

Marriage Bar Statues & Laws

- North Carolina — 1933 Public Laws Chapter 562 Section 11 (p. 1023): "in the employment of teachers no rule shall be made or enforced on the ground of marriage or nonmarriage"
- Kentucky — 1938 General Assembly (House Bill No 51, Mr. Anderson, Page 152).
- NEA (1938).
- **Cincinnati Times, September 20 1938** — Cincinnati public school system, resolution to not renew teaching contracts with married school teacher in coming year

General

- Cooke and Simms (1940) — "Only two states, Kentucky and North Carolina, and the District of Columbia have specific legislation protecting the married woman teacher from discriminatory dismissal."
- Chapter VI: Local Residents and Married Women as Teachers. (1934). *Review of Educational Research*, 4(3), 285-292. [Cooke Dennis H and Enlow ER]
 - "The U. S. Office of Education (322) found in 1931 that half of 171 cities above 30,000 in population had some rule forbidding appointment of new women teachers who are married"
 - of the 171, 1/3 had 'retain' bars
 - "It seems that no state has passed any specific legislation in regard to married women as teachers (298, 301, 333), although five states attempted in 1931 to establish laws against employment of married women teachers (323)."
- Local Residents and Married Women as Teachers (1937)
 - West Virginia and Oregon — marriage not grounds for dismissal but Minnesota — "Female teachers that are single when hired and married thereafter, their contract shall be in force only at the discretion of the board of education."
 - "Permanent tenure by statutory enactment protects women teachers against schoolboard rules providing for termination of services on account of marriage."

— legal article by Peters

- Local Residents and Married Women as Teachers (1940)
 - “Only two states, Kentucky and North Carolina, and the District of Columbia have specific legislation protecting the married woman teacher from discriminatory dismissal. Some of the other states have similar protection under tenure laws”
- Local Residents and Married Women as Teachers (1943)
 - “A review of statutes affecting married women teachers revealed that only three states (Kentucky, North Carolina, and West Virginia) and the District of Columbia have statutory prohibitions against the dismissal of teachers because of marital status (18). In 1931 tenure legislation in nine states protected teachers from dismissal upon marriage. By 1939 such tenure bills had been enacted in thirteen states. A more recent report (26) showed that thirty-three states, the District of Columbia, and Hawaii have some kind of tenure protection, either under tenure laws or continuing contracts, for married women teachers. Not all of these tenure provisions are statewide in their application. Some are local bills. Except in those local situations, however, where marriage is given in the law as a cause for dismissal, these tenure provisions tend more and more to protect married women teachers against discrimination.”
 - Also has section on need to lift marriage bars because so many teachers are being ‘called into industry’ (bc of wwii)
- Chapter VI: Local Residents and Married Women as Teachers (1946)
 - “In a study based on information submitted by more than 1400 super-intendents and cooperating members of their staffs the Research Division of the National Education Association (30) found that there were 20 per-cent more married women teaching in December 1942 than in December 1941. The increases varied inversely with the size of the cities.”
 - “Frazier (12) found that 20 percent of the women who left their teaching positions between the school years 1941-42 and 1942-43 did so because of marriage. Many of these women, most of whom were welcome in other vocations, were willing to continue teaching but were not permitted to do so.

Frazier thought this was "something of a commentary upon local management of the situation."

- Cause and Procedure in the Dismissal of Tenured Teachers (Wilensky 1980)
 - "By 1922 eleven states offered tenure to teachers. Three states, New Jersey, New York, and Montana, provided statewide tenure for teachers. Eight states, Oregon, Massachusetts, Illinois, California, Colorado, Wisconsin, Maryland, and Louisiana offered tenure with certain legislative limitations. These restrictions were usually based upon the population of the city, county, or the number of teachers employed."
 - Committee of One Hundred on the Problems of Tenure reported that "tenure protected the married teacher" (in the case of New Jersey, which had well-established tenure laws)
- Tampa Morning Tribune 10 July 1934 p 7
 - "North Carolina was reported as the only state with a law specifically governing the subject [of married women teachers]."
 - New York, West Virginia, Oregon, Indiana court rulings — "marriage, in itself is not just cause for a teacher's dismissal"
 - conflicting rulings in Wisconsin
 - Massachusetts and Minnesota courts — upheld right of school boards to dismiss
- Tampa Morning Tribune 01 May 1938 p 5
 - "Court decisions in Massachusetts, Minnesota, Missouri, and South Carolina have indicated that local school boards may use their discretion [in dismissing married women]"
 - "Such dismissals have been so widespread elsewhere, however, that they are legally forbidden in Pennsylvania, North Carolina and the District of Columbia. Court decisions have ruled against such dismissals in Alabama, California, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, New Jersey, New York, Oregon, Tennessee and West Virginia."
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California

