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**An Historical Comparison and Analysis of School Laws  
Enacted by the Indiana General Assembly  
During Four Selected Decades**

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### **Abstract**

This paper presents an historical comparison and analysis of school laws enacted by the Indiana General Assembly during four selected decades fifty years apart. The decades selected were 1847-1856, 1897-1906, 1947-1956, and 1997-2006. The number of school laws enacted during each of the four selected decades was compared and analyzed. The subject areas of the school laws enacted during the four selected decades was also compared analyzed. Research findings included that the number of school laws passed during the four decades increased each decade. Another finding was that for some school law subject areas there was an increase in the number of laws enacted during each of the four selected decades, while there were exceptions in a few instances. The author comments on whether the increasing activity of the Indiana General Assembly is consistent with good leadership as described in the quality process literature.

## **I. Introduction**

**Purpose of Research Paper and Research Questions.** The purpose of this research paper is to compare and analyze laws enacted by the Indiana General Assembly during four selected decades fifty years apart. The four decades that are the subject of comparison and analysis are 1847-1856, 1897-1906, 1947-1956, and 1997-2006. The specific research questions of this project are:

1. Whether there are any differences in the number of school laws passed by the Indiana General Assembly between each of the four selected decades. The null hypothesis for this research question is: There is no significant difference in the number of school laws passed during four selected decades, to wit: 1847-1856, 1897-1906, 1947-1956, and 1997-2006.

2. Whether there are any differences in the subject matters of school laws passed by the Indiana General Assembly between each of the four selected decades. The null hypothesis for this research question is: There is no significant difference in the subject areas of school laws passed during four selected decades, to wit: 1847-1856, 1897-1906, 1947-1956, and 1997-2006.

### **Significance of Research.**

**Methodology.** The author selected four decades as a non-random sample. There have been nineteen (19) decades completed since Indiana was founded as a state in 1816. Thus, the sample size is approximately twenty-one percent (21%) of the available population of school law decades. Decades selected were fifty years apart. A non-random

sample was used in order to compare the four decades for historical purposes. Thus, no inferences or conclusions can be made as to other decades not selected. Indiana was founded as a state in 1816. The first decade used in the research was 1847-1856, thirty-one years after the state was founded as a state. This decade was selected as the base point because the researcher did not want to track the passing of school laws upon the start-up of the state, as they may significantly differ from other later decades for the sole reason that certain laws would be passed that were only necessary as part of the commencement of the common school system in Indiana. A space of fifty years was determined by the researcher to be appropriate as a long enough period of time so as not to compare decades too close which might not yield results that could be characterized as long-term comparisons but short term comparisons. Evidence of long term trends were sought and obtained.

The researcher read all school laws (statutes) enacted by the Indiana General Assembly during each decade. The researcher then identified the subject area of each statute. The number of separate public laws was not measured, since many statutes involved more than one school law subject area. Thus, some statutes were recorded as multiple subject areas of school law. Other statutes only covered a single school law subject area and were recorded accordingly. Therefore, the number of school laws enacted were recorded and were higher in number than the public laws enacted.

Technical corrections in statutes were not recorded as a school law enacted. Nor were public laws that dealt only with appropriations recorded. The length of a school law statute was not measured. A mark was made whether the school law statute was only a sentence or two, or whether it was multiple pages of the same school law subject area.

Also, most importantly, only school laws that directly affected the state board of education, the state department of education, local school boards, or local school employees, students, or operations were reviewed and recorded. Thus, statutes that were directed at state agencies, such as the state board of health, state board of accounts, or other state or local agencies, even though they may have some authority over local school districts and their employees, were not reviewed or recorded. However, all state agencies whose primary purpose is to regulate or govern Indiana's public school system, were included. These agencies included the Indiana State Board of Education, the Indiana Department of Education, The Indiana Roundtable, and the Indiana State Teachers' Retirement Fund.

To identify the school law subject areas, the researcher identified six major categories of school law subject areas, to wit: (1) human resource management; (2) academics; (3) governance; (4) business management; (5) school operations; and (6) students. Each of these six major categories was further subdivided into five to eight subcategories. See appendix 1.

**Limitations of Study.** The research study has several limitations. First, the sample of four decades was not a random sample. Thus, no inferences can be made as to other decades or other years. Second, the school law statutes may not have been accurately or properly placed in the index. As the researcher reviewed each legislative session by reviewing the index to that session, some school laws may have been overlooked or not identified. Third, there was some necessary exercise of discretionary judgment by the researcher in the selection of categories to be measured, as well as selection of the appropriate category to record a statute.

