AN EVALUATION OF THE GILLIGAN-ALLEN LAW AS TO ITS SOUNDNESS

FINANCIALLY AND ADMINISTRATIVELY

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AN EVALUATION OF THE GILMER-ALKIN LAW AS TO ITS SOUNDNESS
FINANCIALLY AND ADMINISTRATIVELY

THESIS

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CHAPTER I

INTRODUCTION

The problem of this study is to determine the soundness of the Gilmer-Aikin Law financially and administratively. No attempt will be made to apply the principles of the law to any particular area or school district, but the law will be considered as a whole as it will apply to the schools of Texas in general.

Definition of Terms

The Gilmer-Aikin Law when mentioned in this study will refer to Senate Bill 115, the State Administration Bill; Senate Bill 116, the Minimum Foundation Program Bill; and Senate Bill 117, the Automatic Financing Bill, as passed into law by the Fifty-First Legislature of the State of Texas.

Basically, the law was intended to provide more efficient State administration; more desirable minimum educational program for every child; and a more suitable system of financing schools in harmony with the ability of the school districts to pay.

The Minimum Foundation School Program Act is essentially a method of apportioning state-collected money among local school districts. The goal is to buy as much education as possible for the money expended.¹

Provisions of the Law

The Gilmer-Aikin Law establishes a Central Educational Agency composed of an elective State Board of Education, a State Board of Vocational Education, a State Commissioner of Education appointed by the State Board, and the State Department of Education. The State Board of Education shall consist of twenty-one members, one elected from each of the congressional districts of the State. Members of the Board shall not receive a salary, but their expenses incurred during attendance at meetings will be paid. Provisions are made for Board meetings to be held six times a year, at which time the Board will determine the school policies of the State. The Commissioner shall serve as executive officer of the Board of Education, and shall be its executive Secretary.

The State Board of Education is declared by law to be the policy forming and planning body for the Public School System of the State. It is also the State Board for Vocational Education and shall have all powers and duties conferred upon it by the various existing statutes now in effect relating to the State Board of Vocational Education. Specific powers are given to the state agency and all others not delegated are reserved to the districts. The State Board shall review periodically the educational needs of the State and adopt or promote plans for meeting them. It shall evaluate the outcome achieved in the educational program and with the advice and consent of the Commissioner of Education:

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(1) Formulate and present to the Board of Control the proposed budget for operating the Minimum Foundation Program;

(2) Adopt operating budgets on basis of appropriation by legislature;

(3) Establish procedures for budgeting control, expending, auditing and reporting;

(4) Make biennial reports to legislature covering activities and expenditures on Central Agency;

(5) Set up regulations for accrediting schools;

(6) Contract for purchase of instructional aids within limits granted by the legislature; and

(7) Contract for investment of Permanent School Fund within the authority granted by the legislature.

The Board shall be a policy-making, reviewing, regulation-enacting body to which a single executive agent, the Commissioner of Education, is responsible. The Commissioner of Education, appointed for a four-year term by the Board with confirmation of the Senate, is recognized as the professional adviser and sole executive officer of the Board and is given wide administrative leeway. The Commissioner names his State Department of Education staff with one exception: there must be a Division of Vocational Education with a director nominated by the Commissioner. The Board is to fix the salaries of the Commissioner and his professional staff and to prescribe qualifications.

The part of the Gilmer-Aikin Law known as Senate Bill 116
provides for the distribution of the financial burden between the State and the local districts. Provisions are made for financing the Foundation School Program, including the amount to be charged annually to the local school districts and the method by which each district shall be required to pay its proportionate part of such program, based upon the financial ability of such districts and providing the method of apportioning the amount of local participation among the several school districts of the counties.

The purpose of Senate Bill 116 is to guarantee to each child of school age in Texas the availability of a Minimum Foundation School Program of nine months of the school year, and to establish eligibility requirements applicable to Texas school districts which participate. Certain professional positions are permitted and certain services and expenses are allowed in determining unit costs.

The plan provided for distributing state funds to support the program is based upon the district's need and includes teaching supplies and operating expenses at a set figure per teacher unit. Transportation of pupils living two miles or more from school is included.

The number of teachers allowed is determined by permitting one teacher for each fifteen to twenty-five pupils in average daily attendance during the next preceding year, separate for whites and separate for negroes. The plan provides for one classroom teacher unit for approximately each twenty-six pupils in attendance. Special allowance is made for vocational teacher units, special
service teacher units, exceptional children teacher units, supervisor and/or counsellor units, principal units and superintendent units, based on attendance and number of teachers and schools.

The law sets out a definite salary schedule with a minimum base beginning figure with increments for both experience and training. The beginning teacher with a bachelor's degree shall receive a minimum base pay of $2403.00 for nine-months' term with $6.00 per month added for each year of teaching experience, not to exceed $72.00 per month. A beginning teacher with a master's degree shall receive a base salary of $2628.00 a year with $6.00 increase per month for each year of teaching experience, not to exceed $156.00 per month. Principals' salaries, superintendents' salaries and special teachers' salaries are specifically set for each type of school.

Current operating costs are based upon the need of each classroom teacher unit and varies, according to the number of teacher units, from $350.00 per unit to $400.00 per unit. The transportation need is the actual cost of transportation, provided the cost does not exceed ceilings set in the law.

The law actually establishes need in dollars. The units are financial devices and are not intended to tell a local district how many or how few teachers it may employ. The law provides that: (1) a unit of need shall not count if the district does not employ a person to fill that unit; (2) a unit of need shall not count if the person employed to fill it does not meet the prescribed
qualifications; and (3) that a person employed to fill a given unit shall be paid at least state minimum salary.

The law provides that $45,000,000.00 shall be the amount that all districts combined shall be expected to raise, through local taxes, and apply toward the cost of the Minimum Foundation Program. Each district is to be charged with its proportionate part of $45,000,000.00. The proportion to be charged to each county is determined by the Economic Index, which is simply a figure that represents the percentage of the total economic ability of a given county.

To determine the taxing ability of each school district, the State Commissioner of Education, subject to the approval of the State Board of Education, shall calculate an economic index of the financial ability of each county to support the Foundation School Program. It shall be based upon the following factors:

1. Assessed valuation of the county, weighted by twenty;
2. Scholastic population of the county, weighted by eight;
3. Income for the county, as measured by: value added by manufacture, value of minerals produced, value of agriculture products, payrolls for wholesale establishments, payrolls for retail establishments, payrolls for service establishments, weighted collectively by seventy-two. The Commissioner, subject to the approval of the State Board, shall recompute a new economic index each four years, taking such information from the most recent official publications and reports available from state and federal agencies. In case of radical or sudden changes, in the scope of
the economic activity of a county, an adjustment in the Economic Index may be made by the Commissioner of Education, subject to the approval of the State Board of Education. The amount of tax burden assigned to the respective districts of a county shall be proportioned to them according to their tax valuations.

According to law, the total amount of money that would be required to operate the Minimum Foundation Program in each district is determined as the district's need, from which is subtracted the amount of money that the district could raise locally by making the same effort as other districts, plus the district's receipts from the state per capita apportionment. The resulting figure shows the amount of State assistance from the equalization fund.

The act also provides for the consolidation of dormant or inactive districts; that is, those school districts that fail for any two consecutive years, subsequent to 1946-1947 school year, to operate a school in the district for the race having the greater number of enumerated schoolchildren in the district.

When the need-minus-ability calculation has been completed, each district knows the total amount of money it gets from the Minimum Foundation Program Fund. Provision is made for payment to the districts in monthly installments. To provide the Minimum Foundation Program Fund, the Commissioner of Education each year certifies the amount needed, in accordance with the provisions of Senate Bill 117. The amount certified by the Commissioner of Education is set aside from the Clearance Fund of the State, increased as necessary from the General Fund of the State.
Related Studies

Numerous studies have been made in the realm of public and school finance, but as far as is known, there have been only two studies made specifically on the merits of the Gilmer-Aikin Law, neither of which made any attempt to appraise the law as to its soundness as it applies to the schools of Texas as a whole.

A study of the law as it applies to the schools of Montague County, Texas, was made by Leslie L. Browning, B. S., and his findings compiled as a Master's Thesis for Master of Science Degree, North Texas State College, August, 1949. His problem dealt directly with the effect which the law had upon the schools of Montague County.

A study of the Gilmer-Aikin Program was made in 1949 by Arett McMichen with respect to the changes it would require in the schools and school districts of Walker County, Texas. No attempt was made to evaluate the program, but changes were listed that were required in the first year of operation of the law. The study also traced the development of equalization laws in Texas from 1943 to 1949.

The Sources of Data

Data for this study were secured from various educational

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literature and studies in the field of public school finance found in the Library of North Texas State College, the daily press, and numerous educational journals. Specific information concerning the Gilmer-Aikin Law was secured from a comprehensive study of the Gilmer-Aikin Bill, Numbers 115, 116 and 117, as published in the Senate Journal Supplement, Fifty-first Legislature, Regular Session, June 2, 1949.
CHAPTER II

PRINCIPLES AND CRITERIA OF
SCHOOL FINANCE

Out of the experience of the American people of more than a century of tax-supported education, numerous principles of good practice have evolved and from these it is possible to set up criteria for evaluating school laws as to their relative soundness. Cubberley\(^1\) was the first to realize the need for some method of assisting the poor districts to improve their school programs. It was from this idea of assistance to the weak that the whole idea of state aid was developed.

The development of public education has been closely paralleled by the adequacy with which school funds have been obtained and made available. Three periods of development of schools are:

1. Education supported by fees and subscriptions
2. Education supported by endowment and property tax
3. Period of equalization of educational opportunity, increased pupils served, expansion school program, increased cost, new forms of revenue and distribution methods.\(^2\)

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\(^2\)Paul R. Mort and Walter C. Reusser, Public School Finance, p. 22.
Our schools are in the third stage today. The Gilmer-Aikin Law is just another attempt to equalize educational opportunity. In order to appraise the law as to its soundness, it is essential to evolve criteria for establishing conclusions as to its value, for in order for any law to be sound it must conform to certain principles.

