

Kindergarten Laws in Effect 1931

Reports issued by the federal government in 1932 and 1935 provide detailed information about kindergarten legislation in effect by 1931. The 1932 report explains common terminology used and includes the text of the laws for each state, noting when state law is silent about kindergarten (Davis & Keesecker, 1932). The 1935 report provides a more detailed summary of the laws and highlights their complexity, discussing how the provisions of each state law work in concert and how one component (typically funding) can render other provisions null. Considering each provision of the laws separately can be misleading (Keesecker & Davis, 1935):

Existing kindergarten legislation falls under two general classifications, “permissive” and “mandatory.” The chief difference between these two types of legislation lies in the use of the words “may,” “must,” or “shall.” The permissive law authorizes school boards to establish kindergartens under certain conditions. The mandatory-on-petition law obligates a school board to establish kindergartens when a certain number of qualified citizens, generally parents, register a demand for them. (Davis & Keesecker, 1932, p.1)

Entry age permitted for public kindergarten spelled out in state law was not a guarantee that a community would offer public kindergarten or whether it would serve younger children. As late as 1931, 25 states still permitted four-year-olds to attend public kindergarten, and a few states even allowed three-year-olds (U.S. Department of Interior, Office of Education, 1935). However, these laws were, in effect, guidelines. Local communities did not necessarily have kindergartens for any or all of the children they were permitted to serve with public funds.

Acknowledgment

Reprinted from Davis, M. D. & Keesecker, W. W. (1932). *State Legislation Relating to Kindergartens*. US Department of the Interior: Office of Education. No. 30.

Table of Contents

State	Page Number	State	Page Number
Alabama	3	Nebraska	13
Arizona	3	Nevada	13
Arkansas	4	New Hampshire	14
California	4	New Jersey	15
Colorado	5	New Mexico	15
Connecticut	6	New York	15
Delaware	6	North Carolina	16
District of Columbia	7	North Dakota	16
Florida	7	Ohio	17
Georgia	7	Oklahoma	17
Idaho	8	Oregon	18
Illinois	8	Pennsylvania	18
Indiana	9	Rhode Island	19
Iowa	9	South Carolina	19
Kansas	10	South Dakota	19
Kentucky	10	Tennessee	20
Louisiana	10	Texas	20
Maine	11	Utah	20
Maryland	11	Vermont	21
Massachusetts	12	Virginia	21
Michigan	12	Washington	21
Minnesota	12	West Virginia	22
Mississippi	12	Wisconsin	23
Missouri	12	Wyoming	23
Montana	13		

ALABAMA

(Alabama School Code, 1927, p. 78)

The city board of education shall have power to establish and maintain a system of public schools including kindergartens and playgrounds for the benefit of children who are bona fide residents of and living within the corporate limits of such city. . . . If a kindergarten is established and maintained children from 5 to 8 years of age may be admitted on such terms and conditions as the city board of education may prescribe.

ARIZONA

(School Laws of Arizona, 1925, pp. 21 and 164-165; School Laws of Arizona, 1929, as compiled in Revised Statutes of Arizona, 1928, sec. 1050)

The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public-school system, which system shall include kindergarten schools, common schools, high schools, normal schools. *Constitution Art. XI.*

That in all school districts within the State of Arizona instruction may be given in the subjects of manual training, domestic science, and kindergarten; provided, that such subjects can be pursued without excluding or neglecting the subjects previously provided for by law.

The course of study for said manual training or domestic science and kindergarten courses shall be prescribed by the board of trustees authorizing the same, subject to the approval of the State board of education.

The board of supervisors of each county shall annually, at the time of levying other taxes, levy such additional school tax upon the taxable property within such school district as will be sufficient to pay the salaries of such manual training, domestic science and kindergarten teachers as may be employed in their county, together with necessary expenses for materials to be used in such instruction; and said manual training, domestic science, and kindergarten taxes shall be collected and paid into the county treasury in the same manner as other county school taxes. Any board of trustees intending to employ such teacher or teachers must give notice, in writing, to both the county superintendent of schools and the board of supervisors on or before the 1st day of July of the amount necessary for salaries and for materials for such instructions for the ensuing year.

No pupil who is a bona fide resident of any district in which a special teacher of manual training, domestic science, or kindergarten is employed shall be required to pay tuition for such subjects.

The board of school trustees of any district in the State of Arizona is hereby authorized and empowered to, and shall upon petition of the parents or guardians of 15 or more children between the ages of 4½ and 6 years, residing within 2 miles of any elementary school building, employ proper certified teachers in kindergarten schools in such elementary school building.

Kindergarten teachers who are graduates of approved kindergarten schools may be certified to teach such subjects as other teachers are certified. If any teacher can not so qualify then such teacher must pass an examination in kindergarten as may be prescribed by the State board of education.

Every school, other than high schools, unless otherwise provided by law, must be open for the admission of children between the ages of 6 and 21 years, residing in the district. Schools maintaining kindergartens must be open for the admission of children between the ages of 5 and 21 residing in the district.