- California Digest Supplement 1915-1919: “The board of education of the city of Oakland has unrestricted and absolute power to discharge a teacher in its school department and its removal of a teacher under a rule providing that when a woman teacher married her position should become vacant cannot be disturbed on mandamus” - Catania v. Board of Education

Florida

- Daily Democrat (1913-1949); Tallahassee, Florida. 02 Apr 1939: 8. — in Florida as of 1939, very limited rights for married women, e.g. can’t make legal binding contract or handle/control her own separate property

Kansas

- Tampa Morning Tribune 01 May 1938 p 5 — “One state, Kansas, has a law specifically sanctioning dismissal of married teachers (a tenure law applicable only to Kansas City)”

Louisiana

- Kennington v. Red River Parish School Board (1940) interprets tenure law as protecting dismissal on the basis of marital status

New Jersey

- Teacher tenure law established in 1911, used as an example of tenure “protect[ing] the married teacher”

Ohio

- Chapter VI: Local Residents and Married Women as Teachers. (1934). Review of Educational Research, 4(3), 285-292.
 - 1931 — 56% of cities in Ohio had rules against the employment of married women teachers, and that 73% were actually not employing such teachers

Rhode Island

- Donahue (2002). — Tenure law in 1946 explicitly did not protect forced retirement on the basis of marital status (can't find text of law to support this)

Tennessee

- Knoxville News-Sentinel 10 May 1932 p 5 — “Johnson City — Married women teachers won't be hired next year, the school board has decided.”
- Knoxville News-Sentinel 10 Sep 1938 p 1 — “... the [school board of Knoxville]'s by-laws forbid employing married women teachers except on an emergency basis.”

Virginia

- **Newport News, Virginia. 16 Jan 1932: 1.** — bill introduced by Mrs. Emma Lee White (“the assembly's only woman legislator”) states that “It shall be unlawful for any member or members, either individually or collectively, of the school board of any county, city or town to discriminate against any married woman because of her being married in the selection, employment or retention of any teacher or teachers in the public school system.”
 - Opposed by two Newport News school trustees — “at times like the present it might be desirable on account of the unemployment situation, to exclude married women from teaching positions.” and “such matters should be left to the local boards to settle”
- **Newport News, Virginia. 27 Jan 1932: 1.** — “Mrs. Emma Lee White's bill making it unlawful for any school board to discriminate against the employment of a married woman as a teacher was reported **out of the house committee** on schools and colleges.”
- **Newport News, Virginia. 29 Jan 1932: 5.** — “Mrs. Emma Lee White's bill to make it unlawful for school boards to discriminate against married women in the employment of teachers was recommitted to the committee on schools and colleges at the request of W. Basil Bruce, of Farmville, the committee chairman. Mrs. White objected, asserting the committee had reported it with only three dissenting votes, but the house upheld Bruce.”
- **Newport News, Virginia. 08 Nov 1934: 8** — study run by Dr. David Wilbur Peters on teacher quality by marital status found evidence that students of married women teachers scored better, and that “Superintendents questioned gave ratings favoring

the single women teachers, but principals and supervisors, on the other hand favored the married women teachers in their ratings.”

- **Newport News, Virginia. 02 June 1939: 4.** — “Reports from a number of states indicate a growing tendency to exclude a married woman from employment when her husband is on a substantial salary.”
- **Newport News, Virginia. 18 Jan 1947: 4.** — “Delegate I.C. Boyd’s resolution declaring it to be public policy that no woman should be debarred from teaching in the public schools merely because she is married probably will become law.”

Washington DC

- Chapter VI: Local Residents and Married Women as Teachers. (1934). *Review of Educational Research*, 4(3), 285-292.
 - 1927 referendum — 57/70 orgs voted in favor of married women teachers

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