

## THE "DEPARTMENT OF PUBLIC INSTRUCTION" BEFORE 1921

A trend toward centralization of responsibility for education at the state level characterized legislation in California from the beginning. This trend was reversed abruptly, but not for long, when the second State Constitution, adopted in 1879, returned to school district governing boards such duties as the selection of textbooks and the certification of teachers previously performed by the state agency. But an amendment in 1884 established the first constitutional State Board of Education and began another movement in the direction of increased state responsibility. This tendency toward central control was in agreement with the thinking of progressive educators throughout the nation. Efforts in this direction culminated in the establishment in 1921 of a State Department of Education to perform the many functions that had previously been assigned by the Legislature and by the State Board of Education over a period of time to the Superintendent of Public Instruction and his staff.

### Early Legal Provisions for Education

In the very early days, neither Spain nor Mexico had provided a system of public schools in California, although scattered attempts had been made to educate Indian children in the missions and a few short-lived private and parochial schools had been established in some communities. The first American settlers, therefore, were confronted with many of the same school problems as their fellow citizens had faced in wilderness territories elsewhere in America. In 1849 the framers of California's first Constitution provided for a Superintendent of Public Instruction in order that the work of organizing school districts, electing school trustees, building schoolhouses, and securing teachers might go forward as the needs would arise. The Superintendent was to be elected for a term of three years, was directed to be head of the state school system, and was charged with certain duties prescribed by law.

The first State Constitution also made provisions for state school support. The second section of the article on education reads as follows:

The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all land that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841; and all estates of deceased persons who may have died without leaving a will, or heir, and also such percent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Another section in the 1849 Constitution provided for the establishment and safeguarding of a permanent fund for the support of a state university and its branches. However, the University of California was not established until 1868.

Notwithstanding these constitutional provisions, the first session of the Legislature refused to pass a bill providing for a free public school system on the grounds that "the taxes laid on the people . . . were so heavy the committee did not consider it advisable to report a bill to tax the people still further for the support of public schools." John Swett, fourth State Superintendent of Public Instruction and historian of the school system, later commented that "while the school bill, thus defeated, has been forgotten, the reason advanced by [Assemblyman Benjamin] Corey has been the standing argument against every school bill which has contained any provision for maintaining by taxation a system of public education."<sup>1</sup>

In 1852 the Legislature adopted the first real school law. It reenacted provisions of 1851 for the organization of school districts to be governed by three trustees, and it created a State Board of Education to consist of the Governor, the Superintendent of Public Instruction, and the Surveyor General "The Surveyor General was included," John Swett tells us, "because the law originally proposed to entrust the board with the sales of school lands. This, however, was not done; and the state board remained . . . without powers or duties except to apportion annually the state school moneys."<sup>2</sup>

### The First Superintendents of Public Instruction

The first two men elected to the office of Superintendent of Public Instruction, John Marvin (who served from 1851 to 1853) and Paul K. Hubbs (1854--1856), were lawyers. In addition to being unfamiliar with the teaching profession, both had to cope with apathy toward education on the part of the public and the Legislature. Nevertheless, both took their responsibilities seriously and assisted in establishing the basis for a school system. The interest on the meager State School Fund was distributed to counties on the basis of the "census child" -- that is, the number of children between the ages of five and seventeen living in the county. Half a century passed before the basis for apportionment changed to average daily attendance. A law of 1855 stipulated that the state money was to be used exclusively for teachers' salaries.

Andrew J. Moulder, the third Superintendent of Public Instruction, had been a teacher, and he took an aggressive stand during his two terms of office (1856--1861) for better public support of the schools. In his annual report of

---

<sup>1</sup>John Swett, History of the Public School System of California. San Francisco: A. L. Bancroft, 1876, p. 12.

<sup>2</sup>Ibid., p. 170.

1858, he declared that three-fourths of the children in the state were not in school and that if the Legislature failed to take instant and effective means to remedy the situation, these children would "grow up into 29,347 benighted men and women; a number nearly sufficient, at ordinary times, to control the vote of the State, and, in consequence, to shape its legislation and destiny."

