FINAL REPORT

OF

GILMER-AIKIN COMMITTEE

(Report of Joint Committee, known as Gilmer-Aikin Committee, pursuant to House Concurrent Resolution No. 48, adopted by the Regular Session of the 50th Legislature.)
January 25, 1949

The Honorable Beauford H. Jester, Governor of Texas
The Honorable Allan Shivers, Lieutenant Governor
The Honorable Durwood Manford, Speaker of the House

Gentlemen:

In compliance with House Concurrent Resolution No. 48 of the Fiftieth Legislature, the Gilmer-Aikin Committee, after eighteen months of intensive study and preparation, presents in this report our recommendations for your consideration.

All of the recommendations contained herein were arrived at after months of study, analysis and survey. County committees in 254 counties assisted in the selection of issues and gathering data.

There are eighteen members of the Gilmer-Aikin Committee. We were fortunate in enlisting the support of some seventy-five other technical and professional people of Texas to assist us in our study. They served, as did the members of the county committees, without compensation, even paying their own expenses to Austin and other points where the advisory committees met.

Without the assistance of these groups, nothing constructive could have been accomplished. With their help we submit here a list of proposals which we feel are sound, constructive and representative of the combined judgment of the people of Texas. We extend to all of you here our grateful thanks.

Our committee is in accord with the proposals taken as a whole, and feels that their support by the people of Texas will most certainly improve the educational opportunities of our youth.

Respectfully submitted,

James E. Taylor, Chairman

GILMER-AIKIN COMMITTEE
The Gilmer-Aikin Committee bases these proposals upon certain facts and convictions. We list some of them.

Education is big business in Texas now. It must become even bigger. And it must become bigger fast. A million babies have been born in Texas within the past six years. These babies are going to grow up with inferior education at the very time when they need superior education, if Texas citizens do not act promptly and positively.

The education we have now is not "bad". It has many excellent features, is making some very good citizens. As a whole, we can be proud of our public schools—but not too proud of our public school system.

Our system for providing education does have some flaws. Those flaws are serious, but they are neither so numerous or so influential as the good features of what we have now.

Every bit of evidence we have indicates that we need a much better system for operating education in the future than we have had in the past. Flaws which could be overlooked ten years ago will stop progress now. Antiquated or inefficient machinery will not be good enough for the modern job we simply must do.

The system for education in Texas must be designed to fit the needs of a great state, a growing state, a modern state with no time or excuse for lost motion.

Proposals for improving education in Texas must be based upon the needs of the state. Personalities, petty quarrels, local self-interest, political alignments, selfishness—these must be forgotten by any group entrusted with designing a better education for Texans.

Scope of these proposals. The improvements urged by advisory groups, and those suggested by our own researches, were legion. To make soundly based proposals on all these matters would have required years of time, and would have necessitated the expenditure of considerable sums of money for research and fact-finding.

However, it became evident quite early that some improvements were basic. In other words, there were a few changes which, if made, would foster other improvements and if not made would block progress all along the line.

The proposals made, therefore, concentrate on a few paramount issues. The system for public education in Texas will be far from perfect when all these proposals are put into effect. But, that system will be much better and—even more important—capable of still further improving itself.

The paramount issues covered by these proposals are:
- Equalizing opportunity for the very minimum kind of education the citizens of Texas have said they want.
- Financing, without doubt, this minimum program of education.
- Re-designing the educational machinery at the state level.
- Assuring an adequate supply of constantly improving teachers.
- Securing attendance upon schools.
- Guaranteeing safe and economical school buildings.
- Clarifying and simplifying the school laws of the State.

"Why" of the proposals. The general nature of the changes which should be made in state provisions for education is relatively clear now. The people have said what they want.

The next part of the job is a technical one. Ways and means—specific and concrete—must be established for getting what the people want. To this task, acting for the citizens of the state, the Gilmer-Aikin Committee has given the best thought and effort of which it was capable.

We have come forward with proposals, every one of which has been weighed carefully. Taken together, we believe these proposals represent workable, sensible means for meeting the paramount issues in the improvement of education in Texas.

And now, we present the proposals themselves.
I. PROVIDE A MINIMUM FOUNDATION PROGRAM OF EDUCATION FOR TEXAS.

Background. If all the school programs in Texas were as good as the best school programs in the state, our future would be relatively secure. Our investigations revealed no school program which could be classed as extravagant or luxurious; we did find many local programs which are providing relatively rich advantages for some people in the state. We also found many programs which were meager and inadequate, and some which were almost inexcusable. The pressing, immediate problem in Texas education is to get every school program up to a minimum standard of excellence.

One approach to doing this would be to provide a minimum amount of money to be spent on each pupil enrolled in each school. Another approach would be to start with a minimum list of school services and then assist the local school districts, regardless of the cash per pupil, in providing at least those services. This second approach is the one we are recommending. We believe the time has come when we must guarantee, for the welfare of the state as a whole, that all people shall have at least an adequate program of education. This is what is meant by "A Minimum Foundation Program of Education."

Who shall go to school? For how long? To what kind of teachers? In what size classes? What health services, guidance services, library services, and the like shall they have? What kind of administration and supervision shall be provided? What subjects shall be offered? What provisions shall be made for exceptional children? These are some of the questions to be answered in defining a minimum foundation program for the public schools of Texas.

Answers to these questions have to be down to earth; the sky is not the limit. On one hand we have the matter of what is the least that modern Texas can get along with in the way of educational quality. On the other hand is the matter of how much money the state should put into education. We propose a Minimum Foundation Program short of the quality desirable, but one which approaches adequacy. At the same time, the program we propose is one which can be financed, in our opinion, and one which an overwhelming majority of citizens have said they want financed.

THE PROPOSALS

PROPOSAL 1.

In every local school system, the state should guarantee that there shall be available:

a. Twelve years of schooling, nine full school months to the year, for all children from the age of six to high school graduation.

b. Programs of continuation and vocational education for older youth under 18 not enrolled in regular schools.

c. Classes not exceeding 26 pupils in average daily attendance.

d. An adequate number of competent classroom teachers, vocational teachers, teachers of exceptional children, librarians, school nurses, counselors, supervisors, principals and superintendents.

e. Educational experiences in the elementary school designed to promote wholesome child growth and development, including the tool subjects, healthful living, creative activities, resource-use-education, social understanding, home and family living, and recreation. The program should be differentiated to serve the diverse needs of all children and the unique as well as the common needs of communities, and it should be developed cooperatively in each district by local and state leadership. Adequate equipment, books, and other teaching supplies, should be made available to support the foundation program.

f. A secondary school program to include general education needed by all citizens, home and family living, the vocational fields, the fine arts, health and safety, and recreation. The secondary school offering should be developed cooperatively by local and state leadership to satisfy the needs common to all youth and to all communities and also the variant needs of the community and those of individuals in the school.
g. Transportation for pupils residing more than 2 miles from school.

h. An adequate amount for operating expenses other than salaries and transportation.

i. A program of direct services to the community, including activities for adults.

PROPOSAL 2.

The funds derived from local taxation for the support of the foregoing program should not exhaust local taxing power for education. Each district should have local tax resources to be applied toward adjustments and enrichment.

II. COMBINE LOCAL AND STATE SUPPORT TO FINANCE THE MINIMUM FOUNDATION PROGRAM, WITH THE STATE UNDERWRITING THE COST ABOVE A REASONABLE, UNIFORM LOCAL EFFORT.

Background. Evidence we have assembled, supported by recommendations from our various advisory committees, leads us to state these principles:

1. Local taxation should support approximately 25 per cent of the total cost of the foundation program in the state as a whole, but the amount raised by each locality should accord with its taxing ability. Every local system in Texas should be required to raise some local funds for education; all private property should be subject to local taxation for education.

2. The uniform local effort required should not exhaust the local taxing power for education. Each locality should have leeway to raise funds over and beyond the minimum program.

3. The state should provide the remaining cost of the minimum foundation program in each local unit.

4. State funds should be so distributed that opportunity for having a minimum foundation program will be equal in each system and between the races.

5. The formula for distributing state funds should be so written that personal judgment in allocating funds is reduced to a minimum.

6. All school funds should be handled to assure their safekeeping, and subjected to careful state auditing.

These principles argue for a system of financing education somewhat different from the present system in Texas. In the first place, under our existing laws many school districts are not contributing their share of local school taxes because of low assessed evaluations or low tax rates. For example, 98 counties report lower total assessed valuations for school purposes than for state and county purposes; apparently, $134,783,000 of assessed property values are not taxed locally for school purposes in these counties. However, we must point out that in total local support for education has increased as rapidly as has state support, according to a study just completed by the Texas State Teachers Association.

In the second place, we now measure taxing ability in terms of assessed property values. Wide discrepancies exist in local assessment rates.

Third, the state underwrites no sort of school program in any district other than those qualifying for Rural Aid—leaving many districts without the means to provide good schools. The program provided in Rural Aid schools is far from equal to the minimum desirable.

Fourth, the major portion of state funds for schools is now distributed on a per scholastic basis, whether or not the scholastic enrolls in the schools, and whether the local school district is wealthy or poor. Such distribution tends to un-equalize rather than to equalize educational opportunity.

However, the general financial policy of the state in regard to schools is to be commended. That is, the State of Texas has already established the policy of bearing a large portion of the cost of education from state funds. This policy should be continued.

Under the State Constitution, the Available School Fund is to be apportioned each year "to the several counties according to their scholastic
population". The Legislature defines a scholastic. It is our opinion that the definition should be changed to include only children regularly enrolled in school. However, we are not recommending that change at this time in order that the transition to a new financial plan shall occasion little immediate hardship.

PROPOSAL 3.

The state should guarantee the financing of the minimum foundation program of education by (a) providing for an equalized local effort toward the support of this program, (b) distributing to each local school system the Available School Fund (as defined in the State Constitution) on the basis of the number of scholastics, and (c) allocating to each system a sum sufficient to finance the remaining costs of the minimum foundation program in that system.

Explanation. Here is an example of what we mean: Suppose it would cost $100,000 to have the minimum foundation program in a system. The state would assign a share of that to the district (in terms of its taxpaying ability)—suppose we say $25,000. The system has 1,200 scholastics; it would receive from the Available School Fund about $60,000 (apparently, the Available School Fund will provide about $50 per scholastic in 1949-50). The sum of those two amounts is $85,000. The remaining $15,000 will be supplied from the state from the Foundation School Fund.

PROPOSAL 4.

The Legislature should determine the total amount to be raised by local school districts for the support of the minimum foundation program. We recommend that this amount be approximately $45,000,000 annually in the 1949-51 biennium.

a. This amount should be so fixed that it will represent a reasonable tax effort on the basis of the total assessed valuations in the state, and represent the effort being made by the median county in the state.

