United States shall be displayed at every school building in the state in close proximity to the school building by being hoisted on a pole not less than thirty feet high, during all times the weather will permit without damage to the flag, and the trustees of every school building shall provide for the flag and its display.

Every school within the state shall arrange a course of study concerning the flag of the United States, which said course of study shall include a history of the flag and what it represents, and the proper respect therefor.³

The Oklahoma law notes:

It shall be the duty of the district boards or boards

¹Arkansas, Statutes (1947), sec. 80-1603.

²Iowa, Code Annotated (1949), sec. 280.4

³Mississippi, Code Annotated (1942), sec. 6226.

of education of every public school in this state, to cause the flag of the state of Oklahoma to be displayed during every school day from a flagstaff or pole, except that the flag need not be displayed in inclement weather.¹

The Delaware law directs:

In the opening exercises of every free public school each morning, the teachers and pupils assembled shall salute and pledge allegiance to the American flag . . .²

The Colorado law states:

The Commissioner of Education, for the state of Colorado, shall provide the necessary instruction and information so that all teachers in the grade and high schools in the state of Colorado may teach the pupils therein the proper respect of the flag of the United States, to honor and properly salute the flag when passing in parade and to properly use the flag in decorating and displaying.³

An example of a more comprehensive law in this area comes from the statutes of Nebraska. This law states that all grades of all public schools below the sixth grade, shall devote at least one hour per week to exercises or teaching periods for the following purposes:

(1) The singing of patriotic songs and the insistence that every pupil shall memorize the "Star Spangled Banner" and "America."

(2) The development of reverence for the flag and instruction as to proper conduct in its presentation.

(3) In at least two of the three grades from the fifth grade to the eighth grade in all public schools . . . at least three periods per week shall be set aside to be devoted to the teaching of American History from approved textbooks, taught in such a way as to make the course interesting and attractive, and to develop a love

¹Oklahoma, Statutes (1955), sec. 91.2.

²Delaware, Code Annotated (1953), sec. 4106.

³Colorado, Revised Statutes (1953), sec. 123-21-6.

of country.¹

Other events which affect the public schools in this particular area of the curriculum are: Special observances, birthdays of great patriots, and national holidays.

An Arkansas law stipulates:

The twenty-second day of February, as the birthday of George Washington and the nineteenth day of January, as the birthday of Robert E. Lee, and the eleventh day of November, as Armistice Day, and such other days as may be designated by the State Board of Education for patriotic observances, shall be observed with appropriate exercises.²

A similar law from the state of Delaware requires that all educational institutions in that state which are in session on the eleventh day of November, shall hold appropriate exercises between the hours of eleven A.M. and twelve o'clock noon in memory of "Armistice Day."³

Several other states have similar laws, but those quoted are representative of the entire group.

Summary

The subjects in the area of patriotism can be divided into three groups: (1) those dealing with patriotism or citizenship classes, (2) closely related subjects such as state and federal government, American history, and United States

¹Nebraska, Statutes Revised (1950), sec. 29-213.

²Arkansas, Statutes (1947), sec. 80-1608.

³Delaware, Code Annotated (1953), sec. 4110.

history, and (3) subjects dealing with patriotic emblems such as the flag, patriotic songs, and patriotic days.

The laws in this area are for the purpose of teaching:

(1) Respect for law and order.

(2) Character and ideals of the founders of our country.

- (3) Duties of good citizenship.
- (4) Respect for the National Anthem and flag.
- (5) A Standard of good government.
- (6) State constitutions.
- (7) Federal Constitution.
- (8) American patriotism.

The laws designed to achieve these objectives are given such names as: Americanism, American Patriotism, and United States Citizenship.

An added emphasis is placed on the subject by setting aside certain days which are to be devoted to patriotic exercises. A few of these exercises are: learning about the American flag, singing patriotic songs such as "America" and "The Star Spangled Banner," and studying famous documents such as "The Declaration of Independence," "The Gettysburg Address," the "Federalist Papers," and the "Preamble to the Constitution."

Many of the laws in this area were enacted during and shortly after World War I when patriotic feelings ran high

in the American public.

Table 11 gives the states having patriotism laws and indicates the number of laws in each state affecting this subject. Of the thirty-six states having laws in this area, seventeen have more than one law and seven have more than two laws. The total number of laws for the thirty-six states is sixty-five.