ARKANSAS

(*The School Law of Arkansas, 1931, p. 80*)

The public schools of any school district shall be open and free to all persons between the ages of 6 and 21 years, residing in that district, and the directors of any district may permit older or younger persons to attend the schools under such regulations as the State board of education may prescribe.

Note.—Kindergartens not specifically mentioned.

CALIFORNIA

(*School Code of California, 1929, and 1931 Session Laws*)

The board of education of every city, city and county, or the board of school trustees of every school district in this State must, upon petition of the parents or guardians of 25 or more children between the ages of 4½ and 6 years, residing within 1 mile of any elementary school building situated in such city, city and county, or school district, establish and maintain a kindergarten or kindergartens. (Sec. 3.110.)

The order of the board establishing a kindergarten or kindergartens shall be made only between the 1st day of June and the 1st day of August in any year. (Sec. 3.111.)

After the first year in which any kindergarten or kindergartens shall have been established and maintained, the number of kindergartens which shall be maintained in any city, or city and county, or school district, during any particular school year, shall be determined by the governing body of the schools of the city, city and county, or school district. (Sec. 3.112.)

Where kindergarten instruction is given in the schools of a district, the school shall admit children to the kindergarten classes at $4\frac{1}{2}$ years of age. (Sec. 3.120.)

Where the kindergarten is part of the day elementary schools, children may be admitted to the kindergarten classes at $4\frac{1}{2}$ years of age. (Sec. 3.121.)

Beginners shall be admitted to the beginning classes of the kindergarten during the first month that school is open, or of the school term if the school year be divided into terms, if such children will be $4\frac{1}{2}$ years of age before the end of the sixth calendar month from the date that school is opened, and before the end of the third month of the school term. Children who will not be $4\frac{1}{2}$ years of age within the period specified shall not be admitted to the kindergarten class until the succeeding school year or school term. (Sec. 3.122.)

The reports for the kindergarten classes shall be kept and shall be made separate from other school reports. (Sec. 3.130.)

If the average daily attendance in any kindergarten in any city, city and county, or school district, shall be ten or less for the school year, the governing body of the city, city and county, or school district, shall, at the close of the school year, discontinue the kindergarten. (Sec. 3.140.)

In case a city, city and county, or school district maintains but one kindergarten, should the kindergarten be discontinued as provided by this article, the funds of the kindergarten shall immediately revert to the elementary schools of the city, city and county, or school district in which the kindergarten has been located. (Sec. 3.141.)

In case any city, city and county, or school district maintains two or more kindergartens, the property and funds of the kindergarten which has been discontinued shall revert to the kindergarten or kindergartens which are still in operation in said city, city and county, or school district. (Sec. 3.142.)

The governing board of every school district in which a kindergarten is maintained under the provision of this [school] code, must include in the budget required to be submitted to the county superintendent of schools an estimate of the amount of money which will be required for a kindergarten maintained for the ensuing school year. (Sec. 16, chap. 1184, 1931 Session Laws.)

No pupil in a kindergarten or in grades one or two may be kept in school more than 4 hours per day exclusive of recesses. (Chap. 970, 1931, Laws.)

COLORADO

(School Laws of the State of Colorado, 1927, p. 152)

The school board of any school district in the State shall have power to establish and maintain free kindergartens in connection with the public school of said district, for the instruction of children between

3 and 6 years of age, residing in said district, and shall establish such courses of training, study, and discipline, and such rules and regulations governing such preparatory or kindergarten schools as said board may deem best.

Provided, That nothing in this act shall be construed to change the law relating to the taking of the census of the school population, or the apportionment of State and county school funds among the several counties and districts in this State.

Provided, further, That the cost of establishing and maintaining such kindergarten shall be paid from the special school fund of said district, and the said kindergartens shall be a part of the public school system and governed as far as practicable in the same manner and by the same officers as is now, or hereafter may be, provided by law for the government of the other public schools of the State.

Provided, further, That teachers of kindergarten schools shall have a diploma from some reputable kindergarten teachers' institute, or pass such examination on kindergarten work as the kindergarten department of the State normal school may direct.

CONNECTICUT

(*Public Acts of the State of Connecticut, 1931, chap. 45, sec. 105a*)

Any town may maintain a kindergarten school or kindergarten department for the attendance of children over 4 and under 7 years of age who shall be residents of such town; provided, no child under 5 years of age shall be admitted to any public school unless such school shall be a regularly organized kindergarten school or shall have a kindergarten department.

Every teacher in a kindergarten school or department shall hold a special kindergarten certificate issued by the State board of education.

DELAWARE

(*School Laws, State of Delaware, 1929, p. 25*)

The boards of education of the special school districts subject to the provisions of this act and in accordance with the rules and regulations of the State board of education—

Shall grade and standardize all the schools under its jurisdiction and may establish kindergartens and playgrounds and such other types of schools subject to approval of the State board of education, as in its judgment will promote the educational interests of the special school district;

Shall adopt courses of study for these schools and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the special school district;

Shall select, adopt, purchase, and distribute free of charge, such textbooks . . . school furniture, educational equipment, apparatus, and supplies as are necessary to the work of the schools.

