

AN ANALYSIS AND APPRAISAL OF SPECIAL LEGISLATION
IN THE AREA OF PUBLIC EDUCATION IN ALABAMA

by

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TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION	1
Statement of the Problem	6
Explanations and Definitions	7
Statement of Delimitations	8
Methodology	9
II. THE LEGISLATURE'S ROLE IN PUBLIC EDUCATION .	12
III. THE LOCAL SCHOOL BOARD'S ROLE IN PUBLIC EDUCATION	27
Legal Foundations of School Boards	32
The Policy-Making Function	37
IV. SPECIAL LEGISLATION AFFECTING PUBLIC EDUCATION IN ALABAMA, 1955-1963	48
Selection, Qualification, and Tenure of Boards of Education	53
Compensation for Local Board Members	60
Regulations Governing Local Board Meetings .	64
Act Involving Powers of Local Boards of Education	68
A. Certificated Personnel	69
B. Non-Certificated Personnel	74
C. Consolidation of Schools	77
D. Pupil Attendance	82
E. Insurance of Plant, Furniture and Equipment	86
F. Miscellaneous Enactments	89
Office Supplies for County Boards of Education	91
The Superintendency	94
Compensation of the Superintendent	98

Chapter	Page
Validation of School Tax Elections	101
School Finance	103
School Textbooks	109
 V. SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS .	 112
Conclusions	115
Recommendations	116
Need for Further Study	118
 APPENDIX A	 121
APPENDIX B	123
APPENDIX C	126
APPENDIX D	127
APPENDIX E	128
APPENDIX F	129
APPENDIX G	131
APPENDIX H	132
APPENDIX I	134
APPENDIX J	135
APPENDIX K	136
APPENDIX L	137
APPENDIX M	138
APPENDIX N	140
APPENDIX O	141
APPENDIX P	143
APPENDIX Q	145
APPENDIX R	146
APPENDIX S	148
APPENDIX T	149
 BIBLIOGRAPHY	 161

CHAPTER I

INTRODUCTION

Over three centuries ago the citizens of this country expressed a faith in education which abides until this day. The fact that education and this nation's political theory are inextricably woven is so axiomatic that no thinking person questions it today. Early in the life of this nation its founders espoused the belief that if the people were to be the ultimate source of power in this Republic, they must first be aware of the nature of the power vested in them and, secondly, know how to exercise this power both for the good of themselves and for the nation as a whole. Our forebearers reasoned that a people can be knowledgeable of the responsibility placed upon them by our system of government in only one way, through mass education.

Realizing the importance of education both to the citizens, as individuals, and to the Nation, our predecessors soon became aware of the need for public

education because of the inability of some citizens to educate themselves and their progeny. Historically, education has not been thought to be something frivolous or superfluous; but rather a vital component in the successful operation of government. In a case which caused it to differentiate the relationship of education to the individual and to the government, the Supreme Court of Illinois said: "The public school system of the State was not established and has not been maintained as a charity or from philanthropic motives."¹

While it was true for a time, particularly in the South, that education was provided in the "Poor Schools," this system of charity education soon succumbed to a more urgent and dominant political and philosophical doctrine. So profound was the State's need for education elucidated that the following statement epitomizes many of such judgments made by the Nation's courts.

The primary purpose of the maintenance of the common school system is the promotion of the general intelligence of the people constituting the body politic and thereby to increase the usefulness and efficiency of the citizens, upon which the government of society depends.²

¹Scown v. Czarnecki, 264, Ill. 305.

²Fogg v. Board of Education, 76 N.H. 296, 82 Atl. 173, 37 L.R.A. (N.S.) 1110, Ann. Cas. 1912C 758.

In this nation the need for an educated citizenry has taken precedence over even the natural right of the parents to determine whether or not their children shall or shall not be educated. Voorhees expressed the sentiment which caused subjugation of the parents' natural right to determine the education of their children. He states:

A parent who sends his child into the world uneducated, and without skill in any art or science, does great injury to mankind, as well as his own family; for he defrauds the community of a useful citizen, and bequeaths to it a nuisance.³

In a case dealing with the State's responsibility for educating the child, the Supreme Court of Indiana ruled:

The natural rights of a parent to the custody and control of his infant child are subordinate to the power of the state and may be restricted and regulated by municipal laws. One of the most important natural duties of the parent is his obligation to educate his child, and this duty he owes, not to the child only, but to the commonwealth. If he neglects to perform it, or willfully refuses to do so, he may be coerced by law to execute such civil obligation. The welfare of the child and the best interests of society require that the State shall exert its sovereign authority

³Harvey Cortlandt Voorhees, The Law and the Public School System of the United States (Boston: Little, Brown, and Company, 1916), p. 2.

to secure the child the opportunity to acquire an education.⁴

From the foregoing paragraphs, it can be clearly seen that the question of the value of education has been settled in the minds of the American people since the early existence of this Republic. While one today rarely hears questions about the fundamental need for public education, one may be astounded at the amount of discussion engendered by such topics as: local versus state or state versus national control; school finance; curriculum; personnel; school consolidation; and a host of other topics. Although there has been a preponderous amount of agreement for some time concerning the need for education, there seems to be a great deal of controversy yet concerning the exact functional framework for education in our society.

The need for education has seemed to be static; that is, the need is always present. The mode of education has seemed to be dynamic. It is ever changing and modifying in light of new ideas.

This study will be designed to deal not with the

⁴State v. Bailey, 157 Ind. 324 Cited by: O. T. Hamilton, The Courts and the Curriculum (New York: Bureau of Publications, Teachers College, Columbia University, Contributions to Education, No. 250, 1927), p. 51.

value of education in our society, for this seems self-evident; but rather, with society's control over its educational system. Education, like any other institution, functions to advance the cause of society; however, society, through some manner, sets the limits wherein education can function. The activities conducted by our society in regulating its program of education were perceived by Hamilton and Mort as the emergence of a conceptual design for education in this nation. This educational design can be directly attributable to customs and traditions, constitutional provisions, statutory enactments, and judicial decisions.

The conceptual design is an expression of purposes to be achieved in education, organized in a rational system, internally consistent, that gives a functional place to educational practices that are considered good and rejects practices that are considered bad. It not only provides a satisfying rationalization of practice but it is predictive of the good and bad in proposed new practices. From it may be expected to rise suggestions for improvements in practice that might take many years of trial and error to produce.⁵

While the foregoing paragraphs have shown, by way of custom and traditions, constitutional provisions, statutes, and judicial decisions, the methods of

⁵ Robert L. Hamilton and Paul R. Mort, The Law and Public Education (Chicago: The Foundation Press, Inc., 1941), p. 3.

constructing the conceptual design for education and the need for such a rational framework within which education can operate, they have not made known in any explicit way the agency or agencies which have played the major role in constructing the design.

Obviously, no one individual or agency has completely dominated the conceptual design for education. The system of public education in this nation owes its design to the Federal, state, and local branches of government, as well as to the judiciary at all levels.

While the Tenth Amendment to the Federal Constitution places plenary power in educational matters in the hands of the state legislatures, the legislative body in every state has found it necessary to permit and encourage local initiative in practically all aspects of the educational program. Even though local initiative and actions are encouraged in our system of public education, the legislatures in most states have found it necessary to regulate, direct, and control the affairs in the local system by way of special legislative enactments.

Statement of the Problem

This study will concern itself with an analysis

and an appraisal of the effects of special or local legislation of a mandatory nature upon the public school system of Alabama.

In order to treat the problem in a comprehensive and thorough manner, four significant and closely related questions must be given consideration. These are:

1. What is the legislature's role in developing a system of public education?
2. What are the duties and responsibilities of the local board of education and its executive officer in directing and operating the local school system?
3. What factors determine when an educational decision or policy should be formulated by the local board of education and when it should be the responsibility of the legislature?
4. What factors determine the desirability of local or special legislation?

Explanations and Definitions

When the legislature chooses by enactment of laws to control the affairs of a local public school system, it does so by the passage of what is commonly called "local" or "special" legislation. Even though the authority of

the legislature to enact such controls cannot be legally refuted, many educators question the soundness of such activity on the part of the legislature.

The terms special or local legislation, as used in this study, will refer to an enactment by the legislature which has application to a particular political subdivision of the state, for example, a school system, rather than to the state as a whole.

Permissive and mandatory legislation are the "functional" names applied to legislative enactments. Permissive legislation makes possible considerable local discretion, initiative, and action. Its function is to provide the legal framework within which an activity may be conducted, provided the particular populace concerned desires to initiate such activity. Mandatory legislation leaves little choice to the local populace, but requires that compliance be forthcoming from everyone within the jurisdiction of the legislative enactment.

Statement of Delimitations

While it would be both interesting and informative to make an analysis of the entire conceptual design for education in Alabama from the standpoint of constitutional

provisions, legislative enactments, judicial decisions, State Department requirements, State Board policies, and local board decisions, such an undertaking would be beyond the scope of one study. Therefore, as mentioned in the statement of the problem, the limits of this study have been confined to that part of the educational program in Alabama which has been traditionally and constitutionally the responsibility of the Legislature and the local boards of education. More specifically, limitations have been imposed upon this study by the fact that it will take cognation only of mandatory special enactments of the period covering the previous five regular legislative sessions (1955-1963) and all special sessions contained therein.

These limitations make it impossible to analyze and appraise, from a historical standpoint, the impact of special legislation on education in Alabama. This impact, therefore, has only been noted in terms of the aforementioned nine year legislative period.

Methodology

A careful study of the literature has been made to determine the functions of the state legislature in

establishing and maintaining a system of public education. Chapter II reports the findings of this particular phase of the study.

The local board of education, while legally clothed with certain specific duties and responsibilities, is granted a considerable amount of discretionary authority. Again, the literature was surveyed to determine the functions, duties, and responsibilities of the local board of education, as portrayed by those writing on the subject. The findings of this part of the study have been reported in Chapter III.

In order to treat the remainder of the problem, the following procedures were employed. From the collection of Alabama legislative enactments, (1955-1963) which are housed in the Law Library of the University of Alabama, those laws of a mandatory nature pertaining to education and having applicability to a particular political subdivision of the state were screened and studied. The following steps were then taken.

1. All special legislative enactments of a mandatory nature were categorized into as many general divisions as needed in order to cover the entire gamut of legislative activity in matters of education.

2. One or more pieces of legislation were chosen as representative of each of the categories.
3. The legislative enactments representing each category were submitted to a selected group composed of four Alabama educators, a school board member, a professor of law, a legislator, and a legislative advisor.

This panel was asked to analyze and appraise in written form each special legislative enactment in terms of its influence and effects upon public education in Alabama. No specific directions were given except to ask each of the members of the panel to respond to each act in any way he wished, and to discuss in a succinct fashion what he believed to be the implications of such legislative action.

In the summary and conclusions of this study, the response of each panelist to each piece of legislation was combined with ideas expressed in the literature, and a brief synopsis of special legislation in Alabama is presented--the part it plays in our system of public education and the effect it has had, and possibly will continue to have, upon local administration of schools.

CHAPTER II

THE LEGISLATURE'S ROLE IN PUBLIC EDUCATION

From all that has been written in the literature, it is indisputably clear that in regard to public education the legislature enjoys plenary power.

The Tenth Amendment to the Federal Constitution reserves to the states all matters not delegated to the Federal Government. Education is not mentioned in the articles of the Constitution, and so, under the Tenth Amendment, is a reserved power of the states.⁶

What are the results when the Tenth Amendment is applied to government at the National and state levels? Although many explanations might be possible, every attempt, in order to be accurate, must incorporate the principles explicit in the following statement.

. . . The Congress of the United States must find constitutional authority for all its acts; a state legislature, on the other hand, may pass any act not expressly or impliedly forbidden by fundamental law.⁷

⁶Madaline Kinter Remmlein, School Law (New York: McGraw-Hill Book Company, Inc., 1950), p. 1.

⁷Commonwealth v. Hartman, 17 Pa. St. 118.

The legislature, unless restricted by the Federal or state Constitutions, has unlimited discretion. It is endowed with the entire legislative authority, and may enact any law it deems necessary to enable it to deal with any aspect of civil government. This endowment of authority, of course, extends to education.

Garber, in discussing the plenary power of the legislature in regard to educational matters, states:

. . . It follows that even if a state constitution made no reference to education and if it did not deny to the legislature power over this, the legislature could legislate on educational matters. Thus, it is seen that education is a state function whether authority is expressed in either the constitution or the statutes or both.⁸

The point made by Garber to the effect that public education is a direct responsibility of the state legislature, whether spelled out by constitutional provision or not, is substantiated by Hamilton. The latter takes the position that the constitution of a state, rather than giving the legislature authority, serves more nearly as a curb to limit the exercise of legislative power. Hamilton says:

The constitution of a state is not a grant of legislative power, but is a limitation upon it. Unless the constitution in express terms or by

⁸ Lee O. Garber, Handbook of School Law (New London, Connecticut: Arthur C. Croft Publications, 1954), p. 4.

necessary implication limits the power of the legislature, it may exercise its discretion and adopt any measure which in its judgment will promote the efficiency of the schools and the cause of education in the state.⁹

Unlike the United States Congress which has been granted only enumerated powers,¹⁰ the legislature of a state is limited in its powers concerning education only by the state constitution and the interpretations of the court of last resort in that state, and by the Federal Constitution and the Supreme Court's interpretation thereof.¹¹

So complete is the legislature's authority in matters of education that Garber and Edwards concluded:

. . . It may determine the ends to be achieved and the means to be employed. It may determine the types of schools to be established, the means of their support, the content of their curriculums, and the qualifications of their teachers. And all these things it may do with or without the consent of the localities, for in education the state is the unit

⁹ Otto Templar Hamilton, The Courts and the Curriculum (New York: Bureau of Publications, Teachers College, Columbia University, Contributions to Education, No. 250, 1927), p. 46.

¹⁰ Trustees of Rutgers College et al. v. Morgan, 70 N. J.L., 460, 57.

¹¹ Finla Goff Crawford, State Government (New York: Henry Holt and Company, 1931), pp. 8-12.

and there are no local rights except those safeguarded by the constitution.¹²

The legislature's authority is elucidated even further by O'Keefe, who asserts:

The legislature may, therefore, determine to what extent cities and towns shall provide for education--what schools shall be maintained, how long they shall remain open, and who may attend them; what courses of study shall be offered; how funds shall be raised to defray cost of education. It may establish a compulsory school age, set standards of scholarship which pupils shall attain; and it may make regulations for the appointment of teachers. It may provide for the health of the pupils and for their transportation. It may provide for the education of the physically handicapped and the mentally retarded. It may provide a method of administering the public schools throughout the state.¹³

Even though the preceding statements have demonstrated beyond doubt the unqualified position of the legislature in the educational decision-making process, the entire picture has not yet been completed. The courts have also played their part in delineating the legislature's position in regard to public education. In ruling on a case involving school districting, one court asserted:

¹² Lee O. Garber and Newton Edwards, The Public School in Our Governmental Structure (Danville, Illinois: The Interstate Printers and Publishers, 1962), p. 10.

¹³ William J. O'Keefe, Teachers and Their Legal Rights (Educational Law Series, No. 1, 1940), p. 5.

The authority over schools and school affairs is not necessarily a distributive one to be exercised by local instrumentalities; but, on the contrary, it is a central power residing in the Legislature of the state. It is for the law-making power to determine whether the authority shall be exercised by a State Board of Education, or distributed to county, township, or city organizations throughout the state. . . .

As the power over schools is a legislative one, it is not exhausted by exercise. The legislature having tried one plan is not precluded from trying another. It has complete choice of methods, and may change its plans as often as it deems necessary or expedient. . . . It is clear, therefore, that even if it were true that the Legislature had uniformly entrusted the management of school affairs to local organizations, it would not authorize the conclusion that it might not change the system.¹⁴

Any explanation of the foregoing court decision might tend to be redundant, but emphasis is needed upon the most salient points of the decision.

1. The power over education is a "central power" which means that ultimate control must reside with the legislature. Through its law-making power, however, the legislature is not precluded from distributing certain decision-making functions to other agencies, either of state or local jurisdiction.
2. When authority for decision-making has been

¹⁴State v. Haworth, 122, Ind. 462, 23 N.E. 946, 7 L.R.A. 240 (1890) Case No. 1.

delegated to other agencies, no permanence of this delegation is inferred, for the legislature at any time may rightfully reclaim the authority which it had previously delegated.

The legislature, thus, is legally clothed with complete and full power in all matters pertaining to education; but, at its own discretion, it may choose to use this power directly or delegate the usage of it to another agency. The decision made by the legislature, regarding the usage of its power, will determine whether all decisions for education will be made at the state level by the legislature or whether some educational policy decisions may be left to state and local boards of education acting upon the advice and recommendations of their professional advisor and his staff.

Flanders speaks out for the need of both legislative and professional judgment in educational matters. He says:

. . . For educators to assume that they can solve their problems without reference to the action of legislators is obviously unwarranted. For legislators to dictate the course of study may seriously impair the effectiveness of schools.¹⁵

¹⁵ Jesse Knowlton Flanders, Legislative Control of Elementary Curriculum (New York: Bureau of Publications, Teachers College, Columbia University, Contributions to Education, No. 195), p. 3.

Strayer suggests that the state legislature's role in education should be focused upon those activities involving the following points.

1. Equalization of educational opportunity and support should be provided.
2. Certain areas of local participation should be preserved in order that adaptation of educational program be guaranteed and efficiency maintained. Centralization should be confined to those phases of education classified as "externa," leaving matters classified as "interna" to be regulated by local school districts.
3. The educational program should be considered as a whole, and special phases or types of education should not be supported at the expense of the rest of the program.¹⁶

These points, even though stated in general terms, represent a studious attempt to determine the role of a state legislature in constructing the conceptual design for public education within a state.