TABLE 11

STATES HAVING PATRIOTISM LAWS AND THE NUMBER
AND TYPES OF LAWS FROM EACH STATE

State	Patriotism and Citizenship Classes	Related Classes	Activities and Events
Alabama		1	
Arizona		1	
Arkansas	1	1	2
California		1	
Colorado		2	2
Connecticut	2	2	
Delaware		1	2
Georgia	1	1	
Idaho		1	2
Illinois	1		1
Indiana		1	1
Iowa	1	2	1
Kansas		1	
Louisiana		2	
Maryland		1	
Massachusetts		1	
Michigan		1	
Minnesota	1	1	
Mississippi			2
Missouri		1	
Nebraska			1
New Hampshire		1	1
New Jersey		1	1
New York	1		1
North Dakota		1	
North Carolina	1	1	
Oklahoma			1
Oregon		1	
Pennsylvania		1	
South Carolina		1	
South Dakota	1	1	
Tennessee		3	
Virginia		1	
Washington		1	
Wisconsin	1		
Wyoming		1	
Total states having patriotism laws			36
Total number of patriotism laws			65

CHAPTER IX

LEGISLATIVE ENACTMENTS RELATING TO MISCELLANEOUS AREAS OF THE CURRICULUM

This chapter will concern itself with all of the laws of the curriculum which have not already been mentioned. In some instances these laws will refer to courses or subjects in the curriculum while in other instances they will refer to courses or subjects which affect the curriculum more or less indirectly. Among the subjects mentioned are: Use of the English language as the required language for teaching, military drill and gymnastics, special days to be observed, safety education, and some unique subjects.

Use of the English Language

Because of the influence of certain concentrations of foreign born and first generation citizens, there have been enacted, in several states, laws which require that all teaching be in the English language. Many of these laws can be traced back to the early twentieth century. At that time there were many states faced with the prospect of having the people of small isolated communities attempt to carry on the way of life they had left in their old country, even to the

extent of retaining their old language. Many of these communities set up schools and attempted to have all instruction in these schools be in their native tongue. To combat this situation the states passed laws requiring that all instruction in the public schools be in the English language.

An example of this type of law can be found in the Statutes of Oklahoma. This particular law states:

Instruction given in the several branches of learning in the public schools shall be conducted in the English Language except as is necessary for the teaching of foreign languages.¹

An Idaho law says:

It shall be unlawful for any school superintendent, school principal, teacher, instructor, trustee, school board or school department to teach or cause to be taught in the grade schools and high schools, or in any school, teaching similar branches in the state of Idaho, any subject in any language other than the English Language: provided that the provisions of this chapter shall not apply to instructions in any language for the purpose of teaching said language . . .²

Other states with similar laws are:

Connecticut:

The medium of instruction and administration in all public and private elementary schools shall be the English Language and not more than one hour in any school day may be given to instruction in any one language other than English. Any person who violates any provision of this section shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not more than six months or be both fined and imprisoned.³

¹Oklahoma, Statutes (1949), Art. 11, sec. 2.

²Idaho, Code Annotated (1948), sec. 33-1701.

³Connecticut, General Statutes (1949), sec. 1351.

Colorado:

Instruction in the common branches of study in the public elementary schools of this state shall be conducted through the medium of the English Language only, nor shall any other than the English Language be taught as a separate and distinct branch of itself. During the time that the public schools of the district in which he is a resident are in session, no child of school age who has not completed the eighth grade shall be permitted to attend any school where the common branches are not taught in the English Language.¹

Illinois:

Instruction in the elementary branches of education in all schools shall be in the English Language except in vocational schools where the pupils have already received the required instruction in English during the current school year.²

Minnesota:

The books and materials used and the instruction given in public schools shall be in the English Language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English Words; and in high and graded elementary schools other languages may be taught, when made a part of a regular or optional course of study. Instruction may be given in such languages in elementary grades, not to exceed one hour in each day, by unanimous vote of the school board.³

Michigan:

All instruction from the first to the eighth grade inclusive in those subjects required for an eighth grade diploma, in all the schools of this state, public, private, parochial, or in connection with any state institution, shall be conducted in the English language.⁴

¹Colorado, Revised Statutes (1953), sec. 123-21-3.

²Illinois, Annotated Statutes (1946), Chap. 122, sec. 27-2.

³Minnesota, Statutes Annotated (1946), sec. 131.17.

⁴Michigan, Statutes Annotated (1953), sec. 15.386.

Arkansas:

The basic language of instruction in the common schools in all the grades of the school, public and private, shall be in the English Language . . .¹

Military Drill and Gymnastics

Most of the laws in the area of military science, military drill and gymnastics are of a permissive nature. Only one state, Louisiana, has a law that might be termed mandatory. This law states that

. . . in addition to the branches in which instruction is given in the public schools of the state, at least one hour of instruction a week shall also be given to the male pupils thereof, whenever practicable, in all the grades higher than the eighth grade, in the principles and practices of military science and tactics, especially with reference to the duties of the soldier and objects of general military interest.²

It will be noted that the phrase "whenever practicable" leaves quite a bit of authority with the individual school.