Explanation. Our $45,000,000 figure was arrived at as follows: We ranked the counties in order of taxpaying ability. We then selected the middle twenty. We found their average tax rate for school purposes, equated to uniform assessment rates. We applied this rate to the total assessed valuation in the state.

PROPOSAL 5.

The total amount to be thus raised throughout the state should be apportioned among the local districts as follows: First, each county should be allotted the same portion as its taxpaying ability is of the total taxpaying ability in the state, as measured by a statutory economic index. Second, each district within the county should be allotted the same portion of the county total as its assessed property valuation is of the total county assessed valuations for state and county purposes.

Explanation of Economic Index. We have referred earlier to the necessity for arriving at some way to measure local taxpaying ability other than that of accepting the assessed valuations on property. No real equalization of effort can be achieved until this is done. One way to solve the problem would be to require state-wide equalization of assessment ratios, but this does not seem feasible.

Another way, and one which is in satisfactory use in at least ten states, is to use a composite index. To construct it, we find a given county's share of the state totals for a variety of factors, such as payrolls, population, value of minerals, value added by manufacture, income tax returns, assessed property values. By statistical means, a single figure is arrived at. This figure represents the per cent of the total taxpaying ability in the state which is in a given county. In other words, we have a measure of one county's ability to support schools in relation to the ability of other counties in the state.

No claim is made that an economic index is perfect, but its superiority to
the only other measure of local ability we have—the reported assessed valuations of property—has been clearly proved. Such an index has to be worked out by counties rather than by school districts because the data on which it is based are reported only as county totals. We propose to recommend that the economic index be re-computed each 4 years, at least.

Explanation of total procedure. Suppose a given district has an assessed property valuation for state and county purposes of ten million dollars; that the county's total valuation is one hundred million; that the county's economic index is .018. The county's total allotment to be raised would be 1.8 per cent of $45,000,000 or $810,000. The district would be asked to raise one-tenth of that, or $81,000. Within general or special statutes, the school district could employ any assessment ratio and any tax rate it chose.

Finally, We make this proposal because we believe it is a constructive and workable means of solving one of the most baffling problems connected with the financing of schools in Texas.

PROPOSAL 6.

At least part of the cost of providing adequate school buildings and equipment should be included in a minimum foundation program of education. However, it is proposed that such inclusion be postponed until local reorganization, on a voluntary basis, is further advanced.

PROPOSAL 7.

For the 1949-51 biennium, there shall be an annual "adjustment fund" of two million dollars or more as may be necessary to relieve distress occasioned by transfer to the new financial plan proposed.

III. ESTABLISH LOCAL ADMINISTRATIVE UNITS FITTED TO GIVE EFFICIENT MANAGEMENT

Background. The strength of public school education lies, in the final analysis, in the kind of management given at the local level. This statement is particularly true when a state is attempting to provide a minimum foundation program of education for every child without wasting money.

When we use "administrative unit" we mean school districts, not single schools in a district. An administrative unit is a legal entity, having the power to levy and spend taxes for school purposes, and managing one or more schools. The size of an administrative unit does not necessarily have anything to do with the size of individual schools. For example, suppose we have five administrative units each operating one school. We might combine the five into one, but the one could continue to operate five schools if that seemed best. The proposals which follow have to do with getting good local units for managing education; these units can then do the best job of locating schools and deciding on their sizes.

PROPOSAL 8.

Any county in the state should have the privilege of becoming a county-wide independent school district, as now provided by law for some counties.

Explanation. We are not proposing that each county in the state should become a single unit of administration. This proposal merely extends an option to those that desire to do so.

PROPOSAL 9.

Two or more contiguous counties or parts of two or more contiguous counties should be allowed, on a voluntary basis, to form one single administrative unit.

PROPOSAL 10.

Present laws pertaining to grouping of school districts should be continued as they now exist, and in addition thereto, the County School Board should be authorized and directed to add the territory in a dormant school district to another district or districts.
PROPOSAL 11.

County boards of education shall be ordered to place all real property in the county in a school district.

PROPOSAL 12.

The offices of County Superintendent and County School Board should continue as they now exist. Such officials should continue to utilize present statutes in forming local school districts of satisfactory size.

IV. RE-DESIGN THE MACHINERY FOR STATE MANAGEMENT

Background. Operating public schools is primarily a job for local communities. Selecting teachers, insuring attendance, deciding upon teaching methods, organizing individual schools—these things should be done by local administration. Texas has a long-standing tradition of local autonomy in managing school programs; this tradition should be safeguarded.

Yet, the state has important management functions also. The state provides a large share of the funds which operate schools, establishes a minimum foundation program of education to be attained universally, certifies to the competence of would-be teachers, furnishes textbooks, and so on. At one time the part played by the state in education was relatively minor. In the future it will, by necessity, be of major consequence.

Organization for state management of education in Texas, therefore, is of strategic importance. We can't do a twentieth-century job with nineteenth century machinery. The state's public school "business" may soon be in the 150-million-dollars a year class. We must organize to conduct that business as efficiently as would a private enterprise of the same size.

Defects of grave nature exist in our present policies and procedures for managing education at the state level. These defects are not connected with personalities; they are not due to lack of wisdom on the part of anybody. Our management machinery has just accumulated, rather than being planned; the time has come when we must overhaul it for the big job that lies ahead. We are proposing an overhauling which will meet these needs—needs which are crucial:

1. The need for placing the state's management functions for public schools in the hands of an agency which can give full time and attention to the job. As things now stand, the Legislature is exercising most of the detailed management of the state school program. It realizes, apparently, that the job has become too big and too complex to be handled that way. It is recommended that the Legislature delegate most of its detailed management functions to an administrative agency, retaining control of over-all appropriations and periodically evaluating the results being secured.

2. The need for grouping the state's management functions in one agency. At present, the responsibilities for exercising state supervision of public schools are widely diffused among many state agencies. Confusion as to authority results frequently. Over-all planning is almost impossible. Duplication of services occurs, and inefficiency results. No criticism is made of the persons who are laboring in the various state agencies; the evidence indicates that it is the system which is at fault, not the office-holders. It is of paramount importance that this system be changed.

3. The need for defining quite clearly the relationships which should exist between the various boards and officials charged with the responsibility for state management of education. If we are to have one central agency for managing the state's portion of educational responsibility—and that is essential—the flow of authority inside that agency must be clearly defined. Not only that, but it should be defined so that a state board of education will do the things it can do best, the chief state school officer will do the things he can do best, and so on.

Advisory groups to the Gilmer-Aikin Committee have been almost unanimous in recognizing the foregoing needs, and in urging that we develop a
plan for meeting them. The success of almost all the proposals already made, and those to follow, hinges upon the proper re-designing of the state structure for managing the state's share of education.

PROPOSAL 13.

The Legislature should delegate the state management functions for public school education to a central educational agency.

a. The Legislature should retain final powers of approving budgets, making appropriations, and requiring reports.

b. The central education agency should supervise the preparation and administration of budgets, and the establishment of policies and objectives.

PROPOSAL 14.

The central agency should be composed of a State Board of Education, a Commissioner of Education, and a State Department of Education.

a. The State Board of Education should consist of nine members, each serving a term of three years with privilege of re-election, with terms so staggered that three members shall be selected each year. Board members should serve without compensation other than reimbursement for expenses incurred in Board activities. No member should be engaged in school work.

b. The Commissioner of Education should be a person of outstanding qualifications, holding the highest professional administrator's certificate issued.

c. The size and composition of the State Department of Education should be determined by the Commissioner of Education with approval of the State Board of Education.

PROPOSAL 15.

The operation of all strictly educational concerns of the state should be grouped in the Central Education Agency.

a. This includes all aspects of vocational education.

b. The Central Education Agency should not operate any eleemosynary or therapeutic institution, nor control the operation of any individual school.

c. Any activity with persons under 18 years of age which is carried on within the state by other State or Federal agencies should, in its educational aspects, be subject to the rules and regulations of the Central Education Agency.

d. In discharging its power, the Central Education Agency should make use of advisory commissions established by it for particular purposes and enlisting both lay and professional membership from outside the Central Education Agency, itself. Three such commissions should be specifically authorized by statute at this time: (1) A Textbook Commission to make recommendations for textbook adoptions to the Commissioner of Education; (2) a Curriculum Commission, to make evaluations of and recommendations to the Commissioner concerning what is taught in schools; (3) an Advisory Council on Teacher Education and Certification.

Explanation. Such Commissions are not to be independent agencies; they shall have no power except through the Central Education Agency itself. However, they should be specifically designated by statute to indicate to the Central Education Agency that the people expect it to avail itself—regularly and definitely—of the services of many qualified people in discharging its important functions.

PROPOSAL 16.

The State Board of Education should be a policy-forming, reviewing, and planning body, without executive responsibilities.

a. It should adopt policies, regulations and general rules to carry out
the mandate of the Legislature. It should review periodically the educational needs of the State and adopt or promote plans for meeting these needs. It should evaluate the outcomes being secured from the educational program. It should formulate, with professional advice, the State's proposed educational financial budget (for action by the Legislature). It should exercise oversight of the operation of the budget adopted. It should select the Commissioner of Education.

b. The State Board should receive the advice and counsel of the Commissioner of Education before making policy decisions or rules and regulations.

c. Major attention of the State Board of Education should be devoted to long-term planning and to determining standards of excellence to be achieved in school programs.

PROPOSAL 17.

The Commissioner of Education should be recognized as the professional head of the state school system, and as the executive agent of the State Board of Education.

a. He should have the responsibility of promoting improved education in the State. He should organize the State Department of Education. He should serve as ministerial officer of the State Board of Education, and should have the power to prescribe rules and regulations necessary to carry out the duties placed upon him by the State Board of Education and the Legislature. He should have the right to voucher expenditures of State money within the budgets adopted by the Legislature and the State Board of Education.

PROPOSAL 18.

Statute should establish the State Department of Education as the professional and clerical staff of the Commissioner of Education and the State Board of Education.

a. The State Board of Education, upon recommendation of the Commissioner of Education, should adopt governing regulations concerning the internal organization of the State Department, including qualifications of staff members, salaries, and tenure.

PROPOSAL 19.

Relationships of the Central Education Agency to other State and Federal agencies should be as follows:

a. Board of Control. The eleemosynary institutions should continue to be operated by the Board of Control, with each one having educational functions being considered as a local school district for school purposes.

b. Other State Governmental Agencies. Statute should provide that no State agency shall deal with public school districts, or operate educational enterprises for youth of public school age, except under policies and regulations set forth by the State Board of Education. The Commissioner of Education should be charged with responsibility for enforcing this statute.

c. Federal Government Agencies. Statute should designate the Central Education Agency as the sole agency of the State of Texas empowered to enter into agreements respecting educational undertakings affecting public schools with an agency of the Federal Government.

