

# EDUCATION REFORMS FROM GILMER-AIKIN TO TODAY

BY MARILYN KUEHLEM

There has been a sea change in Texas education in the past 50 years. Wave after wave of education reform occurred as Texas pressed for more accountability in student achievement and school efficiency. One of the primary education reform efforts in Texas can be traced back to 1949, when Texans became serious about accountability with the passage of the Gilmer-Aikin legislation.

## The 1949 Gilmer-Aikin Law

The Great Depression and world wars had devastating consequences on Texas public education. Numerous schools were in bad physical condition due to a shortage of money in the depression era. During the war period, there was a shortage of materials and teachers, many of whom had entered military service or left for jobs in government or industry. In the post-war world, it was acutely realized that a new and crucial change had begun in civilization and perhaps because of the grave international situation, the time was ripe for public education in Texas to be modernized. Those who survived the wars realized the demands for a sophisticated and technological literate populace to meet the demands of the future. The mounting costs of the system and the inequalities in the costs of educating children called for a re-evaluation of school support.



*A.M. Aikin, Jr., sponsored the Gilmer-Aikin Law in 1949*

In a spirit of progress, Texas and the nation turned their efforts to rebuilding their communities and their schools during a post-war economic boon. A major demographic shift emerged in an unprecedented rise in the U.S. birth rate. The Baby Boom Generation began as birth rates soared, making it the single largest demographic group, with some 76 million individuals nationwide. The need and demand for first-rate schools was obvious with more and more children to be served. In 1947, the Gilmer-Aikin Committee was formed by the Texas Legislature to scrutinize public schools and recommend major education reforms, particularly in the areas of public school finance and efficiency of school districts. In 1948, the Gilmer-Aikin Committee issued a report, "To Have What We Must," calling for a new public school system model to improve education.

A. M. Aikin, Jr., who served as an elected official in the House of Representatives and the Texas Senate between 1933 and 1979, guided every piece of school legislation that was passed while he served at the capitol. Aikin once said, "I came here thinking a child ought to get an equal educational opportunity whether he was born

in the middle of an oil field or in the middle of a cotton field.” His belief in those words is imprinted on the landmark 1949 Gilmer-Aikin law.

New legislation put muscle behind the reforms and the milestone Gilmer-Aikin Law enacted the following crucial changes:

1. The State Department of Education was transformed into the Texas Education Agency (TEA). The new arrangement enabled the state to guide the development of education to a more effective program, which was to be balanced with the local control school districts wanted.
2. The State School Board of nine members, who were appointed by the governor with the approval of the Senate, became a board of 21 members who were elected by popular vote. The law also replaced several boards which had special functions.
3. The state Superintendent of Public Instruction, a statewide elected position, became the State Commissioner of Education, who was appointed by the State Board of Education for a term of four years.
4. The financial viability of Texas public school districts varied greatly and the new system abolished the traditional “per capita” system of distributing state funds and in its place adopted a plan based on the “economic index.” For equity, it was assumed that each district’s percentage of the county tax roll would be a fair measure of the ability of each county and district to raise revenue for school support. The new Minimum Foundation Program assisted the low economic areas to maintain a higher standard of school services. Another refinement based monetary benefits on Average Daily Attendance (ADA), as an incentive for school attendance. Its open-end state financing guarantee of state matching support for schools, called for the Foundation Program to be one of the top spending priorities on the General Fund.
5. For the first time in the state’s history, a minimum salary for teachers was adopted.

The report and subsequent passage of the Gilmer-Aikin Act in 1949 were a genesis for change in Texas public school education under the leadership of Commissioner of Education J. W. Edgar (1950 – 1974). The agency hired expert administrators from school districts to provide leadership and regulation to the schools and immediately they started working on plans to improve achievement and financial support for the schools as they began to move from an agricultural and technical emphasis to better preparation in specific subject areas.

The Gilmer-Aikin Act also reflected the early stirrings of the civil rights movement and brought equity in the first teachers’ salary schedule that paid “Black” teachers the same as “White” teachers.