Some of the permissive laws are:

Oklahoma:

The board of education of any school district is hereby authorized to provide for military training, athletic training and physical examination of pupils in such district, and is hereby authorized to accept assistance from the United States Secretary of Defense and National Department of Defense or any branch thereof or from any other Federal agency or from the Oklahoma National Guard, for the purpose of military drill and

¹Arkansas, Statutes (1947), sec. 80-1605.

²Louisiana, Statutes Annotated (1951), sec. 17-267.

training.¹

Florida:

The State Board of Education of the state of Florida may prescribe a course in military instruction and training to be used in high schools of the state of Florida having an enrollment of twenty-five or more male pupils in and above the ninth grade: and prescribe the kind and style of uniform and equipment to be used by pupils taking the said course in military instruction and training.²

Massachusetts:

The exercises in the public schools may include calisthenic gymnastics and military exercises provided that any child may be excused from taking these subjects if his parents or guardian is of any religious denomination conscientiously opposed to bearing arms, or is himself so opposed, and the school committee is so notified in writing: or if a physician of good standing certifies in writing that in his opinion such exercises would be injurious to the pupil.³

California:

The governing board of any school district maintaining a secondary school may establish in the school courses in military science and tactics complying with laws of the United States made and provided with reference to Reserve Officers Training Corps units in educational institutions.

No student enrolled in any such school shall be required to enroll in any course in military science and tactics.⁴

Special Days to be Observed

In several states there are certain days set aside during each year, either by executive proclamation or by

¹Oklahoma, Statutes (1949), Art. 11, sec. 4.

²Florida, Statutes Annotated (1943), sec. 242.27.

³Massachusetts, Annotated Laws (1945), sec. 3.

⁴California, Annotated Codes (1955), sec. 10151.

legislative enactment, to be observed with appropriate exercises in the public schools of the following states.

Connecticut:

The governor shall, annually, designate by official proclamation the fourteenth day of June as Flag Day, and the fifteenth day of February as Maine Memorial Day, and suitable exercises, having reference, respectively, to the adoption of the national flag, and to the historical event to be commemorated, shall be held in the public schools on the day so designated, or, in case that day shall not be a school day, on the school day preceding, or on any such other day as the town board of education may prescribe. On Flag Day suitable instruction in the method of displaying the flag and in respect due the flag shall be given, based upon the flag code as adopted and revised by the national flag conference. He shall, also, by proclamation, annually designate a day, on or about October ninth, to be known as Fire Prevention Day, and in the spring designate a day to be known as Arbor and Bird Day, which days shall be observed in the schools and in such other ways as shall be indicated in such proclamation.¹

Illinois:

October 9, if a school day, otherwise the school day nearest such date, is designated as Leif Erickson Day. On such day one-half hour may be devoted in the schools to instruction and appropriate exercises relative to and in commemoration of the life and history of Leif Erickson and the principles and ideals he fostered.²

The states of Missouri, Delaware, and Pennsylvania have laws concerned with the celebration of the birthday of Francis Willard.

A Missouri law states:

September twenty-eighth of each year shall be and is hereby set apart and designated as Francis Willard Day,

¹Connecticut, General Statutes (1949), sec. 1568.

²Illinois, Annotated Statutes (1946), Chap. 122, sec. 2720.

and in every public school in the state of Missouri shall be set apart for instruction and appropriate exercises relative to the history and benefits of prohibition of the manufacture and sale of intoxicating liquors in the United States: and provided, that if in any year September twenty-eighth shall fall upon a day of the week which is not a school day, then the school day nearest that date shall for such year be taken in lieu of September twenty-eighth. It shall be the duty of all state, county, and city school district officers, and of all public school teachers of the state, to carry out the provisions of this section.¹

A Delaware law orders that

. . . the twenty-eighth day of September, the anniversary of the birthday of Francis E. Willard, shall be appropriate exercises be observed each year in the public schools of this state . . .²

A Pennsylvania law requires that

. . . September twenty-eighth, or the school day nearest such day, in each year, shall be designated as Francis Willard Day, and in each school district and in each school a part of such day may be set apart for instruction in the life of, and the principles advocated by Francis Willard.³

Another day set aside to be observed in the state of Pennsylvania is the Birthday of William Penn. The law concerning this holiday says:

In pursuance to proclamation of the Governor, designating and calling for observance of the birthday of William Penn, appropriate exercises with respect to the life of William Penn, the founder and proprietor and governor of Pennsylvania, and the principles advocated by him in founding Pennsylvania, shall be held in the public schools and other educational institutions under

¹Missouri, Statutes (1952), sec. 163.060.

²Delaware, Code Annotated (1953), sec. 4109.