Obviously, the legislature may operate in any fashion it desires in respect to educational matters for it possesses plenary power. Actually, two courses of action are open to the legislature. First, it may control all public education within the boundaries of the

¹⁶George D. Strayer, Jr., Centralizing Tendencies in the Administration of Public Education (New York: Bureau of Publications, Teachers College, Columbia University, Contributions to Education, No. 618, 1934), pp. 9-15.

state by direct legislative action. This may be done by the passage of specific and detailed mandatory legislation which is applicable to all or any part of the state.

Second, the legislature may, if it so desires, pass only laws which provide a broad educational framework, thereby leaving the intricacies and details to be decided by state or local boards of education acting upon the advice of their superintendent of education and his professional staff.

Since the legislature has two courses of action open to it, the logical question becomes which of the courses is the more desirable from the standpoint of providing the best education for the people. The literature has emphatically asserted itself in favor of the latter course for legislative pursuit.

Strayer feels that the federative form of government, as it exists in the United States, seems even to suggest to the legislatures that a decentralized type of administration, allowing the areas within the states a considerable degree of freedom and initiative, would be the most feasible plan for any legislature to follow.¹⁷

¹⁷Ibid., p. 2.

Precedence and congruence with existing political theory need not be the only justification for concluding that the legislature should not meticulously operate, by the passage of compulsory laws, the schools within the whole state or within a given subdivision of the state. From a practical and operational standpoint, one court pointed out very forcefully and clearly the undesirability of direct legislative control of education.

It would be absolutely impossible for the legislature to do more than provide by law for a general and uniform system of common schools, for they could not prescribe the details for the government of each school district in the State; they could not devise a scheme that would meet the wants and necessities of each district, for this would require them to determine the size of the school houses, the character of the appliances and furniture, the quantity of the fuel that should be consumed, the number of teachers that should be employed, and, indeed, to make provision for the purchase of the smallest things needed for use in the schools, even to the chalk used in the blackboard exercises.¹⁸

Much of the need for special legislation dealing with the intricacies and minutia in the successful operation of schools may be circumvented, according to Alexander. He states:

Much of the necessity for special legislation and for many details of general legislation may be

¹⁸ Edmondson v. Board of Education of City of Memphis, 695 S.W., 274, 275 (Tenn., 1902).

removed by the delegating of authority to administrative bodies and officials in the adjustment and regulation of matters which in the past have been largely handled by the legislature itself. Through grants of power to state departments of education and to the state superintendent of public instruction, legislatures have in recent years relieved themselves of much of the burden of minute regulation of school affairs.

. . . Through such administrative centralization of the state control and direction of education, the adjustment of numerous educational matter has been left to the professional and technical consideration of trained and qualified school authorities, and the necessity for meticulous legislative interference has been greatly obviated.¹⁹

Some writers used less tact and sternly reprimanded the state legislatures for inhibiting local initiative and leadership, both professional and lay, by the passage of special legislation. Orth, in discussing special legislation, very critically states:

Local or private bills are the weeds in our legislative garden. They consume time, they discourage talent, they conceal iniquities, they make law a by-word, they transform legislatures into tribunals of adjudication and courts into organs of legislation.²⁰

Flanders has been somewhat less curt and harsh in

¹⁹Uhlman S. Alexander, Special Legislation Affecting Public Schools (New York: Bureau of Publications, Teachers College, Columbia University, Contributions to Education, No. 353, 1929), p. 129-30.

²⁰Samuel P. Orth, "Special Legislation," Atlantic Monthly, Vol. 97 (January, 1906), 69.

his treatment of the area of legislative control of education by special or local legislation; but nevertheless, he, too, has called attention to the inherent dangers of such legislative activity. In speaking of the implications in the area of curriculum development, he says:

While it is true, as yet, these legislative prescriptions need not seriously cripple the initiative and judgment of school people; it must be recognized that our legislators are pursuing a course which, if persisted in, will eventually deprive pupils of the advantages of professional leadership in this field. If we continue to increase the number of subjects required and to hedge them about with detailed specifications, it is only a question of time when the legislature will have assumed entire responsibility for the course of study. Curriculum-making is regarded, at least within the profession, as an expert undertaking sufficiently difficult in its nature to call for the cooperation of all those involved in the education of the child.²¹

In a succinct discussion of the dangers inherent in special legislation, Alexander points out:

Such legislation follows no definite, coordinated, or uniform plan of state and local administration and control. It produces, therefore, a fragmentary collection of educational law which leads inevitably to confusion and administrative difficulty.

Special legislation induces an undue reliance upon legislative control as a remedy for evils and defects in local systems. Such legislation offers temptations to local districts to embark upon unwise and unsound policies.

²¹Flanders, op. cit., p. 180.

Special legislation means control of a local school system by a body of legislative members. The majority of such members lack adequate knowledge of the needs of a particular locality and frequently manifest little interest in special or local measures. Such laws are frequently enacted in a perfunctory manner. Opportunity is thus given for the enactment of laws sponsored by special interest groups. A condition of "log-rolling" and lobbying is often the result of such practices.

The demand for special legislation increases in direct proportion to the ease with which such legislation is secured.

Special legislation is costly and time consuming. The consideration of innumerable local and special laws detracts greatly from the time and attention needed for general legislation.²²

The alternative to direct control of education by the legislature has been the passage of laws delegating to the state board of education, acting upon the advice of its executive officer and his professional staff, and to the local boards of education and their professional staffs, much of the responsibility involved in the operation of schools. Pursuant to this plan of procedure, the legislature has then passed general laws and prescribed that the state board of education shall determine the method(s) by which the law shall be applied to the whole state or to any subdivision thereof.

The literature suggests that the state board of

²²Alexander, op. cit., pp. 135-36.

education should be given authority by the legislature to prescribe the minimum essentials of each local educational program. But, in every case, the central or state authority should encourage local initiative, and should exercise its power primarily through veto or approval of local plans.²³

Local school boards are subordinate agencies of the state. The legislature may delegate some of its authority in public school matters to local school boards, or it may empower the state board to do so. Within the scope of powers delegated to it, the rules and regulations promulgated by a local school board are legislation having legal force comparable to state board regulations or state statutes.²⁴

From the survey of the literature designed to determine the legislature's role in education, the following points are clearly apparent.

1. The legislature is legally responsible for developing a system of public education; and it

²³ John Cayce Morrison, The Legal Status of the City School Superintendent (Baltimore: Warwick and York, Inc., 1922).

²⁴ Remmlein, op. cit., p. 3.

exercises plenary power over the system which it has established.

2. The legislature should, by the passage of general laws, make provisions for the functional framework of education.
3. The legislature, in order that the educational system be in a position to utilize professional counsel and advice, should delegate considerable authority in decision-making to the state and local boards of education and their executive officers.
4. The legislature should consider the educational program as a whole and should not foster, encourage, or support by special enactment any one phase or segment of the program at the expense of the remainder of the program.

These points have occurred frequently in the literature and represent ideas which were expressed either implicitly or explicitly by a wide majority of those writing on the subject.

While much of the preceding material is reported in somewhat general terms, it is felt that this material is important to the study in that it will, when coupled

with the analysis and appraisal of special legislation by the selected panel and related to the function of decision-making assigned to local boards of education by writers in the literature, form at least a partial picture of the legal foundations of public education in Alabama.

CHAPTER III

THE LOCAL SCHOOL BOARD'S ROLE IN PUBLIC EDUCATION

Education in America has been characterized by local control. Community, rather than state or Federal, direction and control of education has been the rule rather than the exception. There is no such thing as a local education program in the legal sense, for all activities of a local board are state, not local, activities.²⁵ This fact, however, has not impeded the development of local boards nor has it caused difficulty to any considerable extent due to conflicting interests or incompatibility of educational aims and objectives on the part of the state and local communities.

The people of this nation have expressed confidence in local control of education. "The almost universal provision for the control of public schools in the

²⁵ Robert L. Hamilton and Paul R. Mort, The Law and Public Education (Chicago: The Foundation Press, Inc., 1941), p. 9.

United States is the district school board."²⁶ Not only has confidence in local control of education been well founded, politically speaking, but it has given cause for considerable pride. Wiggins expressed this sentiment when he stated:

We are rightly proud, in America, of the large degree of local control of our schools. The local school board is symbolic of the uniqueness and flexibility of the American school system. Hardly anywhere else, except in such rare practices as found in the Danish Folk High School, do we have anything like the community control of the public school that we enjoy in America. . . . In most other countries, the national ministry of education, or some other central agency, determines the program in minute detail.²⁷

The preceding quote expounds the esteem which most Americans have for their system of local control; but it also raises a very significant and vital question; namely: What is the virtue of local control as opposed to a more "centralized" state or national control?

The question can be answered only by resorting to a political and philosophical frame of reference. Local control of education, or of any other social institution,

²⁶ Charles Everand Reeves, "American Schools Are Board Controlled," American School Board Journal, Vol. 107 (August, 1943), 11.

²⁷ Sam P. Wiggins, "The School Board Is the Key," Peabody Journal of Education, Vol. 36 (July, 1958), 8.

has been throughout the history of this Republic a thing much cherished by the people. The school board, as the vehicle of local control, has enjoyed great popularity, primarily because of its closeness to the population served. In a recent yearbook of the American Association of School Administrators, it was stated:

School board members represent the people who own and support the schools. They form a grass-roots organization which is closer to the people than any other form of government. They voice the wishes and aspirations of the parents and the children. They spend the local taxpayers' money and are responsible to their neighbors for the action. They are trustees of great public responsibility.²⁸

Even though the local board of education has been sensitive and responsive to the educational desires of the local community, Campbell suggests that there has been another basic factor supporting and nurturing the concept of local control of education. He states

. . . If the people of the school districts of America fail, through apathy, selfishness, or inability, to manage well their own affairs, democracy will have failed. In a very real sense, then, local government is being given a test through the activities of America's school boards.²⁹

²⁸ American Association of School Administrators, School Board-Superintendent Relationships (Washington: Thirty-fourth Yearbook, 1956), p. 27.

²⁹ Roald F. Campbell, "The School Board and Local Government," School and Society, Vol. 60 (July 8, 1944), 28.

Explicit in Campbell's statement is the fact that if democracy is to work as a political system, it must be functional at all levels of government. Failure to function at the lower level is tantamount to failure, in toto, for democracy.

Thus, it may be concluded that the American school board has been supported, as the most desirable agency to control education, for two reasons:

1. It enables the local school district to maintain considerable control of the educational program in its schools.
2. It is demonstrative of the fact that democracy can and will work at all levels and in all phases of government.

Certainly, there has been no evidence presented to support the thesis that "good" education cannot be provided in a more centralized system; but, it has been suggested that centralized control of education is not congruent with the people's concept of a democratic society.

The people, by mere chance, did not establish local school boards, and charge them with the responsibility of being legal guardians against unwarranted and unjustified invasions of the school program. Rather,

school boards are the product of a slow, and in many ways, pragmatic evolution. They have come to be accepted in this nation only after having successfully demonstrated their superiority over other methods of directing the educational program. Beach and Will have summarized the features which have made the local board a desirable agency for controlling education. These features are:

1. The local board is more representative of the total population. . . .
2. A board of education can make wiser and sounder policy decisions than a single individual can make.
3. A board of education serves as a safeguard against abuses of discretionary powers.
4. A board of education acts as a safeguard against the involvement of education in partisan politics and the spoils system.
5. The board of education is a safeguard against needless disruption in the continuity of an educational program.
6. The board of education provides an economical means for management and control of the educational program.
7. A board of education provides a safeguard against fraud and malfeasance.³⁰

The American school board has served to keep the schools responsive to and in possession of the people, rather than relegating them to some subordinate position in general government, or giving the control of education

³⁰Fred F. Beach and Robert S. Will, "Why Have a Board of Education?," School Life, Vol. 37 (May, 1955), 113, 125.

to the professional educator or to some private corporation or a special interest group. ". . . Our schools began as local institutions and school boards keep them that way."³¹

Legal Foundations of School Boards

The constitution in every state makes education the ultimate responsibility of the legislature; however,

To implement these state constitutional mandates, state legislatures have enacted school laws creating or permitting the creation of school districts and delegating certain authority for a degree of local autonomy within the scope of standards fixed by the state constitution and enactments thereunder by the state legislature.³²

It is evident that local school districts are subdivisions of the state, created for the specific purpose of controlling and operating public schools. The agency charged with the actual operation of schools within the district is the local school board.

The powers and duties of local boards of education have been set forth in law by the legislature. The

³¹American Association of School Administrators, op. cit., p. 27.

³²Madaline Kinter Remmlein, The Law of Local Public School Administration (New York: McGraw-Hill Book Company, Inc., 1953), p. 2.

delegation of authority from the legislature to local boards of education has been classified, according to Morehart, under the following general headings:

1. Prescribed powers.
2. Optional powers.
3. Denied powers, i.e., things that are expressly forbidden by the codes.³³

Garber states that the courts have generally held that boards of education have only limited authority.

They have those powers expressly granted to them, those necessarily implied therefrom, and those necessary to accomplish the purpose for which the school district was created.³⁴

The powers which Morehart called "optional" and Garber called "necessary to accomplish the purposes of the school district" have been of the utmost importance and certainly the seat of much heated controversy and adjudication. These powers have been called "discretionary" by numerous courts.

"Any function of a school board in which it has the power to exercise subjective choice is a discretionary

³³ Grover Cleveland Morehart, The Legal Status of City School Boards (New York: Bureau of Publications, Teachers College, Columbia University, Contributions to Education, No. 270, 1927), p. 72.

³⁴ Lee O. Garber, Handbook of School Law (New London, Connecticut: Arthur C. Croft Publications, 1954), p. 33.

matter. . . ." ³⁵

The importance of discretionary powers is indicated by Keyworth. He states:

If there is to be any flexibility in the school program as established by the state and uniform for the state, then it must be given as permissive power to a local district. The power rests in the people of the district, and within the limits of the power so given them, they may express their will in deciding what they desire. ³⁶

Roach has also emphasized the significance and necessity for local school boards possessing considerable discretionary authority. He asserts:

In most states the major portion of the local board's authority is probably discretionary in character. This must, of necessity, be so because of the great variance in educational needs within the school districts of even a single state; and because of the resulting diversity of powers and responsibilities, in both nature and degree, which must be exercised to meet these needs. ³⁷

Even though a school district, as a quasi-corporation, does not rank high in the attributes of corporate

³⁵ Madaline Kinter Remmlein, "The Legal Status of Local School Boards," American School Board Journal, Vol. 124 (May, 1952), 25.

³⁶ M. R. Keyworth, "Why Boards of Education Are Both Desirable and Necessary," Nation's Schools, Vol. 13 (April, 1934), 21-22.

³⁷ Stephen F. Roach, "Abuse of the School Board's Discretionary Authority," American School Board Journal, Vol. 138 (February, 1959), 67.

existence³⁸ and must find the authority given to its local board by direct or implicit legislation, courts have been hesitant in repealing a board decision or rescinding board action.

The statutes of state legislatures have delineated the role of local school boards in educational matters, particularly in terms of the direct grant of powers. Courts, however, have played a vital role in determining the authority of local boards of education, especially in exercising their discretionary powers. In a discussion of court decisions involving cases predicated upon the usage of discretionary powers by boards of education, Garber states:

First, it should be noted that courts agree not to interfere with school boards that act reasonably in matters of a discretionary nature. This means that board decisions, if reasonable, are not overruled by the courts. They will interfere in only those cases in which a board acts maliciously, arbitrarily, or in direct violation of a statute. Therefore, in challenging a board decision of a discretionary nature, it must be shown that the board acted arbitrarily or from improper motives.³⁹

Roach analyzed a case involving the right of the Board of

³⁸Harvey Cortlandt Voorhees, The Law and the Public School System of the United States (Boston: Little, Brown, and Company, 1916), p. 23.

³⁹Lee O. Garber, "Boards Have Much Discretionary Authority," Nation's Schools, Vol. 65 (May, 1960), 92.

Education of Blount County, Alabama, to build a school in the Appalachian community of that county. After the board made its decision to construct the school building, the superintendent and a citizens group tried to enjoin members of the county board from proceeding with plans for building. The Supreme Court of Alabama in rendering a decision supporting the board of education, according to Roach, stated the following legal principles.

First: A local school board possesses the discretionary authority to determine the need for and location of district schools.

Second: Only in the case of demonstrated fraud, bad faith, or gross abuse will the courts interfere with a board's exercise of its discretionary powers.

Third: This principle of judicial non-interference will prevail, even though, in the exercise of a school board's discretionary authority, there may be error or bad judgment.

Fourth: Unless shown to the contrary, a board's exercise of its discretionary powers will be presumed to have been made only after an intelligent consideration of public interest.

Fifth: A "gross abuse" must exist where it is shown that a board's exercise of its discretionary authority was carried out on clearly untenable grounds (or to a clearly unreasonable extent) or was so arbitrary and unreasonable as to shock the sense of justice and indicate lack of fair and careful consideration.⁴⁰

⁴⁰Board of Education of Blount County, et al. v. C. B. Phillips, et al., 89 So. 2d 96 (Ala.) (1956), West National Reporter System. Cited by Stephen F. Roach, "School Board Discretionary Powers and the Public Will," American School Board Journal, Vol. 135 (September, 1957), 74.

In legal theory the local school board is a representative of state government charged with exercising the state's responsibility in public education within the confines of a school district. Practical experience has dictated that if the local board of education is to appropriately discharge the responsibility assigned to it by the state, then, it must be allowed considerable discretionary authority to formulate its own policies and to establish its own aims and objectives for education in the local community.

The Policy-Making Function

A board of education may well be judged by the caliber of its policy-making activity. Success or failure of the local educational program is dependent upon the soundness of the policies formulated by the board.

Policy formation has proven in times past to be the most important and most difficult task facing any board of education.