Commissioner Edgar, a former teacher and superintendent, believed the first major move into the future was a better plan for teacher education and certification standards. Before 1955, a permanent high school teaching certificate, which mentioned

## Texas Commissioner of Education Terms of Appointment

<i>Dr. J.W. Edgar</i>	<i>1950 – June 30, 1974</i>
<i>Dr. M.L. Brockette</i>	<i>July 1, 1974 – August 31, 1979</i>
<i>Alton O. Bowen</i>	<i>September 1, 1979 – May 31, 1981</i>
<i>Raymon L. Bynum</i>	<i>June 1, 1981 – October 31, 1984</i>
<i>Dr. William N. Kirby</i>	<i>Interim—November 1, 1984 – April 12, 1985 April 13, 1985 – January 31, 1991</i>
<i>Dr. Tom Anderson</i>	<i>Interim—February 1, 1991 – June 30, 1991</i>
<i>Dr. Lionel “Skip” Meno</i>	<i>July 1, 1991 – March 1, 1995</i>
<i>Dr. Michael Moses</i>	<i>March 9, 1995 – September 3, 1999</i>
<i>James Nelson</i>	<i>September 9, 1999 – March 31, 2002</i>
<i>Dr. Felipe T. Alanis</i>	<i>April 1, 2002 – July 31, 2003</i>
<i>Robert Scott</i>	<i>Interim— Aug.1, 2003 thru Jan. 12, 2004</i>
<i>Dr. Shirley J. Neeley</i>	<i>January 13, 2004 - Present</i>

Note: Prior to 1950, the position of Commissioner of Education was titled State Superintendent of Public Instruction.

nothing about subject areas, could be issued to anyone who graduated from high school. In 1955, new legislation required a baccalaureate degree to be a minimum requirement for educators. The legislature reinforced the desire for well-prepared teachers with an upgrade in the basic teacher salary schedule in hopes of attracting more to the profession.

In addition to requiring more rigorous teaching standards, the agency reexamined school accreditation to determine what standards and principles should be used in

evaluating schools. For months in 1954, agency staff traveled throughout the state seeking input and deliberation on how schools should reflect on their practices. In 1958, Texas reform efforts were coupled with the National Defense Education Act, which was passed in response to the perceived Soviet threat after the launching of Sputnik I. It provided funds for science, mathematics, and modern foreign languages. In Texas that same year, massive input (appointed curriculum committees, staff from 300 public schools, plus 20 institutions of higher education) was sought regarding curricula and other areas. The 1960 report modernized public education instruction.

## **The Era of Desegregation**

As did the nation in the 1950s, Texas experienced social, economic, political, and educational changes. In Texas, there were significant shifts in population as people flocked to the cities from the farms and oil fields to seek a better education. In a monumental decision in 1954, the U.S. Supreme Court, in *Brown v. Board of Education of Topeka*, banned racial segregation in public schools. The mandate of the court's decision was an intentional call for major focused and planned social change in American schools.

In Texas, the Supreme Court's decision required the removal of all state laws that supported racial segregation in the public schools. Statewide, school boards began to look at ways to desegregate schools, although no specific date was set by law. There was resistance to integrating schools and desegregation efforts were sporadic. Ultimately, the U.S. Department of Justice filed a lawsuit against the State of Texas to force the integration of the state's public schools. In 1970, Judge William Wayne Justice, chief judge of the U.S. District Court for the Eastern District in Tyler, issued a decision in *United States v. Texas* that ordered TEA to assume responsibility for desegregating Texas public schools. The court's order, commonly known as Civil Action 5281, gave the court authority to oversee the state's implementation of desegregating the public schools of Texas. The order, to quickly integrate the schools, was controversial and captured national attention. Judge Justice ordered the consolidation of the all-black school districts originally involved in the litigation "with adjoining all-white districts." He also prohibited the state's schools from assigning students to schools based on their race. The Fifth Circuit Court of Appeals upheld his decision. Texas remains under this federal court order. *Cisneros v. Corpus Christi Independent School District* extended the U.S. Supreme Court's decision in *Brown v. the Board of Education* to Mexican-Americans, recognizing them as a minority group that was discriminated against, and ruled that such discrimination and segregation of Mexican-American students was unconstitutional.