³Pennsylvania, Statutes Annotated (1950), Title 24, sec. 15-1542.

the commonwealth.¹

In the state of Florida "Mother's Day" is to be observed by the public schools. This Florida law says:

The first Friday in November of each and every year shall be set apart and known as Mother's Day in the State of Florida. All teachers in the public schools of the State of Florida shall commemorate Mother's Day with appropriate exercises.²

Safety Education

As might be suspected, one of the fastest growing areas of the curriculum, so far as new courses prescribed by law are concerned, is that which relates to safety education. Automobiles are causing the deaths of thousands of men, women, and children each year. Many of the victims who do not die remain cripples for the rest of their lives. Other accidents, such as falls, fires, and drownings, account for additional thousands of deaths each year.

With our accident and death rate increasing yearly, it is only natural that state legislatures turn their attention to safety education. The laws now on the statute books of several states are given on the following pages. In alphabetical order these states and their laws are:

Arkansas:

The study of fire prevention is hereby included in the course of study in the primary grades of all public

¹Ibid., sec. 15-1543.

²Florida, Statutes Annotated (1943), sec. 242.32.

schools in the state of Arkansas, and definite instruction in said subjects shall be given to each pupil and student therein, and a scholastic period of not less than twenty (20) minutes during each scholastic week shall be devoted to the study and consideration of said subject.¹

California:

From and after the effective date of this amendment the governing board of each district maintaining a secondary school shall provide automobile driver education for pupils enrolled in the regular full-time day secondary schools in the district . . . and such driver education shall be given all such pupils prior to graduation from the twelfth grade except as otherwise permitted under this section.²

Instruction shall be given in every elementary and secondary school in the state in the subjects of public safety and accident prevention primarily devoted to avoidance of the hazards upon streets and highways.³

The board of education of each county, city, and county and city, whose duty it is to prescribe the course of study for elementary schools of the country, city and county, and city, shall prescribe a course of study in fire prevention dealing with protection of lives and property against loss and damage as a result of preventable fire pursuant to this article for all pupils enrolled in the day elementary schools.⁴

Connecticut:

The state board of education shall prepare for use in all high and secondary schools under its supervision a course of study of motor vehicle operation.⁵

¹Arkansas, Statutes (1947), sec. 80-1626.

²California, Annotated Codes (1955), sec. 10204.

³Ibid., sec. 10171.

⁴Ibid., sec. 10091.

⁵Connecticut, General Statutes (1949), sec. 1363.

Safety education shall be a subject of instruction in all public schools of the state and the board of education, with the cooperation of such other state departments, organizations and instrumentalities as are engaged in the elimination of motor vehicle accidents, shall prepare material for use in such instruction, and furnish them, free of charge, to superintendents or supervising agents of schools.¹

Illinois:

School boards of public schools . . . may provide instruction in safety education in all grades and include such instruction in the courses of study regularly taught therein.

In this section "safety education" means and includes instruction in the following:

1. Automobile safety, including traffic regulations and highway safety;
2. Safety in the home;
3. Safety in connection with recreational activities;
4. Safety in and around school buildings; and
5. Safety in connection with vocational work and or training.²

Indiana:

In addition to the subjects now prescribed by law, there shall be taught in the eighth grade of all public, private and parochial schools of the state, a course of instruction in safety education for no less than one (1) full semester.³

Mississippi:

Safety shall be taught in the primary grades of all the schools in the state of Mississippi.

The Mississippi state textbook rating and purchasing board shall prescribe the course to be taught and the said board is hereby authorized, in its discretion, to purchase such books as may be necessary for the teaching

¹Ibid.

²Illinois, Annotated Statutes (1946), Chap. 122, sec. 27-18.

³Indiana, Annotated Statutes (1948), sec. 28-3425.

of said course.¹

New Jersey:

All boards of education and boards or persons having control of other schools in this state shall provide for instruction in accident prevention.²

The board of education, school directors, trustees, or other committees or persons having control of a public, private, or parochial school shall arrange for the course of study in fire prevention and compel its use in such schools.³

New York:

New York's laws in this area state simply that there must be courses of instruction in highway safety, traffic regulations, school safety patrols and fire prevention.⁴

South Carolina:

The State Department of Education and the trustees of the State Institutions of higher learning shall establish and require to be taught in the respective schools under their control a course of instruction on the traffic laws of this state. Such course of instruction shall be by lectures.⁵

A definite program of safety instruction shall be included in the curriculum and provided in each primary and elementary grade in the public schools of the state.⁶

¹Mississippi, Code Annotated (1942), sec. 6228.

²New Jersey, Statutes Annotated (1940), Title 18, sec. 19-3.

³Ibid., sec. 19-5.

⁴New York, Laws Annotated (1953), sec. 806.