Policy is a high order decision--a policy has value over an extended period of time. It serves

as an administrative guideline and exists as a rule or as a law does in other social contexts.⁴¹

The importance of sound policy is manifested by the fact that every action taken and every decision made by a school board is clearly related to the policies under which that board functions. All actions and decisions by the school board either conform with or modify an existing policy, establish a new policy, or, sometimes unknowingly, violate an established policy.⁴²

The system of local control of education, by the district school board, is predicated upon the realization by state legislatures of the need for policy formulation at the local level. No state legislative body would ever be able to establish policies sufficient to cover the operation of public schools in every detail; thus, the local school boards have been given a considerable amount of discretionary power and are expected to give direction and guidance to the local educational program.

Policy-making is a continuous process. If it were

⁴¹ Luvern L. Cunningham, "Decision-Making Behavior of School Boards," American School Board Journal, Vol. 144 (February, 1962), 13.

⁴² Guy Wagner, "What Schools Are Doing: Board of Education Handbooks," Education, Vol. 80 (March, 1960), 445.

not, there would soon be little need for boards of education, for once a policy was made, providing it was wisely conceived, there would be no need for future revision.

But, the circumstances surrounding the formulation of a policy constantly change and ultimately the policy must be changed or allowed to become antiquated and unusable.

Since policies are as numerous as the problems which give rise to their formation, there has been little effort made to make a comprehensive listing of the myriad of policies needed in operating a public school system. Clifford, however, has listed a number of items, common to most school districts, which demand a policy statement by the local board of education. This list includes the following items:

1. The extent (in terms of years) education is to be offered.
2. The school calendar.
3. Receipts and expenditures.
4. Building plans and building sites.
5. Salary schedules.
6. Sick leave and leave-of-absence plans.
7. Retirement policy.
8. Curriculum offerings.
9. Instructional procedure.
10. Kindergarten entrance age.
11. Requirements for high school graduation.
12. Size of classes.
13. Extent of special education (Classes for crippled, deaf, blind, and etc.).

14. Public relations.⁴³

While this list was not intended to be comprehensive or applicable in whole to every school district, it is suggestive of some of the major problems needful of policy statements.

Policies are and have been important because they alone give long-range guidelines to the local educational program. A policy, therefore, has generally typified the best decision which a board of education felt it could make regarding any particular problem of enough importance to warrant a policy decision. Kline, in discussing the formation of board policies, states that, in order to secure the best possible policy, a board must be aware of the following factors:

1. An effective administration-board of education relationship based upon mutual respect of lay and professional provinces.
2. Formulation of the policy decision by the board of education and administration with the objective of promoting the greatest pupil growth and development while serving the best interests of the community.
3. Formulation of policy decisions after a thorough and comprehensive study of a problem by the administration and board of education, utilizing the resources of the staff, community, and

⁴³J. M. Clifford, "The Function of the School Board," American School Board Journal, Vol. 123 (September, 1951), 21-22.

- professional consultants.
4. Flexibility of the board of education and administration in adapting a policy decision to valid reservations of the community, in order to achieve implementation of the policy decision yet meet the needs of the community.
 5. Public presentation of policy decisions, which clearly and fairly imparts full information to the community, utilizing public information procedures which effectively present reasons for the policy decision.⁴⁴

Certainly much discussion of these points could and has occurred in the literature. This has been particularly true of the first item mentioned by Kline.

"In the legal sense the board of education is the constituted authority responsible for the conduct and operation of schools."⁴⁵ The authority given the local board by the legislature is not a grant of power to the individual board member, but rather contemplates action by the board as a whole.⁴⁶ Thus, if a specific

⁴⁴Michael S. Kline, "Forming Board Policies," American School Board Journal, Vol. 137 (December, 1958), 16.

⁴⁵Donald D. Woodington and Robert W. Brydon, "A Firm Foundation for School Board-Superintendent Relationships," American School Board Journal, Vol. 143 (October, 1961), 15.

⁴⁶Robert R. Hamilton and Edmond E. Reutter, Jr., Legal Aspects of School Board Operation (New York: Bureau of Publications, Teachers College, Columbia University, 1958), p. 6.

responsibility is assigned to the board of education, the board acting as a committee-of-the-whole must legally discharge that responsibility.

This legal requirement, however, has never deterred the board who wished to do so from using temporary committees composed of its own membership, lay-citizen groups, and, most importantly, a professionally trained administrator to study a particular problem and make recommendations to the board for its consideration and action.

No discussion of policy formation can be considered complete unless the superintendent's role in the policy-making process is elucidated. Drury has shown the need for a close and harmonious relationship between local boards and their superintendents. He states:

. . . Counsel from their number-one employee will not be tantamount to fiat, but will be depended upon to reduce trial and error thought and action that may necessarily otherwise be engaged in on almost every policy problem. Boards need not, in most cases, follow slavishly the superintendent's advice, but no competent board will fail to ask for, and then carefully assay, the counsel of its chief executive.⁴⁷

The superintendent of education does not make a policy

⁴⁷Robert L. Drury, Law and the School Superintendent (Cincinnati: The W. H. Anderson Company, 1958), p. 111.

decision, but merely acts in an advisory capacity to the board which is legally charged with the policy-making function. Once the board has reached a decision, the superintendent acts as the executive officer of the board in implementing that decision.⁴⁸ In describing the position of the school superintendency in America, Morphet, Johns, and Reller state:

There are relatively few powers conferred on the superintendent by statute. Although some strengthening of the powers of the superintendent through statute is probably desirable, most laymen and educators favor keeping major responsibilities of the superintendent in the hands of the board of education.

Among the more important duties of the superintendent are:

1. To serve as chief executive officer of the board of education and thus to be responsible for all phases of the work.
2. To provide leadership in planning and evaluation of all phases of the instructional program.
3. To select and recommend all personnel for appointment and to guide the in-service growth of said personnel.
4. To prepare a budget for submission to the board and to administer it after its adoption by the board.
5. To determine building needs and to administer building programs--construction, operation, and maintenance.
6. To serve as leader of the board, the staff, and

⁴⁸Carl S. Knox, "Marks of a Good Board," American School Board Journal, Vol. 139 (September, 1959), 27.

the community in the improvement of the educational system.⁴⁹

It is evident from this description of the professional administrator's role in American education that he is an implementor rather than an establisher of educational policy. Making and evaluating policy is the main function of a board of education; but, the myriad of details in implementing policy is an executive function and should be handled by a competent superintendent.

Since so much of a school board's time is spent in the formation of educational policies and most of the administrator's time is given to the implementation of policies, this infers that a substantial amount of importance has been attached to policy-related activities. Magoulas has pointed out that much of the time spent by the board of education and its professional advisor may be wasted, no matter how virtuous the policy they have formulated, if communication within a school system has broken down. In order to prevent a communication breakdown from occurring, it is imperative that policies be

⁴⁹ Edgar L. Morphet, Roe L. Johns, and Theodore L. Reller, Educational Administration: Concepts, Practices, and Issues (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1959), p. 241.

written and disseminated among all persons to be affected by them. Written policies, according to Magoulas, are advantageous because they enable the superintendent and board to:

1. avoid oversights.
2. save time.
3. reduce pressure.
4. define work.
5. improve personal relations.
6. provide continuity of program.
7. improve instruction.
8. facilitate orientation.
9. aid evaluation.
10. promote morale.⁵⁰

Policy formation by local boards of education has probably been responsible, more than any other one single factor, for the uniqueness of American education. The broad discretionary powers granted to local boards have provided for a considerable amount of flexibility and local leeway in developing the educational program. Diversity in the programs of local public schools is primarily the product of the efforts of local boards of education to design and tailor the curriculum of their schools to meet the needs of youth, as well as the

⁵⁰ Jimmy Magoulas, "Why Written School Board Policies Are Important," American School Board Journal, Vol. 142 (March, 1961), 11-12.

community's expectation, in terms of aims and objectives, of the school program.

Generally speaking, most students of public education are agreed that the local school board has proven itself worthy of the responsibility placed upon it by the legislatures of the several states. They are convinced of the value of local control of education and have inferred in their writings that they would vigorously protest any action on the part of a higher level of government, either state or national, which attempted to unnecessarily regulate the affairs of a local school system.

Whenever the state legislature exercises its plenary power in educational matters by legislating policies for the local board of education, most writers have implicitly concluded that this is tantamount to saying that the local board has proved to be incompetent or incapable of directing its own affairs; consequently, the legislature must by direct administration, through the passage of special legislative enactments, assume partial or complete control of local education.

Fortunately most state legislatures have never felt the need to exercise their absolute or plenary power to the extent that the local board of education was

completely stripped of its discretionary authority in policy-making functions. Though at times some boards may have become disturbed because of certain legislative restrictions, the local boards have always had a broad base of discretionary powers which has enabled them to maintain a flexible and unique system of education within the broad conceptual design of the state educational program, as provided by the legislature.

CHAPTER IV

SPECIAL LEGISLATION AFFECTING PUBLIC EDUCATION IN ALABAMA, 1955-1963

The plethora of legislative enactments during the period covered by the study is indicative of legislative interest in educational matters. The acknowledgment of the importance of public education by the legislature pre-dates the onset of the Civil War, for it was in 1854, guided by the vision and statesmanship of early Alabama legislators, that the State achieved its first state-wide system of public education.

The bill to create a state school system was drafted by Alexander Beauford Meek, chairman of the House committee on education. It was enacted into law on February 15, 1854. Meek declared that charity or favor were not the reasons for a free public school system in Alabama, but that it represented "not only the highest interest, but the clear right and imperative duty . . . of the State." . . .⁵¹

The days of charity or philanthropic education in

⁵¹Roy A. Lieurance, The History of Teacher Certification in Alabama, Unpublished Doctoral Dissertation, College of Education, University of Alabama, University, Alabama, 1955, pp. 49-50.

the State were now at the point of culmination, and a new era was begun. Education had at last, after thirty-five years of statehood, become in reality of function of state government. The bill sponsored by Meek's committee was perhaps not as epoch making as it would seem at first glance;⁵² however, the precedent it established has probably never been equaled in importance by any other legislative enactment by the Alabama Legislature.

Public education has in the past and most likely will continue in the future to have some difficult and exasperating times. But, at no time in the past, nor does it seem probable that in the future, the State will abdicate the basic tenets and ideals of the first law on public education, which stated as its purpose:

. . . to carry into effect the provisions of our State Constitution which wisely declares that "schools and the means of education shall forever be encouraged in this State," to realize the objects of the General Government in making grants and appropriations for the establishment of schools in each township, and to extend, upon equal terms, to all the children of our State, the inestimable blessings of liberal instruction, the following system of free public schools is hereby established in this State, and shall have the force of law after the passage of this Act.⁵³

⁵²Ibid., p. 49.

⁵³Acts of Alabama, Vol. 36, 1853, p. 8.

Since the passage of this act, the State through provisions in Constitutions later promulgated and further legislative enactments, has assumed more and more responsibility for public education. Both the Constitution of 1901 and the Code of Alabama, especially Title 52 of the Code, elucidates and amplifies the State's role in regard to education.

All legislative involvement, however, has not been recorded in the Code. While the most up-to-date recompilation does include those general laws having state-wide applicability, it does not contain much of the local or special legislation on educational matters. Thus, if a complete picture of the conceptual design for education in Alabama is ever to be presented, it must exhibit all phases of legislative activity in matters involving education, not only on the State level, but on the local level as well.

The conceptual design for education in Alabama could be summarily conceived, merely by studying the Code and the Constitution, were it not for local or special legislative enactments. These make the task far more difficult, considering the myriad of details covered and the sheer volume of such special laws. Further difficulty

is experienced by the fact that general laws are sometimes negated, limited, expanded, qualified, weakened, or strengthened by a special or local law.

Special legislation relating to public education in Alabama has never been studied from the standpoint of attempting to ascertain its significance or impact. Few, however, would be hesitant in indicating their conviction that such special legislation does play a major role in the operation of many local school systems. Quantitatively speaking, this conviction can be substantiated by the fact that during the period covered by the study (1955-1963) there were more than two-hundred local or special laws enacted by the Legislature.

In order to deal with the qualitative aspects of special legislation, the over two-hundred special enactments of a mandatory nature contained in the publication, Acts of Alabama, were categorized into ten major areas pursuant to the proposed design of the study. The categories established deal with the following:

1. Selection, Qualifications, and Tenure of Boards of Education.
2. Compensation of Board Members.
3. Regulations Governing Local Board Meetings.

4. Powers of the Local Board of Education in regard to:
 - A. Certificated Personnel.
 - B. Non-certificated Personnel.
 - C. Consolidation of Schools.
 - D. Pupil Attendance.
 - E. Insurance of Plant, Furniture, and Equipment.
 - F. Miscellaneous Items.
5. Office Supplies for County Superintendents of Education.
6. The Superintendency: Selection, Qualifications, and Tenure.
7. Compensation of the Superintendent.
8. Validation of Special School Tax Elections.
9. School Finance.
10. Exemption from the Compulsory Usage of State-Adopted Textbooks.

These categories were established to circumvent the task of having to analyze each special law separately. Using such a procedure, one or more enactments were chosen to represent all the salient points of the laws in each category.

Each of the major categories is first discussed in terms of the provisions in the general laws in Alabama. Then, the special enactment(s) typifying each category are presented, followed by the panel's analysis regarding its strengths, weaknesses, impact, and implication for public education in Alabama. Extrapolations, contained in the analysis of each special or local law, were taken from the panel's response concerning the implications of such legislation as was submitted to them.

Selection, Qualification, and Tenure of Boards of Education

The success of public education at all levels depends in no small way upon the policies under which it must operate. Since the board of education has been legally charged with the policy-making function for education at the local level, it is of paramount importance that the board be composed of individuals capable of promulgating sound and defensible educational policies. The need to use persons on boards of education who possess integrity, intelligence, honesty, as well as faith and conviction in the goals and aspirations of public education has never been seriously questioned by any student of public education in the United States.

In Alabama, the important question is not so much the kind or caliber of persons needed to serve on boards of education for here there is almost complete and unanimous agreement; but rather, how to secure the kind of individuals needed. The problem is magnified by the lack of agreement on the following questions: What methods of selecting board members hold the most promise? What qualifications other than the broad personal ones mentioned above are needed by board members?

The Alabama Legislature has over the preceding nine year legislative period (1955-1963) passed twenty-four local laws relating to the selection, qualifications, or tenure of local boards of education. Since only two of the laws passed during this period relate to city boards of education, and these made no salient or significant changes in the general laws of the state regarding a city board's composition,⁵⁴ this discussion will be confined almost entirely to county boards of education.

The county board of education shall be composed of five members, who shall be elected by the qualified electors of the county. They shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective

⁵⁴Act No. 160, S.42, Regular Session, 1957; and Act No. 1022, S.610, Regular Session, 1961.

communities, and known for their honesty, business ability, public spirit and interest in the good of public education. No member of the county board of education shall be an employee of the board.⁵⁵

The preceding stipulations apply to all county boards of education in the entire state; except, of course, where a county has by virtue of special or local legislation withdrawn itself from the provisions of this general law.

For the most part, a school system which is exempted from the provisions of the general law will not deviate too far from the law from which it is exempted. For example, one special law required the person elected to the board of education to be between thirty and sixty-five years of age and possessor of a high school education.⁵⁶ Other local laws changed the six year tenure for board members, as provided by general law,⁵⁷ to a four year period.⁵⁸ Still another law provided that in counties having a population of not less than 21,800 nor more than 21,850

⁵⁵Public School Laws of Alabama, Annotated (Charlottesville, Virginia: The Michie Company, 1960), Section 63, Title 52, p. 53.

⁵⁶Act No. 227, H.657, Regular Session, 1955.

⁵⁷Public School Laws of Alabama, op. cit., Section 65, p. 54.

⁵⁸Act No. 109, H.167, Special Session, 1962; and Act No. 121, S.18, Special Session, 1961.

inhabitants, the board member, in order to be eligible for appointment or election, must possess one or more years of college training and be the parent of at least one school child. Incumbents were not bound to the parental requirements of this law provided they had one year of college.⁵⁹

The two kinds of acts most deviant from the provisions of the general law were those which dealt with the election of members of the board of education on a district basis within the county; the chairman being elected by all the electors from the county-at-large, and the associate members being elected county-wide but residing in specific districts of the county. Another local law abolished the county board of education and the office of the superintendency, and subsequently, established the commission on education and a county superintendent of schools to administer the local educational program.

While there were several laws which could have been chosen to represent those dealing with the election of the board members on a district basis, Act No. 184, H.580, Regular Session, 1955, (See Appendix A) was chosen

⁵⁹Act No. 77, H.129, Special Session, 1962.

for two reasons:

1. Board members under the provisions of this Act shall hold office for only four years as compared to six years under general law.
2. A board member with the exception of the president must reside in each of four school districts.

The local board of education has been abolished in several instances in Alabama; however, during the period covered by this study, it occurred only once. Thus, Act No. 18, H.6, Special Session, 1955, (See Appendix B) is the only one of its kind passed from 1955 to 1963 by the Alabama Legislature.

Each of these laws which may be read in complete form by consulting the appropriate appendix was submitted to the panel of professional persons for analysis and appraisal. Their response to each law is reported in the immediately succeeding paragraphs.

Analysis

Act No. 184 negates the practice of electing boards of education for six year terms on a staggered basis, and, in addition, it makes provision that each school district shall have at least one board member in residence, but the

president of the board may reside in any school district of the county. This law was perceived as no particular threat by some of the panel members. They expressed their feeling about the law as merely "a matter of choice."

One member of the panel suggested that some danger might be inherent in the Act because any act which tended to encourage a district school system philosophy in opposition to a county-wide system philosophy was not in the best interest of children and taxpayers. The Act was considered undesirable by another member of the panel because ultimately it could create the tendency to spend educational monies in equal amounts in all the school districts rather than spending according to educational need. The law was further objectionable to this respondent because it might deprive the board of organizing itself in the most advantageous fashion. This could be caused by the fact that the chairman, rather than being selected by his peers, is selected on a political basis, which may mean that the district with the most voters will select the president of the board.