Progressive legislation passed during Moulder's term of office provided for an increase in county school taxes. The Superintendent of Public Instruction was authorized to hold an annual state teachers' convention, and \$3,000 was appropriated for that purpose. He was authorized to appoint a State Board of Examination, which would have the power to grant state teachers' certificates. The State Board of Education was authorized to adopt series of textbooks and to compel their adoption. A law was passed under provisions of which nearly 200,000 acres of school land were sold and the proceeds applied to the State School Fund. A state normal school was provided for; the members of the State Board of Education were to be members of the new "Board of Trustees for the Normal School of the State of California." In 1860 a school for the education of indigent deaf, dumb, and blind children was established by the Legislature in San Francisco. While this school was not under the jurisdiction of the State Board of Education, the Superintendent of Public Instruction customarily included information about the school in his biennial report to the Governor. In 1865 an appropriation was made for the education of blind children, and a combined school for the deaf and blind was established in Berkeley.

John Swett was the most outstanding and most colorful Superintendent of Public Instruction to serve during the period before the turn of the century. He brought to the office experience as a teacher in a "shanty" school in San Francisco, along with much warmth and enthusiasm for the cause of free public education. The schools were not "free" when he took office, and tuition was customarily paid by parents. School facilities were very poor, supplies were inadequate, and teachers' salaries were pitifully small. By the time John Swett left office, he had substantially increased the state support of schools. In his report for 1866-67, he stated:

The school year ending June 30, 1867, marks the transition period of California from rate-bill common schools to an American free school system. For the first time in the history of the State, every public school was made entirely free for every child to enter.

One objective sought by Superintendent Swett was raising the standards of professional teaching. He advocated the use of county funds to enable teachers to attend institutes. He saw that a professional journal, the California Teacher, was distributed to school trustees and school libraries. He was partially responsible for legislation that provided for granting life diplomas to teachers, recognized normal diplomas of other states, and required that city, county, and state boards of examination should be composed of professional teachers. Through the teachers' institutes and other professional contacts, Swett widely influenced educational thought and progress in California.

Space does not permit detailing the accomplishments of all the able men who served as Superintendent of Public Instruction during the years that

followed. Each Superintendent in turn served alone in the office with one clerk until 1875, when a deputy was authorized. In 1890 the staff consisted of the Superintendent, a deputy, a statistical clerk, a textbook editor, a textbook clerk, and a porter. With no more assistance than this, the Superintendent carried out the following duties: supervised the schools and several educational agencies, state asylums, and orphanages; prepared forms for school records and gathered information and statistics on public education; apportioned state school funds; made biennial reports to the governor; and published the school laws. He also attended conventions of educators and made addresses at county institutes. As executive officer of the State Board of Education, he also carried out the Board's policies in regard to textbooks, teacher credentialing, and investigation of teacher-training institutions. In 1908 the Superintendent's salary was increased from \$3,000 to \$5,000 a year.

### The First State Boards of Education

In 1866, acting on the recommendation of Superintendent Swett, the Legislature enlarged the State Board of Education to nine persons. From 1852 to 1864 it had consisted of the Governor, the Superintendent of Public Instruction, and the Surveyor General. In 1864 membership on the Board was changed to include the superintendents of schools of San Francisco, Sacramento, and San Joaquin counties, and the Surveyor General was dropped. The Board had been given authority in the same year to adopt textbooks, require a uniform course of studies, and make rules and regulations for the schools. The 1866 Legislature added to the Board the principal of the state normal school, the Santa Clara County Superintendent of Schools, and two professional teachers nominated by the State Superintendent. To the Board's functions were added the following powers: to provide a list of books for school libraries, to make regulations for teachers' examinations, and to grant life diplomas. In 1870 the superintendents of schools of Alameda and Sonoma counties were added, and in 1872 the two professional teachers were omitted.