⁵South Carolina, Code (1952), sec. 21-413.

⁶Ibid., sec. 21-414.

The State Board of Education shall provide for instruction in fire prevention in the elementary public schools of the state. Each teacher in a public school of this state shall give such instruction in fire prevention as may be prescribed by the State Board.¹

Tennessee:

Whenever any state funds are used in any of the public schools of the state, it shall be the duty of the principal of said school or schools, including all sub-principals and teachers therein, to instruct pupils in the art of safety as against injury on the public thoroughfares, highways and the streets of the state, and other places where said students may come in contact with, or be in danger of bodily injury, for at least fifteen minutes in each week during the time said school is in session.²

West Virginia:

The State Board of Education shall, with the advice of the State Superintendent of Schools, prescribe a course in fire prevention for use in the public schools of this state.³

Wisconsin:

Wisconsin's laws in this area state simply that there must be instruction in accident and fire prevention for at least thirty minutes in each school month.⁴

Wyoming:

In any school district . . . it shall be the duty of each teacher in any public school in such district to devote not less than sixty (60) minutes in each month during which school is in session to instructing the

¹Ibid., sec. 21-415.

²Tennessee, Code (1956), sec. 49-1916.

³West Virginia, Code (1955), sec. 1733.

⁴Wisconsin, Statutes (1955), sec. 40.46.

pupils thereof as to ways and means of preventing accidents.¹

This law goes on to state, also, that the school board may, at its discretion, comply with this law.

Some Unique Subjects

In contrast to those subjects listed as common or traditional subjects in Chapter III, this topic will be concerned with subjects which are peculiar to one or, at most, three or four states. A good example of this type of law is the following taken from the statutes of Illinois. This law notes:

History of the Negro Race may be taught in all public schools and in all other educational institutions in this state supported or maintained in whole or in part by public funds.²

A Wisconsin statute says:

All public schools shall spend at least fifteen (15) minutes in each week in instruction of the true comparative vitamin content and food and health values of dairy products . . .³

From Texas comes a law which reads:

The State Board is authorized and instructed to require the teaching of cotton classification in all public schools: such subject shall not be required to be taught in independent schools having a scholastic population of three hundred or more, or in districts where the cotton acreage is less than 10 per cent of the total acreage planted to farm products, unless so ordered by the school

¹Wyoming, Compiled Statutes (1945), sec. 67-1411.

²Illinois, Annotated Statutes (1946), Chap. 122, sec. 27-23.

³Wisconsin, Statutes (1955), sec. 40.46.

board or trustees.¹

A New Mexico law requires that Spanish be taught in certain grades in the public schools of that state. This law specifies as follows:

In all public grade schools of this state, rural or municipal, having at least three (3) teachers or an average daily attendance of ninety (90) pupils, the Spanish Language shall be taught in the fifth to the eighth grades inclusive of such schools: except and unless the governing boards of education, of the county wherein such school is located, shall, by resolution spread of record upon its minutes, specifically naming the school or schools to which the order applies, may dispense, as to such school, with the teaching of Spanish during any scholastic year. Provided, however, that no pupil attending any public school in this state shall be required to take the course in Spanish in any school in this state, where the parents or guardian of such pupil specifically object in writing, to the superintendent or principal in charge of such school, to the pupil taking such Spanish course.²

A Connecticut law gives the board of education of any town, city, or borough the right to establish vocational guidance as a part of the educational program of its schools and to hire a vocational counselor.³

A Florida law stipulates:

The county boards of public instruction of the several counties of the state of Florida are required to include in the course of study or curriculum in each of the accredited high schools under their jurisdiction, one or more courses in vocational training . . . which shall include stenography, bookkeeping, agriculture, home

¹Texas, Revised Civil Statutes (1951), Art. 2915.

²New Mexico, Statutes (1953), sec. 73-17-2.

³Connecticut, General Statutes (1949), sec. 1360.

economics, music, and manual training.¹

An Iowa law requires that music be taught as one of the vocational subjects of that state.²

Summary

A number of states have laws affecting problems which are peculiar to that particular state or locality. Examples of this type of law are to be found in the "English Language" laws which states with communities made up of foreign-born citizens have enacted. These laws require that for all subjects taught, in tax supported schools, the language of instruction must be English.

Military drill and science is a required subject in Louisiana and is "authorized" in Oklahoma, Florida, Massachusetts and California.

Some of the "Special Days" to be observed in various states are: February 15 as Maine Memorial Day, October 9 as Leif Erickson Day, September 28 as Francis Willard Day, November's first Friday as Mother's Day, and the birthday of William Penn.

Safety education is the fastest growing area of the curriculum so far as prescription by law is concerned. Laws in this area deal with fire prevention, general accident

¹Florida, Statutes Annotated (1949), sec. 242.16.