NOTE.—The 1931 legislature of Delaware appropriated \$25,000 for each of the fiscal years ending June 30, 1932, and June 30, 1933, for the purpose of establishing and maintaining kindergartens in the various school units of the State. The funds are to be allotted by the State board of education on the basis of \$50 per pupil of kindergarten age upon receipt of application from the respective school units of the State setting forth that they have established or are about to establish kindergartens approved by the State board of education.

DISTRICT OF COLUMBIA

(Kindergartens have been established through funds appropriated by Congress therefor)

No part of the . . . appropriations for public schools shall be used for instructing children under 5 years of age except children entering during the first half of the school year who will be 5 years of age by November 1, 1931, and children entering during the second half of the school year who will be 5 years of age by March 13, 1932: *Provided*, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work. (District of Columbia appropriation act; approved Feb. 23, 1931. Public, Act, No. 721, 71st Cong.)

FLORIDA

(Compiled Laws of Florida, 1927)

Any county board of public instruction or board of trustees of any special tax school district is hereby empowered to establish and maintain kindergartens in communities guaranteeing the attendance of 25 kindergarten pupils. (Sec. 563.)

Every kindergarten established under this act shall be a part of the public school taught in the same community, and shall be under the direction and control of the principal of the said public school. (Sec. 564.)

No person shall be employed to teach as principal of a kindergarten department who does not hold a certificate of graduation from a reputable kindergarten training school. (Sec. 565.)

GEORGIA

State school laws are silent on kindergarten.

NOTE.—Atlanta, Ga., maintains a kindergarten and does so on the ground that the general law relating to the education of the children in the elementary branches of an English education authorizes them to establish and maintain kindergartens. (From the Director of the Division of Information and Statistics, Department of Education, Ga., Sept. 3, 1930.)

IDAHO

(School Laws of the State of Idaho, 1931, p. 137)

The school board of any school district in the State is hereby empowered to establish and maintain free kindergartens in connection with the public schools of each district for the instruction of children between the ages of 3 and 6, residing in said district, and shall establish such course of training, study, and discipline, and such rules and regulations governing such preparatory or kindergarten school, as said board may deem best: *Provided*, That nothing in this section shall be construed to change the law relating to the taking of the census of the school population or the apportionment of State and county school funds among the several counties and districts in this State: *Provided further*, That the cost of establishing and maintaining such kindergartens shall be paid from the special school fund of said districts, and the said kindergartens shall be a part of the public school system, and governed, as far as practicable, in the same manner and by the same officers as is now, or hereafter may be, provided by law for the government of other public schools of the State: *Provided further*, That all teachers employed in these schools shall have a diploma from some reputable kindergarten training school, or shall be licensed in accordance with the rules and regulations established by the State superintendent of public instruction.

ILLINOIS

(The School Law of Illinois, 1931, p. 52)

The board of directors shall have the following additional duties:—
. . . To establish kindergartens for the instruction of children between the ages of 4 and 6 years, if in their judgment the public interest requires it, and to pay the necessary expenses of the same out of the school funds of the district. Upon petition of a majority of the parents or guardians of children between the ages of 4 and 6, residing within any school district where such kindergarten is proposed to be established, the board of directors shall, if funds are available, establish a kindergarten in connection with the public school designated in the petition and shall maintain such kindergarten as long as the annual average daily attendance therein is not less than 15: And *provided further*, That such petition must be signed by at least 50 persons living within 1 mile of said public school who are parents or guardians of one or more children, between the ages of 4 and 6. No one shall be employed to teach in a kindergarten who does not hold a kindergarten certificate as provided by law.

INDIANA

(Laws of Indiana Relating to the Public School System, 1927, p. 106)

The board of school trustees or the board of school commissioners of any incorporated town or city may establish and maintain, in connection with the other schools of such town or city, a free kindergarten or kindergartens for the instruction of children between the ages of 4 and 6 years, the expense of which shall be paid for in the same manner as other grades and departments now established in the common schools of such school corporation.

For the purpose of establishing and maintaining any such free kindergarten, the proper school authorities may, in fixing the annual levy of taxes for school purposes, include therein not to exceed 2 cents on the \$100 of taxable property located within any such school corporation; but nothing herein contained shall prevent such school authorities from providing for such free kindergarten from the same revenue and in the same manner as other grades and departments in the common schools of such school corporations are provided for.

Any such school authorities may, in their discretion, apply the fund provided for in section 2 of this act, or such portion thereof as they deem advisable, to the aid, maintenance, and support of free kindergarten schools conducted by any association incorporated for that purpose: *Provided, however,* That such association in any town or city shall have the approval of the board of school trustees or board of school commissioners of such town or city.

IOWA

(Supplement to School Laws, State of Iowa, 1927, p. 24)

The board of any independent school district may establish in connection with the common schools, kindergarten departments for the instruction of children, to be paid for in the same manner as other grades and departments, but, upon the petition of the parents or guardians of 25 or more children of kindergarten age the board of education of any independent city or town school district in the State must establish and maintain such a kindergarten in said district. No petition shall be effective unless the school in connection with which such kindergarten is desired is named in the petition and all persons who shall be qualified to sign such petitions shall be residents of the section or neighborhood served by that school. The board of education shall be the judge of the sufficiency of the petition. Any kindergarten teacher shall hold a certificate certifying that the holder thereof has been examined upon kindergarten principles and methods, and is qualified to teach in kindergartens.