The other law, Act No. 18, which dealt with the selection, qualifications, and tenure of local boards of education was the most vehemently denounced piece of

legislation submitted to the panel. This law abolished both the board of education and the superintendency in the county to which it applied.

Among the criticisms aimed at this piece of legislation were the following statements.

Any movement of this kind always is unsettling and makes a public official insecure in his position.

This type of legislation is usually introduced for the purpose of removing a particular individual from office and securing political control of the school system.

This Act is a good example of abuse of the legislative courtesy rule or custom in Alabama. Either this courtesy rule should be abolished or the Constitution or basic laws changed to prevent people from being removed from office by selfish, prejudiced local legislation.

I think it is unfortunate that the Legislature applies the "courtesy" principle in passing legislation of this kind. It is a very dangerous trend.

This type of legislation is unhealthy because it takes the power away from the electorate for a period of time and brings about unnecessary political controversy.

The impact of this law upon public education is extremely detrimental to the basic principles of our educational system, according to the panel. The motivation for its passage, they unanimously agreed, seemed more politically than educationally inspired. Its passage suggests that educational interest can be relegated to a position

secondary to political interest, if great care is not exercised by both legislators and educators.

Compensation for Local Board Members

The prevailing legal philosophy relating to compensation for members of local boards of education is epitomized by the provisions in the Code for city boards of education. In essence, it provides that members of a city board of education shall serve without compensation, except in cities of over 200,000 or more. In these cities of 200,000 or more, board members shall receive ten dollars for attendance at each meeting, provided that no member shall receive more than twenty dollars per month for attendance at regular meetings during any one month or more than ten dollars per month for attendance at special meetings of the board.⁶⁰ The compensation for city board members has remained unchanged during the period under study. In fact, only two enactments mentioned payment to members of city boards of education, and these made no change in the rate of compensation.⁶¹

⁶⁰Public School Laws of Alabama, op. cit., Section 151, p. 82.

⁶¹Act No. 160, S.42, Regular Session, 1957; and Act No. 1022, S.610, Regular Session, 1961.

While legislative activity dealing with the compensation of county boards of education has been more pronounced, as evidenced by the passage of thirty-nine laws dealing with the subject, a careful study of these laws indicates that membership on boards of education is still viewed by the legislature as a public service rather than a job which is to be made so financially attractive as to stimulate persons to desire it for pecuniary reasons.

The local legislative enactments have created a considerable amount of diversity in regard to the sums of money paid to individual members of county boards of education from system to system. The general law relating to and regulating payment of county board members provides:

The members of the county board of education shall receive from the public school funds of the county seven dollars and fifty cents a day and their actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. The members of the county board shall not be allowed pay for more than twenty-four days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. . . .⁶²

Local legislation, though causing considerable diversity in the exact amount of per diem and expense

⁶²Public School Laws of Alabama, op. cit., Section 68, p. 55.

monies paid to county board members, has not been of such a nature as to change the long-standing concept of board membership as a public service to be performed by civic-minded individuals. Only one piece of local legislation seems to be in discord with this concept. This Act provides a payment of \$100.00 per month to each member of the board of education in the county where the act is applicable.⁶³ Under the Act's provisions, every board member receives an annual compensation of \$1,200.00, paid on a monthly basis. Because Act No. 154, S.89, Regular Session, 1963, (See Appendix C) is suggestive of salary payments to board members, rather than the traditional per diem plus expense payments, it was chosen to be submitted to the panel for appraisal.

Analysis

The provisions of Act No. 154 caused considerable diversity of opinion to be expressed by members of the panel. Those panelists who perceived no particular harm to education through the passage of this law, pointed out that it merely represented an increase in compensation for the members of a rural county board of education. One

⁶³ Act No. 154, S.89, Regular Session, 1963.

panel member indicated that this kind of legislation was necessary since a board of education cannot fix its own rate of compensation.

The most objectional feature of the law to five of the respondents was the fact that salary for school board members was suggested in an implicit way within the provisions of the law. A salary of \$100.00 per month might be sufficient to attract incompetent people as candidates for board members and in turn drive away the best prospective board members who will not get into highly competitive campaigns for election to the school board.

Alabama school board members have taken pride in the fact that they hold positions of honor and service and not positions for profit. This law could establish a precedent which, when followed to an ultimate conclusion, might very well "cheapen" the office by the election of persons who seek remuneration for public service. It is doubtful, according to five of the panelists, whether increased compensation will mean a better and more efficient board of education. In fact, the exact opposite may occur because conscientious board members may feel that their salary must be earned; consequently, the board may begin to administer the program of education, thereby

abdicated their policy-making function and usurping their executive officer's responsibility.

Regulations Governing Local Board Meetings

According to general law in Alabama, no motion or resolution may be declared adopted without the concurrence of the majority of the entire local board of education.⁶⁴ Thus, the meetings of the board of education are a vital element to the successful control and operation of the schools. It is in these meetings that the board of education, acting as a committee-of-the-whole, determines and promulgates the policies under which the school system functions.

According to the provisions of the Code, local county boards of education are required to hold a special public meeting on the second Tuesday in May of each year for the purpose of giving the public an opportunity of presenting to the board certain matters regarding the allotment of school funds, or any other matter relating to the administration of public schools within the county.⁶⁵

⁶⁴Public School Laws of Alabama, op. cit., Section 67, p. 54; and Section 154, p. 83.

⁶⁵Ibid., Section 66, p. 54.

Other meeting dates prescribed in the Code include an annual meeting on the last Friday in November, at which time the board shall elect from its members a president and a vice-president. Regular meeting dates shall be on the last Friday of February, May, September, and such special meetings may be held, and at such places as the duties and business of the board may dictate.⁶⁶

The Code requires that the city board of education shall hold its annual meeting each year at its first regular meeting in May following the election of the board or any member thereof. At this meeting the board shall elect from its members a president and vice-president. Provision is made further that the board shall hold such other meetings as may be provided for in its by-laws.⁶⁷

From the provisions of general law relating to board meetings, it is apparent that considerable discretion has been given to local boards of education in setting the time, place, need, and purpose for its meetings. For the most part, the provisions of general law were left intact during the 1955-1963 legislative period. Only seven laws

⁶⁶ Ibid., Section 67, p. 54.

⁶⁷ Ibid., Section 154, p. 83.

were passed which dealt with regulating board meetings or meeting dates. These laws varied in nature from providing that a certain county board of education be permitted, at its own discretion, to meet for an additional 100 days per year beyond those meetings presently prescribed by law;⁶⁸ to providing that the board hold a meeting on each first Monday of the month.⁶⁹

The most significant difference from the provisions of general law regulating board meetings is manifested by Act No. 401, H.976, Regular Session, 1955, and by Act No. 62, H.325, Regular Session, 1959 (See Appendix D). Both of these acts, which are essentially the same, provide that the board of education, within the counties where they are applicable, shall hold forty-eight regular weekly meetings during each year, at such times and places as the board may prescribe. Since these two enactments vary appreciably from the stipulations of general law, the most recent one which was passed by the legislature during the Regular Session, 1959, was chosen to be submitted to the

⁶⁸Act No. 427, H.934, Regular Session, 1955; Act No. 33, S.35, Special Session, 1956; Act No. 251, H.723, Regular Session, 1957.

⁶⁹Act No. 227, H.657, Regular Session, 1955.

panel for appraisal.

Analysis

Act No. 62 was viewed as undesirable legislation by the entire panel. The required forty-eight weekly meetings suggested different things to the panelists, none of which was perceived as being advantageous or desirable for public education.

The following quotations taken from the response of the panel members exemplifies their feeling toward the law.

There is no good reason for the board of education . . . to meet each week. The kind of people that make the best board members are not available for weekly meetings. Meeting once per week indicates a tendency to get into administration of the school system rather than performing the proper function of a board, which is that of policy making. It seems to me that making forty-eight weekly meetings mandatory is extremely unwise.

There is no need for any school board to meet regularly four times per month. This is a wasteful expenditure of both time and money.

. . . this Bill is also a method of increasing the compensation of the Board of Education by providing for a specified number of meetings and fixing the pay on a per meeting basis. I believe a specified salary would be better than this method of compensation.

On the surface this Law appears to have been initiated to attempt to solve some glaring weaknesses in administration or because of mental distrust or

non-cooperation of board members and the superintendent. Legislation is not the remedy.

In my opinion, the children are better served in a school system by the Board of Education making or approving policy and the professional superintendent administering those policies. Forty-eight meetings per year are not necessarily needed for this purpose.

This is bad legislation and a waste of public school funds. No county board of education has any need for regular weekly meetings. The experiences with "paid" boards have not been good. This bill has all the earmarks of "pork barrel" legislation.

Many of the same criticisms of Act No. 154 were also applied to this Law. The panel seemed completely and unanimously opposed to any legislation which might cause local boards of education to be staffed with persons who place remuneration above public service or who wish to displace a professional administrator, and by direct administration on the part of the local board, attempt to operate the local public schools.

Act Involving Powers of Local Boards of Education

During the legislative period, 1955-1963, there were forty-eight (48) pieces of local legislation which dealt directly with powers, duties, and responsibilities mandated or granted by implication to local boards of education through the provisions of general law. Local

legislation affecting the powers and prerogatives mandated or granted to local boards of education covered a myriad of details, and for this reason, required a further division of the laws into sub-categories.

The following divisions were used in order to adequately evaluate those special or local laws falling within the realm of this area of legislative activity.

- A. Certificated Personnel
- B. Non-certificated Personnel
- C. Consolidation of Schools
- D. Pupil Attendance
- E. Insurance of Plant, Furniture, and Equipment
- F. Miscellaneous Items

Every law in each of the categories could not be evaluated; but just as in preceding instances, certain laws were chosen and submitted to the panel for scrutiny and appraisal.

A. Certificated Personnel⁷⁰

The educational literature gives considerable

⁷⁰While some permissive laws are incorporated into this section, they in effect mandate exemption from provisions of general law.

credence to the fact that nothing, outside the act of actually employing the teacher, has as much influence or impact upon the teaching-learning situation as the policies and regulations directly affecting the teacher as an individual. Thus, it is of utmost importance to maintain a climate in which certificated personnel can function as professional persons, rather than being hedged in or frustrated in their efforts by ultra-restrictive regulations and requirements.

During the period under study, the Legislature passed fifteen acts dealing with certificated personnel. Seven of these enactments permitted local boards of education considerable discretion in employing, dismissing, removing, or transferring teaching, administrative, and supervisory personnel. Other local enactments dealt with topics such as compulsory salary increases,⁷¹ payroll deductions for national professional dues,⁷² sick leave for teachers,⁷³ employment of personnel,⁷⁴ teacher

⁷¹Act No. 107, H.381, Regular Session, 1963.

⁷²Act No. 385, H.884, Regular Session, 1963.

⁷³Act No. 89, H.34, Special Session, 1963; and Act No. 90, H.35, Special Session, 1963.

⁷⁴Act No. 186, S.281, Regular Session, 1959.

retirement,⁷⁵ and in-service education.⁷⁶

Two enactments, Act No. 286, S.286, Regular Session, 1963,⁷⁷ (See Appendix E) and Act No. 79, H.405, Regular Session, 1957, (See Appendix F) were chosen for submission to the panel. These, of course, do not cover every facet of legislative activity in this area; but they do involve many of the principles which are common to all other enactments relating to professional personnel. Act No. 286, S.286 pertains to teacher retirement and provides that counties having a population of not less than 96,000 nor more than 106,000 may retain a teacher in service until age seventy-three, as compared to provision of compulsory retirement at seventy years of age.⁷⁸

Act No. 79, H.405, provides for a compulsory science workshop in the county system to which it applies.

⁷⁵ Act No. 234, H.228, Regular Session, 1963; and Act No. 286, S.286, Regular Session, 1963.

⁷⁶ Act No. 79, H.405, Regular Session, 1957.

⁷⁷ In the technical sense, this Act is permissive; however, it forces the local board to make a decision which has already been made under the provisions of general law.

⁷⁸ Public School Laws of Alabama, op. cit., Section 366, p. 189.

Analysis

Act No. 286 was opposed by the entire panel because it suggested special privileges to certain individuals at the risk of creating a tremendous morale problem among teachers, as well as endangering the foundations of the Teacher Retirement System of Alabama.

Problems regarding employment and retirement can be best handled on a general legislative basis, stated one panelist. Such special legislation as this Act represents, according to another panel member, grants special privileges to individuals for particular political reasons and does not add to the morale of teachers generally.

Such legislation may be passed by the courtesy rule to permit a single person to continue teaching after age seventy. While it may be desirable that some teachers should continue teaching beyond this age, this Law opens the door, by way of precedent, for the continuance of all, competent or incompetent, to teach beyond age seventy. There is nothing sacred about age seventy, one respondent infers, but as long as some age line is drawn and universally applied throughout the state, no one can have grounds upon which to claim discrimination. The effects of Act No. 286 may be preferential to certain members of the teaching

profession; but detrimental to the profession as a whole and, more importantly, to the best interests of the boys and girls of Alabama.

Act No. 79 was described by one panelist as "crash" legislation, induced by the launching of Sputnik I, to boost and strengthen the public school science program. The passage of this Act was a legislator's attempt to improve the background of science teachers. Although the end result or objective of this kind of legislation may be plausible, there was doubt expressed by two panel members concerning the success of such legislation achieving its objective.

The most objectionable feature of this Law, according to four of the respondents, is that the legislature has, by the passage of this Act, entered into the field of school administration. One panelist stated:

This Act is in some respects rather amazing in that the Legislature is, in substance, setting up methods of instruction for professionals . . . to follow. The obvious aim of this Law is to strengthen science instruction to the children; but, the method is questionable. If the Board will not act in the best interests of children, why not use the ballot as recourse?

The tacit danger in such laws as this, the panel infers, is that one or two legislators may become the

educational policy-makers for a local school system, thereby relegating a board of education, elected by the people for that purpose, to a place of little importance in formulating and making educational policy.

B. Non-Certificated Personnel

Non-certificated personnel are essential to the successful operation of the school system. They, unlike professional personnel, are not directly engaged in the formal teaching-learning process, but their impact upon this process can be tremendous. They are co-workers with the teachers and principals in providing the best possible educational climate in each school and school system.

During the 1955-1963 legislative period, non-certificated personnel was the subject of twelve enactments. Nine of these laws dealt directly or indirectly with compensation and other benefits accruing to school-bus drivers. One act provided that a board of education could hire and fix compensation of an office assistant to the county superintendent.⁷⁹ One other enactment provided that a board of education might employ as many non-certificated, professional, or non-professional personnel

⁷⁹Act No. 389, H.889, Regular Session, 1963.

as it deemed necessary to operate its schools.

The act which was chosen to represent this category provides that every person regularly employed by the board of education, except school-bus drivers, who are mentioned separately in this law, shall receive a 17.6 per cent increase in their base pay. While this law, Act No. 107, H.381, Regular Session, 1963 (See Appendix G), includes both certificated and non-certificated personnel, it was selected for study because of its unique feature in granting a straight "across-the-board" raise to non-certificated personnel. Generally, the salary of non-professional personnel has been left completely within the realm of a discretionary power to be exercised by the local board of education.

Analysis

Act No. 107 was criticized by the panel primarily because it represented a case where one legislator's judgment could, or even possibly was, used to supplant the deliberated, collective judgment of a duly elected board of education. In effect, the Legislature through the passage of this Act moved into the realm of school administration.

The response of the panel to this Act is indicative of their feeling toward it and others of a similar nature. The following quotations were taken from their responses.

The reason for this was to force the County Board to make the raise and probably for the legislator to have evidence that he was the one responsible for the raise. This is poor legislation because the Local Board has the obligation for fixing the budget in all categories and it is not the responsibility of the legislature to do this. This completely ignores the other items of the budget and there could be compelling reasons why the Local Board could not increase salaries.

It is the Board's responsibility to fix the school budget and spend the money for the best interest of the whole education program.

This Act . . . is again a usurping of the powers of the Board of Education by the Legislature.

This type of legislation makes pay increases mandatory without the funds for such raises. It also takes the administration of schools out of the hands of the professional staff and the board of education.

In my opinion, this legislation is not conducive to efficient, economical, judicious administration.

Implicit in the panel's analysis and appraisal of this Law is the fact that the Legislature should not meticulously attempt to operate the public schools through the passage of such specific mandatory legislation. The responsibility of the legislature is to provide a general

and operative framework for education and to permit local boards of education considerable discretion within the confines of general laws.

C. Consolidation of Schools

Any superintendent and board of education who have attempted to make a program of school consolidation operative, will most likely be aware of the emotional, and sometimes even hostile, attitude that often characterizes local school patrons. Rationality often succumbs to emotion when a community is in danger of losing its school.

In the provisions of general law the county board of education may consolidate schools, whenever in its judgment such consolidation is practicable, and may provide for the transportation of pupils to and from such consolidated schools.⁸⁰ A city school board with the aid and advice of its superintendent and his professional staff shall "seek in every way to promote the interest of the schools under its jurisdiction."⁸¹

The Alabama Legislature passed six local or special

⁸⁰Public School Laws of Alabama, op. cit., Section 76, p. 58.

⁸¹Ibid., p. 87.

laws dealing with school consolidation during the period of this study. The local laws relating to school consolidation varied in nature from permitting one county and the city system contained therein to maintain and operate certain Negro schools as a joint enterprise,⁸² to an enactment which required a board of education to operate at least two high and two elementary schools within a county for attendance of white pupils.⁸³ The latter also prescribed the exact location of each of the four schools. One other act was somewhat novel because it provided that city and county boards of education in one county shall have all powers presently granted by general law, all powers conferred upon those particular boards by special law, plus plenary and exclusive authority to locate, establish, erect, construct, reconstruct, repair equip, and maintain public school buildings without regard for regulations or rules promulgated by either the State Department of Education or the State Board of Education.⁸⁴

Two enactments, Act No. 909, H.1523, Regular

⁸²Act No. 59, H.46, Special Session, 1959.