The Democracy Principle

The democracy principle is more often violated in the neglect of cultivating the public's insight and interests locally than by placing the power in hands of central officials. In many school districts local participation is denied, even though the forms of local government are complied with. The principle of granting to local communities the freedom to participate in making decisions in matters that directly concern them has been safeguarded since it was founded. Arguments in favor of increased local participation in educational affairs include the idea of greater opportunity for participating in local government, preservation of political institutions, facilitation of provisions of services adapted to variation of local needs and promotion of economy by placing administration close to public surveillance.3

Those functions that will be served best by local initiative and local control should be allotted to the communities, whereas

3 Paul R. Hort and Walter C. Reusser, Public School Finance, p. 97.
those that can be carried out by central agencies should be state-wide. That agency, state or local, which can best and most efficiently administer an educational function in the best interest of all the people of the state should be charged with administration. Education is a function of the state and not of local communities. By the state, however, is meant all the people of the state and not merely the agencies at the state capitol that administer state functions. Democracy in education, then, does not mean that all the functions of conducting a school in a community must be performed by the local agents, such as boards of education, superintendents, and teachers, but rather that all functions are ultimately in the hands of all.

Equality of Opportunity Principle

The definition of equalization of educational opportunity may be interpreted to indicate that the responsibility the state has for education is in no way different from that of local community. A step toward equalization of burden is simply a step toward providing support for an activity that in both control and support has heretofore been delegated largely to local community.¹

The period from the beginning of the twentieth century to the present is one in which the principle of equalization of educational opportunity stands out as a dominant characteristic. Not that this ideal has now in any sense been achieved on a nation-wide

¹Paul R. Mort and Walter C. Reusser, Public School Finance, p. 98.
scale, not that it was unrecognized before; but this recent period has been one in which increasing clarification of the principle and increasing emphasis upon it have carried it to the point of actual practice in a large number of states. Equalization of educational opportunity was an ideal expressed by the founders of our country. The establishment of free, tax-supported schools and the beginning of a system of aid to weaker schools were moves toward educational equalization and the establishment of a minimum of educational opportunity.

The idea of educational opportunity is a principle based upon the assumption that democracy is encouraged and served best by offering to all the children of a state equal minimum opportunity to attend schools which are adequate for the achievement of self-realization, economic efficiency, civic efficiency and human relationship efficiency.

Underlying the equality principle is the concept of assuring a minimum without placing a ceiling on opportunity—the idea of helping those handicapped by their economic and social environment. Equality of opportunity demands a leveling up process, helping the slow, not hobbling the swift. Equality of educational opportunity means not an identical education for all children, but the provision by state and local means of at least certain minimum essentials in the provisions of schools, their supervision, and their financial support. The acceptance of the idea that education is a concern of the state and that certain minimum educational standards are the concern of all the people, makes it incumbent upon
the state to provide the machinery through which the principle may be effectually realized. It is the obligation of the state to provide a minimum school for all children, to support such a system from state resources and to make the supervision of schools an outstanding part of the state program for all the people. 5

Equality of opportunity has to do with the removal of/or compensation for shortcomings outside the control of the individual that stand to keep him from having opportunities that society has come to accept as normative. 6

In the minds of most people there is no clear-cut idea of just how state and local responsibility for education should be divided, but it seems to be generally accepted that the state must assume a definite responsibility for setting some minimum of educational opportunity.

The state should guarantee to all pupils educational opportunity on a level adequate to social and individual needs. The principle that all children should be educated and that public schools should be free and open to all is so widely accepted that it may be regarded as one of the axioms of democracy. Citizens must be prepared for social and civic responsibilities. The democratic society flourished when the potentialities of all individuals are developed; neglect of education leads to social

6Paul R. Mort, Principles of School Administration, p. 158.
disintegration and individual failure. The state is acting entirely within its province when it requires that schools be established, that pupils attend and that educational programs conform to certain acceptable standards. School taxes are no infringement on the rights of the individual or on the prerogatives of the locality. Direction of expenditure of public funds is a primary responsibility of the state.7

Equality of responsibility for the general welfare, each according to his capacity, always has been in the American tradition. Under such conditions a sense of justice requires nothing less than the acceptance of the ideal of equal opportunity. In fact, it long has been fundamental in American thought and feeling that each individual be given a chance to achieve according to his capacity and effort. In the years that lie ahead the American people will have to dedicate their faith in education if they are to make real the dream of democratic society. Measures need to be taken to make available to all children and youth a minimum educational program.8

Principle of Adaptability

The success of the school depends upon the extent to which it serves present needs and adjusts itself to current social, economic,

8Paths to Better Schools, American Association of School Administrators, 23rd yearbook, p. 45.
and political contingencies. No school system can keep up-to-date unless it possesses the capacity to make changes readily. The capacity to make changes and adjustments to meet the ever-changing demands which are placed upon schools is known as adaptability. The continuance in the schools of practices that belong to the past and are ill adapted to the present is frequently tolerated to the point where the situation becomes absurd and where there is a sudden break with tradition, often resulting in hurriedly formulated policies and ill-considered practices that, while they introduce change, do not accomplish the most desirable improvement of the system. If such breaks in our educational systems are to be avoided, the schools must constantly keep in touch with the changing social, economic, and political order, and must be willing to adapt their methods so as to absorb the new and put aside the old in the process of adaptation. The school must be able to meet the changing conditions of the community and the state. There must be present in our public school system the elements of adaptability that will enable it to accommodate itself to the needs which arise in the community and to meet those needs in the interest of all the children of the community.9

Public education should be adapted to the needs of the individual, to varying social and economic conditions within the state, and evolving needs of a changing society. A uniform and static school system has no place in a modern democratic state. Educational progress involves variation and change in structure and

9Paul R. Mort and Walter C. Reusser, Public School Finance, p. 100.
functions of the school: educational efficiency requires adaptation of educational processes to the needs and abilities of learners. Experimentation, innovation and adaptation are the essential characteristics of a dynamic school. The minimum educational program in itself must be an expanding and developing program. Methods for meeting new educational needs and for making improvements in educational organization and procedure must eventually be incorporated into the general educational program of the state. The avenues of educational program should be kept clear, and efforts to improve and extend the school system should be encouraged. Freedom to use school money for adaptation, whatever the source of funds, should be guarded in any pattern of control. Regulations and restrictions which prevent the state or the local school unit from securing the necessary revenues and expending them for educational services, adapted to the needs of individuals and society, are in conflict with the fundamental purposes of the public school system.  

Principle of Variability

Adaptability refers to changes in the recognized program that might or might not be applicable to all communities without variation, but variability recognizes the desirability of carrying on given functions in ways particularly adapted to the needs of an individual community or to differences in individuals in a school.

system. Adaptability has to do with changes in functions and methods, but variability has to do with adjustment in accepted practices to make them fit specific local conditions or meet individual needs. In our form of government it is considered wise to permit variation from community to community assuming that each shall reach the established minimum. Variation in local control and support come from this principle. The variability principle demands flexibility in meeting objectives, old and new. 11

The desirability for uniformity in certain basic elements of the public school system should be recognized, but this need should not be mistaken to extend to other elements in which variation and change are essential to educational programs. Education must be adapted to the needs of many pupils and to diverse conditions in the communities in which the schools are located. As new social problems emerge, appropriate educational materials and methods must be developed to solve them. Variety and flexibility must be characteristic of a school system if education is to conform to developing needs and if education is to conform to developing needs and changing conditions. There must be freedom in the school system to experiment, invent, adapt, and these are possible only when external restraint are absent. Communities which are limited in financial resources or which are prevented from using their resources to extend and improve their educational programs are severely hampered in their adaptive processes. It is the state's business to supplement local resources where they are inadequate and to refrain from

11 Ibid, p. 65.
imposing undue limitations on the use of those resources available to the community.12

Prudential Principle

The prudential principle has as its basis economy, efficiency, sound judgment and wise administration. Emphasis upon economy in school administration has been clearly increased during the years of the depression. It was at this time that many thoughtful educators gave special attention to needed reforms that gave promise to increased efficiency. Inefficiency in administration of school finance has been due largely to the following: decentralization of control, political aspects of control, diversification of control, weakness in administration of control, and irresponsibility of public officials for public expenditures.

The prudential principle demands that the financial provisions should be such as to favor long-time planning to the educational program. As far as possible, drastic and decided changes arising from financial crises should be avoided. Ambitious plans demanding large increases in expenditures should not be entered upon as a result of the spurring of a temporary wave of prosperity, such as often accompanies business or population expansion of a community.

The prudential principle is the ideal by which the economy of school administration, changes in school authority and control,

changes in financial support and educational reorganization must be evaluated. The prudential principle is concerned with methods of budgetary procedure, accounting, auditing and financial reporting. In brief, the prudential demands that school systems should be so organized, financed, and managed that it will do things agreed upon in such a way as to make sure that people are treated equitable, that discretion in action is not exercised by persons or agencies incapable of making good judgments, that funds are not lost or wasted, and that the school system is financially sound. This principle must operate throughout the whole realm of public education.¹³

Prudence is as old as the race. It grew out of man's experience in overcoming the handicaps of a stubborn environment. Prudence on the part of the administrator implies his ability to regulate; to calculate; to employ skill in the management of practical affairs; to exercise caution; to use foresight and forethought; and to exercise wisdom as a result of past experience.¹⁴

Public funds should be safeguarded from misuse, loss, fraud, and graft. To permit the expenditure of public school funds for other than designated purposes and to expose the public purse to fraud and graft defeats the purposes for which governments are established. Purposes for which school funds may be expended should

be clearly defined in the statutes and include all services necessary to the conduct of an efficient educational program and uniform financial accounting and reporting procedures should be prescribed for the respective classes of school districts.  