PROPOSAL 20.

The safekeeping and management of the Permanent School Fund in Texas should be placed in the hands of a State School Investment Commission.

a. The Commission should have five members, appointed by the Governor with the advice and consent of the Senate, each serving a term of 5 years, with terms staggered.
PROPOSAL 21.

The members of the State Board of Education should be elected by popular vote, one from each of nine geographical districts established by the Legislature.

a. Elections should be held at the same time and with the same machinery as used for election of local school trustees. Thus, in a given district, an election would be held each three years.

IN CONCLUSION

We stress once more the imperative necessity for overhauling our present machinery for managing education at the state level. Forgetting the personalities involved is the first step; devotion to sound principles of business and educational management is the second. Such devotion leads to the recommendation that Texas establish a Central Education Agency, assigning to it all of the state administrative functions, and so constituting it that divisions of responsibility and authority become clear.

V. ASSURE CONSTANTLY-IMPROVING TEACHERS AND ADMINISTRATORS

Background. The teachers and administrators who operate our schools will be our only real hope for having the educational program we need in Texas. We have some excellent teachers and administrators now, but not nearly enough of them according to widespread evidence we have collected. Many of the teachers and administrators now in service should improve their professional abilities significantly. Many, many more promising and professionally-prepared young people should be recruited as beginning teachers, especially at the elementary level. The situation in regard to an adequate supply of adequate teachers and administrators in the state is grave.

We must have more than emotion and good wishes to solve this problem. The Gilmer-Aikin Committee has no desire to be sensational or pessimistic, but we are frightened by the evidence we have assembled. The threat to our way of life, to our prosperity, to our moral fiber as a people which resides in the alarming deterioration of teaching excellence cannot be ignored. We feel impelled to present a positive program for improving the caliber of teaching and administering.

First, we present a salary program designed to attract, encourage, and hold promising people for the teaching profession. Salaries alone will not solve the teacher shortage, in our opinion, nor will they guarantee a better quality of teaching. On the other hand, however, the problem cannot be solved without better salaries for those who work in our schools.

Second, we recommend salary scheduling policies which will have positive influence in causing teachers and administrators to grow in professional ability.

Third, we recommend much better use of teacher certification to improve the quality of those who teach and the quality of the college programs for preparing teachers and administrators.

Fourth, we advocate instructional supervision by especially-prepared leaders for every school and every teacher, as part of the minimum foundation program of education.

Fifth, we present a plan for going ahead during the next two years with a concerted, state-wide effort to improve teacher education and professional standards.

PROPOSAL 22.

A state-wide minimum salary schedule should be provided which will pay a four-year college graduate a beginning annual salary of $2400.

a. Salaries for beginning administrators and supervisors should be in proportion.
PROPOSAL 23.

The state salary schedule should provide for steady increases, and offer a maximum salary compatible with the service we desire.

a. Local districts should be encouraged to supplement the state minimum.
b. Annual increments should be provided for successful experience.

PROPOSAL 24.

The certification of teachers should be used by the Central Education Agency as an instrument to assure higher professional standards.

a. The Legislature should specify by statute the general personal qualities (e.g., age, ability to speak and read the English language) to be possessed by all teachers.
b. All other statutes regarding certification should be repealed, and a simple statute substituted which states that all teachers and administrators must have a valid state certificate to teach and that the Central Education Agency shall prescribe rules and regulations and issue the certificates.
c. In formulating certification regulations, standards for approving teacher-education curricula, and so on, the Central Education Agency should have the advice and counsel of a State Council on Teacher Education and Certification. This Council should have approximately 20 members drawn from public schools, colleges, and professional organizations.
d. In our opinion, certification regulations adopted by the Central Education Agency should (1) require specific preparation for the field in which the certificate is valid (e.g., persons preparing to teach in high schools should not be permitted to teach in elementary school), and (2) provide for special certification of administrators, supervisors, and other specialized personnel.

PROPOSAL 25.

The Legislature should authorize a two-year cooperative and developmental study of teacher education in the state, and appropriate an adequate sum for financing it.

VI. OTHER NECESSARY CHANGES

Background. A few other changes are needed at once. These are:

(1) Strengthening the compulsory attendance laws; (2) providing for a continuing, more accurate school census; (3) making available all necessary textbooks and other teaching supplies; (4) preparing and enacting a modernized school building code; (5) starting the machinery for re-codification of the school laws.

Attendance upon school is far from satisfactory in Texas. In 1947-48 one child out of three of school age was absent from school each day. Improving attendance is not a simple matter. The provision of more attractive school programs—as contemplated in the minimum foundation program of education—will be of great benefit. Another necessary step is to provide a compulsory school attendance law which will really work. Our present law is practically unenforceable, and leaves glaring loopholes. It should be strengthened.

An accurate census of children who will attend school lies at the foundation of the financial program proposed, and is necessary if any accurate planning is to be done for the future. The State Department of Education is to be congratulated upon the improvements made in handling the census during 1947-48; errors are now being reduced considerably and cases of fraudulence are more readily detected. However, several flaws still remain in the census procedure, due chiefly to inadequacies in the census law. First and foremost is the failure to have any other state record upon children until their fifth birthdays are passed. Second is the re-enumeration of all children each year. Third is the lack of means for keeping up with
the migration of children which sometimes amounts to nearly one-third of all children enrolled in a year's time. These flaws should be remedied now.

Considerable discussion has surrounded the selection of textbooks in Texas for several years. We did not make an exhaustive inquiry into past practices, but we did examine the structure for selecting and distributing textbooks rather carefully. In general, that structure seems to be sound—with one major exception. That exception is placing upon a lay Board of Education the responsibility for the technical task of making final selection of books to be purchased. Some improvements could be made in management procedure, also.

Within ten years the value of new school buildings constructed in Texas should reach at least one billion dollars. A majority of the new buildings will be constructed in districts without the services of qualified personnel in school design and construction, many of them with totally inadequate local building codes. To protect the health and safety of children, and to assure wise expenditure of public funds, a state-wide school building code is needed. The code should be general and flexible, of course, but it should be genuinely protective. The laws governing the construction of school buildings are now widely scattered among the statutes of the state; enforcement of the laws is diffused among numerous agencies, some of them non-educational. These conditions should be remedied immediately.

School law in Texas is a maze, according to competent legal authorities consulted by the Gilmer-Aikin Committee. Contradictions abound; many laws are vague in their application; statutes no longer applicable remain on the books. For years, re-codification of the school laws of the state has been urged. The time for action is here.

PROPOSAL 26.

Enact a new compulsory attendance law which will make parents or guardians guilty of a misdemeanor if school age children do not enroll in and attend school regularly.

a. "School age" should be defined as 6-17, inclusive, or to high school graduation if it occurs before the age of 18.

b. The district superintendent should be required to institute enforcement proceedings by a written notice of non-compliance to the District Attorney.

c. Parents or guardians should be exempted from prosecution only if they present to the district superintendent an exemption certificate issued by the District Judge. The District Judge may issue such certificates on the basis of (a) physical handicaps, (b) attendance upon an accredited parochial or private school, (c) isolation of residence.

d. Private and parochial schools should submit complete reports of enrollment and attendance to the district superintendent at regular intervals, and parents of such children would not be required to obtain exemption certificates.

e. The district superintendent should report to the District Attorney, to the county grand jury, and to the State Department of Education annually the names of children on the school census and parents not complying with the provisions of the law.

PROPOSAL 27.

Establish a continuing school census which will account for children from birth through their eighteenth birthdays.

PROPOSAL 28.

Modify existing selection, distribution, and management procedures for textbooks and teaching aids in these respects:

a. Provide that the State Board of Education shall adopt textbooks and teaching aids only upon the recommendation of the Commissioner of Education.

b. The Commissioner of Education should make public the recommenda-
tions made to him by the Textbook Advisory Committee by publishing such recommendations.

c. The Legislature should require a detailed report of all textbook transactions and accounting during the preceding biennium at each session, and the proper committee of the Legislature should hold public hearings on the report.

d. The Commissioner of Education should make a study of the advisability of establishing a state-owned depository, and report with recommendations to the State Board of Education; the Board should transmit recommendations to the next regular session of the Legislature.

e. Multiple lists of textbooks should be provided at both the elementary and secondary levels.

f. Audio-visual and other teaching aids should be provided and managed on the same basis as textbooks.

PROPOSAL 29.

Enact into law a Minimum Safety Code to govern the planning and construction of all school buildings erected in the State of Texas.

PROPOSAL 30.

Establish a Commission of the Legislature, supplied with adequate funds, to re-codify the school laws of the state and submit such re-codification at the next regular session.

a. This is a legal job, and can be done quite well by a commercial agency experienced in such work. No new law will be made by re-codification of course.
By Senators: Taylor, Morris, Kelly of Tarrant, Aikin, Bullock, Proffer, Lock, Strauss, Cousins, Hudson and Jones:

S. B. No. 115, A bill to be entitled "An Act providing a more efficient method of State administration of the public free schools; creating a central education agency, defining the powers and duties thereof; establishing the component parts thereof, including a State Board of Education, a State Commissioner of Education, and a State Department of Education; providing for the appointment of a Textbook Committee, and a State School Investment Commission, with powers and duties of each defined; providing certain general provisions; terminating and abolishing the present State Board of Education and State Superintendent of Public Instruction; repealing conflicting laws or parts of laws; containing a savings clause, and declaring an emergency."

Whereas, Section 1 of Article VII of the Constitution of the State of Texas says:

"A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools";

and

Whereas, The operation of such a system of free public schools of the first rank requires efficient management;

and

Whereas, The principles of sound business management and of forward-looking educational leadership demand that responsibility be clearly defined;

and

Whereas, The present provisions for local management of education in Texas carry out these principles;

and

Whereas, Present provisions for State management of education allow the existence of confusion, lack of coordination and lack of fixed responsibility, and perpetuate a multitude of overlapping agencies which lead only to inefficiency and discourage the exercise of effective leadership; now, therefore,

Be it enacted by the Legislature of the State of Texas:

ARTICLE I.

CENTRAL EDUCATION AGENCY

Section 1. There is hereby established a central education agency composed of the State Board of Education, the State Commissioner of Education, and the State Department of Education. It shall carry out such educational functions as may be assigned to it by the Legislature, but all educational functions not specifically delegated to the central education agency shall be performed by county boards of education, county school superintendents, or district boards of trustees.