⁸³Act No. 544, H.989, Regular Session, 1961.

⁸⁴Act No. 439, S.337, Regular Session, 1963.

Session, 1961 (See Appendix H), and Act No. 281, H.792, Regular Session, 1957 (See Appendix I), were chosen to represent this category. The first of these laws required the board of education to determine the sentiment of electors on the question of consolidation of public high schools within the county to which it is applicable. The latter enactment was different from any other law in the category. It required the board of education to donate the building and site of any discontinued school, or the building materials contained in any building razed on a site which the board desired to retain, to the community to be used as a community center or in the construction of such facility for the local community.

Analysis

Act No. 909, providing a further regulation on the construction, operation, and maintenance of the public high schools in one particular county, was criticized rather severely by all but two members of the panel. One of the panelists stated that he had mixed feelings about the law; however, knowing the situation which developed in the particular county when a plan for consolidation was formulated, he could not blame the legislator for providing

through a local act a referendum to let the people express themselves on the matter. The other panel member who was not particularly critical of the Law pointed out that a local referendum was the only method available to the local board of education whereby this information, which could serve as a guide in decision-making, might be obtained.

The panel members who criticized the provisions of Act No. 909 were in almost unanimous agreement concerning the Act's undesirable features. The following quotations exemplify their agreement.

This legislation is not child centered. It also seeks to provide for action on a vital issue without concern for adequate information. Normally these decisions are made by boards of education on the basis of survey data provided by professional people trained for this sort of work.

The people . . . are not able to judge properly the time or place when a new high school should be erected.

This Act apparently arose from efforts to consolidate certain high schools. . . . This is a responsibility delegated to the Board of Education and poor policy to submit it to a referendum of the people. The Act is political in that it is an effort of the local legislative delegation to say that the people desired it or did not desire it. The decision should be made by the Board under authority delegated to it by the Legislature and should be based on the educational need of the community and not on the results of a referendum.

As I understand this Act, essentially it is a device provided for and possibly forced on the duly elected County Board of Education for evading its legal responsibility provided for in the general State laws. The County Board of Education has available expert professional people for surveys, consultations, evaluations, and general professional direction. The Board is charged with the responsibility of locating buildings with help from the State Department consultants and is capable of doing right by the children without the within provided by election. Chances are this election is a vehicle for emotion rather than a thought out, sound decision.

Act No. 281 required the school board to donate the site and building or building materials contained in the plant, in the event the site is to be used for a new building, to the community in which such school is discontinued. The community shall use such facilities or materials donated to them by the local board of education for a community center. After one year, if any building or site is refused by the community, the County Board of Education may dispose of the properties as it sees fit.

It seems to me this is a poorly written and unnecessary Bill, poorly written because of such vague expressions as "members of such community." Unnecessary because boards of education under present law have authority to dispose of discarded school buildings.

I see no objection to this Bill. However, I think it would have been much wiser for the Bill to be permissive rather than mandatory as the disposition of school sites should be addressed to the discretion of the Board of Education.

The local board must consider all the history of the site and building when schools are discontinued or dismantled. Their decision on disposal is made on the history and facts so related. This law would take away that authority and should be repealed. Schools are usually abandoned for economical reasons. They need the funds received from this site or building to support their expanding program of consolidation.

Act No. 281 . . . requiring that all abandoned schools be turned over to the county was probably necessary in order that this transfer of property be legal.

This type of legislation is school administration by legislation. Such matters should be left to boards of education in order that the interest of school children could be best served.

County Boards of Education already have legal provisions for disposing of disbanded school property to the best interest of school children. . . . This is not a bad law but it is another step in the direction away from effective, positive, judicious local administration by the duly elected School Board.

It is evident from the response of the panel members that authority is already possessed by local boards of education to follow, if it chooses, the provisions of this Act; consequently, this Law only serves to mandate that a local board will pursue this course in disposing of its properties, to the exclusion of all other means available to it for such needed disposal.

D. Pupil Attendance

Local boards of education are charged by general

law with the responsibility of providing an adequate program of public education within their school systems. If the local board is to discharge this responsibility, it must take cognizance of all problems involved in providing each child an education. Certainly, one of the most significant questions in one problem area has always been: Where and under what conditions can each child be provided with the best educational program for his own particular needs and interests? The answer to this question, generally speaking, has been decided by local boards of education, using the discretionary powers granted to them by general law; but during the period covered by this study, the legislature on occasion loaned assistance to local boards by the passage of five special or local enactments relating to pupil attendance.

The special or local enactments varied in the nature of their requirements. One provided that in counties having a population of not less than 94,000 nor more than 134,000, the school board would provide for the attendance of polio victims at the nearest public school without payment of certain fees.⁸⁵ This law, however,

⁸⁵ Act No. 51, H.37, Special Session, 1955.

was later repealed by the legislature.⁸⁶ Another enactment provided that the local board shall prescribe the length of the school term but shall be guided by the school district patrons on split or whole school terms.⁸⁷ Still another enactment provided that no pupil may be compelled to attend a school where the races are commingled.⁸⁸

The enactment that was chosen to represent this category, applicable to counties having a population of not less than 21,800 nor more than 21,850, provides for the uniform operation of school terms for all public schools within such counties. This law, Act No. 76, H.128, Special Session, 1962 (See Appendix J), mandates that the Board of Education shall determine the opening date and length of the school term and no school shall be permitted to operate on a split term.

Analysis

Act No. 76 was perceived by the panel members as a legislative usurpation of local board authority. Under the provisions of general state law, the actual number of

⁸⁶Act No. 320, H.554, Regular Session, 1961.

⁸⁷Act No. 227, H.657, Regular Session, 1955.

⁸⁸Act No. 187, H.609, Regular Session, 1957.

days of instruction is prescribed; however, local boards are given considerable discretion beyond this point to determine the beginning and ending of a school term.

The following observations were made by members of the panel:

The purpose of this Act was to prevent the Board of Education from having a split term in the fall of the year. It would seem that this decision more adequately comes within the jurisdiction of the Board of Education rather than the Legislature.

I can see very little reason for this legislation. It is possible that the board of education itself requested local legislators to get it passed to keep the Board from bearing the brunt of discontinuing split sessions. Basically, however, I think it deals with a matter that should be left to the discretion of the Board and not legislated.

This Act . . . is a usurping by the legislature of duties belonging to the County School Board.

It is evidently either a buck-passing move or a move to gain control of the school system through legislation. The general effect, in my opinion, will be to weaken the position of the superintendent and the board of education.

This legislation is aimed at some uniform schedule that should be controlled by that School Board--not by the Legislature.

In my judgment this legislation originated with well-meaning people, who are attempting to strengthen and add quality to education in their county--probably to eliminate the North Alabama cotton picking schedules. This is one way of forcing the County Board to exercise powers already delegated to it. Since the County Board of Education is an elective Board, provisions for

correcting in-action, poor judgment, or dereliction of duty have long existed by use of the ballot.

The panel did not object to the objectives and goals of this Law, but only to the means used whereby those ends would be achieved.

E. Insurance of Plant, Furniture and Equipment⁸⁹

A school building with enough furniture and equipment in it to provide a modern educational program represents a sizeable investment of public funds. Common-sense business principles dictate the need for insurance against loss of such public facilities. Provisions of general law and even public opinion lend weight and support to sound business practices in requiring each local board of education to provide adequate protection against loss on every building which is of value to the school system.

At no time during the period of this study did the legislature, through the five local or special laws passed regarding insurance of school properties, remove

⁸⁹These laws, though written as permissive legislation, force local boards to make a decision which ordinarily they would not have to make under the provisions of general law.

from the local boards of education the obligation of providing for insurance on its school plants and the other physical facilities contained therein. The local laws passed during the 1955-1963 legislative period were of a permissive nature in that they granted local boards of education broad discretion in choosing with whom such school facilities were to be insured; but, these laws also forced the boards to choose whether to insure through private agencies, and if so which agencies, or whether to subscribe to the state insurance plan.

Act No. 89, H.156, Special Session, 1956 (See Appendix K), was chosen as typical of all enactments in this category and was submitted to the panel for appraisal.

Analysis

Mixed feelings toward Act No. 89 were expressed by three members of the panel. This attitude was characterized in the comments of one of those three panelists who stated:

I can see some reason for the school board and legislators desiring this Act. . . . the general law requiring all public buildings to be insured through the State Insurance Fund has never been operative since the Insurance Fund has never been adequate to cover anything like the public property involved.

Other panel members were not as open to the need for such legislation and pointed out that several pieces of this kind of legislation would undermine and eventually destroy the State Insurance Plan. The following quotations exemplify the feelings of those responding unfavorably to this Law:

This is local legislation and was probably done to keep the insurance at home without regard to economy of school funds. A study to determine what actually happened might be most revealing.

I am inclined to believe this Law would, in effect, raise the rate of insurance and only feather the pockets of some . . . insurance agent.

In my opinion, this Act is a dangerous trend in local legislation. If I understand procedure, rates, and etc., of insuring public buildings, this Act as written, in substance, makes it legal to appropriate school funds to local insurance agents for nothing more than good-will votes, or whatever one would choose to clothe the Act with.

Does the local truck dealer have the same argument or case to support legislation to buy school bus chassis locally rather than through State-wide bids? The words "May, in its discretion" make this Act less obnoxious but still puts pressure on the county school administration that is not in the best interest of children's education and taxpayers.

The implicit attitude held by those who expressed opposition to Act No. 89 seemed to be that if the State were going to continue to support a state-wide insurance program to cover local school facilities, every school

system should participate in this plan, in order that the greatest economy of school funds might be realized.

F. Miscellaneous Enactments

During the period 1955-1963, the Legislature of Alabama passed six enactments, dealing with the authority of local boards of education, which were novel and unique enough to elude classification into the categories established in this study. This fact, however, in no way suggested that these laws be relegated to a position of unimportance, but is merely indicative of their uniqueness. All five of these laws dealt with different educational problems.

One enactment empowered the board of education to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings, or encampments.⁹⁰ Another local or special law provided that one county board of education shall maintain a school-bus shop.⁹¹ Other enactments dealt with subjects such as election of local school

⁹⁰Act No. 533, H.1086, Regular Session, 1959.

⁹¹Act No. 227, H.657, Regular Session, 1955.

trustees;⁹² relief of an individual to whom the school board owed a moral but not a legal debt, according to the law;⁹³ and the creation of an educational survey committee to study and make recommendations to the local boards of education in a certain county.⁹⁴

Act No. 795, H.1387, Regular Session, 1961 (See Appendix L), which amends a previous enactment requiring a local county board of education to publish the minutes of its proceedings, was chosen to represent this category; and was submitted to the panel of professional people for analysis and appraisal.

Analysis

The most frequent objection to this Law was that it represented a waste of public school funds. "The minutes are available for public inspection, if there is a desire on the part of any individual to see them," states one panel member.

Another respondent stated:

⁹²Act No. 950, S.198, Regular Session, 1961.

⁹³Act No. 69, H.108, Special Session, 1956.

⁹⁴Act No. 437, H.970, Regular Session, 1963.

Since all board meetings are open to the public and since minutes of all board transactions are available to anyone and since newspapers generally are willing to report any newsworthy action of the board, it seems to me that it is unnecessary and probably unwise to require by law a board of education to publish all minutes of its proceedings.

The Law was considered to be of minor significance by one panel member; but, as he pointed out, its passage might be justified by an increase in the cost of printing in recent years.

One other type of criticism was expressed by a member of the panel. He stated:

This Act requiring that the minutes of the meetings of the . . . County Board of Education be published in the newspaper would seem to be spite legislation indicating that the members of the legislature . . . wished to embarrass and harass the members of the School Board. I might, of course, be entirely wrong in this interpretation.

Office Supplies for County Boards of Education

The Code of Alabama assigns the county board of revenue or the court of county commissioners responsibility for providing the superintendent of education and his staff ample, convenient, and comfortable office quarters at the county seat. The board of revenue is further required to furnish the necessary furniture, office equipment, stationery, postage, forms, and supplies

required by the county superintendent of education and his assistants.⁹⁵

Local or special laws, passed during the period studied, varied considerably in their impact upon provisions in the Code. One law abolished the payment for expenses incurred in the operations of the office of county superintendent of education in counties having not less than 50,000 nor more than 54,000 inhabitants.⁹⁶ Other enactments permitted a county board of education to make expenditures for certain items and relieved the county board of revenue from such responsibility;⁹⁷ directed county commissioners to appropriate an amount, in lieu of office expenses as provided in the Code, of not less than \$1,200.00 nor more than \$2,000.00;⁹⁸ and one other law provided for an appropriation of \$2,000.00, or as much thereof as needed, for the office of the superintendent of education in counties having not less than 50,000 nor

⁹⁵Public School Laws of Alabama, op. cit., Section 130, p. 76.

⁹⁶Act No. 201, H.424, Regular Session, 1961.

⁹⁷Act No. 87, H.154, Special Session, 1956.

⁹⁸Act No. 25, H.55, Regular Session, 1959.

more than 54,000 inhabitants.⁹⁹

Act No. 144, H.450, Regular Session, 1963 (See Appendix M), was chosen to be submitted to the panel for two reasons. First, it was the most recent act available; and second it provided authorization for the board of education to make expenditures for office needs and school census enumeration. The county governing body was relieved of all these expenses, and was required only to provide office space for the county superintendent.

Conjecture on the part of one panelist suggests that this Act resulted from some controversy between the county governing body and the county board of education. In which case, the panel member casts his vote on the side of education.

Another respondent stated that legislation such as this was needed to legalize the expenditure of money by school boards for needed goods or services, particularly where county boards of revenue have refused or were financially unable to make such purchases.

A suggestion was made by one panelist concerning how future problems of this nature might be resolved. He

⁹⁹Act No. 444, H.924, Regular Session, 1959.

stated:

It seems to me that a better attempt to solve this problem would be to require the County Governing Body to make an appropriation to the Board of Education for office facilities and, in addition, legalize expenditure of County Board funds for this purpose.

The response of one panel member seemed to summarize the feelings of all panelists. He concluded:

This Act simply removes the financial burden of some of the functions of the Board of Education from the general funds of the County to the educational funds. This is probably bad legislation because it decreases the funds available for instructional purposes.

The Superintendency

By virtue of the position he occupies, the superintendent of education exerts more influence upon public education than any other single individual. To the board of education, he is professional advisor and chief executive; to the teachers, he is the educational leader; and, to the public, his role is that of education's statesman or scapegoat. No other person in education is expected to be so many things to so many people.

The superintendent's training, experience, competency, and philosophy are all put to task on complex educational problems occurring in such areas as curriculum development, finance, physical facilities and plants, and

public relations. His success in dealing with some gigantic issues evolving around these problems does much to set the tone for the entire educational program.

Any professional person must be selected with great care because the nature of the service he performs demands great skill and personal dedication; this is of utmost importance in regard to the superintendent of education. He must be a person who can work with the board of education, the teachers and the public, in order to promote the best possible education for boys and girls in each school system.

For some time there have been opposing views concerning qualifications needed and manner of selecting the local superintendent of education. While the dichotomy between the two points of view is apparent in the case of the county superintendents of education, some of whom were appointed to their positions and some of whom were elected by popular vote;¹⁰⁰ such opposing views are not as discernible in the case of city superintendents for they have been appointed by the local city boards of education,

¹⁰⁰ Public School Laws of Alabama, op. cit., Sections 102, 103, 103(1), pp. 68-69.

according to the general law's provisions.¹⁰¹

Local or special enactments passed during the 1955-1963 legislative period were indicative of the operation of diverging points of view regarding the office of the superintendency, the method of selection, and qualifications needed by him. For instance, in three counties the office of the superintendency was abolished by means of local enactment;¹⁰² whereas, four other local laws restored or re-established the office.¹⁰³

The method of selecting the superintendent was the subject of nine pieces of local legislation. Some of these enactments provided for the election of the superintendent by popular vote and others provided for appointment of the superintendent by the board of education. Qualifications for the superintendency, as prescribed in special legislation, varied from requiring compliance to the provisions of general law to more specific stipulations

¹⁰¹ Ibid., Section 177, p. 90.

¹⁰² Act No. 88, H.155, Special Session, 1956; Act No. 18, H.6, Special Session, 1955; Act No. 19, H.7, Special Session, 1955.

¹⁰³ Act No. 174, H.511, Regular Session, 1955; Act No. 72, H.2, Special Session, 1955; Act No. 538, H.975, Regular Session, 1961; Act No. 119, H.393, Regular Session, 1959.

dictating that the superintendent shall be a properly qualified elector in the county where he serves.

Act No. 441, S.363, Regular Session, 1963 (See Appendix N), was chosen to be submitted to the panel for analysis and appraisal because its provisions regulate duties and responsibilities, qualifications, tenure, and compensation of the superintendency in the county where it is applicable. Because of the scope of this enactment, it was the most logical choice to typify all local and special enactments in this category.

Analysis

Act No. 441 was one of two pieces of legislation submitted to the panel which received no criticism. A few suggestions were made concerning how the Act might have been strengthened--namely: spelling out minimum professional requirements, guaranteeing the superintendent a monthly salary greater than any principal, and proper methods of removing an incompetent superintendent; but, not one criticism was made concerning this Law's provisions.

One panelist stated that making the superintendency appointive was "very sound." Another said that some degree of permanency in positions of leadership could be granted

local school systems through the passage of such acts as this. Still another panel member called the Act "commendable."