In 1879 a new constitutional convention was called. When the matter of education was discussed, there was a general feeling that the danger of graft and corruption was too great in connection with attempts to influence the State Board of Education's selection of textbooks and with attempts to wrest information from the State Board of Examination. For these and other reasons, the convention delegates wanted to shift responsibility from the state to the local level. The second Constitution, which was adopted that year, returned to the county boards of education the selection of textbooks, the certification of teachers, the power to prescribe courses of study, and the power to make rules and regulations for the schools. The new instrument made no mention of the State Board of Education or the State Board of Examination.

In 1880 the sections of the Political Code concerning the State Board of Examination were repealed, and that Board passed out of existence. The State Board of Education, stripped of most of its powers because of the constitutional shifts, was continued by the amended Code; but its membership was reduced to the Governor, the State Superintendent of Instruction, and the principal of the state normal school. As new normal schools in the state were established, their principals became Board members.

The tide turned in 1884 when the State Board of Education was written into the Constitution by an amendment. The chief duty assigned to the Board was the provision of textbooks. The system of county adoptions had proved inefficient and expensive and was disliked both by the teachers and by the public. The Board was therefore given authority "to compile, or cause to be compiled" a uniform series of textbooks, to have them printed at the State Printing Office, and to distribute and sell them at cost. In 1894 another amendment to the Constitution added to the Board's membership the president and the professor of pedagogy of the University of California.

Until 1912 the State Board of Education served as a professional advisory council to the Superintendent of Public Instruction. But instead of performing advisory functions such as the formulation of general policies, the selection of professionals, the approval of expenditures, and the authorization of undertakings, the Board concerned itself with work that could have been entrusted to professional employees, such as the revision and management of the state textbook series. It also issued state diplomas to graduates of normal schools and life diplomas to teachers. In addition, all of the members had pressing problems connected with the growth of their own institutions and their own responsibilities.

Educators of the time favored a board composed wholly of laymen, rather than a board of professional educators and officeholders. In 1913 Ellwood P. Cubberley, writing for the Cyclopedia of Education, said:

The tendency of legislation, and particularly of the recommendations of the many recent state educational commissions, has been clearly toward the creation of a state board of education, with some powers of supervision and control, and the assignment to this body of the appointment of its expert executive officers. . . . There should be a State Board of Education, neither too large nor too small, composed of citizens of the state, and appointed by the Governor, for reasonably long terms. A board of seven or nine is both small and large enough, and the terms should be arranged so that but one new appointment is to be made each year.<sup>3</sup>

On November 5, 1912, the people of California abolished by constitutional amendment the ex officio professional State Board of Education and instructed the Legislature "to provide for the appointment or election of a State Board of Education." Accordingly, the Legislature of 1913 provided for the appointment by the Governor of a State Board of seven members, none of whom should be actively engaged in educational work. The term of office was to be four years, since a section of the Constitution that had not been taken into consideration in submitting the 1912 amendment prohibited the longer term favored by experts. Because the members of this new Board had terms of the same length as the Governor's and because they were appointed by the Governor without any check whatever, it became possible from this time on for the Governor to regard the

---

<sup>3</sup>Quoted in California State Department of Education, Bulletin G-2. Sacramento: California State Department of Education, 1928, p. 5.

State Board of Education as he might regard any other executive commission. This made possible the reflection in the state school system of the political attitudes of the Governor's office.

The potential for conflict between the elected Superintendent of Public Instruction and the appointed Board of Education was recognized at the time, but no effort was made to clarify the position of the Superintendent. On the one hand, he was charged with carrying out the policies of the Board; on the other hand, he was responsible to the people who elected him. The difficulty of requiring a policy-making board to have its policies carried out by and through an individual elected by the people has been pointed out again and again, but the system has never been changed.