²Iowa, Code Annotated (1949), sec. 280.12.

prevention, highway safety, driver education, and home safety.

Some unique subjects controlled by laws from various states are: (1) History of the Negro Race, from Illinois; (2) The value of dairy products, from Wisconsin; (3) Spanish as a grade school subject, from New Mexico; and (4) Vocational training, from Florida.

Table 12 shows the states having laws in the above mentioned subjects and indicates which states have certain subjects.

Of the twenty-eight states, or 58 per cent, having subjects in this area, fourteen have more than one subject and eight have more than two subjects.

TABLE 12

STATES HAVING LAWS COVERING SOME MISCELLANEOUS
AREAS OF THE CURRICULUM

State	Subjects Covered*
Arkansas	1,3,4
Arizona	3
California	2,3,4
Colorado	1
Connecticut	1,3,4,5
Delaware	3
Florida	2,3,6
Idaho	1,3
Illinois	1,3,4,7
Indiana	1,3,4
Iowa	1,8
Louisiana	2,3
Massachusetts	2
Michigan	1
Minnesota	1
Mississippi	3,4
Missouri	3
New Jersey	4
New Mexico	3,9
New York	4
Oklahoma	1,2,4
Pennsylvania	3
South Carolina	4
Tennessee	3,4
Texas	10
West Virginia	4
Wisconsin	3,4,11
Wyoming	4

*Key to Subjects Covered:

- | | |
|----------------------------|--------------------------------|
| 1. Use of English Language | 7. History of Negro Race |
| 2. Military Drill | 8. Music as Vocational Subject |
| 3. Special Days | 9. Spanish Language in Grades |
| 4. Safety Education | 10. Cotton Classing |
| 5. Vocational Guidance | 11. Value of Dairy Products |
| 6. Vocational Training | |

CHAPTER X

SUMMARY AND CONCLUSIONS

The purposes of this study have been to: (1) produce a brief and general history of legislative controls over the curriculum of the public schools, (2) investigate the existing legislative controls over the curriculum of the public schools, and (3) indicate some trends in both the number of laws and the subjects which they control or regulate along with a comparison of the number of laws affecting selected subjects at three different periods.

Findings

General History

The controls over the curriculum of the public schools date back to the year 1642 when the colony of Massachusetts passed a law requiring that all children be given training in reading.

In its earliest setting it would have been difficult to separate religion from education because, in the beginning, education was justified only because it was a tool for working with religion. It was this close relationship

between religion and education which caused the tremendous struggle for power when the question of the purposes of education came to the attention of the American public, shortly after the birth of our nation in 1776.

The founders of our nation felt that education should serve to develop citizens for a free democracy while the church leaders felt that education should still be for the primary purpose of fostering religion. History reveals that the political forces were victorious and the United States entered a period of education for nationalism.

Although the idea of universal education was started in Europe, the role of American educators during this nationalistic period cannot be minimized. The interest of such men as Adams, Jefferson, and Madison in early American education was equalled by men like Mann, Barnard, and Dewey in the latter years of the nationalistic period. It was during this period, too, that many laws, similar to those listed under the chapter on "Patriotism" were written.

Following World War I there was a sharp increase in the number of laws relating to nationalism and citizenship. The strong feelings of patriotism which surged through our nation led many additional states to enact laws requiring that this subject be taught as a regular course of instruction in the public schools.

Because there have been no extensive studies relating to the number of laws controlling the public school curriculum

since 1925, we have no way of determining whether the decline in number of laws, as indicated by this study, has been constant or whether it has been irregular and sporadic. There has, however, been a definite and significant decline in the number of laws controlling almost every area of the curriculum previously affected.

An interesting fact discovered in this investigation is that there was no noticeable increase in the number of laws covering the curriculum of the public schools as a result of World War II.

Current Laws

The current laws relating to the curriculum of the public schools were divided into chapters concerned with: (1) the traditional subjects; (2) physiology and hygiene; (3) humane education; (4) manners, morals, and religion; (5) conservation and agriculture; (6) patriotism; and (7) miscellaneous subjects.

Only one new subject, automobile safety, was found that had not previously been mentioned in a curriculum law by one or more states. The laws in automobile and highway safety are thus a product of the last twenty years.

Trends

Number of Laws. The number of subjects controlled by legislative enactments has not decreased, but the number of laws affecting the curriculum of the public schools has

become much smaller than it was in 1925. At that time there were nine hundred twenty-six laws affecting the curriculum of the elementary schools alone.¹ At the present time there are only four hundred fifty-four laws affecting the curriculum of the public schools on both the elementary and secondary levels. This represents a decrease of over fifty per cent in the number of laws controlling the curriculum between 1925 and 1957. (This does not consider the fact that there were probably many laws affecting the curriculum of the secondary school at the time the Flanders Study was made in 1925.)