In Texas, school districts have spent years adjusting school attendance boundaries and busing patterns. Integration is among many factors leading to dramatic progress in closing the achievement gap among ethnic groups.

For practical and principled reasons, Texas curricula, statewide testing, and reform efforts have made a serious commitment to equity in educational achievement and funding. From state assessment gains to improved achievement demonstrated on the National Assessment of Educational Progress (NAEP), Texas students are excelling, often outpacing their peers in other parts of the United States. A 2001 report by the Education Trust, “Real Results, Remaining Challenges: The Story of Texas Education Reform,” noted that “Texas reforms have made a positive difference for students overall, and particularly for low-income and minority children.”

## Other Developments in the 1960s and 1970s

Lyndon B. Johnson’s presidency (1963-1969) also impacted Texas public school education. During Johnson’s administration, Congress passed the Vocational Act of 1963, which increased funding for vocational education, as well as the Economic Opportunity Act of 1964, which created the first Adult Basic Education program to help adults who had not completed high school.

Johnson’s experience as a teacher in Cotulla helped shape his vision of “The Great Society” for Americans, which became part of his 1965 agenda for Congress that passed the then largest-ever appropriation to education—the Elementary and Secondary Education Act (ESEA). It provided aid to public schools for underprivileged children; libraries, textbooks, and media support; supplementary education; education research; and state departments of education. The legislation was a turning point that resulted in more federal education funding and federal regulation of the schools.

In Texas, Gov. John Connally appointed a Committee on Public School Education in 1965 to prepare a viable long-range plan for national educational leadership. The committee’s report, “To Make Texas A National Leader in Public Education: The Challenge and the Change,” made recommendations to the governor and the legislature in 1969 that would serve as a practical blueprint for Texas to “attain national leadership in educational achievement.” Committee Chair Leon Jaworski said in the report, “We propose the operating units of the system be strengthened, given the resources and authority to make and implement broad educational policy decisions, and be held accountable for the results of those decisions through a continuing State program of evaluation. We believe this is the only practical way to stay abreast of the educational revolution now in progress.” The recommendations for a quality education in Texas called for a broader role for public schools in order to impede social problems such as delinquency, unemployment, and soaring welfare costs.



*Gov. John Connally*

In 1970, Title VI was separated from ESEA and expanded, forming a separate Education of the Handicapped Act (later known as the Individuals with Disabilities

Education Act or IDEA), which resulted in new requirements including placing students in “the least restrictive environment.” In 1973, the Texas Legislature enacted the Bilingual Education and Training Act, which mandated bilingual instruction for elementary schools with 20 or more children with limited English skills.

In response to the San Antonio Independent School District v. Rodriguez court case on school equity, the state legislature in 1975 passed major school finance reform under House Bill 1126. That legislation shifted school support from a Minimum Foundation Program to a Foundation School Program with an increase in state funding and equalization aid to poor districts. It also provided the first state compensatory funds. In 1977-78, school finance legislation (Senate Bill 1) added about \$315 million to the Foundation School Program. That increase modified the teacher salary schedule by adding three steps to the existing 10-step teacher pay-scale schedule, improved funding for transportation and provided more state funds for equalization aid. The legislation created the School Tax Assessment Practices Board, which would eventually determine district property values. In an important move, the law also provided for the continuing study of public school finance with the establishment of the Legislative Commission on Public School Finance.

In 1979, the legislature passed Senate Bill 350 to accommodate the diverse needs of Texas schools in a more cost effective and equitable manner. The result narrowed the gap between rich and poor, urban and rural, large and small districts. The legislation expanded the Foundation Program Aid and adjusted the local fund assignments, set up the Texas Assessment of Basic Skills (TABS), began a pilot program for gifted and talented students, established a fast growth formula, increased equalization aid, set up a balanced cycle for textbook adoptions, and added minimum aid protection.