### Commissioners of Education

The 1913 Legislature empowered the State Board of Education to employ three commissioners -- one for elementary schools, one for secondary schools, and one for vocational education -- responsible directly to the State Board of Education. The first meeting of the Board was held in September, 1913, and after considering many candidates, it appointed the three commissioners.

Each of the commissioners was required to submit a biennial report. A perusal of these reports shows that much of the officer's time was occupied with visiting schools, preparing recommendations to legislative committees on education and to the State Board of Education, making public addresses, attending conferences of educators, and working with other agencies of the state.

The first Commissioner of Elementary Schools and her successors were women. Margaret Schallenberger, who had long been interested in rural education, served from 1913 until 1922, when she married and resigned. Mrs. Grace Chandler Stanley succeeded her. When Mrs. Stanley resigned in 1925, she was succeeded by Mamie B. Lang, who died shortly afterward. Helen Heffernan served in this position until 1927, when she became Chief of the Division of Rural Education under a new organization of the Department of Education. Duties assigned to the office of Commissioner of Elementary Schools were outlined in the Political Code: to visit the elementary day and evening schools and investigate the course of study; to enforce the use of the state textbooks; to make recommendations to the State Board of Education; and to perform "such other duties as may be assigned by the Superintendent of Public Instruction, under the direction of the State Board of Education."

The first Commissioner of Secondary Schools was Will C. Wood, an educator well known for his interest in the high schools of the state. His first report to the State Board of Education states very well the principal basis for the creation of a commission in this field:

The office was created in order that the state department might undertake a closer supervision of the secondary schools, which have increased in number until they have reached a total of two hundred and fifty-seven.

When the constitution of 1879 was adopted, provision was made for the Superintendent of Public Instruction and the various county superintendents of schools. At that time the high school was not fully recognized as an integral part of the state school system. There were a few public institutions of secondary grade, but these were supported entirely by district taxation. Owing to the fact that they were locally supported, the inspection of high schools by county superintendents was only casual and perfunctory. Since that time the growth of the elementary schools has been so great that the county superintendent has been kept busy supervising the work of the grades.<sup>4</sup>

Wood was concerned also with the rapidly growing junior college movement. A 1911 act of the Legislature enabled school boards to prescribe postgraduate courses of study approximating the studies that had been prescribed for the first two years of university courses. By March 1, 1914, public junior colleges had been established in nine cities, with a total enrollment of 722 students. When to this number was added the number of students taking postgraduate courses in high schools, the total was 1,331.

Edwin Snyder, the first Commissioner of Industrial and Vocational Education, had to define his own duties, since the law establishing the office had merely mentioned visiting schools, making reports and recommendations, and performing such other duties as the Superintendent should prescribe. One of Snyder's first acts was to make a statistical survey of manual, domestic, and vocational arts in the public schools of the state. And then the Smith-Hughes Act, providing federal funds for the support of vocational education, was passed in 1917. At once state legislation was passed designating the State Board of Education as the Board of Vocational Education required by the federal act and providing for apportionments to be made to school districts by the state so that they could participate in the federal program.

The Smith-Hughes Act and the beginning of World War I stimulated much interest in industrial and vocational education. Hundreds of new classes were added, teacher training in vocational fields increased in colleges and normal schools, and many part-time and cooperative plans were set up in California schools. The Commissioner of Industrial and Vocational Education's office was reorganized, and three supervisors were added -- one for agricultural instruction, one for teacher-training courses in home economics, and one for trade and industrial instruction.

### The Staff and Increasing Responsibilities

From an early date the Superintendent of Public Instruction and the State Board of Education had referred to the "Department of Public Instruction,"

---

<sup>4</sup>California Commissioner of Secondary Schools, 1914 report, quoted in Leighton H. Johnson, Development of the Central State Agency for Public Education in California, 1849-1949. Albuquerque: University of New Mexico Press, 1952, p. 73.

though in fact no such department existed. Increasing responsibilities and activities of the Superintendent, the commissioners, and the other members of the educational staff, however, called for some type of state-level organization to handle the educational business of the state. A few developments of this period deserve brief mention.