Only two subjects show increases in number of laws covering them. These subjects are safety education and English literature. On the other hand, eighteen subjects, representing about sixty-seven per cent of all subjects, have shown significant losses with regard to the number of laws controlling them.

Table 13 presents the number of states requiring the selected subjects at three different periods. The grouping is a combination of several previous groupings and as a result, some subjects are not considered in the 1911 study while others are not considered in the 1925 study. The dashes do not, therefore, mean that there was no subject in this area, but only that it was not considered separately.

¹Flanders, op. cit., p. 174.

TABLE 13

A COMPARISON OF THE NUMBER OF STATES REQUIRING
VARIOUS SUBJECTS IN THE PUBLIC SCHOOLS AT
THREE DIFFERENT PERIODS AND PERCENTAGE
OF INCREASE OR DECREASE SINCE 1925

Subject	Year			Per Cent of Increase Since 1925	Per Cent of Decrease Since 1925
	* 1911	* 1925	1957		
Agriculture	19	14	8	-	43
Algebra	3	3	3	-	-
Arbor Day	35	-	9	-	-
Arithmetic	30	36	21	-	41
Citizenship	-	26	8	-	70
Civil Government	17	22	16	-	28
Domestic Science	5	7	4	-	45
Drawing	9	13	11	-	16
English Grammar	30	32	16	-	50
English Literature	1	2	6	300	-
Forestry	2	1	1	-	-
Geography	30	35	17	-	51
Humane Education	14	20	11	-	49
Manners and Morals	19	20	11	-	49
Manual Training	5	4	4	-	-
Music	6	9	4	-	55
Nature Study	6	2	2	-	-
Orthography (Spelling)	30	34	18	-	47
Physiology and Hygiene	44	48	39	-	29
Reading	30	36	19	-	47
Safety	-	4	14	350	-
State Constitution	13	-	13	-	-
State History	19	22	17	-	23
Sanitation	6	4	2	-	50
U. S. Constitution	9	37	28	-	25
U. S. History	27	-	25	-	-
Writing	29	34	18	-	47

* These figures come from the Weber study of 1911 and the Flanders study of 1925.

Table 14 shows the number of laws covering the subjects as they were grouped in the chapters of this study. It may be noted that almost fifty per cent of the laws fall under the chapter entitled "Traditional Subjects." The second largest area, according to number of laws, is that dealing with "Patriotism"; whereas the laws in "Physiology and Hygiene" fall into third place.

TABLE 14

SUMMARY OF THE NUMBER AND PERCENTAGE OF LAWS
COVERING SELECTED AREAS OF
THE CURRICULUM IN 1957

Subject	Number of Laws	Per Cent of Total Current Laws
Traditional Subjects	220	48
Physiology and Hygiene	53	11
Humane Education	12	3
Manners, Morals, and Religion	28	6
Conservation and Agriculture .	24	5
Patriotism	65	14
Miscellaneous	52	11
Total Number of Laws		454

Subject Controlled. As has already been stated, the subjects controlled by current laws are almost identical to those controlled in 1925. Only one completely new subject

has been added since the Flanders Study. This subject (automobile safety) has made significant gains in the past few years and will probably continue to receive emphasis as long as thousands of people die on the highways of our nation each year.

Conclusions

Based upon the research carried out in the process of making this study, along with the facts noted in the study, the following conclusions were reached:

1. There will continue to be laws enacted controlling certain phases of the curriculum as long as state legislatures are subjected to the pressures of organized groups.

2. The problems which face our society at a particular time form the basis for curriculum laws. Our society attempts to correct its weaknesses by passing laws requiring that the particular problem be taught as a subject in the public schools.

3. The only two subjects to show significant increases in the number of laws controlling them are safety education and English literature. English literature has increased three hundred per cent, but there are still only six states having a law in this area.

4. The number of subjects controlled by laws from the several states has not decreased. There are just as many subjects mentioned now as in 1925.

5. The total number of laws affecting the public school curriculum has decreased by over sixty per cent and if the present trend continues, the effect of legislative enactments relating to the curriculum will be negligible within two decades.

Recommendations

On the basis of the conclusions reached in this study, the following recommendations are offered:

1. That educators within a particular state examine those legislative enactments which relate to the public school curriculum of that state with the purpose of attempting to eliminate all laws which restrict the right of a community to choose a curriculum which best meets the needs of that community.

2. That educators take an interest in any attempt to enact new laws affecting the public school curriculum. Many of these proposed laws can be killed in the state legislatures if their ultimate detrimental effect upon public education is made known to the people.