Note.—The State attorney general has construed the kindergarten age to include children who have reached the fifth birthday but have not reached the seventh birthday, providing they have not been previously enrolled in school. (Letter from Superintendent of Public Instruction, Sept. 3, 1930.)

KANSAS

(*Laws of Kansas, 1929, chap. 232*)

That whenever the parents or guardians of 25 or more children between the ages of 5 and 6 years, living within any city of this State and within territory served by an elementary school therein under the control and management of the board of education of such city, shall petition such board for the organization and maintenance of a kindergarten in such school, the said board of education may establish and maintain free kindergartens in connection with the public schools of said city for the instruction of children between the ages of 5 and 6 years residing within the territory covered by the petition in said city, and shall establish such courses of training, study and discipline, and such rules and regulations governing such kindergarten schools as said board may deem best: *Provided*, That the cost of establishing and maintaining such kindergartens shall be paid from the school funds of said cities and the said kindergartens shall be a part of the public-school system and governed as far as practicable in the same manner and by the same officials as provided by law for the government of the other public schools of the State: *And provided further*, That no person shall be employed as a teacher in such kindergarten schools who has not completed a 2-year course of kindergarten training for teachers: *And provided further*, That any person who shall complete the course of training for kindergarten teachers at any of the State teachers' colleges shall be entitled to teach in the kindergarten schools of this State: *And provided further*, That the provisions of this act shall not apply in any city where the territory to be served by any such free kindergarten shall have less than 25 children between the ages of 5 and 6 years residing within such territory.

KENTUCKY

(*Kentucky Common School Laws, 1926, p. 178*)

The board of education shall have power to establish and maintain kindergartens for children from 4 to 6 years of age, . . . and to this end it may prescribe rules and regulations for the government of such schools and employ the principals and other teachers necessary for their efficient management. (Not specifically applicable to third-class cities.)

LOUISIANA

(*Louisiana Constitution, Article XII*)

The educational system of the State shall consist of all free public schools, and all institutions of learning, supported in whole or in part by appropriation of public funds. Separate free public schools shall be

maintained for the education of white and colored children between the ages of 6 and 18 years: *Provided*, That kindergartens may be authorized for children between the ages of 4 and 6 years.

MAINE

(*Laws of Maine Relating to Public Schools, 1925*, p. 18)

The age of pupils allowed to attend the public schools of the State is hereby fixed between the ages of 5 and 21 years; and every child between the said ages shall have the right to attend the public schools in the town in which his parent or guardian has a legal residence, subject to such reasonable regulations as to the numbers and qualifications of pupils to be admitted to the respective schools and as to other school matters as the superintending school committee shall from time to time prescribe: *Provided*, however, That the superintending school committee of any city or town may and upon the filing with the municipal officers of such city or town of a petition not less than one month before the annual town meeting by the parents or guardians of 30 or more children between 4 and 6 years of age living within 1 mile of a public elementary school, shall, unless otherwise instructed by the town or city, maintain a kindergarten or kindergartens as a part of the common school course, and pupils shall be allowed to attend such a kindergarten or kindergartens upon reaching the age of 4 years: *Provided further*, That unless the average daily attendance in any kindergarten shall be 15 or more for any school year the superintending school committee upon the recommendation of the superintendent of schools, may discontinue the school: *Provided further*, That no person shall be allowed to teach in any kindergarten maintained under the provisions of this section who has not completed at least a 2-year course in kindergarten training or its equivalent and received a certificate or diploma from a recognized kindergarten training school approved by the State superintendent of public schools.

MARYLAND

(*Maryland Public School Laws, 1927*. By-law 52, p. 62)

County boards of education may at their discretion establish kindergartens, subject to such regulations as such boards may formulate, with the approval of the State board of education: *Provided*, That the kindergarten teachers shall hold kindergarten certificates issued by the State superintendent of schools on the basis of graduation from a 4-year high-school course, or the equivalent, and from a 2-year kindergarten primary course in a standard normal school, or the equivalent, the certificate to be valid for three years and to be renewable on evidence of successful experience and professional spirit: *And provided further*, That sufficient funds are specifically appropriated in the annual school

budget of the county board of education for the teachers' salaries and for the maintenance of said kindergartens.

MASSACHUSETTS

Laws are silent on kindergarten, but such departments are established under the general terms of the school law.

MICHIGAN

(General School Laws, State of Michigan, 1927, pp. 92–93 and 139)

The district board is authorized and empowered to provide a suitable room or apartment for kindergarten work, and to supply their district with the necessary apparatus, appliances, and teachers for the instruction of children in what is known as the kindergarten method.

In districts where provision is made for kindergarten work all children between the ages of 4 and 7, residing within the district, shall be entitled to instruction in the kindergarten department.