**Findings.** Appendix 3 is a table consisting of a frequency chart that shows the number of laws passed each decade for each major category and each subcategory. There are six categories and thirty-seven subcategories. There was an increase each decade in the number of laws passed in the categories of human resource management, academics, and students. Governance, business management, and school operations did not show an increase each decade. Overall, the six categories in total showed an increase each year. For the last decade, 1997-2006, the number of school laws enacted increased from one hundred twenty-two (122) laws enacted to three hundred twelve (312). This represents an increase of one hundred ninety (190) laws, or an increase in excess of two hundred fifty five percent (255%).

As to the thirty-seven (37) subcategories, eighteen (18) showed no consistent increase in the number of school laws enacted over the four decades measured, i.e. they did not increase each decade. However, they may have increased from one decade over the previous decade, but did not show a consistent increase over the four decades measured. In the Human Resource Management category, only the Assignment of Employees showed no consistent increase. In the Academics category, only Textbooks showed no consistent increase. In the Governance category, Organization and ISTRF showed no consistent increase. In the Business Management category, Loans and Borrowing, Real Estate, Accounting, Finance, Transportation, and School Facilities showed no consistent increase. In the School Operations category, Superintendents, Extra Curricular Activities, Integration, and School Calendar showed no consistent increase. Finally, in the Students category, Safety-Welfare-Health, Discipline, Attendance, and Special Education did not show consistent increases.

Of the thirty-seven (37) subcategories, thirteen (13) showed either an increase in the number of school laws enacted each decade over the previous decade, or at least did not show any decrease in the number of school laws enacted as compared to the previous decade. In the Human Resource Management category, Employment, Staff Development, and Employee Discipline either showed an increase each year or remained the same from one decade to the next. In the Academics category, Graduation, Accountability, and Credits either showed an increase each year or remained the same from one decade to the next. In the Governance category, only the State Board of Education showed an increase each year or remained the same from one decade to the next. In the Business Management category, only Budgeting showed an increase each year or remained the same from one decade to the next. In the School Operations category, School Lunch Programs, Miscellaneous Operations, and Reports either showed an increase each year or remained the same from one decade to the next. In the Students category, only Student Rights showed an increase each year or remained the same from one decade to the next.

Finally, of the thirty-seven (37) subcategories, six (6) showed an increase each decade in the number of school laws enacted. In the Human Resource Management category, Employee Benefits and Employee Rights showed an increase each decade. In the Academics category, Curriculum showed an increase each decade. In the Governance category, School Boards and Department of Education showed an increase each decade. In the Business Management category, Purchasing/Selling Personal Property showed an increase each decade. In the School Operations category, Public Records showed an increase each decade. Lastly, in the Students category, there were no subcategories that showed an increase each decade.

**Analysis of Data.** The data establish a convincing argument that the Indiana General Assembly, over a one-hundred fifty (150) year period of time, at least as to the four decades selected, has shown a propensity to increase its control over the Indiana common school system by enacting more and more school laws to govern the system.

In the first decade, the General Assembly enacted one hundred twenty-two (122) school laws. It then increased its legislative activity each decade, to one hundred sixty-one (161) school laws in the second decade, to two hundred fifty-three (253) school laws in the third decade, and finally to three hundred twelve (312) school laws in the fourth decade. Thus, the General Assembly has increased its legislative activity by over two hundred fifty-five percent (255%) from the first decade to the last decade, a significant increase.

It is interesting to note that all six categories had positive trend lines for the four decade sample.<sup>1</sup> However, the Business Management was almost flat and had only a slight positive trend line. The other five categories had significant positive trend lines. All categories except Business Management showed a marked increase in the number of laws passed during the fourth decade as compared to the first decade. Business Management dropped from 76 laws enacted during the first decade to 70 enacted the fourth decade. Also, the categories of Human Resource Management, Academics, and Students showed an increase in the number of laws passed each decade over the previous decade, while Governance, Business Management, and School Operations did not, as they each had one decade that decreased compared to the previous decade. However, these three areas did show increases during the other decades.

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<sup>1</sup> See figure xxxx

Business Management had the distinction of having the most laws passed during the third decade, when a total of 107 laws were enacted. Governance had the next most passed, 81, during the fourth decade, and Business Management followed with 80 laws passed during the second decade.

Academics had the distinction of having the fewest laws enacted during a decade, when the General Assembly failed to enact even a single law governing academics during the first decade compared. The second fewest number of laws enacted was during the first decade when the General Assembly enacted only one school law. The third fewest was also during the first decade as the General Assembly enacted only four laws in the Students category.