3. That a study be made to determine the amount of actual enforcement of laws currently on the statute books. After examining courses of study and discussing them with a number of educators, the writer concludes that there is little enforcement of the majority of the laws relating to the curriculum of the public schools.

4. That another comprehensive study be made in this area in approximately twenty years to determine if current trends are continuing.

BIBLIOGRAPHY

BIBLIOGRAPHY

Books

- Butts, Freeman, and Cremin, Lawrence A. A History of Education in American Culture. New York: Henry Holt and Company, 1953.
- Cubberley, Ellwood P. Public Education in the United States. Boston: Houghton Mifflin Company, 1919.
- Dexter, Edwin Grant. A History of Education in the United States. New York: The Macmillan Company, 1906.
- Flanders, Jesse Knowlton. Legislative Control of the Elementary Curriculum. New York: Bureau of Publications, Teachers College, Columbia University, 1925.
- Gwynn, J. Minor. Curriculum Principles and Social Trends. New York: The Macmillan Company, 1956.
- Monroe, Walter S. Encyclopedia of Educational Research. New York: The Macmillan Company, 1950.
- Otto, Henry J. Elementary School Organization and Administration. New York: D. Appleton-Century Company, 1934.
- Ragan, William B. Modern Elementary Curriculum. New York: The Dryden Press, 1953.
- Schroeder, H. H. The Public School as a State Institution. Bloomington: Public School Publishing Company, 1928.
- Smith, B. Othanel, Stanley, William O., and Shores, J. Harlan. Fundamentals of Curriculum Development. New York: The World Book Company, 1950.
- Troxel, Oliver Leonard. State Control of Secondary Education. Baltimore: Warwick and York, Inc., 1928.

Public Documents

- Alabama. Civil Code. VII, 1940.
- Arizona. Civil Code (Supplement). 1952.
- Arkansas. Statutes. VII, 1947.
- California. Codes (Annotated). XXVII, 1955.
- Colorado. Revised Statutes. V, 1953.
- Connecticut. General Statutes. I, 1949.
- Delaware. Code (Annotated). VIII, 1953.
- Department of the Interior. A Manual of Educational Legislation. Bulletin No. 4, 1919.
- Florida. Statutes (Annotated). XI, 1943.
- Georgia. Code (Annotated). II, 1952.
- Idaho. Code (Annotated). VI, 1948.
- Illinois. Statutes (Annotated). 1946.
- Indiana. Statutes (Annotated). VI, 1948.
- Iowa. Code (Annotated). XIII, 1949.
- Kansas. General Statutes. 1949.
- Kentucky. Revised Statutes. 1953.
- Louisiana. Statutes (Annotated). XIII, 1951.
- Maine. Revised Statutes. II, 1954.
- Maryland. Code (Annotated). III, 1951.
- Massachusetts. Laws (Annotated). II-A, 1945.
- Michigan. Statutes (Annotated). III, 1953.
- Minnesota. Statutes (Annotated). X, 1946.
- Mississippi. Code (Annotated). V, 1942.
- Missouri. Statutes. XI, 1952.

- Montana. Revised Codes. IX, 1947.
- Nebraska. Revised Statutes. V, 1950.
- New Hampshire. Revised Statutes. II, 1955.
- New Jersey. Statutes (Annotated). Title XVIII, 1940.
- New Mexico. Statutes. XI, 1953.
- New York. Consolidated Laws. XVI, 1953.
- North Carolina. General Statutes. III-A, 1952.
- North Dakota. Revised Code. II, 1943.
- Oklahoma. Laws. 1949.
- Oklahoma. School Laws. 1915.
- Oregon. Revised Statutes. III, 1955.
- Pennsylvania. Statutes (Annotated). Title XXIV, 1950.
- South Carolina. Code of Laws. III, 1952.
- South Carolina. General School Law. 1924.
- South Dakota. Code. I, 1939.
- South Dakota. School Laws. 1918.
- Tennessee. Code. IX, 1956.
- Texas. Revised Civil Statutes. VIII, 1951.
- U. S. Department of Interior, Office of Education. Current Practices in the Construction of State Courses of Study. Bulletin No. 4, 1931.
- Utah. School Laws. 1917.
- Utah. Code (Annotated). V, 1953.
- Vermont. School Laws. 1918.
- Virginia. Code. V, 1949.
- Virginia. School Laws. 1923.

- Washington. Revised Code. II, 1951.
- West Virginia. Code. I, 1955.
- West Virginia. School Laws. 1926.
- Wisconsin. Statutes. 1955.
- Wisconsin. School Code. 1923.
- Wyoming. Compiled Statutes. IV, 1945.

Unpublished Material

- Weber, August William. "State Control of Instruction."
Unpublished Ph.D. dissertation, University of Wisconsin, 1911.