Any person who is a graduate of any kindergarten training school, whose course of study covers at least three years of work and is approved by the superintendent of public instruction of this State, and who holds a diploma from a reputable college or from a high school having a 4-year high-school course, may, in his discretion, be granted a kindergarten and primary certificate by said superintendent of public instruction, and such person holding such certificate shall be considered a legally qualified kindergarten and primary teacher.

MINNESOTA

(Laws of Minnesota Relating to the Public School System, 1927, p. 35)

The school board of any independent district may . . . establish and maintain one or more kindergartens for the instruction of children above 4 and under 6 years of age.

MISSISSIPPI

Kindergartens are not specifically mentioned in the law but the free public schools are available for all children over 5 years of age.

MISSOURI

(State of Missouri, Revised School Laws, 1927, p. 24)

The board of directors or board of education of any school district in this State may provide for the gratuitous education of persons between 5 and 6 and over 20 years of age, resident in such school district. Such gratuitous education, however, shall be provided only out of revenues

derived by such school district from sources other than those described in section 6, Article XI of the Constitution of this State, and only with so much of such revenues as are not required for the establishing and maintaining of free public schools in such school districts for the gratuitous instruction of persons between the ages of 6 and 20 years: *Provided*, That nothing in this section shall be construed as affecting the basis of apportionment of the public school fund of this State as now fixed by law.

MONTANA

(*School Laws of the State of Montana, 1927*, p. 48)

The school board of any school district in the State shall have power to establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between 3 and 6 years, residing in said district, and shall establish such course of training, study, and discipline, and such rules and regulations governing such preparatory or kindergarten schools as said board may deem best: *Provided*, That nothing in this act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of State and county school funds among the several counties and districts in the State: *Provided further*, That the cost of establishing and maintaining such kindergartens shall be paid from the school funds of said district, and the said kindergartens shall be a part of the public school system and governed as far as practicable in the manner and by the same officers as is now, or hereafter may be, provided by law for the government of the other public schools of the State: *Provided further*, That the teachers of kindergarten schools shall pass such examination on kindergarten work as the kindergarten department of the State normal school may direct: *Provided*, That a certificate from a kindergarten teachers' institute of recognized standing shall be recognized by the State normal school.

NEBRASKA

Kindergartens are not specifically mentioned in the law but the free public schools are available for all children over 5 years of age.

NEVADA

(*State of Nevada, The School Code, 1927*, pp. 30–33 and 98)

School trustees shall have the power and it shall be their duty: . . . To divide the public schools within their district into kindergarten, primary, grammar, and high-school departments, and to employ competent and legally qualified teachers for the instruction of the different departments whenever they shall deem such division into departments necessary: *Provided*, That such division into departments shall be in

accordance with the State courses of study and all rules and regulations of the department of education: *And provided further*, That there shall be means for all such departments, and if not, then the division shall be in the order in which they are herein named, excepting the kindergarten department, which shall not be considered as taking precedence over any other department: *And provided also*, That the kindergarten department shall not be established in any school district having a school-census population of less than 100.

The board of school trustees of every school district in this State may upon petition of the parents or guardians of 25 or more children between the ages of 4 and 6 years residing within such school districts, establish, equip, and maintain a kindergarten or kindergartens. The board of school trustees of every school district in which a kindergarten is established under the provisions of this act shall, at least 15 days before the month in which the board of county commissioners is required by law to levy the taxes required for county purposes submit to the board of county commissioners an estimate of funds necessary for the establishment, equipment, and maintenance of such a kindergarten or kindergartens in their districts; and, if sufficient funds for the same are not available in the school funds of such school district, the said board of county commissioners shall have power to direct that a special tax, not to exceed 25 cents on the \$100 of assessed valuation of such district, shall be levied; and upon notification by the clerk of the board of trustees of such school district that such action has been taken, the board of county commissioners shall levy and cause to be collected such tax upon the taxable property of the district. The fund so levied shall be known as the kindergarten fund of _____ school district (as the case may be), and shall be available for the equipment and maintenance of the kindergarten or kindergartens established under the provisions of this section, and the moneys drawn from such fund shall be paid out in the same manner as moneys from the State and county school funds for the maintenance of the elementary schools are drawn and paid out. If the average daily attendance in any kindergarten in any school district shall be 10 or less for the school year, the governing body for such school district shall, at the close of such school year, discontinue such kindergarten. In case a kindergarten shall be discontinued, as provided by this section, the property and funds of such kindergarten shall immediately revert to the elementary schools of the school district in which said kindergarten has been located.

NEW HAMPSHIRE

The laws do not specifically authorize the establishment of kindergartens, but their establishment is construed as permissible under the general terms of the statutes.

NEW JERSEY

(*New Jersey School Laws, 1928, pp. 142–143*)

Every teacher in a kindergarten school or department shall hold a special kindergarten certificate, issued by the State board of examiners.

The expense of kindergarten schools or departments shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of the other schools or departments shall be paid.