The lower positive trend line for the Business Management category is due to two subcategories in this category that did not have a positive trend line, i.e. Real Estate and School Facilities, both of which had negative trend lines. During the first decade it is apparent that the General Assembly was quite preoccupied with real estate matters as they passed 32 school laws concerning real estate. That number dropped significantly to 10 laws enacted the second decade, then increased slightly to 15 laws the third decade, then dropped significantly to only 2 laws the last decade. As to real estate, the General Assembly's activity also dropped off significantly during the last of the four selected decades. The number of laws enacted went from 11 the first decade, 9 the second decade, 12 the third decade, then dropped off all the way to only 1 the last decade.

It is clear that over the four decades the category of Business Management was of most interest to the General Assembly, with three hundred thirty-three (333) laws passed. Within this category, the subcategory of finance was where the General Assembly was

the most active of all subcategories during the four decades. The number of school laws passed during each decade in the Finance category was 25, 29, 32, and 30, for a total of 116 laws passed, which is almost double the next most active subcategory of Real Estate, which had 59 laws passed. The subcategory of Real Estate showed a marked decrease in activity over the four decades, dropping from 32 laws passed in the first decade, to 10 the second decade, up to 15 the third decade, and then dropping to only 2 the last decade.

The least active subcategories of interest to the General Assembly were Credits, Budgeting, Extra Curricular Activities, Integration, School Lunch Programs, School Calendar, Special Education, and Student Rights. Each of these subcategories had five or fewer laws passed during the four decades.

Subcategories that showed significant growth (at least double from the first decade and at least five laws passed during the fourth decade) in the number of laws enacted during the four decades compared are: Employment (5, 10, 18, 18) which more than tripled the number of laws enacted from the first to fourth decades; Employee Benefits (0, 4, 19, 23) which went from zero laws passed in the first decade to 23 laws passed in the fourth decade; Curriculum (0, 2, 5, 11) which went from zero laws passed in the first decade to eleven laws passed during the fourth decade; Graduation (0, 0, 1, 9) which had only one law passed during the first three decades to nine laws passed during the fourth decade; Accountability (0, 0, 0, 6) which had no laws passed the first three decades and then had six laws passed the fourth decade; School Boards (9, 12, 13, 18) which doubled the number of laws passed in the fourth decade as compared to the first decade; State Board of Education (1,1, 5, 9) which went from one law passed during the first decade to nine laws passed during the fourth decade; Department of Education (3, 7,

9, 34) which increased to 34 laws passed the fourth decade from just 3 laws passed the first decade; ISTRF and PERF (1, 0, 8, 12) which went from only one law passed the first decade to 12 laws passed the fourth decade; Purchasing/Selling Personal Property (1, 3, 5, 11) which saw an increase from one law passed the first decade to eleven laws passed the fourth decade; Miscellaneous Operations (0, 0, 3, 10) which had no laws passed during the first two decades to ten laws passed the fourth decade; Reports (1, 6, 0, 20) which increased from one law passed the first decade to twenty laws passed the fourth decade; Safety, Welfare, Health (0, 2, 1, 10) which went from only three laws passed during the first three decades together to ten laws passed the fourth decade; Discipline (1, 2, 1, 6) which had four laws passed the first three decades and had six laws passed the fourth decade; Attendance (3, 8, 11, 10) which had only three laws passed the first decade and had ten laws passed the fourth decade; and Student Rights (0, 0, 0, 5) which had zero laws passed the first three decades and had five laws passed the fourth decade.

**Implications of Research.** The Indiana common school system is a system that is headed by the Indiana General Assembly. The Indiana Constitution (1816) mandates that the Indiana General Assembly must establish a uniform common school system for the State of Indiana. Thus, the entity responsible for Indiana public schools is the Indiana General Assembly.

To fulfill this mandate, the Indiana General Assembly has created through statute<sup>2</sup> the Indiana State Board of Education and has delegated certain powers and duties to the State Board of Education.<sup>3</sup> In addition to the Indiana State Board of Education, the

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<sup>2</sup> See I.C. 20-

<sup>3</sup> See I.C. 20-

Indiana General Assembly also created the Indiana Department of Education<sup>4</sup> to assist the Indiana State Board of Education in implementing the Constitutional mandate to create and operate a public school system for the State of Indiana. The office of State Superintendent of Public Instruction is also created by XXXXXXXX.<sup>5</sup> Lastly, the Indiana General Assembly also adopted statutes creating local school boards and local school districts<sup>6</sup> to assist in fulfilling the Constitutional mandate. Thus, all these entities, the Indiana General Assembly, the Indiana State Board of Education, the Indiana Department of Education, the State Superintendent of Public Instruction, and local school boards make up the governance structure of the Indiana K-12 public school system.

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<sup>4</sup> See I.C. 20-

<sup>5</sup> See

<sup>6</sup> See I.C. 20-