The Stability Principle

Stability seems to be the principle that Jefferson invoked in support of local government, for he believed that keeping the power close to the people would make it more difficult for a tyrant to wrest power away from them. Much of the structural organization of schools and of the operational machinery springs from the universal desire to hold fast whatever has been proved good in the crucible of experience. The difficulty lies in the fact that the people often fail to distinguish the things that have been proved to be good from those that have not stood the test. All educational workers are acquainted with the point of view that a certain practice is good simply because it was followed in earlier days. There is danger in the conservatism of the idea of stability. Stability does not mean resisting change, but it does mean selecting the good and tested in contrast to the questionable and untried.

Applied to education, the stability idea would imply that when the power lies close to the people it is more difficult for the educational world to swing the educational program into line with some new theory that has not been tested.

From a financial standpoint the stability principle seems to demand that the financial implications of new projects be thoroughly considered before they are begun, so as to make certain that they do not jeopardize the old and the tried. Many new projects such as the kindergarten, vocational education, adult education, and other forms of special education, have been opposed because they were new and untried. Stability demands budgeting, long-range planning, and specifically planned tax programs.

The Principle of Separability of Control and Support in Education

It must be remembered, in determining what is best for the welfare of the schools, that it is the people as a whole who are supreme, and not certain portions of them. What is done by the state is done by the people as a whole for the interest of all. The Federal Constitution made no mention of any form of education for the people, but, by the terms of the Tenth Amendment, ratified in 1791, education became one of the many unmentioned powers "reserved to the States." It was the local districts that inaugurated the school system, but it has been observed that state aid has naturally and necessarily led to state control.

It is often said that control follows the dollar because it has been commonly held by educators and laymen that control must necessarily emanate from the agencies which provide the support. With respect to finance and control of education, it is best to consider these two problems separately. In whatever manner the
powers of making decisions with respect to education have moved as between agencies of state-wide and local jurisdiction, they remain state control. One should avoid the error of thinking that, because an agency of state-wide jurisdiction collects the money, this constitutes a reason why an agency of state-wide control and jurisdiction should be given broad controls. It is conceivable that all the responsibility of raising funds could be allocated to local agencies and still the high degree of control could be left to the agency of state-wide jurisdiction. As a matter of fact, there is no such clear-cut definition of either control or support in any state as between agencies of state-wide and local jurisdiction.

In most recent times we may find those who believe that some degree of state control must invariably follow the increased state support, but there has been generally a clarification of the principles of control and support that shows the two to be not necessarily interdependent. The control over education or any part of it may be allocated to the local communities or to the state, independently of the source of support. Under the principle of separability it would appear to be the placing of controls in the hands of those who can best exercise them for the good of the functions they are to serve, and to allocate support to those agencies that can best raise the revenue. When the proceeds of taxation are definitely allocated to the schools, the state government becomes merely the agent for the levying and collection of the taxes, because it can perform this function
better than can the local communities. It does not follow that because the state authorities act as agents they should have any control over the expenditure of the funds.\footnote{16}

Apparently there is a need for bringing about a better understanding of the principle of state responsibility for education, a better understanding of the function of the local school boards, of the freedom they must have if they are to exercise the responsibilities with which they have been charged by the people of the state, of the bad effects on all the people of the use of certain restrictive measures from a negative rather than a positive attack on the problem, of the possible services that may be performed through a state agency.

Good accounting and budgeting procedure, good auditing, and good methods of report are devices that have been developed largely for the primary purpose of assuring that the schools in any district are a reflection of the desires of the people of the community. Our concern with local management comes from the fact that exercise of local financial powers is an exercise of state responsibility.\footnote{17}

Although a partial division between state and local control of school finance may be achieved, complete separation of functions is hardly feasible. It would appear that complete integration of state and local control of school finance, would include the following essentials:

\footnote{16}{Paul R. Mort and Walter C. Reussner, \textit{Public School Finance}, p. 107.}
\footnote{17}{\textit{Ibid.}, p. 108-111.}
1. Clear definition of purposes and objectives arrived at through the collaboration of state and local school administration.

2. Standards and criterion which have been developed in terms of stated purposes and objectives and which take into account the administrative capacity and financial resources of local school systems.

3. Requirements that fiscal procedures and practices conform to sound principles rather than to fixed rules and regulations.

4. Freedom on the part of the locality and stimulation on the part of the state to adapt financial controls to local conditions and changing needs.

5. Continuous efforts to improve both state and local administration through cooperation in the solution of financial problems, research, experimentation, and diffusion of new knowledge and improved practices.

6. A system of state and local school support which guarantees an adequate minimum educational program in all local units, which equalizes the local contribution to the support of the minimum program on a low local tax rate, and which releases a large portion of local tax resources for the financing of local initiative.

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Principle Based on a Resolution of the Forces of Several Principles

In financial management, as well as administrative, a person should not become a devotee to a single principle to the exclusion of all others, but all principles and practices must be considered in order to have a well-balanced program. Prudence must be practiced, but not to the exclusion of trying new ways and methods that might prove beneficial to those affected. There must be effort to adapt the program to new ideas without the error of refusing to let go of the old and tried just because it was good in the past. We must not be so mindful of equalization that we cannot see the need of all, regardless of whether they are members of weak or strong districts. There must be an application of the principle of difference in communities, schools and individual children. Whatever the problem before the school system, it must be attacked with common sense, granting that there is difference in individuals and schools and that the purpose of all education is to do the most for all the people, permitting the greatest participation possible in a democratic society. The principles of right and justice must prevail at all times, considering both those who are to be educated and those who provide the finance.

Resulting Criteria of School Finance

Having presented the principles of public school finance, as set out by Mort and Reusser, it is necessary to present derivative criteria by which the Gilmer-Aikin Law may be appraised.
Criterion of Democratic Principle

Concerning the democratic principle, certain criteria may be evolved. In order to meet the requirements of the democratic principle, the law must give every district the opportunity to share in the financial support of the program in proportion to ability to pay and provide for all, regardless of financial status, with participation by all in the formation of the financial structure.

Based on the democratic principle, the soundness of the program rests on the following questions:

1. Does every school district share equally in proportion to its ability to pay in the support of the program?

2. Does every school district share in the benefits from taxation, regardless of financial status?

3. Is tax money spent on all alike for the benefit of the entire program?

4. Do all school districts share according to need without undue burden being placed on any?

Criterion of Equality of Opportunity

If the plan provides equality of opportunity, it must furnish money necessary to permit all children, regardless of race, creed or station in life, to receive the same maximum benefits through minimum facilities. The financial provisions must not be such as to allow any group to receive superior educational advantages.
Educational opportunities must be provided for all groups alike, without favor or disfavor to any group at the expense of another.

-based on the equality of opportunity principle, the following questions must be answered:

1. Do all children have equal opportunity to a minimum school program?

2. Are financial provisions equal for all schools to have a sound financial program?

3. Are there inequalities between districts as to financial support?

Criterion of Adaptability

Adaptability must be determined by certain criteria which give capacity for change. The law, in order to be adaptable, must be such that it can be easily modified to the extent that the tried and true practices may be dovetailed into the new educational machinery when the need arises without any interruption of the financial program. There must be principles involved that allow the change of financial policies without the educational policies suffering a set-back.

The determining criterion of the principle of adaptability is whether or not the program can be adapted to the needs of the school program and the following questions arise:

1. Can the financial plan be changed or adjusted to meet new and ever-changing conditions without disrupting the whole financial structure?
2. Does the financial structure facilitate change in plan readily?

Criterion of Variability

Conformity to the principle of variability demands the criterion of flexibility. The plan must be capable of modification to fit a varying, day by day, financial program, and permit adjustment to every community situation, regardless of the economic or social condition of the school district. The test for the program is whether or not it can vary sufficiently to provide for the financial needs of every community and every individual therein, at the specific time when these needs must be met. The plan must be capable of alteration to meet changing needs.

The criterion of variability principle demands affirmative answers to the following:

1. Does the program fit all districts?

2. Does it provide for financial needs of all communities, regardless of size, location or local conditions?

Criterion of Prudential Principle

The prudential principle prefaces the criterion of common sense business management. The law must provide for financing the system satisfactorily and at the same time set up proper checks and balances. It must give financial support that provides adequately for the schools during times of financial stress. The taxpayer's dollar must be spent wisely as well as collected equally
from all. Proper provisions must be made for budgeting, auditing and reporting. Enough must be provided for sufficiently supporting all functions of school financial program. Distribution of funds between teachers' salaries, administrative expenses, and supervision must be properly balanced.

The criterion of the prudential principle demands that the taxpayers' contribution be spent wisely. The following requirements should be met:

1. Does the system provide adequate finances?
2. Is there provision for wise spending?
3. Are proper checks and audits made to insure honest and efficient expenditure of the money?
4. Is the system of distribution among the various schools fair and equitable?

Criterion of Principle of Stability

Stability is essential and this is based upon the criterion of endurance or permanence. The law must provide financial stability which will allow freedom from upsetting change. It must provide endurance, but it must likewise be sufficiently adaptable to allow educational progress through the ever-present medium of change.

The criterion of stability principle is whether or not it will endure in the face of constant change. The test comes in answer to the following questions:
1. Does the program have fundamental principles of finance that are basic for a sound program?

2. Can the principles of the system endure?

3. Can the program withstand a period of financial depression without being completely disrupted?

Criterion of the Principle of Separability

The criterion of the principle of separability of control and support is whether or not there is proper support at the state level, and sufficient control at the local level. Are provisions made for the state to supply adequate financial support to those districts which cannot afford adequate support for the program without imposing state dictatorship? The state must supply the funds necessary to equalized educational opportunity without assuming too much control in the local situation.