(*Laws of New Jersey, 1931, chap. 273*)

The board of education of any school district may establish a kindergarten school or a kindergarten department in any school under its control, and may admit to such kindergarten school or department any child over the age of 4 and under the age of 5 and shall admit to such kindergarten school or department any child over the age of 5 and under the age of 6 years who shall be a resident of the district: *Provided*, That no child under the age of 5 years shall be admitted to any public school unless such school shall be a regularly organized kindergarten school or shall have a kindergarten department. (Effective July 1, 1931.)

NEW MEXICO

(*Laws of New Mexico, 1931, chap. 157*)

Any school in a school district having 400 or more pupils in average daily attendance, shall have power to establish and maintain through their governing authorities, kindergarten for the instruction of resident children of the district between 5 and 6 years of age, the cost thereof to be included in the budget allowance of the district and paid from tax proceeds as other maintenance expenses are paid. The governing authorities may, at their discretion, establish and maintain such kindergarten. The State board of education shall have the power to prescribe the course of training, study, and discipline for said kindergartens. No person shall teach a kindergarten without a diploma from a reputable kindergarten teachers' institute or without passing an examination in kindergarten work prescribed by the State board of education.

NEW YORK

(*Education Law of New York, 1931, p. 114*)

The board of education of each school district and of each city may maintain kindergartens which shall be free to resident children between the ages of 4 and 6 years.

NORTH CAROLINA

(North Carolina Code, 1927, chap. 95, art. 5, sec. 5443)

Upon a petition by the board of directors or trustees or school committee of any school district, indorsed by the county board of education, the board of county commissioners, after 30 days' notice at the courthouse door and three other public places in the district named, shall order an election to ascertain the will of the people within said district whether there shall be levied in such a district a special annual tax of not more than 15 cents on the \$100 worth of property and 45 cents on the poll for the purpose of establishing kindergarten departments in the schools of said district. The election so ordered shall be conducted under the rules and regulations for holding special tax elections in special school districts, as provided in article 24 of this chapter.

At such election those who are in favor of the special tax shall vote a ballot on which shall be printed the words, "For Kindergartens," and those who are opposed shall vote a ballot on which shall be printed the words "Against Kindergartens."

If a majority of the qualified voters shall vote in favor of the tax, then it shall be the duty of the board of trustees or directors of school committee of said district to establish and provide for kindergartens for the education of the children in said district of not more than 6 years of age, and the county commissioners shall annually levy a tax for the support of said kindergarten departments not exceeding the amount specified in the order of election. That said tax shall be collected as all other taxes in the county are collected and shall be paid by the sheriff to the treasurer of the said school district to be used exclusively for providing adequate quarters and for equipment and for the maintenance of said kindergarten department.

NORTH DAKOTA

(North Dakota Session Laws, 1931, chap. 245)

The school board of any school district in this State may, at any annual school election, and upon petition of one-fifth of the electors of such school district, must, at the next annual school election, submit the question of the establishment of free kindergartens in connection with the public schools of such district for the instruction of resident children under the age of 6 years. If a majority of the votes cast upon the proposition favor the establishment of such kindergartens, the board shall establish such kindergartens and shall maintain the same until such time as they may be discontinued as hereinafter provided. The board shall establish such course of training, study, and discipline and such other rules and regulations governing such kindergartens as it may deem best, and shall govern the same, so far as practicable, in the same manner and by the same officers as are provided by law for the govern-

ment of other public schools. No person shall be employed as a teacher in such kindergartens who is not the holder of a valid certificate issued by the State superintendent of public instruction entitling the holder to teach in the kindergartens of this State. The State superintendent shall adopt rules governing the examination of kindergarten teachers, and shall furnish county superintendents with examination questions and the examinations shall be held in the manner provided by law for the examination of teachers in the public schools: *Provided*, That any person who shall have completed the course of training for kindergarten teachers at any of the State normal schools in this State shall, and, at the discretion of the State superintendent of public instruction, those who have completed an equivalent course at other schools may be granted a certificate to teach in the kindergartens of this State without examination.

After such kindergartens have been in operation under this or any other law for two years or more, the board at any annual election may, and upon petition of one-fifth of the electors of such school district, must, at the next ensuing annual school election, submit the question of the discontinuance of such kindergartens, and if a majority favor the discontinuance thereof, the same shall be discontinued, otherwise the same shall be continued in operation.

OHIO

(*School Laws of the State of Ohio, 1928*, p. 376)

Any board of education may establish and maintain . . . kindergartens, in connection with the public school system; and pay the expenses of establishing and maintaining such schools from the public school funds, as other school expenses are paid.

OKLAHOMA

(*School Laws of Oklahoma, 1927*, p. 53)

The directors of any school district, board of education, or any other duly authorized, appointed, elected, or qualified public school officers of any town, city, or school district having a population of 2,500 or more may establish and maintain kindergartens in connection with the public schools under their jurisdiction for all children between the ages of 4 and 6 years.

The term kindergarten shall be construed to mean the application of the methods of Froebel or some approved American development of said methods and not merely subprimary grades for children under 6 years of age shall be established under the authority of this article.

Within one year after the provisions of this act shall become law, provisions shall be made or departments established for the training of kindergarten teachers in the normal schools of the State.