Significant progress in reform efforts continued with the initiation of the TABS, Texas’ first statewide student testing program. The first exam, the Texas Assessment of Basic Skills (TABS), tested students in Grades 3, 5, and 9 in 1980. It remained the statewide assessment until 1984.

## **Education Code Rewrite under House Bill 72**

Throughout the 1980s, Texas lawmakers pushed for further education reforms and dealt with pressing school finance and equity issues.

In 1981 Gov. William Clements signed House Bill 246, which resulted in the state’s first statewide curriculum. The legislation established 12 subject areas which constituted a well-balanced curriculum through Grade 12. The State Board of Education also designated the essential elements of each subject listed and required each district to provide instruction in those elements in order to be accredited.

In 1983, the National Commission on Excellence in Education reported in “A Nation at Risk” that U.S. students lagged far behind students in many other nations. The report prompted Gov. Mark White to take action.

He appointed a Select Committee on Public Education, headed by Dallas billionaire businessman H. Ross Perot, which spent the better part of a year studying public education and issued a report detailing its findings, along with recommendations for improvement.

Most of those recommendations were enacted into state law in a landmark piece of legislation known as House Bill 72. In July 1984, Gov. Mark White signed “The Educational Opportunity Act of 1984,” which enacted the following sweeping reforms:

1. Set academic achievement as a priority, including adoption of the no-pass, no-play rule for students involved in athletics and extracurricular activities.
2. Required students in odd-numbered grades to take an annual test covering English language arts and mathematics. Additionally, every student was obliged take and pass an exit-level test to receive a high school diploma. Members of the Class of 1987 were the first students required to meet this challenge.
3. Provided a pay raise for teachers, provisions for a planning period during the school day, lower pupil-teacher ratios for the early grades, and a short-lived career ladder.
4. Required teachers and administrators to pass the Texas Examination of Current Administrators and Teachers (TECAT) exam, a basic competency test in reading and writing, to be recertified.
5. Revamped the system of public school finance to funnel more money to property-poor school districts.
6. Instituted accountability measures for the educational community. District performance reports were required through the Public Education Information Management System (PEIMS) to obtain information to meet higher standards.
7. Required dropout reduction programs.
8. Obligated local school boards to receive training.
9. Temporarily made the State Board of Education, which had grown to a 27-member elected body, into a 15-member appointed body.

## **Other Developments in the 1980s and Early 1990s**

In 1984, the amended Vocation Education Act was renamed the Carl D. Perkins Vocational Education Act. A new state assessment, the Texas Educational Assessment of Minimum Skills (TEAMS), was implemented for the first time in 1985 and remained the state test until 1990. Students in odd-numbered grades were tested in reading, writing, and math. The same year, schools put into practice the essential elements of instruction.

Commissioner W. N. Kirby (1985-1991), reorganized the Texas Education Agency and created the Department of Research and Information and developed a plan to implement the Database for Accountability in 1985. The Public Education

Information Management System (PEIMS) Division collected data for the first time in 1987-88. Today, PEIMS is believed to be the world's largest repository of educational data.

In 1989, the Texas Education Agency, the commissioner of education, regional education service centers, and the State Board of Education underwent a sunset review. That same year, the State Board of Education changed from a 15-member appointed board to a 15-member elected board.

The Central Education Agency (TEA staff, the commissioner of education, regional education service centers, and the State Board of Education) was reauthorized under Senate Bill 417 in 1990. The bill included provisions for an audit of the Texas Education Agency, a process for approving innovative educational programs, performance indicators for each campus and an annual review of school districts to determine if they meet accreditation criteria. Monitoring provisions as well as waivers were also included in the bill.

Also in 1990, a new, more difficult state assessment, the Texas Assessment of Academic Skills (TAAS), was implemented, and the Academic Excellence Indicator System (AEIS) district and campus reports replaced the annual performance reports that had been published since 1985-86. The TAAS would be used to measure educational performance for the next 12 years.

A change in the state law allowed the commissioner of education for the first time to be appointed by a governor. Gov. Ann Richards appointed New York educator Lionel "Skip" Meno (1991-1995) as commissioner and a new law granted the commissioner rulemaking authority.