The criterion of separability of control and support is embodied in the following questions:

1. Is there sufficient support from state level?

2. Is there sufficient control from the local level?

3. Is there sufficient support from state level to guarantee a minimum program, with the control as close to the local district as necessary without too much dictatorship from the state level?

Criterion of the Principle of Balanced Consideration of the Several Principles

The principle of balanced consideration of all principles
brings out the criterion of judgment in planning the finances of the program. A sound law must outline a well-rounded financial plan with due regard to all principles of finance. No principle can be excluded, nor any over-emphasized without doing violence to the program.

The criterion of the principle of balanced consideration demands a well-rounded program and must answer the following questions:

1. Is the program well balanced?
2. Are all principles of finance considered without over-emphasis of any?

Summary

The principles of sound school finance have been given in this chapter and certain criteria have been formulated in a rather broad sense, but it will be necessary to narrow the criteria somewhat before they may be applied to the Gilmer-Aikin Law as a measurement.

Sound educational finance, as brought out in this chapter, point out that a sound public school financial program must essentially:

1. Be democratic
2. Provide equality of opportunity
3. Permit adaptability
4. Allow variability
5. Be prudential
6. Provide stability
7. Provide for separability of control
8. Provide for application of all sound financial principles.

In summarizing the criteria which have been formulated, they may be stated in form applicable to a plan of measurement as follows:

1. In the formulation of its financial policies, does the program give all groups equal opportunity in proportion to their benefits and their ability to support the program?

2. Does the program provide sufficient financial support to enable all districts of the state to furnish the same facilities for their children?

3. Does the program provide for adaptation to changing conditions?

4. Does the program permit variation of financial plan to fit needs of different districts?

5. Does the plan provide for wise spending and prudent checking of financing system in order to get the most good from the tax dollar for the maximum number of people?

6. Does the plan meet the stability test in that it provides for research and testing of the new methods for purpose of transition?

7. Is state support ample and does it permit sufficient local autonomy?

8. Does the plan embody a well-balanced regard for all financial principles?

In the following chapter, an attempt shall be made to apply the above criteria to the Gilmer-Aikin Law to determine whether
or not it is sound financially with respect to the principles of
teach school finance from which the resulting criteria were derived.
CHAPTER III

THE APPLICATION OF CRITERIA OF SCHOOL FINANCE

TO THE GILMER-AIKIN LAW

In this chapter, the criteria of school finance will be applied to the Gilmer-Aikin Law for the purpose of determining whether or not the law is financially sound, and whether or not it is based on sound principles of educational finance.

Criterion of Democracy

Is the plan of financial support embodied in the Gilmer-Aikin Law in harmony with the principle of democracy? Does the plan in its operation give all groups equal opportunity, in proportion to their benefits and to their ability to support the plan?

The plan requires certain definite commitments by the districts, but only to the extent of their ability to pay. Forty-five million dollars is the tax burden of all the districts, with the sum divided among them on the basis of an economic index. The index is applied to all counties alike, so there is no discrimination. Small, weak counties receive less local burden, and large, wealthy counties receive a comparatively larger burden. Since the districts of a county assume their local burden in proportion to their part of the county valuation, the weak and the strong, financially, are allotted their tax burden according to their ability to pay.
It has been charged that it is not democratic to force a raise in local tax rate in order to meet the minimum standards locally, but any time that such a tax is required, no change can be made until the citizenship has been given the opportunity to vote for or against the proposition. Really, the Minimum Foundation Program is essentially a method of apportioning state collected money among local school districts in order to buy as much education as possible for the money expended.\(^1\) If a thing is done for the betterment of the group as a whole, it is definitely democratic in its motive. On this basis, a minimum program is justified as an equalization law.

Under certain minimum standards, all districts are equal and receive equal benefits, but the wealthier districts, under the Gilmer-Aikin Law, may have a wider taxing margin above the minimum need requirements for increasing their local benefits and enriching their programs. The advantage of the Gilmer-Aikin Law is that it guarantees a certain minimum program, thus giving equal educational opportunity to a certain extent. The democracy principle operates to the extent of the minimum program.

The current pattern calls for the setting of a satisfactory minimum or foundation program below which no locality would be allowed to go and to which any district would be allowed to add. In addition, it calls for the sharing of the support of the foundation program in such a way that the burden shall fall upon the

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people in all localities equally, according to their power to pay
taxes. It demands also that the burden of the property tax that
supports local initiative shall not be greater than the burden
on other types of taxes.²

Strayer and Haig presented the following formula as their
concept of sound equalization:

\[
\text{State aid for a given school district) } = \text{ Cost of the program to be equalized} - \text{ Local contribution at a uniform rate in accordance with ability to pay}
\]

Since it guarantees a minimum foundation program to a certain
level for all in line with such accepted practices, based on an
established economic index, and since it does not require partici-
pation without the consent of the local citizenship, the Gilmer-
Aikin Law is democratic in its plan of educational finance. There
is no major discrimination against groups, and the principle of
operation is democratic.

Criterion of Equality of Opportunity

Does the Gilmer-Aikin Law provide sufficient financial support
to enable all districts of the state to furnish the same educational
facilities for their children? From the standpoint of finance,
does the law furnish all children of the state equal educational
opportunity?

The Gilmer-Aikin Law, as stated before, sets up a minimum stand-
ard. It attempts to guarantee to all children of the state a

²Paul R. Mort and Walter C. Reusser, Public School Finance, p. 392.
uniform term of nine months, under present financial conditions, and provides certain minimums as to equipment, transportation and current expenses. It provides certain minimum salaries for teachers, thus enabling each school to provide properly trained teachers for the children of all schools. However, this does not completely equalize the salary schedule for all schools. Educational opportunity is not equalized, due to the difference in wealth of school districts, and to the size of school districts. The plan of closing dormant school districts and requiring consolidation of certain other districts with low minimum attendance has, to some extent, equalized opportunities for the children of those districts. The small school has not been entirely eliminated under the law, but if the law is applied from year to year, the one-teacher school will soon be a thing of the past. The large districts have more leeway from the minimum tax needed to cover extra services and broaden the program. Small districts may reach the minimum, but they cannot add to the program. Large, wealthy districts may supplement the minimum program and give greater opportunities. To this extent, there is not equality of opportunity from an educational standpoint.

The problem of educational opportunity for Negroes and Latin-Americans is still just about as acute as ever as there is nothing in the Gilmer-Aikin Law to eliminate it. However, if the minimum requirement phase is applied, it is possible that these groups will benefit materially from it.
The Gilmer-Aikin Law provides equality of educational opportunity only to a slightly higher degree than heretofore, and only to the extent of the minimum standards. Though the law does not provide equality of opportunity, it does not hinder it in any way, and comes nearer equality than any program that has operated in Texas.

Criterion of Adaptability

Does the Gilmer-Aikin Law provide for adaptation to changing conditions? Apparently the Gilmer-Aikin Law is general enough to be adaptable to changing conditions that are most certain to arise. The basis of the taxing phase of the law is the same as it has been. Local tax rates will be adjusted from time to time by the vote of the people. The law provides for equal state support, based on economic need, with provisions for changing the economic index every four years, or at such time as unusual circumstances arise which affect the economic status of the districts. This permits changes to meet varying conditions.

The law also authorizes the Commissioner of Education and gives him funds to employ research workers to obtain facts on which to base his policies. Such study may be applied to financial matters as well as administrative routine affairs, and thus makes the law more adaptable financially.

The facts are that certain changes cannot be made without a thorough recodification of the school laws of Texas. The Gilmer-Aikin Law repealed only a few of the old laws; but, as a foundation
program, it may serve as a guide in changing school laws to meet present and future needs. The consolidation provisions in the law tend to make adaptation to present needs.

There seems to be nothing in the Gilmer-Aikin Law to keep it from being modified in its application; therefore, it seems to be capable of meeting changing conditions. Its principles seem to be flexible.

The Criterion of Variability

Can the Gilmer-Aikin Law be varied in its application in order to fit the changing conditions in situations in various districts?

The law is flexible to the extent that districts are recognized on the basis of need. The matter of state aid does not affect all districts in exactly the same proportion, but it is nearer to that criterion than any equalization law that we have had. The fact that a minimum program is outlined for every district, dependent upon its economic situation, enables weak districts to have a standard that is the same as that for stronger districts. Local autonomy is strengthened in both large and small districts.

The Criterion of Prudentiality

Does the Gilmer-Aikin Law provide for wise spending and prudent checking of financing systems in order to get the most good from the tax dollar for the maximum number of people?
There is practically nothing in the Gilmer-Aikin Law changing the plan of auditing, budgeting, etc. Authority for such regulations of the financial program are given in the law as follows:

1. Formulate and present to the Board of Control the proposed budget or budgets for operating the Minimum Foundation Program of Education, the Central Education Agency, and other programs for which it shall have responsibility;

2. Adopt operating budgets on the basis of appropriations by the Legislature;

3. Establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted;

4. Make biennial reports, covering all the activities and expenditures of the Central Education Agency to the Legislature;

5. Execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the Legislature; and,

6. Execute contracts for the investment of the Permanent School Fund, within the limits of authority granted by the Legislature.

These checks and regulations on the handling and disbursing of state funds meet the requirements of the criterion of the prudential. The law does not change the plan of budgeting and auditing, which the local districts have had in the past, and they have been considered sufficiently rigid to insure proper spending.
The Criterion of Stability

Does the Gilmer-Aikin Law meet the stability test in that it provides for research and testing of new methods for the purpose of transition?

Does the law have principles of permanence?

The plan of organization, as outlined in the law, shows evidence of permanence. It is a foundation program that may be supplemented or deleted through the regular channel of legislation or popular vote. The effect of a financial depression cannot be definitely estimated, but the local tax leeway in most districts will be sufficient to overcome such.