OREGON

(School Laws of Oregon, 1931, p. 70)

The board of directors of any school district in this State having now or hereafter a population of less than 20,000 children of school age is hereby authorized and empowered on majority vote of legal electors, as defined in section 4 of this act, at a legally called school election to establish and maintain kindergartens in connection with the common schools in the district for the instruction of children between the ages of 4 and 6 years. Whenever one-third of the legal voters of any such school district in the State shall petition the district school board requesting that kindergartens be established and maintained, or whenever the district school board shall, in its discretion, think proper, they shall give 20 days' notice previous to the legally called school election that they will submit the questions to the legal voters of said district whether kindergartens shall be established. All notices contemplated in this section shall be given as are all legal notices of special school meetings.

Kindergartens already established by any district and those established under the provisions of this act shall constitute a part of the common public school system and shall be under the supervision of the regular officers who have charge of the public schools of the State, and the expenses connected therewith shall be paid from the same fund used in establishing and maintaining the other classes of the public schools.

Kindergarten teachers and supervisors employed by the board of directors of any school in this State shall hold teachers' certificates issued by the State superintendent of public instruction based upon the completion of at least a 2-year course in kindergarten training at a standard teachers training institution. . . . (Enacted in 1929, c. 197.)

PENNSYLVANIA

(School Law of Pennsylvania, 1929, sec. 1904)

The board of school directors in any school district where no kindergartens are established or in addition to any kindergartens established by such district, may cooperate with and assist any kindergarten that has been or hereafter may be established by any nonsectarian association or agency.

(Sec. 8 [401] Act No. 130, Laws of 1931)

The board of school directors of each school district of the first, second, third, and fourth class may establish and maintain kindergartens for children between the ages of 4 and 6 years. When established the kindergartens shall be an integral part of the elementary school system of the district.

The number of kindergartens in any one district shall be fixed by the board of school directors, and shall be open during the school year.

If the average attendance in any one kindergarten in any district is 10 or less for the school year, the school directors shall, at the close of the school year, discontinue the same.

The board of school directors shall appoint and assign a sufficient number of teachers to such kindergartens, who shall be certificated in accordance with the rules and regulations prescribed by the State council of education.

RHODE ISLAND

Kindergartens are not specifically mentioned in the statutes but they are established under the general terms of the law relating to education.

SOUTH CAROLINA

(General School Laws of South Carolina, 1924, pp. 54-55)

Any county board of education throughout the State, upon recommendation of district trustees, whether known by that name or another, whether created by general or special act, shall have power to establish and provide for kindergartens for the education of the children of not less than 4 years of age within their respective jurisdictions, but no child under the age of 6 years shall be counted in the average attendance of any public school district when public school funds are to be apportioned to the several school districts.

That said kindergartens, when so established, shall be a part of the free common school system of this State, and all funds now available, or which may hereafter become available, for the maintenance of said system, and all other funds which may come into the hands of said boards of education for educational purposes shall be available, in due proportion, for the establishment and maintenance of said kindergartens.

That no teacher or instructor shall be employed to teach in the kindergartens of this State who has not taken at least a 2-year course in kindergarten training and received a certificate or diploma from a recognized kindergarten normal training school approved by the State board of education.

SOUTH DAKOTA

(The School Laws of South Dakota, 1928, p. 60)

The board of education of any district, having a city located within its boundaries, shall have the power . . . to establish and maintain kindergarten departments.

(Session Laws of South Dakota, 1931, chap. 138, sec. 253)

Each school district shall maintain a system of public schools which shall be in session not less than eight months in any one school year,

provided no legal discontinuance be had; this provision shall not apply to night schools and kindergartens; the privileges thereof shall be free to all children of legal school age who are residents within the district.

TENNESSEE

Laws are silent on kindergarten, but such departments are established under the general terms of the school laws.

TEXAS

(*Public School Laws of the State of Texas, 1929, pp. 116–117*)

The trustees of any school district in Texas, upon the petition of the parents or guardians of 25 or more children under the scholastic age down to and including 5 years, residing in said district, shall establish and maintain a kindergarten as a part of the public free schools of said district, for the training of children within said ages residing in said district, and shall establish such courses of training, study, and discipline, and such rules and regulations governing such kindergartens as said trustees shall deem best. Any such petition for the establishment and maintenance of a free kindergarten shall be presented to the trustees of said district between the 1st day of June and the 1st day of August in any one year. The cost of establishing and maintaining such kindergartens shall be paid from the special school tax of said districts. Said kindergartens shall be a part of the public school system and shall be governed, as far as practicable, in the same manner and by the same officers as is or may be provided by law for the government of the other public schools of the State. The trustees shall be empowered to employ to teach such kindergartens only those who hold State kindergarten certificates.

UTAH

(*State of Utah, School Laws—Compiled Laws of Utah, 1917, and Session Laws of Utah, 1919, 1921, 1923, 1925, 1927, and 1929, p. 12*)

School boards may establish and maintain kindergartens in their several districts, open to children resident therein between the ages of 4 and 6 years. The cost thereof may be paid in whole or in part out of the school funds of the district. Kindergartens established under the provisions of this section shall be subject to the control of the school boards of the respective districts in which they are maintained. Teachers for said schools, unless holding a certificate of efficiency in kindergarten work granted by the State normal school, shall be required to sustain a special examination relating to the principles and practice of the kindergarten, such examination to be conducted under the direction of the State board of education.