The person who was most complimentary of this Law expressed a desire to see the provisions of it made applicable to the entire state, as well as to the State Superintendent of Education. He states:

This same act is in effect in many counties of the State and should be state-wide.

A highly desirable law that will do much toward improving the Educational System of Alabama.

The same regulation should apply to the selection of our State Superintendent of Education.

From the response of the panel to this particular Law, it is evident that they overwhelmingly favor the appointive method of securing a superintendent of schools.

Compensation of the Superintendent

The compensation of superintendents of education, while dealt with in a succinct fashion in the Code,¹⁰⁴ was either the subject of or mentioned in eighty-three pieces of local or special legislation. Judged on the bases of the numbers of local laws involved, the question of the local superintendent's salary, particularly the county

¹⁰⁴Public School Laws of Alabama, op. cit., Section 111, p. 72 and Section 177, p. 90.

superintendents, seemed to be the most important single question with which the legislature dealt.

Salary requirements established by the legislature for local superintendents of education varied from stating an exact fixed sum¹⁰⁵ to mandating that salary be fixed by the action of local boards of education.¹⁰⁶ The most unique and novel enactment regarding a superintendent's salary was found in Act No. 515, H.1028, Regular Session, 1959, (See Appendix O). This was the first and only time during the 1955-1963 legislative period that a superintendent's salary was conditioned and determined by the total assessed valuation of property in his county. Because of these features, this law was selected to be submitted to the panel for appraisal.

Analysis

The purpose of this Act is to increase the salary of the Superintendent of Education. It is based upon a sliding scale according to the assessed valuations of real estate. . . . In my opinion, this is not a wise method of fixing the salary of any public official.

¹⁰⁵For example, Act No. 95, H.434, Regular Session, 1957, is one of several such enactments.

¹⁰⁶For example, Act No. 18, H.114, Regular Session, 1955, is one of several such enactments.

The preceding statement is a quotation which, in essence, summarizes the sentiment expressed by members of the panel concerning Act No. 515. Inferences in each panel member's analysis raised the question: Does the limitation placed upon the Superintendent's salary really have any relationship to the duties and responsibilities of the office? A negative answer was also implicit in every instance.

Opposition to this Law seemed to arise for two reasons. The first, which was previously mentioned, involved the lack of correlation between assessed valuation of property and the function of the superintendent. The second cause of opposition to this Law arose because the Legislature took from the Local Board of Education the discretionary power necessary to determine the salary of its executive officer. This latter objection was paramount in the appraisal of one panelist, who stated:

I cannot see a sound reason for this rather long, complicated bill making automatic that which should be left to the discretion of school boards from time to time in the future.

Validation of School Tax Elections¹⁰⁷

The Constitution of Alabama has been amended numerous times to permit local school systems to levy additional taxes in order to support the kind of educational program its people desire.

Periodically from 1955 to 1963, the legislature has passed enactments declaring that special school tax elections were legal, in spite of the fact that insufficient or inadequate newspaper advertisement was given or that some other such irregularity occurred, if the majority of those voting in the election cast votes in favor of such special school taxes.

During the period covered by this study, six laws which validated local school tax elections were passed. Since there was no great difference in any of the six enactments, the most recent, Act No. 146, H.164, Special Session, 1963 (See Appendix P), was chosen for analysis and appraisal by the panel. The subsequent discussion could be applied to any of the six enactments in this category.

¹⁰⁷ These laws are written in a way to make them applicable to the whole state; however, they actually apply only in those school systems which have held such special school tax elections.

Analysis

Act No. 146 was one of only two acts receiving no unfavorable comments from the panel members. The closest thing to a criticism registered against this Law was that it was needed to legalize certain tax elections which may have been held in haste without complying with legal requirements then on record. This, of course, was not a criticism levied upon the Law itself, but merely upon the condition prompting passage of the Law and others of similar nature.

The following brief excerpts from the panel's appraisal of the Law is indicative of their feeling toward it.

This is done as a precautionary measure to overcome any technical deficiencies in the election. It was probably done immediately before a bond issue pledging the particular tax which was the subject of the election. This is standard procedure.

So long as this type of legislation is not used to circumvent the purpose of the basic tax provisions . . . I see no reason to believe it to be not in the interest of public education.

This legislation is, of course, necessary when there is some question as to whether every detail of law has been complied with in the matter of a tax election previously held.

This is common practice and such laws are necessary at times in order that school warrants can be sold at best advantages.

The only hint by the panel of any undesirable feature of this Law was the fact that it and others like it might tend to encourage a lax attitude toward State-wide School Tax Elections Laws.

School Finance

It is axiomatic that education will never rise far above the level at which it is supported and financed. While it has long been supported in Alabama on both state and local basis, the level of that support has been the subject of much controversy, debate, discussion, and legislation.

State and local responsibility for financing education is fixed to some extent through the provisions of the Constitution of 1901. Certain amendments made later to the Constitution, plus legislation having state-wide applicability, place additional responsibility for the cost of education on both levels of government.

Financing education in Alabama is a gigantic undertaking, when measured by any standards or criteria, and it has seemed to grow more intricate and detailed year by year.

Today much of the difficulty involved in attempting

to complete the financial picture for public education in Alabama is due to local and special legislative enactments. During the legislative period 1955 to 1963, thirty-two local or special laws which dealt directly with school finance were passed. The laws ranged from proposed constitutional amendments to permit county or city school systems to levy additional taxes, to those requiring local boards of education to make certain monetary payments to individuals or groups. Laws of this nature, while dissimilar in their purpose and function, do have a commonality which characterizes all of them; namely: they affect the level of financial support for public education in Alabama. Merely by way of illustrating the diversity of local and special legislation in the area of school finance, the items listed below were the subject of one or more enactments passed by the legislature from 1955 to 1963.¹⁰⁸

1. Special privilege or license and excise tax.¹⁰⁹
2. County property or ad valorem tax.¹¹⁰

¹⁰⁸ Only one law will be cited to illustrate each case.

¹⁰⁹ Act No. 88, H.146, Special Session, 1962.

¹¹⁰ Act No. 94, S.90, Special Session, 1962.

3. Expenditure and investment of school funds by the local board of education.¹¹¹
4. Bond issues.¹¹²
5. Issuance of school warrants.¹¹³
6. Use of local earmarked funds.¹¹⁴
7. Special appropriation for conducting a pilot class.¹¹⁵
8. Legal debt limits on a local unit of government.¹¹⁶
9. Payment by a local board to a group who constructed a high school stadium.¹¹⁷
10. Local tuition fees charged.¹¹⁸
11. Appropriation from Educational Trust Fund to a local board for a specific purpose.¹¹⁹

¹¹¹Act No. 516, H.806, Regular Session, 1963.

¹¹²Act No. 199, S.234, Regular Session, 1955.

¹¹³Act No. 88, H.133, Special Session, 1963.

¹¹⁴Act No. 267, H.63, Special Session, 1961.

¹¹⁵Act No. 144, H.157, Special Session, 1963.

¹¹⁶Act No. 368, H.299, Regular Session, 1957.

¹¹⁷Act No. 61, H.315, Regular Session, 1959.

¹¹⁸Act No. 161, S.25, Regular Session, 1959;
Repealed by Act No. 986, S.450, Regular Session, 1961.

¹¹⁹Act No. 745, H.1052, Regular Session, 1957.

12. Appropriation from funds of Alabama Education Authority to a local board of education for a specific purpose.¹²⁰

Act No. 482, H.436, Regular Session, 1963 (See Appendix Q), which mandates an appropriation be made from the State Treasury to a local board of education, for the purpose of constructing a new high school building in one community; and Act No. 70, H.103, Special Session, 1962 (See Appendix R), providing for the distribution and use of revenue received from a property tax levy in one county, were chosen to represent the category of enactments relating to school finance. These laws certainly cannot be expected to typify all enactments dealing with school finance, for it is more diversified than any other category; but they do include many points not incorporated in other enactments.

Analysis

With the exception of Act No. 18, which abolished the County Board and Superintendent in one county, Act No. 482 was the most severely criticized Act submitted to the

¹²⁰Act No. 95, S.76, Special Session, 1962.

panel. This Law, appropriating monies from the Educational Trust Fund for the purpose of constructing a new high school in a particular county, was opposed by every member of the panel. The following quotations supply evidence of the panel's distaste for such legislation.

I can see no justification whatever for appropriations of this sort. I think it sets an extremely bad precedent.

This Act was a great injustice to all other county and city boards of education.

Unless a tremendous hardship exists, this would be poor legislation as it is taking general educational money and using it in one county.

This is "pork barrel" purely and simply and sets a bad precedent. Such legislation should be opposed at all times.

This Act is distasteful, annoying, and hard to take. I do not understand how a responsible legislature passed this Act. The life-blood of a rural county is the State Minimum School Program and this type of legislation can do nothing but destroy it. This type of legislation forces school systems whose administration does not believe in this type legislation to get into it in order to protect its own interests.

Act No. 70, which was also chosen to represent the broad category of school finance, was unique because of its provisions for distribution and use of revenues received from a property tax levy.

Members of the panel took opposing views regarding

this piece of legislation. One respondent pointed out:

Legislation of this sort is necessary because of oversights in the original Constitutional Amendment Number CCII. Unfortunately, this Amendment provided only that county boards of revenue could call an election and did not provide a formula for distribution of receipts from the new tax. The fact that several city school systems constitute school districts seems to have been overlooked in the original amendment presented and subsequently passed.

The following quotations are demonstrative of the amount of disagreement among other members of the panel with the provisions of Act No. 70.

This Act specifically earmarks for specific educational purposes a tax which was theretofore earmarked for general educational purposes. This further restricts the discretion of the Board of Education and is probably bad legislation.

. . . would seem to be another example of the Legislature usurping the power and duties of the County Board of Education.

These matters should be left in the hands of the professional staff and of boards of education who are much better prepared to determine what use should be made of school funds to secure the best education possible for all children. If carried to the extreme, such actions could destroy the equalization concept.

This Act is a legal manifestation of the perennial problem of lay people trying to administer the schools through harrassing directives. These acts are apparently generated by distrust of professionals. This Act to some degree sets up as many school systems, especially finance wise, as existing school districts in the county systems.

School Textbooks¹²¹

There has been considerable controversy in Alabama concerning the State Textbook Adoption and Distribution Plans. Under the provisions of general law, the State Board of Education, upon the recommendation of the State Textbook Committee, is charged with adopting one or more basic textbooks for use in the tax-supported public elementary and high schools of the state.¹²² Following the adoption, the State Board of Education is then responsible for distribution of the textbooks; and shall enter into contracts for furnishing textbooks upon such terms as it deems to be in the best interest of the patrons of the public schools.¹²³

During the 1955-1963 legislative period, three enactments affecting the present State Textbook Law were passed by the legislature.¹²⁴ Basically, all three

¹²¹These laws, though permissive in nature, mandate exemptions in certain school systems from provisions of general law.

¹²²Public School Laws of Alabama, op. cit., Section 433 (1), p. 215.

¹²³Ibid., Section 433 (7), p. 219.

¹²⁴Act No. 70, H.110, Special Session, 1963; Act No. 928, H.1429, Regular Session, 1961; Act No. 724, H.1183, Regular Session, 1961.

enactments made provision that the local school systems might, upon the recommendation of the superintendent of education, substitute other textbooks for use in the public schools for the State approved or adopted books.

Act No. 928, H.1429, Regular Session, 1961 (See Appendix S), was chosen to represent this category primarily because of its applicability to a system of "medium size" and because it applies only to texts used in junior and senior high school grades.

Analysis

Mixed feelings toward this Act were manifested by three of the panelists. While the Law was perceived as having some very desirable educational effects, if properly administered, there was a great deal of concern expressed at what might happen should vested interests take precedent over educational needs within the local school system. Two panelists pointed out that such legislation could lead to a lack of standardization of the educational program, and possible increased educational expenditures for textbooks, due to purchasing books in smaller quantities.

No member of the panel seemed to be violently opposed to this Law; but neither did they indicate an

overt support of it. This attitude might be best expressed by the following quotation: "The State should either have a text-book law or not have one and it should not vary from county to county."

The most frequent objection to this Law, as well as to many of those laws previously discussed, was the precedent it established. According to the panel, any local law tending to negate the effectiveness of a long-standing, general law needs careful thought and study concerning what might be the ultimate outcome of such legislation.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The purpose of this study was to analyze and appraise the impact of local and special legislation of a mandatory nature upon the public schools of Alabama.

The legislature in every state is legally clothed, under the provisions of the Tenth Amendment to the United States Constitution and the courts' interpretations thereof, with complete and full power in all matters pertaining to education; but, at its own discretion, may choose to use this power directly or delegate the usage of it to another agency. Thus, the decision made by the legislature regarding the usage of its power, will determine whether all decisions for education will be made at the state level by the legislature or whether some educational policy decisions may be left to state and local boards of education, acting upon the advice and recommendations of their professional advisor and his staff.

In order to determine the most appropriate role

for boards of education and state legislatures in constructing the conceptual design for public education, the pertinent professional literature in both the legal and educational fields was surveyed. Chapter II reports the results of this survey as it relates to the role of the state legislature. Chapter III, in a similar fashion, reports the role of the board of education.

The literature is irrefutably clear in its expression to the effect that a state legislature should not attempt to maintain complete control over every phase of the educational program. Such plenary control by the state has two inherent dangers. First, the flexibility and uniqueness of the local school system's program would be jeopardized through such a system of state control. Second, the local school system would be deprived of professional counsel on local educational problems, since all major decisions under this type of organization would be made at the state level by the legislature.

The local board is an American innovation in the control of education. Its past success in policy-making at the local level has kept education in touch with and under the control of the people to be served. Members of the local board are trustees of great public responsibility.

If they fail to function properly, or if they are deprived of their functions in policy-making by a higher level of government, it is tantamount to admitting that democracy cannot or does not work at the lower level of government. Failure to function on the local level is disastrous for democratic government.

In Alabama, as in most states, the local board of education has been given considerable discretionary power and has been instructed by general law to use this power in the formulation of policy to serve the educational needs of each school system.

Title Fifty-two of the Code of Alabama is illustrative of a broad conceptual design for education. While no objective criteria were applied in pitting the Code's provisions against the ideal designs for education, as described by the literature, empirical observation indicated some striking degree of agreement. Even though the Code does compare favorably in many instances with recommendations in the literature, it does not tell the complete story of the State's role in education.

During the nine year period (1955-1963) covered by this study, over two-hundred local or special laws affecting public education in a particular school system

were passed. These laws were collected, categorized, and discussed in Chapter IV of this study. A panel of eight men, who have achieved recognition as being extremely competent in the fields of law, or legislation, or education, were selected to analyze and appraise representative pieces of legislation. They were asked to write their appraisal in terms of the law's impact upon public education in Alabama. It is from their analysis of selected pieces of legislation presented to them and from the professional literature on the subject that the following observations and recommendations are drawn.

Conclusions

1. The State Legislature should not deal in the minutia of an educational program, but should provide only a general framework under which a local program might be built through the efforts of a local board of education acting upon the advice of its professional staff.
2. Special or local legislation which is suggestive of preferential treatment to any individual or school system has debilitating effects upon education as a whole.

3. All local or special legislation is not particularly harmful or detrimental, in fact some may be quite necessary; but careful study should be given to determine why a particular school system can no longer profitably function under the provisions of general law.
4. Great care should be exercised in this State to insure continued control of education through local school boards, duly elected for that expressed purpose; rather than permitting one legislator to substitute his personal judgment for the collective, deliberated judgment of the board of education.

Recommendations

As long as public education continues to exist, legislators and educators will have a moral and legal obligation to society to work together in such a manner as to foster the goals and objectives of our democratic society. In working together toward this end, communication is essential. Each must understand the problems of the other.

There is some evidence to suggest that lines of

communication between the legislator and educator are not completely unobstructed. Misunderstanding and even open hostility has been known to occur. This, of course, is unfortunate especially when both groups should have the same ultimate objective--namely: to create a better society in which to live.

While several proposals could probably be made by legislators to avert some misunderstanding on the part of educators, this study indicates the need for the latter to take the following steps to secure better communication:

1. Work closely with the local legislator and attempt to help him understand both local and State educational needs and problems.
2. Inspire the legislator to put the interests of boys and girls ahead of personal, political, or any pressure group's interests.
3. Encourage the legislator to cultivate a "statesmanlike" view of education, i.e., look and act upon the big important problems in education, rather than upon the trivia.
4. Encourage the legislator to oppose the "courtesy rule" when it means that the educational interest of boys and girls is being relegated to a secondary

position through the provisions of a piece of legislation.

5. Encourage questions and constructive criticism from the legislator.

Need for Further Study

As far as can be ascertained, this is the first study attempting to elucidate the legislative design for education in Alabama. With the limitations imposed upon it, this study portrays a very limited picture of the legal framework for education in this State.

For the legal framework for education in Alabama to be clearly delineated, additional studies are needed of special and local legislation, prior to 1955, in order to have some historical perspective as well as to establish possible trends in such legislation.

Special and local legislation represent only a small part of the legal picture for education in Alabama. In order to complete the entire picture, studies, of a similar nature to this one, are needed of the Alabama Code and other general legislative enactments, Constitutional provisions, judicial decisions, State Board policies, State Department of Education requirements, and local board

decisions. Since no one study could possibly include all these areas, it is suggested that a group of studies might be undertaken and coordinated in such manner as to enable the complete legal, conceptual picture for education in Alabama to be drawn.