Sec. 2. The central education agency shall exercise, under the acts of the Legislature, general control of the system of public education at the state level. Any activity with persons under twenty-one (21) years of age, which is carried on within the State by other state or Federal agencies, except higher education in approved colleges, shall in its educational aspects be subject to the rules and regulations of the central education agency. No county board of education or board of trustees of a school district shall enter into contracts with, or accept moneys from, an agency of the Federal government except under the rules and regulations prescribed by the central education agency.
ARTICLE II.

DISTRICTS

Section 1. There is hereby created the State Board of Education to consist of Nine (9) members. There is hereby established Nine (9) Districts, from each of which a member of said Board shall be selected, to be numbered 1 to 9, and containing the following counties respectively, to wit:


District No. Two—to contain the following counties: Wichita, Clay, Montague, Cooke, Archer, Young, Jack, Wise, Denton, Stephens, Palo Pinto, Parker, Tarrant, Dallas.

District No. Three—to contain the following counties: Grayson, Fannin, Lamar, Red River, Bowie, Collin, Delta, Hopkins, Franklin, Titus, Morris, Cass, Rockwall, Hunt, Rains, Wood, Camp, Upshur, Marion, Kaufman, Van Zandt, Harrison, Smith, Gregg.


District No. Five—to contain the following counties: Eastland, Erath, Hood, Johnson, Ellis, Brown, Comanche, Somervell, Hill, Navarro, Bosque, Hamilton, Limestone, Freestone, Mills, Coryell, McLennan, Falls, Leon, San Saba, Lampasas, Bell, Robertson, Llano, Burnet, Williamson, Milam, Travis.

District No. Six—to contain the following counties: Henderson, Cherokee, Rusk, Panola, Anderson, Shelby, Houston, Nacogdoches, San Augustine, Sabine, Trinity, Angelina, Polk, Jasper, San Jacinto, Tyler, Newton, Liberty, Hardin, Orange, Chambers, Jefferson, Galveston.

District No. Seven—to contain the following counties: Gillespie, Blanco, Hays, Real, Kerr, Kendall, Comal, Caldwell, Bastrop, Fayette, Bandera, Bexar, Guadalupe, Gonzales, Uvalde, Medina, Wilson, De Witt, Lavaca, Zavala, Frio, Atascosa, Karnes, Goliad, Victoria, Jackson, Refugio, Calhoun, Aransas.

District No. Eight—to contain the following counties: Madison, Walker, Brazos, Grimes, Burleson, Lee, Washington, Montgomery, Austin, Waller, Harris, Colorado, Fort Bend, Wharton, Brazoria, Matagorda.


Sec. 2. On the first Saturday in April, 1949, and in conjunction with the election of District School Trustees, in the several local School Districts of the State of Texas, a member of the State Board of Education shall be elected in and for each of the Nine Districts, as above established, by the voters qualified to vote in the several trustee elections in each such District. In the event the effective date of this Act is later than March 15, 1949, a special election for such purpose shall be held within sixty (60) days of such effective date upon call of the Secretary of State. The members elected in Districts 1, 2 and 3 shall serve for a period of One (1) year; the members elected in Districts 4, 5 and 6 shall serve for a period of Two (2) years; and the members elected in Districts 7, 8 and 9 shall serve for a period of Three (3) years. At the general District Trustee Election in April, 1950, one member each of said Board shall be
elected from Districts 1, 2 and 3 to serve for a term of Three (3) years; and in like manner, at the general District Trustee Election in April, 1951, one member each of said Board shall be elected from Districts 4, 5 and 6, to serve for a term of Three (3) years, and at the general District Trustee Election in April, 1952, one member each of said Board shall be elected from Districts 7, 8 and 9 to serve for a term of Three (3) years, and similar elections shall be held successively in said Districts thereafter as the respective terms expire therein.

Sec. 3. The election of members to the State Board of Education in April, 1949, or the special election provided in Section 2 of Article II shall be ordered by the Secretary of State of the State of Texas, not more than Forty (40) or less than Thirty (30) days prior to election, and notice shall be given by the local Board of Trustees of the several local Districts, who shall cause the same to be published once each week for Two (2) weeks prior to said election, and the Secretary of State shall also send a copy of said Order to the County Judge of each County, who shall cause the same to be posted at the Court House Door of said County. The local election officers appointed to hold local District Trustee Elections, shall also hold the elections of members to the State Board of Education and returns shall be made to the Secretary of State within Five (5) days after said election, who shall within Fifteen (15) days after said election, canvase the said returns and issue a Certificate of election to the person in each District receiving the highest number of votes. The forms and supplies for said election shall be selected and provided by the Secretary of State, and he shall deliver to the County Judge of each County in this State in which an election is to be held, at least Fifteen (15) days prior to the date of election, a sufficient number of the official ballots for the election of the respective board members. The cost of same, and all other expenses actually and necessarily incurred by the Secretary of State, shall be paid from the general budget and maintenance fund of the Central Education Agency. In like manner, subsequent elections shall be ordered by, and returns made to, the Secretary of State.

Sec. 4. The terms of office of the Members of the State Board of Education shall begin on May 1st, following election, and each member shall subscribe to the official Oath of Office and give a bond in the amount of Ten Thousand ($10,000.00) Dollars, payable to the Secretary of State, conditioned upon the faithful performance of his duties; provided, however, that the terms of all members of the State Board of Education elected in a special election held pursuant to the provisions of Section 2 of Article II of this Act shall commence upon the certification by the Secretary of State of their election.

Sec. 5. No person who holds an office under the State of Texas or any political subdivision thereof, or who holds employment or receives any compensation for services from the State or any political subdivision thereof, nor any person engaged in organized public educational activity shall be eligible to serve on said Board or be elected thereto. No person shall be elected from or serve in a District who is not a bona fide resident thereof, with five (5) years continuous residence therein, prior to his selection. No person shall be eligible to serve on said Board or be elected thereto unless he shall be a citizen of the United States, a qualified elector of his district and shall have attained the age of thirty years.

Sec. 6. Any vacancy on said Board shall be filled by a special election for the unexpired term held in the District concerned in conjunction with the next general Trustee Election, and such special election shall be called and held as herein provided for general election. When a vacancy occurs on said Board, the Board of Education shall fill such vacancy by appointment for a term to extend until a successor is duly elected and qualified as herein provided.

Sec. 7. Any person desiring to become a candidate for election to such Board shall, not later than Forty (40) days before election, file his sworn application therefor with the Secretary of State, showing his qualifications, which action shall constitute any qualified person a candidate; and within such time, One Hundred (100) or more of the resident qualified voters
in each respective District may file any qualified resident of such District as a candidate in such election, and the ballots shall carry such candidates and also a blank space for other selections by the voters. Only the qualified voters residing in said District shall be eligible to vote in such Elections and said Elections shall be governed and held by the General Election Laws, so far as applicable.

Sec. 8. The first meeting of said Board shall be called by the Secretary of State on May 1, 1949, or as soon thereafter as practical, at which time said Board shall organize, elect a President and other officers, and adopt proper rules for procedure. Said Board each year shall organize in similar manner following qualification of the new members selected. No meeting of said Board shall be held unless attended by six (6) or more members, which members shall constitute a quorum of said Board for the transaction of all business except filling vacancies of said Board when said Board consists of less than six (6) members. The Board shall hold regular meetings in the City of Austin, Texas, on the first Monday in May, July, September, November, January, March, and it may hold such other meetings as shall be scheduled by it in formal session and as shall be called by the chairman.

Members shall receive no salary but shall be reimbursed for full expense incurred in attending meetings of the Board of Education.

ARTICLE III.

DUTIES OF THE STATE BOARD

Section 1. The State Board of Education is hereby declared to be the policy forming and planning body for the Public School System of the State. It shall also be the State Board for Vocational Education.

Sec. 2. It shall have the duties and powers, prescribed in statute for the State Board of Education and the State Board for Vocational Education. As one part of the central education agency, it shall have the specific responsibility for adopting policies, enacting regulations and establishing general rules for carrying out the duties placed upon it or upon the central education agency by the Legislature. In all matters it shall receive the professional advice and counsel of the State Commissioner of Education and shall place all executive functions and power to apply rules and regulations to individual cases in the State Commissioner of Education. The State Board of Education shall not have power to suspend the operation of its rules and regulations in individual cases, and shall not pass upon appeals made from the decisions of the Commissioner in applying such rules and regulations.

Sec. 3. The State Board of Education shall review periodically the educational needs of the State and adopt or promote plans for meeting these needs. It shall evaluate the outcomes being achieved in the educational program. It shall, upon the recommendation of the State Commissioner of Education:

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

(2) Adopt operating budgets on the basis of appropriation 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) Establish regulations for the accreditation of schools.

(6) Establish regulations for the certification of public school teachers and administrators.

(7) Execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the Legislature.
ARTICLE IV.
STATE TEXTBOOK COMMITTEE

Section 1. There is hereby created a State Textbook Committee to replace the present textbook committee, created by S. B. No. 148, Chapter 144, Acts of the 49th Legislature, Regular Session, 1945, with duties as herein provided.

Sec. 2. The State Commissioner of Education, as hereinafter created, annually at the meeting of the State Board held on the first Monday in May, shall recommend to the State Board the names of fifteen (15) persons for appointment to the Textbook Committee for a term of one year.

Sec. 3. The State Board shall approve or reject said nominations and if any names shall be rejected the Commissioner shall nominate others until there shall be selected fifteen (15) persons who shall be named by the State Board of Education to membership on the Textbook Committee.

Sec. 4. Each of the persons so named shall be experienced and active educators engaged in teaching in the public schools of Texas. At least a majority of the members of the Committee shall be classroom teachers and all members shall be appointed because of unusual backgrounds of training and recognized ability as teachers in the subject fields for which adoptions are to be made each year.

Sec. 5. It shall be the duty of the Textbook Committee to recommend to the Commissioner a complete list of textbooks which it approves for adoption at the various grade levels and in the various school subjects. It shall examine carefully all books submitted for adoption and shall prepare and publish for free distribution a list of its recommendations to the State Commissioner. The State Commissioner may remove books from such recommended list, but he shall not place thereon any book not recommended by the Committee nor shall he reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the Committee.

The State Commissioner of Education, pursuant to the provisions in the foregoing paragraph, shall submit to the State Board of Education the recommended list of contracts to be awarded each year, and said contracts shall be entered into by the Board of Education.

ARTICLE V.