All school districts of a population of 2,000 and upwards shall hereafter establish and maintain one or more kindergartens in said school district, open to children resident therein between the ages of 4 and 6 years. Said kindergartens must be established within 4 years after March 16, 1903. The cost of maintaining such kindergartens shall come out of the district school fund of the respective districts. (Laws of 1903, p. 139.)

VERMONT

(General Laws of 1918 of the State of Vermont Relating to the Department of Education with Amendments to 1929, pp. 29 and 31-32)

The public schools are hereby divided into kindergartens, elementary schools, and secondary schools.

Kindergartens shall mean schools into which children under 6 years of age may be received. Such schools may be established by the board of school directors and at the expense of the town district.

The words "legal pupil" shall mean every child between the ages of 6 and 18 years and every child who will become 6 years of age on or before the 1st day of January next following the beginning of the school year . . . and a child who is not a legal pupil shall not be received into a public school, except a kindergarten, without the consent of the superintendent of such school, and a child under 8 years of age shall not be received into a public school, except a kindergarten, after the beginning of the fall term without the consent of the superintendent of such school.

VIRGINIA

(Virginia School Laws, Supplement No. 3, 1928, p. 26)

The public schools, except as otherwise provided, shall be free to all persons between the ages of 7 and 20 years residing within the county. Persons 6 years of age may be admitted to primary grades and persons under 6 years of age to such kindergartens as may be established by local school authorities and operated as a part of the public school system. Such kindergartens shall not be entitled to participate in the State school fund, but shall be supported by the local authorities.

WASHINGTON

(Pierce's Code, 1929: General Statutes of Washington)

The board of directors of any school districts of the first and second classes shall have power to establish and maintain free kindergartens in connection with the common schools of said districts for the instruction of children between the ages of 4 and 6 years, residing in said district, and shall establish such courses of training, study, and discipline and

such rules and regulations governing such kindergartens as said board may deem best. (Sec. 5254.)

Kindergartens established under this act shall be a part of the public school system and under the control and supervision of the regular officers who have charge of the public schools of the State: *Provided*, That nothing in this act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of State and county funds. (Sec. 5255.)

The cost of establishing and maintaining such kindergartens shall be paid from the general school fund of the district. It shall be the duty of teachers, city superintendents, district clerks, and county superintendents to respectively report as other school attendance is reported, the attendance of all children 5 years of age or over at such kindergartens, and it shall thereupon be the duty of the superintendent of public instruction to make apportionment to the proper counties of the current State school fund and of the respective county superintendents to apportion to the districts entitled thereto such funds as are now apportioned by such officers, and on making such apportionments to consider and allow one-half credit for such kindergarten attendance to the same extent as credit is allowed for attendance in primary or grammar grades: *Provided, however*, That credit for kindergarten attendance shall be based on a three-hour day: *Provided*, That for the purposes of this act, an attendance of two (2) hours shall be credited as one-half day. Such kindergartens shall constitute a part of the common school system and shall be open to all children of proper age resident in the district maintaining same. It shall be the duty of all district clerks to include children 4 years of age and over in the enumeration of the annual school census with like effect as children of higher age are now included therein. (Sec. 5256.)

Kindergarten teachers and supervisors shall have diplomas or certificates from some accredited kindergarten training school, from the kindergarten department of a State normal school of this State or of a normal school whose kindergarten department is accredited by the State board of education. (Sec. 5257.)

WEST VIRGINIA

(Official Code of West Virginia, 1931, chap. 18, art. 5, sec. 18)

The board of education of any district or independent district may establish in connection with the schools of such district, kindergarten classes to which may be admitted children between the ages of 4 and 6 years. Persons employed as teachers in such kindergarten classes shall be required to hold special kindergarten certificates which shall be issued by the State superintendent of schools under regulations prescribed by the State board of education.

WISCONSIN

(*Laws of Wisconsin Relating to Common Schools, 1928, p. 475*)

Any board which has control of primary grades may, and upon petition of the parents of 25 children, more than 4 and not more than 6 years of age, shall establish and maintain a kindergarten, provided such parents reside not more than 1 mile from the school building. Such kindergarten shall constitute a part of the public schools of the district, and shall not be discontinued unless the kindergarten enrollment for the preceding year shall have been less than 15.

WYOMING

(*School Laws of the State of Wyoming, 1927, pp. 64–65*)

The board of trustees of any school district in this State shall have power to establish and maintain free kindergarten schools in connection with the public schools of their district, for the instruction of children residing in such district and between the ages of 4 and 6 years, and shall establish such courses of training, study, and discipline, and such rules and regulations for the government of such kindergarten schools as said board may deem advisable: Provided, That the cost of establishing and maintaining such kindergarten schools shall be paid from the special school fund of said school district, and the gross sum to be so expended by the said board for such kindergarten schools shall be annually fixed and determined by the qualified electors of such district at the annual meeting of such electors.