In 1993, legislation revamped the Texas Education Code pulling together laws for assessment, accreditation, performance reporting, and accountability. In a major move, legislators also mandated the creation of the Texas public school accountability system to accredit school districts and rate schools. The first district and campus accountability ratings were assigned in 1993-94. Over the years, the ratings were based on the Texas Assessment of Academic Skills (TAAS) test in reading, writing, and math, as well as annual dropout and attendance rates.

Since the inception of the state's accountability system in 1993, performance ratings have steadily improved, while standards have toughened.

In response to the Texas Supreme Court's third school finance decision, which found that Texas system of funding education was unconstitutional, the state legislature in 1993 enacted Senate Bill 7. That law established an equalized wealth level of \$280,000 per student in weighted average daily attendance (WADA). School districts above that amount were given five options to reduce their wealth to that level. In subsequent years, that law became known as the "Robin Hood" plan.



## Education Code Rewrite under Senate Bill 1

Beginning in 1995, Gov. George W. Bush and the Texas Legislature enacted reforms which established clear new roles and relationships between the state, regional, and local education entities. Commissioner Mike Moses (1995-1999) was appointed by Bush to lead the state's education system, which came under increasing pressure to hold school districts accountable for the education of all children. The Texas Legislature in 1995 completed a full rewrite of the Education Code under Senate Bill 1, the omnibus education reform bill, which renewed the agency's role in supporting local communities to ensure that all students achieve a high standard of student performance. The new education code was enacted with the following provisions:

1. Dramatically increased local control over the education process.
2. Authorized charter schools, home rule education, and the ability for parents to transfer their children out of low-performing schools.
3. Streamlined the waiver process.
4. Established the State Board for Educator Certification, the licensing board for educators in the State of Texas.
5. Granted teachers the authority to remove disruptive students from class.
6. Increased the minimum salaries for beginning teachers and those with more than 20 years of experience. It also tied minimum salary levels to an appropriation in following years.
7. Increased the state's share of the foundation school program from 75 percent to about 85 percent. An equalization component provided a maximum entitlement of \$210 per student for school districts in the lowest quartile of average property value.
8. Provided increased school district funding, new standards for local tax administration, the Tax Assessment Practices Board, and state equalization for poor districts.
9. Required workbooks, fees, and other mandatory course costs to be paid by the districts, and changed the way textbooks were purchased.
10. Reduced in-service and preparation time from 10 days to eight.
11. Established two new committees; one to supervise tax assessment practices and one to explore and develop a revised method for financing state programs of public school education.

After years of legislative attempts to achieve equity and ensuing court cases, an important decision was made in 1995, when the Texas Supreme Court upheld the constitutionality of Senate Bill 7, which was passed in 1993. The court ruled that the guaranteed yield provision leveled the playing field for property-poor and property-rich districts and enabled districts to meet or exceed accreditation requirements. In 1997 a school finance bill provided significant property tax relief through increased exemptions, creating a new program for funding facilities, higher teacher pay scales and dedicated lottery proceeds to public education.

## Other Developments in the mid-1990s and Beyond

In schools across the state, Texas continued to raise the bar for student achievement. Student performance on the TAAS exam rose steadily throughout the 1990s. Testing, coupled with the state's accountability system, helped document the success Texas has experienced.

Spurred on by the success of previous reforms, the Texas Legislature continued to push for improvements in curriculum, testing and accountability.

In a refinement to the assessment system, the Texas Learning Index was created in 1995-96 to equate performance within reading and math subject tests across grades. In 1996, Texas began efforts to upgrade the statewide curriculum and testing system. This shift continued in 1997 when the state adopted the Texas Essential Knowledge and Skills (TEKS). The new curriculum had higher academic content and skills that students must be able to demonstrate. The TEKS were implemented in 1998.

To better communicate the new laws on curricula and testing, the Texas Education Agency created a World Wide Web site that allowed users to download agency data. In 1996-97, the Academic Excellence Indicator System documents and reports were made available on the web. In another first, the Texas Assessment of Academic Skills tests were released to the public via the web site.