Section 1. There is hereby created the State School Investment Commission. The said Commission shall be composed of five (5) members appointed by the Governor with the advice and consent of the Senate of the State of Texas. The members of the State School Investment Commission shall serve for a term of five (5) years, provided, however, that the members appointed to membership on the first Commission hereunder shall, at the first meeting after their appointment, determine by lot which of said members shall serve an initial term of one year, two years, three years, four years and five years respectively. The regular term of office of the members shall begin on the first day of June of the year of appointment and terminate on the 31st day of May five (5) years thereafter. The terms of the first members appointed shall terminate on May 31, 1950, 1951, 1952, 1953, and 1954, respectively, according to the term drawn by lot as above provided. Members shall receive no salary but shall be reimbursed for full expenses incurred in attending meetings of the State School Investment Commission.

Sec. 2. It shall be the duty of the State School Investment Commission to preserve, protect, safeguard and manage the permanent school fund of the State of Texas, and it shall perform the duties in connection therewith as performed or exercised by the State Board of Education prior to the enactment of this Act.

Sec. 3. The Investment Commission shall name its own president or presiding officer, vice-president or vice-presiding officer, and the Com-
missioner of Education, created by this Act, shall serve as the Executive Secretary of the Commission.

Sec. 4. The State School Investment Commission shall be furnished offices by the Commissioner of Education, and meetings of said Commission shall be held in the City of Austin at such offices and at such times as may be provided by law or as may be necessary to perform the duties thereupon imposed.

ARTICLE VI.

COMMISSIONER OF EDUCATION

Section 1. There is hereby established the position of State Commissioner of Education. All powers and duties heretofore vested in the State Superintendent of Public Instruction shall be discharged by the Commissioner, provided said powers and duties are not in conflict with the provisions of this Act. The State Board of Education shall elect the State Commissioner of Education to serve for a period of four (4) years, his term beginning on June 1 and ending May 31, and may re-appoint him for successive terms of four years, at a salary to be set up by the Board. The Board shall have the power to remove the Commissioner for conviction of any crime involving moral turpitude or felonious action, or for willful and continuous disregard of directions of the Board on matters vital to the operation of the Department of Education and State school system.

Sec. 2. The State Commissioner of Education shall be a person of broad and professional educational experience, with special and recognized abilities of the highest order in organization, direction and co-ordination of education systems and programs, with particular abilities in administration and management of public schools and public education generally. The Commissioner of Education shall be a citizen of the United States, of good moral character, and shall be eligible for the highest school administrator's certificate currently issued by the State Department of Education. He shall subscribe to the oath of office required of other state officials.

Sec. 3. The Commissioner of Education shall serve as the Executive Officer of the Board of Education, and shall be its Executive Secretary.

Sec. 4. The Commissioner shall have the sole power to issue teaching certificates to public school teachers and administrators and to voucher the expenditures of the Central Education Agency.

Sec. 5. It shall be the duty of the Commissioner of Education to observe and execute the mandates, prohibitions, and regulations established by law, or by the State Board of Education in accordance with law, and to formulate such proposals for new or modified mandates, prohibitions or regulations as he deems desirable.

Sec. 6. The Commissioner shall execute his official bond in the sum of Fifty Thousand ($50,000.00) Dollars conditioned on the faithful performance of his duties as required by the laws of the state and the rules and regulations imposed by the Board, acting in accordance with law.

Sec. 7. When a vacancy occurs by reason of resignation, death, or removal, the Board shall elect a new commissioner for the unexpired term; provided that the Board shall have the right to appoint an Acting Commissioner under such circumstances, who may serve at the discretion of the Board for a total consecutive term of not more than one year.

Sec. 8. The Commissioner of Education shall serve as executive officer of the central education agency, and shall be responsible for promoting efficiency and improvement in the public school system of the State. He shall have the power to prescribe such rules and regulations as are necessary to carry out the duties and responsibilities placed upon him by the Legislature and the State Board of Education. He shall recommend to the State Board of Education such policies, rules, regulations as he considers necessary to promote educational progress, and shall supply the State Board of Education with all necessary or pertinent information to guide it in its deliberations. He shall prescribe and require such uniform
systems of reports and records as are necessary to secure needed information from county school officers and from local school districts. He may delegate ministerial and executive functions to members of the State Department of Education.

ARTICLE VII.
STATE DEPARTMENT OF EDUCATION

Section 1. There is hereby established the State Department of Education, which shall be the professional, technical and clerical staff of the central education agency. It shall be organized into such divisions and subdivisions as shall be established by the State Board of Education upon recommendation of the State Commissioner of Education; provided that one of such divisions shall be a Division of Vocational Education.

Sec. 2. Directors of major divisions of the State Department of Education and all other employees of the State Department of Education shall be appointed by the State Commissioner of Education under general rules and regulations as adopted by the State Board of Education. Salary schedules, personnel policies, job qualifications, and administrative codes for the state department shall be established by general regulations of the State Board of Education upon recommendation of the Commissioner of Education. Employees shall be subject to the same general provisions governing tenure and retirement as are set up for public school employees generally. Upon recommendation of the State Commissioner, and within general law and appropriations of the Legislature, the State Board of Education shall adopt an annual budget for the operation of the central education agency, and the Commissioner shall voucher all expenditures within this budget.

Sec. 3. The functions of the State Department of Education shall be to carry out the mandates, prohibitions, and regulations for which it is made responsible by statute, the State Board of Education, and the Commissioner of Education. It shall have no power over local school districts except those specifically granted in statute, but it shall seek to assist local school districts in developing effective and improved programs of education through research and experimentation, consultation, conferences, and evaluation. In discharging these functions the State Department of Education shall make free and full use of advisory committees and commissions composed of professional educators and/or other citizens of the State.

ARTICLE VIII.
GENERAL PROVISIONS

Section 1. Parties having any matter of dispute among them arising under provisions of the school laws of Texas, or any person or parties aggrieved by the actions or decisions of any board of trustees or board of education, may appeal in writing to the Commissioner of Education who, after due notice to the parties interested, shall examine in a hearing and render a judgment without cost to the parties involved. However, nothing contained in this section shall deprive any party of a legal remedy.

Sec. 2. Upon recommendation of the Commissioner of Education, the State Board of Education may authorize and the State Commissioner may appoint with ratification by the Board of Education, such official commissions composed of citizens of the state as are necessary to advise the Commissioner of Education in the discharge of his duties. Provided, however, that no member of such Commission shall receive any pay for services on said Commission other than reimbursement of actual expenses incurred. Necessary expenses for the operation of such Commissions shall be included within the regular operating budget of the State Department of Education, and shall be subject to the same budget controls as all other items in said budget.

Sec. 3. The State Board of Education and the office of State Superintendent of Public Instruction, as heretofore established by law, are
hereby terminated and abolished as of the date of qualification of the State Board of Education herein provided and as of the date of qualification of the Commissioner of Education respectively.

Sec. 4. If any article, section, subsection, sentence, clause, or phrase of this Act is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases should be declared unconstitutional.

Sec. 5. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Sec. 6. The fact that the system of public free schools in the State of Texas is of paramount interest to every citizen of the State, the fact that a thorough study has been undertaken under authority of the Legislature, in which study the assistance of laymen and professional educators was widely resorted to, and such study indicates that certain remedial changes are required in the system for education in Texas, designing and fitting the program of education to the needs of a great and growing and modern State create an emergency and an imperative public necessity that the constitutional rule requiring Bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

By Senators Lock, Taylor Proffer, Aikin, Bullock, Cousins, Hudson, Morris and Jones:

S. B. No. 116, A bill to be entitled "An Act providing a minimum Foundation School Program for nine (9) full months of the school year for each child of school age in the public free schools of Texas and establishing the eligibility requirements for grants from the Foundation School Fund applicable to all Texas public school districts in connection therewith; designating the procedure and means by which such program shall be financed; providing a minimum base salary schedule plus increments for teaching experience for public school teachers and repealing all laws in conflict therewith; providing that school districts shall purchase motor vehicles, including buses and bus bodies, and motor vehicle tires and tubes through the Board of Control under competitive bidding; amending Chapter 3, Title 20, Revised Civil Statutes, 1925, by adding thereto a new section providing for such purchase by such school districts of such motor vehicles and tires and tubes through the Board of Control and the manner and method thereof and providing for the payment of such articles so purchased including the issuance of time warrants; repealing Article XIV, of House Bill 235, Acts of the Regular Session, 50th Legislature; providing for an economic index for counties and new duties of County Tax Assessor-Collectors with respect thereto; providing for the administration of this Act; providing penalties for violation of the provisions of this Act, for misapplication of funds appropriated for the purpose of this Act or false swearing of sworn reports required for the purposes thereof; defining what constitutes false swearing for the purposes of this Act; repealing all laws in conflict with this Act; providing a savings clause and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

ARTICLE I.

Section 1. Purpose. This Act shall be known as the Foundation School Program Act. It is the purpose of this Act to guarantee to each child of school age in Texas the availability of a minimum Foundation School Program for nine (9) full months of the year, and to establish the
eligibility requirements applicable to Texas public school districts in connection therewith. Except as otherwise provided herein, the effective date of this Act shall be September 1, 1949.

ARTICLE II.

Section 1. Finance. Appropriations enacted by the Legislature for the promotion of the educational opportunities afforded by the State of Texas under this Foundation School Program Act shall be paid in accordance with the requirements and in the manner provided in this Act and any subsequent amendments thereto.

Sec. 2. Professional Positions and Services. To effectuate the Foundation School Program proposed and guaranteed herein, school districts are authorized to utilize the following professional positions and services:

A. Professional positions:
1. Classroom teachers.
2. Vocational teachers.
3. Special service teachers, among which shall be included librarians, school nurses, school physicians, visiting teachers, itinerant teachers and counselors.
4. Teachers of exceptional children.
5. Supervisors.
7. Principals, full-time.
8. Superintendents.

B. Services:
1. Current operating cost other than professional salaries and transportation.
2. Transportation.

Provided that the total number of professional units allotted to each district shall be the sum of the professional units, hereinafter prescribed, for classroom teachers, vocational teachers, special service teachers, teachers of exceptional children, supervisors, full-time principals and superintendents. Such professional unit allotments shall be contingent upon the employment of qualified personnel and upon the payment of not less than the minimum salary as hereinafter prescribed.

No district will be required to employ professional personnel for the full number of its professional units, but where a fewer number are employed, grants shall be based upon the number actually employed during the current school year.

ARTICLE III.

Section 1. Professional Units. The number of professional units allotted for the purpose of this Act to each school district, except as otherwise provided herein, shall be based upon and determined by the average daily attendance of the district for the next preceding school year, separate for whites and separate for negroes. Such allotments based upon white attendance shall be utilized in white schools, and allotments based upon negro attendance shall be utilized in negro schools. Provided, that where a school district or part of a school district is annexed to or consolidated with another district or districts, or where all of the pupils in any grade or grades are transferred to another district or districts, or where there is a marked increase in the attendance of any school district in the current school year, adjustments in professional and service allotments may be made by the Commissioner of Education acting in accordance with the rules and regulations of the State Board of Education with respect thereto.