Financial stability of the law still depends upon the amount of taxes that can be raised under adverse or depression conditions, but the index for apportioning state funds provides a margin sufficient to cover ordinary fluctuations.

School districts may not be able to operate with the best system during periods of stress; but, even then, the program guarantees a minimum program, which gives stability.

The criterion of stability is met fairly satisfactorily by the Gilmer-Aikin Law.

The Criterion of Separability of Control and Support

Does the Gilmer-Aikin Law provide ample financial assistance from the state level and yet allow effective local control by the district?
The powers of the state and local districts are clearly defined in the law. Specific powers of the state agency are stated and all others are declared to belong to the local school districts. Apparently, there is an honest attempt to reverse the trend and to restore initiative to the local school units.

The state supplements only the finances of the local districts. The local districts are required to provide forty-five million dollars, but the state provides, according to available current figures, about one hundred fifty-seven million dollars. The local school boards have the responsibility of dispersing the funds, both local and state, in accordance with regular financial practices. Local districts decide by popular vote what their taxes shall be and whether or not they provide above that of the minimum.

It is the responsibility of the state to provide enough financial support to enable all districts to have a uniform minimum program and establish certain standards that must be met in order for districts to participate, but all other financial matters are reserved to the local areas.

Since the Gilmer-Dakin Law is very specific on separation of the powers of the state and local districts, it seems that the criterion of separability of state and local authority is definitely met.

The Criterion of Balanced Consideration of all Principles

Does the plan embody a well-balanced regard for all financial principles?
The Gilmer-Aikin Law conforms in a large measure to all principles of a well-balanced financial program. The plan embodies the principle of democracy in finance, as districts are required to share burdens within range of their ability to pay. The state, as the institution responsible for the education of all the children, assumes the task of equalizing the financial burden for a minimum program. The major attempt of the law is the equalization of educational opportunity. This is the only justification of any equalization law.

The Legislature, in the long range plan of the law, attempted to make it amenable to change by making it a minimum foundation program which can be modified or changed as the need arises. The economic index, and provisions for its change, permit variability from district to district and stability or permanence for the program as a whole. Although little is said about checks and balances, enough is required to guarantee prudential spending and accounting. Specifically, state support has been designated and immediate control of finance has been left to the boards of the local districts.

The Gilmer-Aikin Law meets the criterion of a balanced consideration of all the principles of school finance in that each is not stressed to the detriment of another.
CHAPTER IV

PRINCIPLES AND CRITERIA OF SCHOOL ADMINISTRATION

In Chapter III certain definite principles of school finance were presented, from which specific evaluating criteria were evolved. These evaluating criteria were then applied to the Gilmer-Aikin Program as standards of measurements to determine the soundness and workability of the financial phase of the law.

In Chapter IV an attempt shall be made to set up certain well recognized principles of public school administration to be used as a basis for establishments of criteria for evaluating the Gilmer-Aikin Law as to its soundness, from the standpoint of school administrative policy.

The Principle of Political Democracy

Democracy demands that each human individual be dealt with by his fellows as a living, growing, potentially flowering organism that has a right to be a participant in decisions that stand to affect him. Our plan of national life is an attempt to apply the principle to the political aspects of living.¹

It is impossible for any school system to be solely democratic, just as it is impossible for any government institution to operate as a pure democracy after it has reached a certain

¹Paul R. Hart and Walter C. Reussar, Principles of School Administration, p. 99.
size. Actually, our schools, as well as other governmental departments, operate with a minimum of democracy. Democracy does, however, demand broad participation of the public at large at all times. Democracy in education demands participation of all persons concerned to the greatest possible degree. Democratic participation connotes more than the right to be told. It connotes, in addition, the right to influence the decision.

The democracy criterion requires, basically, a consideration of the personality of the individual. The great stress it has in our governmental experience since the Revolutionary War tends to emphasize its political aspects—the setting up of a situation in which individuals will have more to say with respect to the restrictions around them and the services to be performed for them by the government.²

The political principle says that control should be placed by law as close to those affected as feasible. The devices for getting business done may seem to be vast powers to some individuals or groups, but are only a part of complete popular control. We can never get the final authority as close to those affected if democracy was the only thing to be considered. It is the duty of those in power to get as far from the law back toward the idea of pure democracy or complete popular control. In all of our governmental procedure, we must safeguard popular government at all levels.

There are three claims for close popular control: (1) a channel for self-realization of citizens; (2) a safeguard of popular control on all governmental levels; and (3) the education of the citizen for all levels of popular control. These are the weights in the balance that appear to account for our traditional bias in favor of home rule. Local self-government is the clearest expression of structural democracy.

Our bias for home rule is the application of the political criteria. In applying this criterion to structure, it seems safe to state that actual operation of schools and the decisions as to their nature shall be left in the hands of the local communities, so long as the results attained are judged in terms of other criteria, and are as good or nearly as good as might be expected from central control. It should be kept in mind that there is no legal right to home rule. It exists only by sufferance of the Legislature. Our early leaders gave no legal place to it. Local assemblies constitute the strength of the people. Local participation safeguards and protects the rights and liberties of the people. Local participation means self-realization and generates interest in local government. Finally, the exercise of democracy is dependent upon the hard work of persons. The price of living democratically is external hard work in feeding the democratic spirit, for it is easier to live as a slave than as a free man.\(^3\)

The educational responsibility of the state consists of the maintenance and improvement of the educational functions, equalization of educational economics, social, racial, and organized opportunities, and the improvement of local operation of the educational function through legal and financial means to assure adequacy of the educational program. The first responsibility of the state is to provide mandatory statutes for the satisfaction of essential minimum educational requirements applicable to all sections of the state. The democratic organization of public education permits the people of the state, through their Legislatures, to enact general policies governing the conduct of education, and to delegate the execution of these policies to the people of the several communities, through popularly elective representative body. This local education authority acts as the agent of the state and of the community in putting the general educational plan into effect or operation, and, as the agent of the people within the community, is enlarging and improving the basic plan in accord with the broad powers granted by the state Legislature to meet distinctive community needs. Democratic control over public education by the community is a protection against the possible misuse of the education function by the state or national government or by special voluntary groups. Administrative decentralization is essential to protection of democratic organization. The educational responsibility of the state should be exercised through an adequate state educational authority that includes
provisions for representative state board of education, for the
determination of policy, and for competent professional personnel selected on the basis of merit.

The Principle of Justice

Justice deals particularly with avoidance of violations. It has to do with the protection of the individual from unfair treatment arising from the over-rigidity of systems of procedure, rules or laws on the one hand, and from the arbitrary use of discretion on the other. Administration thus has to play a rather narrow fairway between arbitrarily exercised discretionary powers and rigidly applied uniform rules. Mistaking uniformity for justice is a common error. However, there are times when the injustices of uniformity is more to be desired than the injustices likely to arise from attempts at discretion. Justice in public school administration demands equity in contract, equity in school support, and equity in tax legislation. Strayer and Haig, in setting forth what they called "the equalization of educational opportunity and of school support", gave a principle which was an admixture of the basic principle of equality of opportunity and the principle of equity. They said that the states should set up a minimum program, below which no locality should be allowed to go, and should so arrange the financing of this program so that the burden should fall upon the people in

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Arthur B. Moehlman, School Administration, p. 600-601.
all localities equally, in accordance to their taxpaying ability. The demand for a minimum program was a demand for equality of opportunity, but the demand that the burden should be equally distributed was an expression of the justice principle.\(^5\)

**Principle of Equality of Opportunity**

Equality of opportunity, like political democracy and justice, is a special manifestation of our society’s elevation of the sanctity of the individual. At its core it is associated with the removal of, or compensation for, shortcomings outside the control of the individual that stands to keep him from taking advantage of opportunities that society has come to accept as normative. A community, in equalizing opportunity, is concerned with eliminating barriers to the realization of the educational program its organization presumes for the great mass of children. The equality concept holds that no individual should be handicapped in the race of life. From the standpoint of its educational application, it may be interpreted as demanding that no child shall be given any educational training less than that reasonably required to fit him for life as a contributing member of society. Again, equality should not be confused with uniformity.\(^6\)

Equality of opportunity means the discovery of those who must have special consideration in order that they may not be denied a fair chance. Thus, principle provides for a varied curriculum and a consideration of the variation in the economic

status of families. Any law bringing the schools to all of the
children is an element of equality of opportunity. Equality of
opportunity demands that we cease taking the stereotypes of edu-
cation in the past as the purposes of present day education. The
test of equality is to what degree it brings to every child that
which the community or state accepts as normative.7

The Governors' Conference, at its annual meeting in 1949,
directed the Council of State Governments to "conduct a study and
compile a report on the systems of education in the various states."
Published in the latter part of 1949, the study was made under the
direction of Francis S. Chase of the University of Chicago. When
asked what he regarded as the most important step toward improv-
ing the quality of educational opportunity of all our people, he
listed six essentials as follows:

1. Provisions for systematically obtaining and studying the facts as a basis for policy decisions.

2. A state policy-making agency for education through which the will of the people may be voiced and the interests of the state protected.

3. Local administrative units of sufficient size to promote effective local control and to provide appropriate education opportunities at a reasonable cost.

4. Provisions calculated to assure high quality professional leadership for both state and local agencies.

5. Conditions conducive to maintaining well qualified staffs of teachers for all phases of elementary and secondary education.

6. A system of financing that will provide funds sufficient, and distribute them in such a way, as to assure adequate educational opportunities for all and to encourage both

7Ibid, p. 158.
sound administration and a high degree of local initiative.8

Samuel H. McGuire listed the following as principles and practices necessary to ensure educational opportunity:

1. The use of at least a part of the state school fund, for the purpose of equalization of educational opportunities and school burdens, is an acceptable principle in public school finance.

2. For the present, the state is a desirable political unit to bring about greater equality in educational facilities and cost burdens.