Certification and retirement of teachers. In 1913 a new state-controlled system of retirement salaries for teachers was set up, and the State Board of Education constituted the Teachers' Retirement Salary Fund Board. Certification of teachers, a responsibility that had essentially been returned to local school boards by the 1879 Constitution, tended to become once again centralized in the state agency. In 1917 the State Board of Education was authorized to establish a Commission of Credentials, consisting of the three commissioners of education. These commission members were to consider applications for regular and special state credentials and arrange for examinations of candidates.

Development of normal schools. During the years following the adoption of the Constitution in 1879, normal schools developed rapidly in California. By 1913 seven such schools were dispersed throughout the state. In 1887 a law provided that the schools at San Jose and Los Angeles and other schools that might be established should be governed as separate institutions, each under its own administration and board of trustees. The Governor and the Superintendent of Public Instruction were to serve on all the boards.

Beginning of the polytechnic school. Before the turn of the century, sentiment had been growing among educators for a school, state-sponsored if necessary, that would train young people for trades, industries, agriculture, and other occupations. In 1901 the Legislature provided for the establishment of a polytechnic school, and in 1903 the California Polytechnic School was opened at San Luis Obispo. A board of trustees was set up for this school, as had been done earlier for the normal schools.

Early publications. One of the duties of the Superintendent of Public Instruction was to supply school districts with the necessary books, forms, and report sheets. As time went on, more publications were added, including the biennial reports of the Superintendent, the commissioners, and the State Board of Education. A series of bulletins on topics of interest to teachers and administrators began to appear. The California Teacher, a semiofficial publication of the unofficial Department of Public Instruction, appeared from 1863 to 1876. This was followed by the Pacific School and Home Journal, described in some instances as an "Organ of the Department of Instruction"; the journal was published from 1877 to 1883. Other journals followed, apparently sometimes functioning as official publications of the Department and at other times as private ventures. Edward Hyatt, Superintendent of Public Instruction from 1907 to 1918, issued small pamphlets called "Blue Bulletins." Printed on blue paper, these bulletins appeared at irregular intervals from 1911 to 1914 and were circulated to school people through local administrators. From 1915 to 1921 the California Blue Bulletin was circulated quarterly; it was edited by the Superintendent of Public Instruction and the three commissioners of education and was sent to teachers, school clerks, superintendents, and "all others interested in our schools who care to ask for it."

Staff development. An office of the Board of Education was established in Los Angeles in 1917. In the same year California became the second state in the Union to establish state supervision of physical education and the seventh to make physical education compulsory. The discovery during World War I that 35 percent of the young men examined for the draft were physically unfit gave impetus to the trend toward compulsory physical education in the public schools. By the spring of 1920, three assistant supervisors of physical education were employed by the Board.

In 1918 Will C. Wood, Commissioner of Secondary Schools, was elected Superintendent of Public Instruction. He formed an unofficial body known as the cabinet, consisting of himself and the three commissioners. He also reorganized the entire staff (that is, the employees of the Board) to prevent overlapping of functions and duplication of effort. In 1920 he secured the cooperation of the State Commissioner of Immigration and Housing to supply the services of an assistant superintendent of public instruction in charge of Americanization. Similarly, when he needed a school attendance agent and funds were short, he arranged to have the Industrial Welfare Commission pay half the salary for the attendance officer.

### Legislative Study of Education

The vigorous leadership of Superintendent Wood, the activities of the war years, and the rapid growth of the state and its schools focused increasing attention on the problems of public education in California. In 1919 the Legislature provided by means of Senate Concurrent Resolution Number 21 for "legislative investigation of the problem of meeting the needs and furnishing support for the schools and educational institutions of the state." Senator Herbert C. Jones was appointed to the special study committee by the President of the Senate and was elected its chairman. Professor Ellwood P. Cubberley, Dean of the School of Education at Stanford University, assisted in the preparation of the committee report, which was presented to the Legislature in 1920.