Provided that the attendance of non-resident scholastics whose grades are taught in their home districts shall not count towards teacher eligibility.

(1) Classroom teacher units. Classroom teacher professional units for each school district, separate for whites and separate for negroes, shall be determined and teachers allotted in the following manner:
a. School districts having fewer than fifteen (15) pupils in average daily attendance shall not be eligible for any classroom teacher units, except that in cases of extreme hardship, the Central Education Agency may allot one classroom teacher unit to such district for one year.
b. School districts having from fifteen (15) to twenty-five (25) pupils in average daily attendance, one (1) classroom teacher.
c. School districts having from twenty-six (26) to ninety-nine (99) pupils in average daily attendance, two (2) classroom teachers for the first twenty-six (26) children and one (1) classroom teacher for each additional twenty-one (21) pupils. (No credit for fractions.)
d. School districts having from one hundred (100) to one hundred and fifty-six (156) pupils in average daily attendance, six (6) classroom teachers.
e. School districts having from one hundred fifty-seven (157) to four hundred forty-five (445) pupils in average daily attendance, one (1) classroom teacher for each twenty-four (24), or major fractional part thereof.
f. School districts having from four hundred and forty-six (446) pupils to four hundred and eighty-seven (487) pupils in average daily attendance, nineteen (19) classroom teachers.
g. School districts having from four hundred eighty-eight (488) to one thousand five hundred twelve (1,512) pupils in average daily attendance, one (1) classroom teacher for each twenty-five (25) pupils, or major fractional part thereof.
h. School districts having from one thousand five hundred thirteen (1,513) to one thousand five hundred ninety-nine (1,599) pupils in average daily attendance, sixty-one (61) classroom teachers.
i. School districts having one thousand six hundred (1,600) or more pupils in average daily attendance, one (1) classroom teacher for each twenty-six (26) pupils, or major fractional part thereof.

(2) Vocational Teacher Units. Vocational teacher professional units for each school district, separate for white and separate for negroes, shall be determined and teachers allotted in the following manner:

a. Each four year accredited high school shall be eligible for two (2) vocational teachers qualified to teach one or more of vocational courses in agriculture, home economics, trades and industries, and distributive education, provided there is need therefor.
b. Additional vocational teachers for four year accredited high schools may be allotted upon the recommendation of the Commissioner of Education acting in accordance with rules and regulations of the Central Education Agency with respect thereto.
c. Each unaccredited high school or less than four year accredited high school may be eligible for vocational teachers qualified to teach one or more vocational courses in agriculture, home economics, trades and industries, and distributive education in the number to be determined and recommended by the Commissioner of Education acting in accordance with rules and regulations of the Central Education Agency with respect thereto.

Provided that the vocational teacher allotments provided herein shall be made in addition to classroom teacher allotments.

(3) Special Service Teacher Units. Special Service teacher professional units for each school district, separate for whites and separate for negroes, shall be determined and teachers allotted in the following manner:

a. Such teacher allotments shall be based upon the number of approved classroom teacher units, separate for whites and separate for negroes.
b. Districts which have twenty (20) or more approved classroom teacher units shall be eligible for one (1) special service teacher unit for each twenty (20) classroom teacher units.
c. Districts not eligible for a full special service teacher unit may enter, by vote of their respective boards of trustees, into one cooperative agreement to provide special service teachers under the supervision of the County Superintendent of Schools. The State Commissioner of Education shall, upon certification of such agreement, allot to each district party to such
agreement a fractional part of a special service teacher unit, said frac­
tion to be not greater than the number of approved classroom teacher
units for that district divided by twenty (20). Provided further that
districts in two or more counties may enter into such agreements as here­
before provided, specifying the County Superintendent in any one of
the counties concerned to supervise the special service teacher.

Provided school districts may choose from the five types of special
service teachers listed in Section 2 of Article II of this Act, Subsection
A-3, the number of each classification that it desires, to the extent of total
eligibility for such teachers. Provided, further, that the special service
teacher allotments provided herein shall be made in addition to other
professional position allotments.

4. Exceptional Children Teacher Units. Teacher professional units for
exceptional children for each school district, separate for whites and sep­
arate for negroes, shall be determined and teachers allotted in the fol­
lowing manner:

Allotments for such teachers shall be determined by regulations pre­
scribed by the Central Education Agency, based upon a census of ex­
ceptional children in the district, separate for whites and separate for
negroes, and a satisfactory teaching plan. Such teacher allotment shall
not exceed one such professional unit for each twenty (20) of such
children.

Districts not eligible for a full teacher for exceptional children unit,
by vote of their respective boards of trustees may enter into one cooperative
agreement to provide the teaching of exceptional children under supervision
of a county superintendent of schools, and in such event the Central
Education Agency may allot exceptional teacher units or fractional parts
of units on the basis of said cooperative agreement, to the districts con­
cerned, except that the sum of such units so allotted shall not be greater
than the number of such units for which said districts would be eligible
provided no cooperative agreement existed.

Provided that allotments for teacher professional units for exceptional
children provided for herein shall be made in addition to other professional
position allotments.

For the purposes of this Act, the term or words “exceptional children”
will be construed to mean any child of educable mind whose bodily function
or members are so impaired that he cannot be safely or adequately edu­
cated in regular classes of the public schools without the provision of
special assistance or services. The terms shall not include those children
who are eligible for the State schools for the deaf, the blind, or the feeble­
minded.

5. Supervisor Units. Supervisor professional units for each school
district, shall be determined and supervisors allotted in the following
manner:

a. One (1) supervisor for the first forty (40) classroom teacher units
and one (1) for each additional fifty (50) classroom teacher units or
major fractional part thereof.

b. Districts having fewer than forty (40) classroom teacher units
may enter cooperative agreements with each other, under the supervision of
the County School Superintendent, each assuming a fractional share of
the cost of a supervisor, such fractional part of eligibility for each
district to be not greater than the number of its approved classroom units
divided by forty (40).

Provided that allotments for supervisors shall be based on the number
of approved classroom teacher units, separate for whites and separate for
negroes. Allotments for supervisors provided herein shall be made in ad­
dition to other professional position allotments.

6. Principal Units. Principal professional units shall be of two types,
to-wit: (1) Full principal units and (2) part-time principal units. A
part-time principal unit shall entitle a district to assign a classroom
teacher to serve as a part-time principal and to receive an additional
salary allowance therefor as herein provided. Principal professional
units for each school district, separate for whites and separate for negroes, shall be determined and allotted in the following manner:

a. No district having fewer than three (3) approved classroom teacher units shall be eligible for a principal allotment.

b. In districts having from three (3) to nineteen (19) classroom teacher units and not having an accredited four-year high school, one part-time principal unit shall be allotted.

c. In a district having from three (3) to nineteen (19) classroom teacher units which has a four-year accredited high school, two (2) part-time principal units, and one (1) additional part-time principal unit for each additional campus on which a school is operated in that district, shall be allotted.

d. In districts having twenty (20) or more approved classroom teacher units, there shall be allotted one (1) full-time principal for the first twenty (20) classroom teacher units, and one (1) full-time principal for each additional thirty (30) classroom teacher units. In computing allotments for principals, no consideration shall be given to fractions. In addition to full-time principal allowances provided in this subsection, one (1) of the first twenty (20) classroom teachers, and one (1) of each additional thirty (30) classroom teachers, in addition to part-time classroom duties, may be designated to serve as part-time principal and receive an additional allowance therefor as hereinafter provided; however, additional part-time principal units shall be allotted, if necessary, to the extent that at least one full-time principal or part-time principal will be available for each campus on which a school is operated in the district.

Provided that the principal allotments as hereinabove provided shall be based upon the number of approved classroom teacher units, separate for whites and separate for negroes. Allotments for full-time principals provided herein shall be made in addition to other professional position allotments.

7. Superintendent Units. Superintendent professional units for each school district shall be determined and superintendents allotted in the following manner:

a. No district which has neither a four year white accredited high school nor a four year negro accredited high school shall be eligible for a superintendent allotment.

b. A district having one or more four year accredited high schools, either white or negro, shall be eligible for one (1) superintendent allotment. Superintendents shall serve the entire school district, both its whites and negroes. Allotments for superintendents as provided herein shall be made in addition to other professional position allotments.

ARTICLE IV.

Section 1. Salary Schedule. Beginning with the school year of 1949-50, the Board of Trustees of each and every school district in the State of Texas shall pay their teachers, both whites and negroes, upon a salary schedule providing a minimum beginning base salary plus increments above the minimum for additional experience in teaching as hereinafter prescribed. The salaries fixed herein shall be regarded as minimum salaries only and each district may supplement such salaries.

All teachers and administrators shall have a valid Texas certificate. Salary increments for college training shall be based upon training received at a college recognized by the Central Education Agency for the preparation of teachers.

Any law or parts of laws in conflict with Section 1 of Article IV of this Act are hereby repealed.

Provided that payment of at least the minimum salary schedule provided herein shall be a condition precedent to participation in the Foundation School Fund.

The salary of each professional position listed in Section 2 of Article II of this Act shall be determined as follows:

1. Classroom Teachers. The annual salary of classroom teachers shall be the monthly base salary, plus increments, multiplied by nine (9); provided that if the length of the school term is less than nine (9) months,
the annual salary shall be such base salary and increments multiplied by
the number of months in the term.

a. The minimum base pay for a classroom teacher who holds a Bachelors
Degree and no higher degree shall be Two Hundred Sixty-seven Dollars
($267) per month. Six Dollars ($6) per month shall be added for each
year of teaching experience not to exceed Seventy-two Dollars ($72) per
month.

b. The minimum base pay for a classroom teacher who has one year
but less than two years of college training shall be One Hundred Fifty-five
Dollars ($155) per month. Six Dollars ($6) per month shall be added
for each year of teaching experience not to exceed Seventy-two Dollars
($72) per month.

c. The minimum base pay for a classroom teacher who has two (2) but
less than three (3) years of college training shall be One Hundred Eighty
Dollars ($180) per month. Six Dollars ($6) per month shall be added
for each year of teaching experience not to exceed Seventy-two Dollars
($72) per month.

d. The minimum base pay for a classroom teacher who has three (3)
or more years of college training but who does not hold a Bachelors Degree
shall be Two Hundred Five Dollars ($205) per month. Six Dollars ($6) per
month shall be added for each year of teaching experience not to exceed
Seventy-two Dollars ($72) per month.

e. The minimum monthly base pay for a classroom teacher who holds a
Masters Degree shall be Two Hundred Ninety-two Dollars ($292) per
month. Six Dollars ($6) per month shall be added for each year of teaching
experience not to exceed One Hundred Fifty-six Dollars ($156) per month.