3. The first step should be setting up of minimum objectives.

4. This should be followed by a plan whereby the objectives may be achieved.

5. Equity in school costs and school burdens cannot be achieved without a satisfactory system of state and local taxation for all purposes.9

The Principal of Prudence in Administration

Prudence is as old as the race. It grew out of man’s experience in overcoming the handicaps of a stubborn environment. It implies the ability to regulate, to calculate, to employ skill and sagacity in the management of practical affairs. It implies the ability to exercise caution and circumspection, to use foresight, and to employ wisdom as the outgrowth of experience. We


look with particular disfavor in government on wasteful spending. It is not the amount spent, but the results of the amount that is spent. Proper checks and balances should be set up for administrative as well as financial procedures. Care must be taken in the matter of assigning discretionary powers to those in authority in order not to hamper good administration.

Prudence demands that any change should be planned ahead and should not be made too rapidly. Also, changes should be known by the people ahead and permit them to participate in this change wherever possible. Change in an educational program often calls for a new alignment of loyalties and the breaking down of old loyalties. Such loyalties play an important part in consolidations and groupings, which actually provide broader opportunities. Many times they are opposed because of the desire of the people to hold to their loyalties. Changes in procedure appear simpler if there has been built up an understanding of the basic characteristics of the program. There is actual merit in simplicity.\(^{10}\)

The Principle of Adaptability

Adaptability requires that an institution must be able to adjust to newly developing needs within its sphere of action, and in its dealings with persons necessarily involved. In the process of achieving its educational purposes, it must be able to deal differently with different human beings. There must be ability

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to adjust to change, recognizing the difference in individuals and communities, without affecting stability. A school system must hold fast to the good, change what requires change, and be fertile in considering individual differences in all personalities involved. Steps in adaptability are as follows:

1. The emergence of a need
2. The recognition of the need
3. The definition of the need
4. The invention of ways and means of meeting the need
5. The introduction of the invention into one or more communities
6. The improvement of the invention in actual practice
7. The diffusion of the invention throughout the schools of the state.

The adaptability criterion demands that the time be lessened between the emergence of a need and its recognition, between its recognition and development of ways of meeting the need and first introduction, between its first introduction and the establishment of the invention as a practical working plan. A structure that provides for local control of schools, other things being equal, favors invention and early introductions because of freedom of individual communities to act. A highly centralized system favors rapid diffusion because of the ease of placing the plan in operation in all districts at one time. Neither plan considered by itself favors all the processes of adaptation.
It follows from the adaptability principle that state departments of education should be more alert to the experimentation going on in their better supported communities, seeing to it that knowledge of these experiments is carried from place to place. It is a difficult problem to organize sparsely settled districts in such a way as to contribute to the adaptability principle.\footnote{Paul R. Mert and Walter G. Reuss, \textit{Principles of School Administration}, p. 212-221.}

The Principle of Flexibility

The flexibility criterion recognizes the desirability of carrying on a given function in ways particularly adapted to needs in individual communities, or to difference in individuals in a school system. It has to do with adjustment in accepted practices to make them better fit local conditions or individual needs. Flexibility applies to the administrative structure and procedure only. There is probably no place where there is absolute uniformity, unless it might be in the matter of teachers' salaries. There should not be anything that would restrict, through minimum requirements, the curriculum or the course of study. Where it seems necessary to set up specific procedures, care should be taken to analyze the conditions requiring these procedures, and to limit the requirements to those school districts which cannot safely be trusted with the freedom to vary. The right to vary educational program, so as to fit the peculiar conditions existing in individual communities, is one of the outstanding advantages claimed for local control of schools. Obviously it assumes that the local district
has the personnel adequate to analyze the local needs and adjust the program to them.  

The Principle of Stability

The term "stability" connotes freedom from upsetting change. It does not deny change, but favors evolution. It takes time for deliberate change. The need for a deliberate change flows from the fact that a given program of education is not a matter of a single year, but of the educational life cycle of an individual. Stability demands that proposed changes be appraised in the old frame of reference as well as in the new.

Stability is strengthened by stable tax rates, well organized home rule, democratic procedure in proposing and making changes in system, providing long and over-lapping terms of members of boards, and state requirements for minimum expenditures and minimum tax rates. Fiscal independence of school boards, making them directly responsible to the people and permitting public opportunity of expression on school issues makes the school system more stable.

State boards should have supervisory powers over whole state school systems, and be chosen on merit, public spirit, and interest in education. Members should be chosen by popular vote on a non-partisan ticket. The preferred number for a board would be from seven to nine members. A board should be large enough to require

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good judgment and sound action, but not so large as to become unwieldy. Terms are generally considered six years as a median, with no salary, just payment of regular expenses incurred when meeting. The chief administrative officer should be professional, appointed by the state board, and allowed to pick his own educational staff.

Ward G. Reeder recommends, for greater stability and continuity in state educational programs, that state boards of education be elected and that they appoint the chief state school official on the basis of merit, professional training, and experience. Under this type of program, he says that policies and programs will not be suddenly cast into discard by each new chief state school official.

Establishment of Evaluative Criteria

This chapter has set out certain well established and accepted principles of public school administration, and the remaining portion of the chapter shall be used to present certain concluding criteria by which the Gilmer-Aikin Law may be evaluated.

Criterion of Political Democracy

From the standpoint of political democracy principle, any school program should recognize the sanctity of the individual personality. The government should place control as close to the

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15 Ward G. Reeder, Public School Administrative, p. 55.
people as possible and permit participation in the creation of the structure.

Based upon the application of the democratic principle, the following questions must be answered in setting up criteria:

1. Is the exercise of control placed as close as possible to those affected?

2. Do the citizens of the community have opportunity to participate in forming major decisions which affect them?

**Criterion of Justice**

Justice has to do with the protection of the rights of the individual and serves to protect him from both over-rigid elements of the law, and the arbitrary use of discretion. Such questions as the following are brought to light by the principle of justice in school administration:

1. Does the system provide for justice in dealing with individuals and districts?

2. Is the individual given due consideration in the principles of the law in the matter of enforcement, tax rates, and forms of aid?

3. Does uniformity apply to the exclusion of justice in administration?

**Criterion of Equality of Opportunity**

The principle of equality of opportunity in the administration of an educational system demands that every child be given the type
of training that fits him for his specific place in life, and this means, essentially, that the educational plan must fit the child and not the child fit the educational program.

The basic questions of the principle of equality of opportunity are:

1. Does the program provide opportunity for the individual to receive a normative education, so far as the state plan is concerned?

2. Does the child have opportunities that society considers normative?

3. Does the plan assist the student in meeting or overcoming the handicaps to which he may be subject?

Criterion of Prudence

The matter of principle of prudence concerns the common sense idea and relates to the practical workability of the system. The following questions relate directly to prudence in administration:

1. Is due regard given to the future?

2. Are proper checks and balances placed by law on the school system?

3. Is there legal assurance that the state will exercise its authority wisely?

4. Is there leeway for developing basic understanding of the program?

5. Are terms realistic and meaningful to the public?

6. Is the law simple enough to be workable?
7. Is the delegation of authority made clear and specific?

8. Is the law in conflict with established principles and loyalties of the people?

**Criterion of Adaptability**

It is on the activities of the schools themselves that the principle of adaptability makes the greatest demands. Changes in social and economic conditions, and application of methods of learning to varying situations, put a tremendous strain upon our educational system. Such a system must stand the test of the following criteria:

1. Is the program adaptable to the needs of children as conditions change?

2. Does the program provide for orderly, progressive change to meet changing conditions?

3. Does the program provide any means for instigating new practices?

4. Does the system provide for trained leadership capable of making adjustments to changing conditions?

5. Does the program provide for experimentation?

**Criterion of Flexibility**

In order for a program of school administration to be sound, it must be such as to be easily adapted to the needs of the individual communities and specific individuals in those communities. There must be liberty of communities to vary the plan to fit their needs. If the plan is flexible the following questions must be answered affirmatively:
1. Does the law permit the local districts latitude in discharging given functions in ways particularly adapted to their local needs?

2. Does the law provide for uniformity with flexibility?

3. Are state requirements all inclusive and flexible?

The Criterion of Stability

The real test comes in whether or not the program is able to withstand through the year. The principle of stability demands affirmative answers to the following questions:

1. Does the program provide freedom from upsetting change?

2. Does the program provide for home rule by many?

3. Does the organisation plan of the program favor permanence?

4. Does the program provide for long and continuous terms of boards and other personnel?

5. Does the public have opportunity of expression of sentiment on all the school issues?

Summary of Principles and Criteria

From the principles of school administration given in this chapter, certain criteria have been evolved and certain specific questions presented, but before they can be applied to the Gilmer-Aikin Law, they must be narrowed as tenets of measurement.

Sound educational administration of public school systems must conform to the principles of sound administration and must:
1. Provide political democracy
2. Promote justice in administration
3. Permit equality of opportunity
4. Provide for employment of prudence
5. Permit adaptability
6. Allow flexibility
7. Provide stability

From these principles have been formulated, for the purpose of evaluation, the following criteria:

1. In its plan of administration, does the program place control close to those affected by the law and permit local participation?

2. Is the individual and district protected through the principle of justice?

3. Does the program provide a plan to give equal educational opportunities to the extent that the needs of the children are met?

4. Is the program simple enough to be understood by the public and is the common sense idea applied so as to give proper consideration of all phases of the educational needs?

5. Does the program provide for change to fit new situations?

6. Can the program be adjusted to fit varying local conditions and needs?

7. Are the fundamental principles of the program permanent in their application?

The purpose of Chapter V shall be to apply the above criteria
to the Gilmer-Aikin Law separately in order to determine whether or not the law meets the requirements of sound administrative policy, pointing out its conformity and its variance.
CHAPTER V

APPLICATION OF THE CRITERIA OF SOUND PUBLIC SCHOOL ADMINISTRATION TO THE GILMER-AIKIN LAW

It is the purpose of this chapter to apply the criteria of sound public school administration to the Gilmer-Aikin Law, as it will operate, and draw conclusions as to the soundness of the law administratively.