APPENDICES

APPENDIX A

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in this office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1955)

Act No. 184

H. 580—Holliman, Kirkham

AN ACT

To amend an Act entitled "An Act to further provide for and regulate the selection, qualification and election of the members of the Board of Education of Marengo County," approved July 8, 1935 (Act No. 183, S. 234, Local Acts of Alabama, 1935, p. 106).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 3, and 4 of An Act entitled "An Act to further provide for and regulate the selection, qualification and election of the members of the Board of Education of Marengo County," approved July 8, 1935, (Act No. 183, S. 234, Local Acts of Alabama, 1935, p. 106), are amended to read as follows:

"Section 2. The president of the board of education of Marengo County shall be elected by the qualified electors of the county-at-large, shall be a qualified elector of, and reside in the county. A member of the board shall be elected for each of the four school districts herein provided for, and he shall have been a resident and qualified elector of such district for at least two years next preceding his election. The four school districts shall be composed of the election precincts of the county as now constituted or as they may hereafter be changed by law. The school districts shall be called respectively the Northeastern School District, the Southeastern School District, the Southwestern School District, and the Northwestern School District. The Northeastern School District shall be composed of the following election precincts: Faunsdale, Macon, Dayton, Thomaston, and Mckinley; the Southeastern School District shall be composed of the following election precincts: Magnolia, Pineville, Dixon's Mill and Shiloh; the Southwestern School District shall be composed of the following election precincts: Myrtlewood, Hills, Nanafalia, Horse Creek, Hoboken, and Sweet Water; the Northwestern School District shall be composed of the following election precincts: Demopolis, Jefferson, Spring Hill, Jackson's Store and Liden.

"Section 3. A president of the board of education of Marengo County shall be elected by the qualified electors of Marengo

APPENDIX A--Continued

2

County at the general election to be held in November 1960, and every four years thereafter, for a term to begin on the first Monday after the second Tuesday in January next following his election and continue for four years, and until his successor is elected and qualified. The president shall be a member and the presiding officer of the board, and he shall have the same rights, privileges, powers and authority and shall perform the same duties, take the same oath, and receive the same compensation as the other members thereof, and in addition, he shall have all the power and authority and perform all of the duties now or hereafter required of the president of county boards of education under the general laws of Alabama.

"Section 4. All members of the board of education of Marengo County, except the president, shall be elected at large by the qualified voters of Marengo County at the general election to be held in November 1956, and every four years thereafter, for a term to begin on the first Monday after the second Tuesday in January next following their election and continue for four years and until their successors are elected and qualified."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming a law.

Approved July 29, 1955.

Time: 10:28 A.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 1 day of August 1955.

R. T. GOODWYN, JR.,
Clerk of the House

APPENDIX B

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Special Session, 1955)

Act No. 18

H. 6—Davis

AN ACT

Relating to Cullman County: Creating the Cullman County Commission on Education to administer the public school laws, supervise the public school system, and promote the educational interests of the county, limiting the jurisdiction of the Commission to schools not subject to the jurisdiction of the City of Cullman or any of its instrumentalities; abolishing the board of education of Cullman County and the office of county superintendent of education; providing for the election of members of the Commission and for the election of a superintendent of county schools, fixing their terms, qualifications, and compensation, and prescribing their powers and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education and the office of superintendent of education of Cullman County are hereby abolished, and there is created in lieu of the board of education the Cullman County Commission on Education. The Commission on Education shall administer the school laws of the State and County, supervise the public schools and public school system of the county, and shall have and exercise all the rights, powers, duties and privileges vested in and required of county boards of education, except that the Commission shall have no jurisdiction over schools which are subject to and come under the jurisdiction of the City of Cullman or any of its instrumentalities.

Section 2. Immediately upon the effective date of this Act, the Governor shall appoint five qualified persons as members of the Cullman County Commission on Education, who shall hold office until their successors are elected or appointed as herein provided. Three members of the Commission shall be elected by the qualified electors of Cullman County at the general election in November, 1956, and every four years thereafter. Two members of the Commission shall be elected at the general election in 1958, and every four years thereafter. Members of the Commission shall take office on the first Monday after the second Tuesday in January next succeeding their election. They shall qualify and be removed in the same manner as members of county boards of education. No person shall be eligible for appointment or election as a member of the Cullman

APPENDIX B--Continued

2

County Commission on Education, however, who is a resident of the City of Cullman. All members of the Commission shall be, at the time of their election or appointment and during their continuance in office, qualified electors of Cullman County. The members of the Commission shall elect a chairman from among their number. Three members shall constitute a quorum.

Section 3. Immediately after the effective date of this Act, the Governor shall appoint some qualified person as superintendent of county schools in Cullman County, and such appointee shall hold office until July 1, 1957. A superintendent of county schools shall be elected by the qualified electors of Cullman County at the general election in November, 1956, and every four years thereafter. The superintendent of county schools shall take office on the first day of July next succeeding his election. No person shall be eligible for appointment, for political party nomination, or for election to the office of superintendent of county schools who does not hold a masters degree, and who does not hold an Alabama certificate in administration and supervision based upon requirements established by the State Board of Education for such certificates, and who does not submit proof to the State Superintendent of Education of at least three years of successful education experience as teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration during the five years next preceding his appointment or election. The superintendent of county schools must be, at the time of his election or appointment and during his continuance in office, a qualified elector of Cullman County. His term of office shall be for four years, and he shall be removed only by impeachment in the manner prescribed by law. He shall receive an annual salary and the necessary expenses of traveling in the performance of his official duties. His salary shall be fixed by the Cullman County Commission on Education at a sum not in excess of *Six Thousand & no/100 dollars*.

Section 4. The members of the Cullman County Commission on Education shall receive from the public school funds of the county seven dollars and fifty cents a day for attending commission meetings, and actual traveling and hotel expenses incurred. They shall not be allowed pay or expenses for more than twenty-four days in any one year.

Section 5. The general administration and supervision of the public schools of Cullman County, with the exception of the schools of the City of Cullman, shall be vested in the Cullman County Commission on Education. The Commission shall determine the educational policy of the county, and shall prescribe rules and regulations for the conduct and management of the

APPENDIX B--Continued

3

county schools. All the powers, rights, privileges, prerogatives, jurisdiction, and duties vested in or imposed on county boards of education are hereby vested in or imposed on the Cullman County Commission on Education.

Section 6. The superintendent of county schools of Cullman County shall be the chief executive officer of the Cullman County Commission on Education. All the powers, rights, privileges, prerogatives, and duties heretofore vested in or imposed on the county superintendent of education are hereby transferred to the superintendent of county schools. The superintendent shall give bond in such penal sum as may be prescribed by the Cullman County Commission on Education, in the manner and with the conditions provided for custodians of county school funds. Any vacancy occurring in his office shall be filled by appointment by the Governor for the unexpired term.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 17, 1955
Time: 3:10 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 18 day of February, 1955.

R. T. GOODWYN, JR.,
Clerk of the House

APPENDIX C

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1963)

Act No. 154

S. 89—Carter

AN ACT

To regulate the compensation and allowances of members of the board of education of Marshall County and provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county board of education of Marshall County shall receive a salary payable out of the public school funds of the county in the amount of \$100 a month. Such salary shall be his entire compensation for the performance of his official duties and he shall not receive any allowance for traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1963.

Time: 10:00 A. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 22 day of July, 1963.

McDOWELL LEE,
Secretary of Senate.

APPENDIX D

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1959)

Act No. 62

H. 325—Dodd

AN ACT

To regulate the meetings of the county board of education of Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Lawrence County shall hold forty-eight (48) regular weekly meetings during each year, at such times and places as the board may prescribe. The board may also hold special meetings on the call of the chairman or any two members of the board. The members of the county board of education of Lawrence County shall receive from the public school funds of the county ten dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the board shall not be allowed pay for more than 48 days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:13 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 22 day of June, 1959.

OAKLEY MELTON, JR.,
Clerk of the House.

APPENDIX E

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1963)

Act No. 286

S. 286—Hawkins

AN ACT

Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, a teacher employed in the public schools who is over the age of seventy may be retained in service whenever in the opinion of the employing board of education his retention in service will be for the best interest of the school system. However, any teacher continued in service after having attained age seventy shall be retired forthwith upon attaining age seventy-three, or prior thereto if the employing board of education requests it.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1963.
Time: 3:45 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 29 day of August, 1963.

McDOWELL LEE,
Secretary of Senate.

APPENDIX F

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1957)

Act No. 79

H. 405—Dement

AN ACT

To provide for the holding of workshops for the science teachers in the public schools within Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. As a means of stimulating the improvement of science teachers in the public schools within Limestone County, science workshops shall be held annually at such times and at such places as the county board of education of Limestone County shall direct. The workshops shall be conducted in such manner, and under such reasonable rules and regulations not inconsistent with the provisions of this Act, as the county board of education shall prescribe; provided that the character of the instruction therein shall be such as to promote the professional development of the science teachers in the public schools within the county, and that an effort be made by the board to secure at least a portion of the instructors or lecturers for such workshops from among the scientists employed at Redstone Arsenal in Madison County.

Section 2. Every person employed as a science teacher by the county board of education of Limestone County, or by any independent city board of education located within the county, shall attend the workshops provided for by this Act, provided that the workshop is held during term-time or during the week immediately preceding the date of opening of the schools in the county or city. All science teachers who attend such workshops shall be paid as for time taught. Any person subject to attendance at any such workshop, who fails to attend a workshop called and held in accordance with the provisions of this Act, shall forfeit his contract of employment with the board of education by which he is employed, and shall be ineligible to employment in the public schools of the State for a period of six months from the date of such delinquency, unless excused as provided in Section 3.

Section 3. The county board of education of Limestone County, or any independent city board of education within the county, may excuse and accept excuses for failure to attend workshops

APPENDIX F--Continued

2

held under the provisions of this Act for extraordinary reasons, and persons so excused shall be deemed to have met all requirements of workshop attendance, but shall not be entitled to pay as for time taught.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1957.

Time: 11:48 A. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 24 day of June, 1957.

OAKLEY MELTON, JR.,
Clerk of the House.

APPENDIX G

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1963)

Act No. 107

H. 381—Branyon

AN ACT

Relating to counties having populations of not less than 15,500 nor more than 16,300; providing increases in pay for all employees of the county board of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,500 nor more than 16,300, according to the most recent federal decennial census, the county board of education shall provide every person regularly employed by it, except school bus drivers, an increase in pay in an amount equal to 17.6 percent of his or her base pay as now fixed or provided; and every school bus driver's pay shall be increased to a minimum amount of not less than \$100 a month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 27, 1963.

Time: 5:05 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 28 day of June, 1963.

JOHN W. PEMBERTON,
Clerk of the House.

APPENDIX H

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1961)

Act No. 909

H. 1523—Smith (St. Clair).

AN ACT

To regulate further the construction, operation and maintenance of public high schools in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. A referendum election shall be held in St. Clair County on the first Tuesday following the expiration of three months from final adjournment of the 1961 regular session of the Legislature, for the purpose of determining the sentiment of the qualified electors of the county on the question of consolidation of certain public high schools within the county. The court of county commissioners, board of revenue or other like governing body of the county shall provide for holding the election on said day and date, and the expenses incident to the election shall be paid by the county: The election shall be held and conducted as nearly as may be according to general laws governing county bond elections. Notice of the election shall be given by publication in a newspaper of general circulation in the county at least one time not less than 15 nor more than 30 days before the election. The question to be printed on the ballots shall be substantially stated as follows: "Shall the County Board of Education construct a consolidated high school, at a central location in north St. Clair County, for white students in grades 10, 11 and 12, to educate white students in such grades now being housed at Ragland, Springville, Ashville and Odenville?"

Section 2. If a majority of the electors voting at the election provided for in Section 1 vote against the proposition as stated on the ballots, the board of education of St. Clair County shall be bound by the results of the election and shall not have authority to construct a new consolidated high school in accordance with any plans or resolution previously adopted.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

APPENDIX H--Continued

2

Approved September 8, 1961
Time: 3:34 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 13 day of September, 1961.

OAKLEY MELTON, JR.,
Clerk of the House

APPENDIX I

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1957)

Act No. 281

H. 792—Dement

AN ACT

To require the county board of education of Limestone County to donate to the members of the community in which the school is located the buildings and sites associated with any school discontinued by such board, or to donate the building materials contained in any dismantled school building if the county board of education desires to retain possession of the site thereof; and to authorize the use of such buildings as community centers, or the use of such materials for the construction of community centers.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the county board of education of Limestone County discontinues any school within its jurisdiction all buildings, and the sites thereof, associated with the school being discontinued shall be donated by such board to the community in which such school is located, for use as a community center by the members of such community. In the event that any school building is dismantled, and the county board of education of Limestone County desires to retain possession of the site on which such building was erected, such board shall donate to the members of the community in which such building was located all the building materials contained in such dismantled building, and the members of such community may move such materials to such other site as they may obtain, for the construction of a building to be used as a community center. After one year if any building or site is refused by the community the County Board of Education may dispose of it as they may see fit.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 16, 1957.

Time: 11:15 A. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 19 day of August, 1957.

OAKLEY MELTON, JR.,
Clerk of the House.

APPENDIX J

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Special Session, 1962)

Act No. 76

H. 128—Self.

AN ACT

To apply only in counties having populations of not less than 21,800 nor more than 21,850 according to the last or any subsequent federal decennial census; to provide for the uniform operation of school terms for all public schools within such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the board of education of all counties of this state having populations of not less than 21,800 nor more than 21,850 according to the last or any subsequent federal decennial census to fix a date for the beginning of each school term from year to year and to require without exception that all public schools within the county open on that date. The duration of the school term as fixed by the boards of education shall be applicable uniformly to all the public schools within the county and no school under the jurisdiction of such boards shall be permitted to operate split terms.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall be effective after the general election of 1962.

This Act became a law July 9, 1962 without approval by the Governor.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 9 day of July, 1962.

OAKLEY MELTON, JR.,
Clerk of the House

APPENDIX K

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Special Session, 1956)

Act No. 89

H. 156—Brewer, Gilchrist

AN ACT

Relating to Morgan County: To regulate further the insuring of school buildings and other school property.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Morgan County, and any city board of education in said county, may, in its discretion, insure public school buildings owned by the State, county, or city, within its jurisdiction or under its control, together with the equipment, furniture, fixtures, and other property in any such building, for the insurable value thereof, with insurance companies of its own choosing, and shall not be required to insure such property by or through the State Insurance Fund or the State Department of Finance, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 9, 1956.

Time: 11:10 A. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 10 day of February, 1956.

R. T. GOODWYN, JR.,
Clerk of the House.

APPENDIX L

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1961)

Act No. 795

H. 1387—Johnston (Leonard), Johnson,
(Hardaway).

AN ACT

To amend Act No. 7, H. 62, Regular Session 1911, an act requiring the board of education of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 8).

Be It Enacted by the Legislature of Alabama:

Section 4 of Act No. 7, H. 62, Regular Session 1911, an act requiring the board of education of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 8) is amended to read as follows:

"Sec. 4. The publisher of such newspaper shall furnish to the treasurer of said county a copy of the newspaper in which such publication is made and it shall be the duty of the treasurer to count the number of words in such minutes and to pay said publisher, on demand, for such publication at the rate of one dollar per hundred words out of any funds in the county treasury; said treasurer shall also pay to the secretary of said board for furnishing said copy at the rate of fifteen cents per hundred words out of any funds in the county treasury."

Approved September 8, 1961

Time: 12:37 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 13 day of September, 1961.

OAKLEY MELTON, JR.,
Clerk of the House

APPENDIX M

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1963)

Act No. 144

H. 450—Jones (Monroe)

AN ACT

Relating to counties having populations of not less than 22,350 nor more than 24,500; authorizing county boards of education to furnish certain supplies and services heretofore furnished by the county governing bodies and relieving county governing bodies of the responsibility of furnishing such supplies and services.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of any county having a population of not less than 22,350 nor more than 24,500, according to the last or any subsequent federal decennial census, is hereby authorized to expend public school funds for office space, furniture, office equipment, supplies, stationery, postage, forms, telephone bills, janitor service, fuel, lights and water required by the office of the county superintendent of education, and for the compensation of school census enumerators appointed by the county board of education to take the county school census, as provided by law.

Section 2. The county governing body is hereby relieved from furnishing any of the supplies or services enumerated in Section 1 of this Act to the county board of education or to the county superintendent of education, provided, however, that the county governing body may furnish office space for the county superintendent of education, his assistants, and clerical staff.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

APPENDIX M--Continued

2

Approved July 10, 1963.
Time: 11:15 A. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 15 day of July, 1963.

JOHN W. PEMBERTON,
Clerk of the House.

APPENDIX N

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1963)

Act No. 441

S. 363—Robison. (Pickens)

AN ACT

Relating to Pickens County; providing for appointment of the county superintendent of education, and for his tenure, qualifications, and compensation; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the term of the incumbent county superintendent of education of Pickens County, the superintendent shall be appointed by the county board of education for a term of from two to four years, from the first day of July next succeeding his appointment. He shall possess such qualifications, perform such duties, and exercise such authority as may be prescribed by law.

Section 2. The compensation and allowances of the county superintendent of education (including the incumbent) shall be fixed by the county board of education before he enters upon the term for which he is elected or appointed. The compensation and allowances of the incumbent shall not be less in amount than that fixed at the time of his election.

Section 3. The provisions of any local, special, or general laws in conflict with this Act are repealed to the extent of such conflict.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 4, 1963.

Time: 8:15 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 9 day of September, 1963.

McDOWELL LEE,
Secretary of Senate.