2. Vocational teachers.

a. The minimum monthly base pay and increments for teaching experi-
ence for a vocational teacher conducting a nine (9), ten (10), or twelve (12)
months vocational program approved by the Central Education Agency
shall be the same as that of a classroom teacher as provided herein. The
annual salary of such teachers shall be the monthly base salary, plus
increments, multiplied by nine (9), ten (10), or twelve (12), as applicable.
Provided that the minimum salaries hereinabove prescribed for voca-
tional teachers mean total salaries of such teachers to be received for public
school instruction, whether they be paid out of State and/or Federal funds.
Expenses where allowable shall be paid from a separate State vocational
fund. No such expense shall be counted as part of the cost of the Minimum
Foundation Program.

3. Special Service Teachers. The minimum monthly base salary and
increments for teaching experience for special service teachers shall be the
same as those provided herein for classroom teachers. The annual salary
of such teachers shall be the monthly base salary, plus increments, multi-
plied by nine (9).
Provided that a registered nurse shall be considered for the purpose of
computing salaries as having a Bachelors Degree, and that a librarian
having a recognized certificate or degree based upon five (5) years of
recognized college training therefor shall be considered as having a Masters
Degree:

4. Teachers of Exceptional Children. The minimum monthly base salary
and increments for teaching experience for teachers of exceptional pupils
shall be the same as that prescribed in this Act for classroom teachers.
The annual salary of such teachers shall be the monthly base salary, plus
increments, multiplied by nine (9).

5. Supervisors. The minimum monthly base salary and increments for
teaching experience for supervisors shall be the same as that prescribed in
this Act for classroom teachers, to which shall be added Thirty Dollars
($30) per month. The annual salary for such supervisors shall be the
monthly base salary, plus increments, multiplied by ten (10).

6. Principals.

a. Part-time Principals. In a district having from three (3) to nineteen
(19) classroom teacher units, the designated classroom teacher who serves
as part-time principal shall be paid an additional monthly salary allow-
ance of Three Dollars ($3) per month for each teacher under his supervision, but not to exceed Thirty-six Dollars ($36) per month.

In a district having from three (3) to nineteen (19) classroom teacher units which has a four year accredited high school, the teacher or teachers serving as part-time elementary principal shall receive Four Dollars ($4) per month for each teacher under his supervision, but not to exceed Forty Dollars ($40) per month; and the classroom teacher serving as part-time high school principal shall be paid an additional salary allowance of Forty Dollars ($40) per month.

In a district having twenty (20) or more classroom teacher units, the designated classroom teacher or teachers that serve as part-time principal shall each be paid an additional monthly salary allowance of Four Dollars ($4) per month for each teacher under his supervision, but not to exceed Forty-eight Dollars ($48) per month.

The annual salary of part-time principals shall be the monthly base salary, plus increments, multiplied by nine (9); provided that if the length of school term is less than nine (9) months, the annual salary shall be such base salary and increments multiplied by the number of months in the term.

b. Full-time Principals. The minimum monthly base salary and increments for teaching experience for full-time principals shall be the same as that prescribed in this Act for classroom teachers to which shall be added Fifty Dollars ($50) per month. The annual salary for such principals shall be the monthly base salary, plus increments, multiplied by ten (10).

7. Superintendents.
   a. In districts having a four-year accredited high school and having ten (10) or less classroom teachers, whites and negroes combined, the minimum monthly base salary and increments for teaching experience for superintendents shall be the same as that prescribed in this Act for classroom teachers to which shall be added Forty Dollars ($40) per month; eleven (11) to nineteen (19) teachers, Sixty Dollars ($60) per month; twenty (20) to twenty-nine (29) teachers, Eighty Dollars ($80) per month; thirty (30) to forty-nine (49) teachers, One Hundred Dollars ($100) per month; fifty (50) to seventy-five (75) teachers, One Hundred Twenty-five Dollars ($125) per month; seventy-six (76) to one hundred (100) teachers, One Hundred Fifty Dollars ($150) per month; one hundred one (101) to one hundred fifty (150) teachers, One Hundred Seventy-five Dollars ($175) per month; one hundred fifty-one (151) to two hundred (200) teachers, Two Hundred Dollars ($200) per month; two hundred one (201) to three hundred (300) teachers, Two Hundred Twenty-five Dollars ($225) per month; three hundred (300) or more teachers, Two Hundred Fifty Dollars ($250) per month.
   b. The annual salary for superintendents shall be the monthly base salary, plus increments, multiplied by twelve (12).

Sec. 2. Total Cost of Professional Salaries. The total cost of professional salaries of positions allowable for purposes of this Act shall be determined by application of the salary schedule to the total number of approved professional units, provided that such professional units shall have been serviced by approved professional position employments.

ARTICLE V.

Section 1. Services. Current Operating Costs. The total current operating cost for each school district, other than professional salaries and transportation, shall be based on the number of approved classroom teacher units for the current school year, separate for whites and separate for negroes, and grants therefor shall be allotted and determined in the following manner:
   a. Districts having from one (1) to seventy-four (74) classroom teacher units shall be allotted the sum of Four Hundred Dollars ($400) for each of said units.
   b. Districts having from seventy-five (75) to eighty-four (84) classroom teacher units shall be allotted the sum of Twenty-nine Thousand Seven Hundred Dollars ($29,700).
   c. Districts having eighty-five (85) or more classroom teacher units shall
be allotted the sum of Three Hundred Fifty Dollars ($350) for each of said units.

Sec. 2. Services. Transportation. The County Superintendent and County School Boards of the several counties of this State, subject to the approval of the Central Education Agency, are hereby authorized to annually set up the most economical system of transportation possible for the purpose of transporting pupils from their districts, and within their districts. The county shall be regarded as the unit and State warrants for transportation shall be made payable to the County Board Transportation Fund for the total transportation earned within the county to the extent allowed under the provisions of this Act and which shall not exceed the total actual approved cost thereof. In cities having public transportation, no child residing in such city shall be eligible to be transported at State expense unless such child resides more than two (2) miles from such public transportation service.

The total annual transportation cost allotment for each district shall be the lesser of the following:

a. Thirty-one Dollars and Fifty Cents ($31.50) for nine (9) months transportation per public school pupil or a proportionate part thereof if a pupil is not transported for nine (9) months; provided further, that all school districts which have less than three (3) enumerated scholastics per square mile, separate for whites and separate for negroes, may receive Forty-five Dollars ($45.00) for nine (9) months transportation per public school pupil or a proportionate part thereof if a pupil is not transported for nine (9) months.

b. The actual approved cost of transportation operation in the district, such cost to include bus payment reimbursements, bus driver salaries, and gasoline, oil, and repairs.

In no instance may transportation service allotments be made or granted for pupils transported who attend a grade in another school district which grade is taught in such pupils' home school district.

No transportation service allotments or aid shall be granted under any provisions of this Act unless the pupil so transported actually resides more than two (2) miles, measured by the nearest practical route, from the school attended and is transported in an approved bus over an approved route.

Subject to regulations prescribed by the Central Education Agency, it is further provided that transportation aid may be granted for pupils who are the children of employees attending from either the State Training School for Boys at Gatesville or State Training School for Girls at Gainesville, or any other State eleemosynary institutions.

County Boards of Trustees are hereby authorized to employ bus drivers, and the salary of no bus driver may be paid out of the County Transportation Fund created herein unless such bus driver is so employed.

Provided further, that only pupils or persons directly connected with the public school system shall be transported on school buses while in the process of transporting pupils to and from the public schools, and any bus driver violating the foregoing provision shall forfeit his contract and shall be immediately discharged by the County Board of Trustees.

Sec. 3. The sum of the approved salaries for professional positions, the current operating cost other than professional salaries and transportation, and cost of transportation service of each district, computed and determined in accordance with the provisions of this Act, shall constitute the total cost of the Foundation School Program proposed in this law.

Sec. 4. Chapter 3 of Title 20, R. C. S., 1925, is hereby amended by the addition of a new Article thereto, to be known as Article 634 (B) and reading as follows:

"Article 634 (B). All motor vehicles including buses and bus bodies, tires, and tubes, purchased for or by any school district participating in the Foundation School Program shall be purchased by and through the Board of Control. And no school district nor its officers or employees shall have the power to purchase for such school district any of such items except in those instances wherein an emergency requires an immediate purchase thereof, to be reported to and approved by the Board of Control."
"Such motor vehicles, including buses and bus bodies, tires and tubes, shall be purchased on competitive bids under such rules and regulations as may be made by the Board of Control. Such purchases shall be made on requisition of a school district. Requisitions, if for the purchase of motor vehicles, buses or bus bodies, must be presented to and receive the approval of the Central Education Agency.

"Any buses, owned by any such school district, which are to be sold, traded in, or otherwise disposed of, must be disposed of either by the Board of Control or the school district under such rules and regulations as the Board of Control may provide, and the sale price or trade in value of any such buses shall be considered in determining eligibility for transportation grants.

"Compliance with this Section shall be a condition precedent to participation in the Foundation School Fund, and any school district failing or refusing to comply with the terms and conditions of this Section shall be ineligible to share in a Foundation Program for one year from the date of such failure or refusal or such violation of the terms hereof.

"This section shall not require the purchase of buses, bodies or tires through the Board of Control, where the funds therefor are provided by profits from athletic contests or other such school enterprises in no way supported by tax funds or gifts, grants or appropriations from any governmental agency, either state or federal.

"Any such school district making requisitions for purchase of any of the above named articles shall, when sending in the requisition therefor, include therewith a general description of the article desired and shall certify the funds that will be available to pay therefor.

"Any school district financially unable to comply with the foregoing requirement to make immediate payment for any motor vehicles, including buses or bus bodies, purchased by it, may subject to the provisions hereunder, issue interest bearing time warrants in amounts sufficient to make such purchase, any law to the contrary notwithstanding. Such warrants shall mature in serial installments not more than five years from the dates of issue, and shall bear interest at a rate of not to exceed six per cent (6%) per annum. Such warrants shall upon maturity be payable out of any available funds of such school district in the order of their maturity dates. Full records of all warrants issued and sold shall be kept by the district and reported to the Board of Control. Such warrants may be issued and sold at not less than their face value, and the proceeds thereof used to provide the funds required for such purchase as herein provided. Such warrants shall be entitled to first and prior payment out of any available funds of such district as they become due.