The Principle and Criterion of Political Democracy

Will the Gilmer-Aikin Law meet the tests of political democracy?

L. D. Haskew in the article, "Framework Fit for '50", made the statement that the Texas public school system entered 1950 with a legal and financial framework nearly caught up with the times. 1

Joe C. Humphrey, President of Texas State Teachers Association, 1949, stated that the Gilmer-Aikin Bills established a basis for building one of the best state school systems in our nation. 2

Opponents of the law say that control by the people has been largely removed from them by making the Office of the Commissioner

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of Education appointive. This is a common accusation, but the change from an elective educational administrator and an appointive Board of Education to an elective board and an appointive administrative head seems only to rearrange a system of popular control through representative democracy. Actually, the final decision is as close to the people as heretofore, since the State Board of Education is elective, and the final conformity to the program depends upon an elective local board. The plan is not in accord with pure democracy, but our system of government has been accepted by our people as a whole on the principle of representative democracy, placing the control of government as close to those affected as feasible.

The Gilmer-Aikin Laws provide for an elected State Board of Education of twenty-one members, one from each congressional district. Provisions are for continuous and overlapping terms of four years for board membership. Therefore, the people will have the privilege and duty of electing their board members from their congressional district every four years. This Board will appoint the Commissioner of Education, who shall be the professional adviser and sole executive officer of the Board, and shall have wide leeway as the state administrator of education.

The powers of the State Educational Agency and those of the local school districts are clearly defined in the law. It gives specific powers to the state agency, and declares that all others belong to the local school districts. There is apparent effort to
restore initiative to the local school district; it relies upon a few general objectives of the instructional program, but apparently relies upon local school officers for quality and comprehension.

The law provides for aiding the districts on the basis of need, and assisting financially to a certain established minimum, but the local district has the privilege and opportunity to decide for itself whether it will participate in the program. Also, the district has the privilege to go further in its program than just the minimum. \(\text{There is nothing in the law to forbid a local district supplementing its program financially or otherwise.}\)

The final say on tax rates, participation in the foundation program, budgeting, buildings and improvements, curriculum, teachers and salaries is the responsibility of the local districts. Only in a few instances, such as legally dormant districts and short attendance districts, are definite regulatory measures required by the law.

The process by which the law was written was generally more directly democratic than the formation of most government policies by state legislatures. The committee of the Legislature, which framed and recommended the Bills for school reorganization, went to the counties and districts for representative committees and recommendations.

Not only must the individual's rights be preserved and protected, but privileges must be extended to him commensurate with
his needs, as recognized by society. In view of the fact that the local districts have lost very little, if any, of their local autonomy, but have gained certain definite privileges with a definite guarantee of a minimum program for their children, the Gilmer-Aikin Law seems to meet the criterion of political democracy fairly satisfactorily.

The Principle and Criterion of Justice

Does the law protect the individual and the districts from injustice?

The charge is made by those who oppose the law that it is unjust in its application and that it tends to regiment and systematize the schools to the extent of organized uniformity. Some say that the Gilmer-Aikin Law only sets up more state regulations and forces schools into a single pattern, regardless of their local situation, thus causing injustice to many localities.

The matter of equity of contract was not affected by the law, as matters of that type were not considered. These were left to the courts as legally designated and to special laws already in operation. The idea of equity in school support is strengthened by setting a minimum financial program, below which no locality is allowed to go, with provisions for distributing the burden upon all the people in all localities equally, in accordance with certain recognized paying ability. The demand for a minimum program was a demand for equality of opportunity, but the demand that the burden be equally distributed was an expression of the principle of justice.
The tax plan is just in that the burden is not to be increased without the popular vote of the people of the local unit. However, so far as tax laws are concerned, there was no change in the plan of providing school income.

The program is just in that it leaves the responsibility of the curriculum and offerings in the same category as before and makes no attempt to limit the local school officials in determining their program according to their needs.

The equity of the teacher contract remains the same, but uniformity is invoked in the designation of a salary schedule. As a result, teachers' salaries through the entire state have been increased. Francis S. Chase, in his report for the Council of State Governments, says that the quality of education in any state cannot rise above the character and competence of those who teach, and that improved education may be expected only through finding ways of assuring a sufficient supply of well qualified teachers. 3

Since the composition of the State Educational Agency, including the State Board of Education and the State Department of Education, is such that it covers the entire state, there seems to be protection from uniformity and injustice by permitting specific knowledge of local needs and local conditions. Through its local representative on the State Board of Education, the local district may keep close to the policy-making board and, in turn, the board members may voice the needs of their districts.

The matter of permitting multiple-choice in the selection of elementary, as well as high school texts, is an element in favor of justice. Also, the uniformity of teacher salary schedule, in both elementary and high school, provides justice in its application.

Accusation has been made that it is unjust to force consolidation before certain districts may qualify for assistance under the program, but in any effort to establish a minimum program, it is necessary to consider the adequacy of school units, for there is a minimum size for a district, below which it is not profitable nor wise to assist the district. There is a minimum size for districts, below which a standard program cannot be maintained satisfactorily.

The Gilmer-Aikin Law generally conforms to the criteria of justice in its application to the local school district. Regulation through rules and requirements are not so rigid that they force practices that are unjust to those affected. Conformity to the plan depends upon participation in the foundation program.

The Principle and Criterion of Adequacy of Opportunity

Does the Gilmer-Aikin program provide for equal educational opportunities for each individual child, from the standpoint of administration?

In order for the law to be sound administratively, it must provide for the elimination of barriers beyond the control of
the individual that keep him from taking advantage of opportunities that society has come to accept as normative. The program must provide each child with an educational opportunity that for him is as good as the given educational program is for most children.

The law provides for adequate transportation for those who must be brought to schools, thus providing equal opportunity of attendance by removal of the barrier of distance. The law has as its purpose the equalization of educational opportunities. No child should be given educational training less than reasonably expected to fit him for life as a contributing member of society. The plan leaves the matter of the specific offering to the local officials.

Provisions are made in the law for those who have some special handicap by permitting the employment of teachers of special education. Based upon the number of teachers in the system, special counselors or guidance personnel may be employed where the local district boards recognize the need for them. However, there is nothing in the law to provide for the child who is above the average in intelligence and ability. The law, as all previous ones, is based on application to the masses in general. There are no additional provisions for obtaining equal educational opportunity for all races, but the intention of the law was probably to that effect.

The consolidation clause, along with resulting transportation
plan, is a means of bringing pupils to the schools and providing equal opportunity. The very principle of a minimum support is an effort to equalize the opportunities afforded children. All schools may be operated for nine month terms, but the law does not compel it. The whole plan is for a minimum that all must meet in order to participate, but permits a local district to provide more if it desires.

From the standpoint of the administrative features of the law, Gilmer-Aikin Plan provides equal minimum educational opportunities, but beyond this level, the opportunities afforded some will be much more advantageous than those afforded others. However, from the state administrative angle, they will be the same.

The Gilmer-Aikin Law does not provide equal opportunity for all pupils alike, but it comes nearer to furnishing adequacy of educational opportunity than any so-called equalization law that we have had.

The Principle and Criterion of Prudence

Does the Gilmer-Aikin Law provide for prudence in its administration?

In order for a program to be sound administratively, it must embody prudence in regulations, management and future planning. There must be prudence applied in the allocation of powers by which the school system operates. There must be a capacity to exercise wisdom as the outgrowth of experience.

The law meets one outstanding requirement of prudence in that
it is simple to read and understand. It is outlined in simple terms, granting specific powers to the state agency and the Commissioner of Education, and reserving all others to the local school unit. The law provides for appointment of various committees and advisory groups to study current school problems, and thus to acquaint the people in general as to the progress and needs of the program.

Another illustration of the prudential principle is that the state board is the policy-making body, but the execution of the law is delegated to the Commissioner, who is responsible to the Board for the discharge of his professional duties. The Commissioner is held responsible for the operation of the program, but he is also given the sole administrative authority over the Department of Education to the extent of appointment of its members and the privilege of recommending their dismissal. No person in Texas will hold a more important position in relation to public welfare than the Commissioner of Education. He must be well trained and experienced.

The law does infringe upon certain loyalties of the people, especially regarding the matter of consolidation of districts and the forming of larger administrative units, but people in general seem to look further today in order to provide richer experiences for their children. In most instances, the schools that were eliminated by forced consolidation were already proved inadequate in the eyes of the patrons.

The idea of a foundation plan that may be modified or changed
when needed fits the idea of prudence. People are not so adverse
to beginning something if they feel that it can be adjusted to fit
their needs when necessary.

One-man rule has been avoided by the nature of the administra-
tive organization. The practice of having groups of professional
and lay people advise the Commissioner and Board of Education on
school policies and procedures, which is a direct application of
wisdom in administration, has been substituted for one-man rule.

Though the Gilmer-Aikin Law does not change greatly the school
program financially, it does set up a different type of adminis-
tration from the state level, which meets satisfactorily the cri-
teria of prudence.

The Principle and Criterion of Adaptability

Does the Gilmer-Aikin Program provide for change to fit new
conditions?

The program set up is a minimum to which may be made addi-
tions according to the will and ability of each individual district.
There was no attempt to set up a law that would remain the same
at all times, but rather a foundation program was formulated in
order that it might be made applicable to changing conditions.
The matter of finance and plan of administration may be adjusted
to new conditions as they arise. The great need is professional
leadership and this can be changed by raising professional require-
ments of the law. The public relations idea carried out through
the use of widely diversified committees, both professional and
lay groups, will do much to adapt the plan to new situations. Through these, and through the professionally trained Commissioner, it will be possible to make adjustments at the proper time. Adaptation to a new situation depends to a great extent upon the readiness with which the need for change is detected. Much of the control of schools is left to the local district, thus providing for a more rapid adaptation to the new situations. The detection of the need will be much quicker, even if the change comes a little more slowly than under complete centralization.