APPENDIX O

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1959)

Act No. 515

H. 1028—Turner

AN ACT

To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County, is hereby amended to read as follows:

"Section 1. The incumbent Superintendent of Education of Limestone County, Alabama, in addition to the duties imposed under the general laws of Alabama shall begin immediately to administer the Veterans Training Program of Limestone County, begin immediately to administer and direct the School Lunch Program of such County, and also begin immediately to act as Secretary and Adviser to the Limestone County Board of Education during all its regular and special meetings. For the performance of the extra, new and additional duties imposed on him, and for his regular duties, the annual salary of the incumbent Superintendent of Education of Limestone County, to be paid in equal monthly installments, shall be as follows: When the tax assessor's records show that the gross assessed valuation of such property for the tax year ending on the thirtieth day of September of any year was less than eleven million dollars (\$11,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand six hundred dollars (\$3,600); when these records show the gross assessed valuation is eleven million dollars (\$11,000,000) or more but less than eleven million two hundred and fifty thousand dollars (\$11,250,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand eight hundred dollars (\$3,800); when these records show the gross assessed valuation is eleven million two hundred fifty thousand dollars (\$11,250,000) or more but less than eleven million five hundred thousand dollars (\$11,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand dollars (\$4,000); when these records show the gross assessed valuation is eleven million five hundred thousand dollars (\$11,500,000) or more but less than twelve million dollars (\$12,000,000) the salary of the superin-

APPENDIX O--Continued

2

tendent for the year beginning on the first day of the next January shall be four thousand two hundred dollars (\$4,200); when these records show the gross assessed valuation is twelve million dollars (\$12,000,000) or more but less than twelve million five hundred thousand dollars (\$12,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand eight hundred dollars (\$4,800); when these records show the gross assessed valuation is twelve million five hundred thousand dollars (\$12,500,000) or more but less than thirteen million dollars (\$13,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be five thousand four hundred dollars (\$5,400); when these records show the gross assessed valuation is thirteen million dollars (\$13,000,000) or more but less than thirteen million five hundred thousand dollars (\$13,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be six thousand dollars (\$6,000); when these records show the gross assessed valuation is thirteen million five hundred thousand dollars (\$13,500,000) or more but less than fourteen million dollars (\$14,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be six thousand five hundred dollars (\$6,500); and when these records show the gross assessed valuation is fourteen million dollars (\$14,000,000) or more the annual salary of the superintendent for the succeeding calendar years shall be seven thousand dollars (\$7,000). In the event any principal of a school under the supervision and control of said superintendent of education receives a sum equal to or greater than the salary hereinabove provided, then and in that event, the Board of Education of Limestone County may immediately increase the salary of said superintendent of education to a sum greater than said principal's salary. In addition to his salary, the superintendent shall receive an allowance for expenses of one thousand two hundred dollars (\$1,200) per annum."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 18, 1959.

Time: 3:02 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 23 day of November, 1959.

OAKLEY MELTON, JR.,
Clerk of the House.

APPENDIX P

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Second Special Session, 1963)

Act No. 146

H. 164—Steagall

AN ACT

To validate certain elections held since September 15, 1961, under any constitutional amendment or the provisions of Article 6 or 7 of Chapter 10, Title 52, Code of Alabama, 1940, or under any other law, for the purpose of authorizing a special tax for school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. All elections whether in county or city school districts or in counties at large, which have been held since September 15, 1961, under any amendment to the Constitution or the provisions of Article 6 or 7 of Chapter 10, Title 52, Code of Alabama, 1940, or any other law, for the purpose of authorizing a special tax for any school purpose or for school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of the said tax and which said elections were irregular by reason of failure prior to actual holdings of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same are hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such elections had been duly and legally complied with at or prior to the time the elections were held; and the said tax shall be levied and collected accordingly.

For the purpose of validating all such elections in county or city school districts, all elections held in counties at large since September 15, 1961, and prior to the date of any such district tax election, under the provisions of any amendment to the Constitution or Article 6 or 7, Chapter 10, Title 52, Code of Alabama, 1940, or any other law, for the purpose of authorizing a special tax for any school purpose or school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of said tax and which said elections were irregular by reason of failure prior to the actual holdings of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same hereby are ratified and confirmed as of the date such county-wide elections were so held and given effect in all respects as if all provisions of law relating to such county-wide elections had been duly and

APPENDIX P--Continued

2

legally complied with and said tax shall be levied and collected accordingly. Each such county-wide school tax, the election thereon and the levy and collection thereof are hereby ratified, confirmed and validated retroactively to the date of such elections thereon; and each such tax for each county and city school district in such county which was voted at an election held subsequent to such county-wide school tax elections is accordingly ratified, confirmed and validated retroactively to the date of the election thereon and given effect in all respects as if all provisions of law relating thereto, including a valid county-wide tax election, levy and collection, had been duly and legally complied with; and each such county and city school district tax shall be levied and collected accordingly.

Section 2. The provisions of this act shall not apply to elections which have been in express terms held and declared illegal by any board of revenue or court of county commissioners or by the Supreme Court of Alabama prior to the effective date of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 9, 1963.
Time: 2:13 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 14 day of May, 1963.

JOHN W. PEMBERTON,
Clerk of the House.

APPENDIX Q

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1963)

Act No. 482

H. 436—Davis

AN ACT

To make an appropriation from the state treasury to the use of the board of education of Bibb County for construction and equipment of a new high school at West Blocton.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$298,000.00, or so much thereof as may be necessary, is hereby appropriated from the Alabama special educational trust fund in the state treasury, to the use of the board of education of Bibb County for the sole purpose of constructing, furnishing, and equipping a new high school at West Blocton in said county. The appropriation herein made shall be released and paid out upon requisitions approved by the governor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1963.
Time: 12:05 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 12 day of September, 1963.

JOHN W. PEMBERTON,
Clerk of the House.

APPENDIX R

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Special Session, 1962)

Act No. 70

H. 103—Hanby, Copeland.

AN ACT

To provide for the distribution and use of revenue received from the property tax levied as authorized by Amendment CCII of the Constitution of Alabama 1901 in any county having a population of not less than 96,000 nor more than 106,000.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to any county having a population of not less than 96,000 nor more than 106,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Section 2. All revenue derived from the property tax levied and collected in any such county under authority of Amendment No. CCII to the Constitution of Alabama 1901, less the commissions and allowances of the tax assessor and tax collector, shall be distributed and used as follows: One-half of the revenue collected in each school district shall be transmitted by the tax collector to the custodian of school funds of the school district from which it was collected and shall be used for general school purposes and shall not be directly or indirectly apportioned; the other one-half of the revenue shall be transmitted to the custodian of the county school funds to be by him allocated to the several school districts within the county on a teacher unit basis, using the formula provided by the state department of education for the distribution of minimum program funds, and shall be used for payment of teachers' salaries only.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 6, 1962
Time: 3:32 P.M.

APPENDIX R--Continued

2

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 9 day of July, 1962.

OAKLEY MELTON, JR.,
Clerk of the House

APPENDIX S

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1961)

Act No. 928

H. 1429—Camp.

AN ACT

To provide further for selection of textbooks for use in certain schools in all counties having populations of not less than 65,000 nor more than 95,000, repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 65,000 nor more than 95,000, according to the 1960 or any subsequent federal decennial census, the county board of education, upon recommendation of the county superintendent of education, may substitute other textbooks for use in junior and senior high schools in the county school system for the state-approved or state-adopted textbooks.

Section 2. The provisions of Act No. 412, Regular Session 1945, Section 12, in conflict with this Act are repealed to the extent of the conflict.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1961

Time: 11:32 A.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 13 day of September, 1961.

OAKLEY MELTON, JR.,
Clerk of the House

APPENDIX T

CATEGORY I: SELECTION, QUALIFICATIONS,
AND TENURE OF BOARDS OF EDUCATIONRegular Session, 1955

Act No. 179, H.547
Act No. 138, H.463
Act No. 184, H.580

Act No. 426, H.932
Act No. 227, H.657

Special Session, 1955

Act No. 18, H.6

Special Session, 1956

Act No. 44, S.33
Act No. 115, S.87

Act No. 93, H.95

Regular Session, 1957

Act No. 160, S.42

Regular Session, 1959

Act No. 192, H.480
Act No. 616, H.1089

Act No. 194, H.519

Regular Session, 1961

Act No. 1022, S.610
Act No. 177, H.339

Act No. 170, H.225
Act No. 174, H.153

Special Session, 1961

Act No. 121, S.18

Act No. 149, S.141

Special Session, 1962

Act No. 20, H.4
Act No. 109, H.167

Act No. 77, H.129

CATEGORY II: COMPENSATION FOR LOCAL
BOARD MEMBERS

Regular Session, 1955

Act No. 71, H.233
Act No. 227, H.657

Act No. 401, H.976

Special Session, 1955

Act No. 18, H.6

Regular Session, 1957

Act No. 667, H.1134
Act No. 160, S.42

Act No. 212, H.591
Act No. 436, H.997

Regular Session, 1959

Act No. 139, H.435
Act No. 218, H.650
Act No. 192, H.480
Act No. 453, H.964
Act No. 62, H.325

Act No. 58, H.276
Act No. 197, H.525
Act No. 178, S.278
Act No. 616, H.1089

Regular Session, 1961

Act No. 1022, S.610
Act No. 371, H.780
Act No. 959, S.317
Act No. 144, H.442
Act No. 373, H.785

Act No. 937, S.16
Act No. 116, H.89
Act No. 176, H.338
Act No. 500, H.739
Act No. 964, S.322

Special Session, 1961

Act No. 181, H.77

Special Session, 1962

Act No. 114, H.159
Act No. 77, H.129

Act No. 31, S.16

Regular Session, 1963

Act No. 361, H.714
Act No. 96, H.277
Act No. 110, H.426
Act No. 249, H.617
Act No. 430, H.696

Act. No. 108, H.382
Act No. 288, H.935
Act No. 212, S.255
Act No. 155, S.119
Act No. 154, S.89

CATEGORY III: REGULATIONS GOVERNING
LOCAL BOARD MEETINGS

Regular Session, 1955

Act No. 401, H.976
Act No. 427, H.934

Act No. 227, H.657

Special Session, 1956

Act No. 33, S.35

Regular Session, 1957

Act No. 251, H.723

Regular Session, 1959

Act No. 536, H.1080

Act No. 62, H.325

CATEGORY IV: POWERS OF THE LOCAL BOARD
OF EDUCATION IN REGARD TO:

A. CERTIFICATED PERSONNEL

Special Session, 1956

Act No. 41, H.31

Act No. 40, S.12

Regular Session, 1957

Act No. 79, H.405
Act No. 361, S.379

Act No. 239, H.560

Regular Session, 1959

Act No. 186, S.281

Regular Session, 1961

Act No. 383, H.799

Act No. 443, H.985

Special Session, 1961

Act No. 249, S.184

Regular Session, 1963

Act No. 385, H.884
Act No. 234, H.228

Act No. 107, H.381
Act No. 286, S.286

Special Session, 1963

Act No. 89, H.34

Act No. 90, H.35

B. NON-CERTIFICATED PERSONNEL

Regular Session, 1955

Act No. 465, H.743

Special Session, 1956

Act No. 50, H.91

Regular Session, 1957

Act No. 77, H.403
Act No. 51, H.251

Act No. 465, H.743

Regular Session, 1959

Act No. 186, S.281

Special Session, 1959

Act No. 52, H.83

Regular Session, 1963

Act No. 453, S.443

Act No. 443, S.379

Act No. 107, H.381

Act No. 100, H.303

Act No. 389, H.889

Special Session, 1963

Act No. 41, H.23

C. CONSOLIDATION OF SCHOOLS

Regular Session, 1957

Act No. 281, H.792

Special Session, 1959

Act No. 59, H.46

Regular Session, 1961

Act No. 909, H.1523

Act No. 526, S.553

Act No. 544, H.989

Regular Session, 1963

Act No. 439, S.337

D. PUPIL ATTENDANCE

Regular Session, 1955

Act No. 227, H.657

Special Session, 1955

Act No. 51, H.37

Regular Session, 1957

Act No. 187, H.609

Regular Session, 1961

Act No. 320, H.554

Special Session, 1962

Act No. 76, H.128

E. INSURANCE OF PLANT, FURNITURE,
AND EQUIPMENTSpecial Session, 1956

Act No. 89, H.156

Special Session, 1961

Act No. 222, S.87

Act No. 223, S.88

Regular Session, 1963

Act No. 145, H.376

Special Session, 1963

Act No. 29, S.23

E. MISCELLANEOUS ITEMS

Regular Session, 1955

Act No. 227, H.657

Special Session, 1956

Act No. 69, H.108

Regular Session, 1959

Act No. 533, H.1086

Regular Session, 1961

Act No. 950, S.198

Act No. 795, H.1387

Regular Session, 1963

Act No. 437, H.970

CATEGORY V: OFFICE SUPPLIES FOR COUNTY
SUPERINTENDENTS OF EDUCATION

Special Session, 1956

Act No. 87, H.154

Regular Session, 1959

Act No. 444, H.924

Special Session, 1959

Act No. 25, H.55

Regular Session, 1961

Act No. 201, H.424

Regular Session, 1963

Act No. 144, H.450

CATEGORY VI: THE SUPERINTENDENCY: SELECTION,
QUALIFICATIONS, AND TENURE

Regular Session, 1955

Act No. 174, H.511

Act No. 291, H.781

Act No. 206, H.658

Special Session, 1955

Act No. 18, H.6

Act No. 6, H.1

Act No. 72, H.2

Act No. 19, H.7

Special Session, 1956

Act No. 88, H.155

Regular Session, 1957

Act No. 628, S.504

Regular Session, 1959

Act No. 119, H.393

Special Session, 1959

Act No. 27, H.39

Regular Session, 1961

Act No. 447, H.993

Act No. 538, H.975

Special Session, 1961

Act No. 142, S.115

Act No. 298, S.131

Special Session, 1962

Act No. 110, H.168

Regular Session, 1963

Act No. 378, H.865

Act No. 109, H.354

Act No. 441, S.363

CATEGORY VII: COMPENSATION OF THE
SUPERINTENDENT OF EDUCATION

Regular Session, 1955

Act No. 18, H.114

Act No. 98, S.148

Act No. 415, H.896

Act No. 422, H.908

Act No. 173, H.510

Act No. 206, H.658

Act No. 291, H.781

Act No. 51, H.132

Special Session, 1955

Act No. 18, H.6

Act No. 19, H.7

Special Session, 1956

Act No. 88, H.155

Act No. 56, H.53

Act No. 14, H.43

Regular Session, 1957

Act No. 319, H.843

Act No. 32, H.293

Act No. 684, H.1090

Act No. 95, H.434

Act No. 100, H.442

Act No. 638, S.536

Act No. 80, H.407

Act No. 67, H.391

Act No. 101, H.521

Act No. 87, H.52

Act No. 67, H.391

Act No. 94, H.250

Act No. 99, S.150

Act No. 51, H.132

Act No. 99, H.437

Act No. 628, S.504

Regular Session, 1959

Act No. 119, H.393

Act No. 93, H.411

Act No. 90, H.303

Act No. 220, H.670

Act No. 524, H.1111

Act No. 84, H.387

Act No. 515, H.1028

Special Session, 1959

Act No. 27, H.39

Regular Session, 1961

Act No. 773, H.1479

Act No. 255, H.752

Act No. 771, H.1476

Act No. 233, H.515

Act No. 367, H.768

Act No. 42, S.124

Act No. 456, H.102

Act No. 459, H.107

Act No. 458, H.106

Act No. 458, H.103

Act No. 36, S.110

Act No. 44, S.126

Act No. 63, H.434

Act No. 369, H.774

Act No. 66, S.114

Act No. 333, H.625

Act No. 469, H.144

Act No. 401, H.839

Act No. 922, S.12

Act No. 225, H.330

Act No. 171, H.226

Act No. 361, H.738

Act No. 372, H.784
 Act No. 416, H.898
 Act No. 822, H.742
 Act No. 213, H.167

Act No. 781, H.1352
 Act No. 507, H.931
 Act No. 365, H.766

Special Session, 1961

Act No. 142, S.115

Special Session, 1962

Act No. 110, H.168

Regular Session, 1963

Act No. 441, S.363
 Act No. 506, S.454
 Act No. 362, H.721
 Act No. 83, H.114
 Act No. 101, H.296
 Act No. 185, H.566
 Act No. 188, H.596

Act No. 109, H.354
 Act No. 386, H.886
 Act No. 64, H.138
 Act No. 95, H.276
 Act No. 383, H.882
 Act No. 55, S.51
 Act No. 103, H.372

Special Session, 1963

Act No. 54, H.73

CATEGORY VIII: VALIDATION OF SCHOOL
 TAX ELECTIONS

Special Session, 1955

Act No. 24, S.3

Special Session, 1956

Act No. 102, S.10

Regular Session, 1957

Act No. 16, S.51

Special Session, 1959

Act No. 72, H.42

Special Session, 1961

Act No. 46, H.62

Special Session, 1963

Act No. 146, H.164

CATEGORY IX: SCHOOL FINANCE

Regular Session, 1955

Act No. 199, S.234

Act No. 329, S.228

Regular Session, 1957

Act No. 368, H.299

Act No. 527, S.525

Act No. 745, H.1052

Regular Session, 1959

Act No. 161, S.25

Act No. 61, H.315

Act No. 188, H.214

Regular Session, 1961

Act No. 913, H.1319

Act No. 1045, S.529

Act No. 986, S.450

Special Session, 1961

Act No. 25, H.177

Act No. 172, H.246

Act No. 69, S.14

Act No. 267, H.63

Act No. 166, H.137

Act No. 24, H.151

Act No. 22, H.244

Act No. 124, S.28

Act No. 16, H.67

Special Session, 1962

Act No. 95, S.76
Act No. 92, S.72
Act No. 27, H.49
Act No. 70, H.103

Act No. 158, H.125
Act No. 94, S.90
Act No. 88, H.146

Regular Session, 1963

Act No. 418, S.371
Act No. 482, H.436

Act No. 516, H.806
Act No. 513, H.709

Special Session, 1963

Act No. 88, H.133

Act No. 144, H.157

CATEGORY X: SCHOOL TEXTBOOKS

Regular Session, 1961

Act No. 724, H.1183

Act No. 928, H.1429

Special Session, 1963

Act No. 70, H.110

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240 (1890) Case No. 1.

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460, 57.