"The Board of Control shall have the power to make any rules or adopt any regulations to effectuate the purpose of this Act."

ARTICLE VI.

Section 1. Finance of Foundation Program. The minimum Foundation School Program established in this Act shall be financed by:

a. Requiring an equalized local school district effort to the extent hereinafter provided toward the support of this program;

b. Distribution of the Available School Fund on the basis of the number of scholastics; and

c. Allocation to each local district a sum of State money appropriated for the purposes of this Act sufficient to finance the remaining costs of the minimum foundation program in that district computed and determined in accordance with the provisions of this Act.

Sec. 2. Total Local School Funds to be Provided by All School Districts in the State. The sum of the amounts to be raised annually and paid by the local school districts of the State toward this minimum Foundation Program shall be Forty-five Million Dollars ($45,000,000). Each school district shall pay a part of this State total out of local maintenance tax funds, its proportionate amount thereof to be raised by each district toward its minimum foundation program according to its taxingpaying ability as determined by an economic index and in the manner hereinafter prescribed.
Sec. 3. Economic Index for Counties. The Central Education Agency shall calculate an economic index of the financial ability of each county to support the minimum Foundation School Program. The economic index of a county shall be calculated to approximate the per cent of the total taxpaying ability in the State which is in a given county, and shall constitute for the purpose of this Act a measure of one county’s ability to support schools in relation to the ability of other counties in the State. The economic index for each county shall be determined and based on the following weighted factors, which shall be recomposed and computed every four (4) years:

a. Assessed valuation of the county—weighted by twenty (20).

b. Population of the county according to the last preceding Federal census—weighted by eight (8).

c. Income for the county as measured by: Value added by manufacture, value of minerals produced, value of agricultural products, payrolls for retail establishments, payrolls for wholesale establishments, payrolls for service establishments—weighted collectively by seventy-two (72).

The economic index determined for each county for the purposes of this Act shall be used for a period of four (4) years, and the Central Education Agency shall recompute a new such economic index each four (4) years, taking such information from the most recently available official publications and reports of agencies of the State of Texas or the federal government. Provided that should there be a sudden marked decline in the economic activity in a county during any four (4) year index period, an adjustment in the county’s economic index may be made by the Central Education Agency.

Provided further, that the County Tax Assessor-Collector in each county, in addition to his other duties prescribed by law, shall certify to the Central Education Agency in Austin, Texas, not later than June 1 of each year, the following information:

The valuation, on a State and county valuation basis, of each and every school district or portion of school district in such county.

The valuation of all University-owned land, Federal-owned forestry land, and Federal-owned military and Indian reservations in each district, from which no school tax is collected, such land to be valued on a comparable basis with similar land in the county. Until such time as the said Tax Assessor-Collector shall submit such certificates to the Central Education Agency, the State Comptroller of Public Accounts is directed to furnish such information, estimating when necessary.

Sec. 4. Local Funds Required in Each County. The Central Education Agency shall calculate and determine the total sum of local funds that the school districts of a county shall contribute toward the total local cost of this foundation program by multiplying Forty-five Million Dollars ($45,000,000) by the economic index determined for each county. The product shall be regarded as the local funds available in each respective county toward the support of the program and shall be used in calculating the portion of said amount which shall be raised by each school district in the county.

Sec. 5. Local Funds to Be Provided by Each District. The Central Education Agency shall determine the amount of local funds to be provided by each school district and used therein toward the support of the minimum foundation program, which amount shall be calculated as follows:

Divide the state and county valuation of the county into the state and county valuation of the district, finding the district’s percentage of the county valuation. Multiply the district’s percentage of the county valuation, by the amount of funds assigned to all of the districts in the county (Section 4, Article VI, of this Act). The product shall be the amount of local funds that the district shall be assigned to raise toward the financing of its foundation program.

If a district has no school, the amount of local funds assigned to such district shall be assigned to the district or districts in which such children attend school, and the local funds collected shall be transferred to such receiving district or districts.
The sum of such amounts determined for the several portions of a county-line school district shall be the amount assigned to be raised by such district toward the financing of its foundation program. Where part of the property of a school district, because of location of University-owned lands and Federal-owned forests and military and Indian reservations, produce no school taxes, a district's determined amount of local funds to be raised for its foundation program shall be reduced proportionately, based upon proper certificates from the county Tax Assessor-Collector submitted to and approved by the Central Education Agency. No school district shall be eligible to receive foundation school funds authorized herein if it lowers its local maintenance tax rate within two years of the effective date of this Act, such district to be ineligible for a period of one year.

Provided that if a school district fails to collect a local maintenance school tax equal to the amount of funds assigned to it as determined by this Section, such failure will not make the district ineligible for full per capita apportionment and Foundation Fund grants, but the amount as determined by this Section shall be charged against the district as receipts, whether such amount of local taxes is collected or not. Provided further that any local maintenance funds in excess of the amount assigned to a district as determined by this section may be expended for any lawful school purpose or it may be carried over as a balance into the next school year.

ARTICLE VII.

Districts Eligible. All school districts in Texas, subject to the provisions of this Act, shall receive from the Foundation School Fund sufficient funds with which to maintain a minimum foundation school program, as provided for herein. Provided that the County Board of School Trustees shall add the territory of any dormant school district to another district or districts. The term "dormant" as used hereinabove shall mean any school district that fails, for any two successive years subsequent to the 1946-47 school year, to operate a school in the district for the race having the greater number of enumerated scholastics in the district.

ARTICLE VIII.

Administration. It shall be the duty of the Central Education Agency to take such action, require such reports, and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions of this Act.

ARTICLE IX.

Section 1. Conversion and Fraud. Any person who shall confiscate, misappropriate or convert moneys appropriated to the Foundation School Fund to carry out the purposes of this Act after such moneys are received by the school district or County Board of School Trustees in accordance with the terms hereof shall be guilty of a felony and upon conviction be punished by confinement in the State Penitentiary for any term of years not less than one (1) nor more than five (5). Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record, form, report or budget required under this Act or the rules of the State officials charged with the enforcement of this Act in any attempt to defraud the state or its school system as a result of such Act shall be guilty of a felony and upon conviction shall be punished by confinement in the State Penitentiary for any term of years not less than one (1) nor more than five (5). Provided that such proceedings shall be instituted by the proper district or county attorney in accordance with Article 339, R. C. S., or any other law appertaining thereto. Should any change or error in the records, forms, reports or budgets result in any school district receiving from the Foundation School Fund more or less than it would have been entitled
to receive had said records been correct, the State Commissioner of Education shall correct such error, and so far as practicable shall adjust the payment in such a manner that the aid to which such district was correctly eligible shall be paid.

Sec. 2. Violation of Provisions. Any person, including any county superintendent or ex-officio county superintendent, school bus driver, trustee, and any administrative personnel or teacher of a school district and/or its treasurer or proper disbursing officer, who violates any of the provisions of this Act other than those to which Section 1 of Article VIII of this Act applies, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1000). Provided that such proceedings shall be instituted by the proper district or county attorney upon receipt of information from the State Commissioner of Education.

Provided further, that if any person shall knowingly submit incorrect information to the Central Education Agency in any sworn report required by this Act or by the rules of the Agency or the Commissioner of Education for the honest administration of this Act, such offenses shall constitute false swearing and shall be punished as prescribed by law for that offense.

ARTICLE X.

Repealing and Constitutional Clause. All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any Court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

ARTICLE XI.

Emergency Clause. The need for a general statute by which every school district in Texas may qualify, on an objective basis, for the necessary funds with which to operate a minimum foundation program, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act take effect and be in full force from and after its passage, and it is so enacted.

By Senators Aikin, Taylor, Proffer, Bullock, Cousins, Lock, Hudson, Morris and Jones:

S. B. No. 117, A bill to be entitled "An Act amending Article XX, Section 4 of House Bill 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended, by changing subsection (4-a), added by H. B. 301, Acts of the 50th Legislature, Regular Session, 1947; providing for the transfer of certain funds to the Foundation School Fund created herein; repealing conflicting laws or parts of laws; containing a savings clause, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Amend Article XX, Section 4 of House Bill 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended, by changing subsection (4-a), added by H. B. 301, Acts of the 50th Legislature, Regular Session, 1947, so that said subsection (4-a) shall read hereafter as follows:

"(4-a) After the above allocations and payments have been made from such Clearance Fund, beginning with the fiscal year, September 1, 1949, and annually thereafter, there is hereby appropriated, allocated, transferred and credited to a special fund to be known as the Foundation School Fund, such an amount as is determined by the Founda-
tion School Fund Budget Committee, which is hereby created. The membership of said committee shall be composed of the State Commissioner of Education, State Auditor and State Comptroller of Public Accounts.

"On or before the first day of November, next preceding each regular session of the Legislature, said Committee shall determine and certify to the State Comptroller of Public Accounts the calculated amount to be placed in the Foundation School Fund for the ensuing biennium for the purpose of financing a foundation school program as defined in the Foundation School Program Act, except that for the biennium beginning September 1, 1949, said Committee shall make such certification to the State Comptroller within thirty (30) days after the effective date of this Act. All monies allocated and appropriated from the Clearance Fund to the Foundation School Fund shall be paid into said fund in installments, such installments to be monthly during the first nine (9) months of each fiscal year, so that the total amount or approximately the total amount shall be paid into said fund by May 1 of each fiscal year; provided that in addition to the funds transferred from the Clearance Fund to the Foundation School Fund, there shall also be deposited to the credit of the Foundation School Fund all money received from the Federal Government, or any other agency, which is to be used in supplementing the salaries of vocational and special service public school personnel.

"Said Foundation School Fund Budget Committee is authorized to modify from time to time during the biennium the estimate of the funds required for the Foundation School Fund, and in the light of any revised estimate or estimates made by said Committee during the biennium, the State Comptroller shall increase, diminish or suspend the further payment or payments from the Clearance Fund to the Foundation School Fund, provided that, by the close of each fiscal year there shall have been paid from the Clearance Fund to the Foundation School Fund such an amount as may be needed to pay all approved grants in full. Warrants for all money expended from the Foundation School Fund shall be approved by the State Commissioner of Education and transmitted by him to the treasurers of depositories of school districts to which grants are made in the same manner as warrants for state apportionment are now transmitted."

Sec. 2. Any law or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict. If any clause, sentence, paragraph, or section of this Act is declared invalid or unconstitutional by any Court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Sec. 3. The fact that the present method of financing the public schools of Texas is inadequate and gives no assurance that sufficient funds will be made available by the state, and the fact that this measure provides guaranteed funds with which to finance a minimum foundation program, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.