Since some districts can provide opportunities far above that of the minimum, it will be possible for a program of experimentation to be carried on as an aid to adaptability.

The Gilmer-Aikin plan meets the requirements of the criteria of adaptability satisfactorily.

The Principle and Criterion of Flexibility

Does the Gilmer-Aikin program provide for adjustment to varying local conditions?

If a program of school administration is sound, it must be flexible enough to be adapted to the needs of individual communities. For the most part, the Gilmer-Aikin Law does not set up rules and regulations that cannot be varied some by districts according to their needs. There is a certain amount of uniformity that is necessary, but it will, in some instances, prove to be a hardship for some districts. The program of transportation cannot apply to all districts alike and the requirements as set up in the law do not apply uniformly.
The distribution of aid is flexible, for each district has a separate index for determining needs and this changed at regular intervals. Such regulations as certification, curriculum requirements, courses of study and budgeting plans are not materially changed by this law.

As mentioned before, the law is set up as a standard or pattern and the local districts may adjust through control as direction of the program is left to the local districts.

The Gilmer-Aikin Law does not meet the requirements of the criteria of flexibility as satisfactorily as it does some of the other principles except in the matter of finance.

The Principle and Criterion of Stability

Does the Gilmer-Aikin program provide freedom from upsetting change?

It is the primary hope and contention of those who favor the Gilmer-Aikin Law that it will stand the test of permanence. As a foundation or basic law, it can be added to or taken from as the time demands. It can be changed, but the matter is not so easy as to provide means of continuous change.

The continuity of the State Board of Education with overlapping terms favors the idea of stability of the program. Another thing that contributes to the idea of permanence is the wide latitude of home rule or local control exercised under the provisions of the law. The wide democratic participation of
all those affected by the law encourages stability. The tenure idea in appointment of the Commissioner of Education should bring stability to the plan.

The Gilmer-Aikin law, in its first year of operation, has every evidence of being a permanent basic equalization law and meets the requirements of the criteria of stability satisfactorily.
CHAPTER VI

SUMMARY, CONCLUSION AND RECOMMENDATIONS

An attempt has been made in this study to evaluate the Gilmer-Aikin Law, as to its soundness financially and administratively, as an educational program for the State of Texas. The measuring stick for determining the soundness of the law has been derived from works of certain recognized authorities in the field of public school finance and public school administration.

The problem was stated in Chapter I, and a general outline of the principles of the Gilmer-Aikin Law were given and the sources of reference and related studies were cited.

In Chapter II the principles of sound educational finance as proposed by several specialists were presented and from them were evolved certain criteria by which the law could be measured. From the various sources the following principles were determined as necessary to guarantee a sound financial plan:

1. Democracy.— The program must give all groups equal opportunity in proportion to their benefits and to their ability to support it.

2. Equality of Opportunity.— The program must provide sufficient financial support to enable all districts of the state to furnish the same educational facilities for all children.

3. Adaptability.— The program must provide for adaptation to changing conditions.
4. Variability.— The program must provide for varying the financial plan to fit needs of different communities.

5. Prudentiality.— The program must provide for wise spending and prudent checking.

6. Stability.— The program must be able to withstand financially the test of time and reverses.

7. Separability of Control and Support.— The program must have sufficient financial support from state level with ample control from the local level.

8. Resolution of the Forces of Several Principles.— The program must provide for a consideration of all the principles of finance without over-emphasis of any.

In Chapter III the above criteria were applied to the Gilmer-Aikin Law and the following conclusions may be drawn:

1. The financial plan of the law is democratic because it provides for each community to contribute to the minimum program in proportion to its ability to pay. To the extent of the minimum program, all districts will share alike.

2. The financial plan provides equality of opportunity for all children and all groups to the extent of the minimum program, but does not force participation in the program. There is, however, no provisions in the law for improving conditions in colored or Latin-American schools. Also, the richer districts may provide better opportunities for their children by supplementing the minimum guaranteed by the state.
3. The law has some principles by which it can be adapted or changed to meet the needs of schools. It is a basic foundation law and may be changed by the Legislature at any time. A point which favors adaptation to needs which arise is the fact that the Commissioner of Education has authority to employ research workers to determine need for changes in the program.

4. The law conforms to the principle of variability by use of the economic index, thus permitting districts to receive assistance on basis of their needs. Any changes in the financial status of the districts will be reflected in the economic index and, in turn, adjusted through state assistance.

5. The law is prudent because rules and regulations for reporting attendance, transportation, salaries, and expenses are rather specific. The auditing department of the State Educational Agency is the staff which checks all expenditures.

6. The law has evidence of stability, but only time can determine this factor. There seems to be lack of specific means of securing increased funds for the program when such needs arise or for obtaining sufficient funds for supplementing when a financial depression comes. The state must continue to depend upon the Legislature for biennial appropriations, which are rather uncertain and largely political.

7. The state provides the balance of the money needed for support of the specified minimum program, and control is left largely
to the districts. Only specified powers are given to the state and all others are reserved for local districts. Matters of local concern, such as tax rates and participation in the program, are left to local districts.

3. As shown above, the plan is democratic, amenable to change and variation, and has for its supreme purpose the equalization of educational opportunity up to a certain minimum.

Chapter IV was used to present the principles of sound school administration derived from studies in the field of public school administration and certain criteria were selected for measurement as follows:

1. Political Democracy.—Control should be as close as possible to those affected in order for local subjects to participate in forming major decisions.

2. Justice.—The rights of the individual must be protected from over-rigid application of the law.

3. Equality of Opportunity.—The program should provide for each child a normative education with a chance to have preparation for his niche in life and a chance to overcome any handicap which he may have.

4. Prudence.—The law should be workable with assurance that authority will be exercised wisely in accordance with established principles and loyalties of the people.

5. Adaptability.—The program must be adaptable to the needs of children and provide for progressive changes to meet changing conditions.
6. Flexibility.— The law must provide for local autonomy in discharging given functions in a way adapted to local needs.

7. Stability.— The program must provide for permanence in administration by guaranteeing in some measure freedom from upsetting change.

In Chapter V the criteria of sound administration were applied to the Gilmer-Aikin Law, with the following conclusions resulting:

1. It is democratic because the people elect by popular vote a policy-forming board which shall appoint a professionally trained commissioner to administer the program, thus preserving representative democracy through popular expression.

2. The law is just because it does not discriminate against any group or any individual. The law provides, for application on the basis of need to operate, a minimum program and for voluntary participation. There is no provision for correcting tax inequalities, nor equalizing racial differences, but there is nothing in the law to accentuate these things.

3. The law provides equality of opportunity in that there is an attempt to guarantee every child in a participating school, a nine month term with provisions for special teachers and funds for handicapped children. Special health programs as permitted in the plan is an effort to equalize educational opportunities.

4. The law exemplifies prudence in that it is simple and workable, delegation of authority is specific and clear, with
legal assurance that the state will exercise its authority wisely. Definite information is given on teaching units, teacher-pupil loads, salaries, and expenses allowed. The system of reporting and budgeting has been left to the department for specific planning.

5. The law is adaptable because it can be changed by the Legislature at any time. One of the duties of the Commissioner is to appoint a working Advisory Committee to keep abreast of the times and to recommend changes needed to keep the program up to date. Trained leadership is provided, which is the best way of meeting changing conditions.

6. The law is reasonably flexible because there are few things which are specified as uniform, such as teacher-pupil load, teacher units, and salaries, and all other duties are left to the local districts, which can adjust readily to their own situation. It is possible, however, that amendments to the law will make it more flexible in the future.

7. The plan is stable because it is a foundation program that may be changed from time to time to enable it to operate permanently. The provision for long, continuous terms of the State Board of Education, and the appointment of the head executive officer, favors permanency. The fact that the whole plan is recognized as a foundation for the administration of a public school system causes the people to feel that it is the beginning of an era of improved school administration.
The Gilmer-Aikin Program is the best school aid law that Texas has had, and comes nearer to being an equalization law than any previous effort; but as a foundation plan, much change will be necessary. The first year of operation has shown many advantages of the reorganization of our schools. School districts have been consolidated and regrouped into better, more efficient administrative units, offering improved educational services. Many well qualified teachers are returning to teaching positions as a result of higher salaries. The enrollment of students in teacher-training colleges has shown a marked increase, and there is an increased demand for graduate courses in education. Vocational teachers, librarians, nurses, physicians, visiting and itinerant teachers, teachers of exceptional children, guidance counselors, and supervisors have been added to the teaching staff of many schools.

It must be borne in mind that this foundation plan must be adjusted to meet varying needs and that there are probably at present some definite weaknesses which should be corrected. Much remains to be done to make it a thoroughly workable program for all parts of the state, for it has by no means solved all of the school problems of this state.

A study should be made relative to the needs of minority groups and something should be done to give them better advantages. This law does not do anything about the matter of equalizing opportunity for these groups.

No doubt there will be a failure to provide the necessary
financial support for the minimum program unless other means of support are secured. A revision of our tax system may be necessary before ample financial support can be guaranteed.

Another recommendation that is appropriate is that all school laws be recodified in the light of present needs, and the foundation program. The state should be cautious in the application of the minimum program in order to allow the districts their right to participate and not to make the plan so uniform that discrimination may be invoked against some districts.

The Gilmer-Aikin Plan does not provide a perfect program, but with the guidance of the Commissioner of Education, who is professionally trained and responsible to the State Board, it should be adjusted and improved to conform to the needs of the schools and the children of the state; since aid goes to the schools on the basis of service actually rendered. The principle of a minimum foundation law is essentially sound, both financially and administratively.
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