In 1996, the first charter school began operating. In 1997, the legislature authorized the State Board of Education to award an additional 100 charter school slots and an unlimited number of charter schools for at-risk students.

In 1999 Gov. Bush appointed Jim Nelson (1999-2001) as commissioner of education. That was also the year Bush campaigned for and the legislature passed the Student Success Initiative (House Bill 4), effectively ending social promotion. The initiative provided early intervention for students having difficulty learning to read. If a student was unable to pass the third grade reading assessment, they would not be promoted. In subsequent years, more grades would be added as social promotion was phased out. To help the schools achieve the higher standards, the Legislature appropriated \$82 million over a four-year period to help fund reading academies. Hard statistics proved that Texas' curriculum and accountability reforms were paying off. Gov. Bush said, "Texas leads the nation when it comes to improving public schools. We are raising standards, strengthening accountability and funding early intervention so that every child learns to read and no child is left behind." With student achievement rising, it was time for a new test and new initiatives. With the passage of Senate Bill 103 in 2001, lawmakers toughened testing and promotion requirements, beginning with the 2002-2003 school year. The more rigorous assessment, the Texas Assessment of Knowledge and Skills (TAKS), was aligned with the student learning standards, the Texas Essential Knowledge and Skills (TEKS).

The TAAS test changed to the Texas Assessment of Knowledge and Skills (TAKS) test for grades 3 through 11 in the 2003 school year. This test, designed specifically to assess students' understanding of the Texas Essential Knowledge and Skills (TEKS), had an additional requirement for students in the area of promotion. This was called the Student Success Initiative (SSI). Students enrolled in the 3rd grade must pass the reading section of the TAKS test in order to be promoted to the 4th grade. The exit-level test required for graduation changed to the 11th grade rather than the 10th. In future years, additional testing requirements must be met in the 5th and 8th grades. In addition, the graduating class of 2004–05, requires Texas students to pass new 11th grade exit-level tests as a high school graduation requirement. Beginning with the incoming 9th grade class of 2004–05, students will be required to begin high school with a plan to complete the state's Recommended High School Program.

After the 2001 legislative session, Gov. Rick Perry signed SB 218 that established the nation's first public school fiscal accountability system. Beginning with the 2003–04 school year, each Texas school district received a rating based on indicators of its financial condition and performance.

In 2001, the Texas Math Initiative was launched, which supported improved instruction in grades 5 through 8.

Lessons learned in Texas were played out on a national stage when the message was carried to the federal level with the January 2002 signing of the No Child Left Behind Act (NCLB). This law, which was based on Texas' testing and accountability system, enacted the most sweeping reform in education since the original Elementary and Secondary Education Act of 1965.

These unparalleled achievements resulted in dramatic changes in Texas public schools. Today, Texas public schools are continuing to make impressive gains in student achievement, efficiency and fiscal accountability.

Texas' long track record of education reforms that have continually raised educational standards have led to national recognition.

- Texas is one of 12 states honored by the National Education Goals Panel for its progress in meeting the National Education Goals established in 1989. Texas was singled out for the gains it has made in student achievement.
- A RAND report stated that the increased scores posted by Texas students on the National Assessment of Educational Progress (NAEP) were among the highest in the nation. Texas ranked among the top states on the NAEP 4th-grade math assessment in 1996, and tied for the highest gain in math achievement from 1992 to 1996. Additionally, only one state achieved a higher score than Texas on NAEP's first-ever 8th-grade writing assessment in 1998.

- In “Exploring Rapid Achievement Gains in North Carolina and Texas,” authors David Grissmer and Ann Flannagan note that North Carolina and Texas “made greater combined student achievement gains in math and reading (on NAEP 1992-1996) than any other states. The gains were significant and sustained.” They also point out that the two states “made significant improvement on more measures of progress toward National Education Goals than any other states.” The overarching reasons for this success were attributed to “leadership from the business community, political leadership and the continuity and stability of reform policies over time.”
- Texas is recognized for the achievement of its eighth-grade students, who outperformed students in both the United States and internationally on the math section of the Third International Mathematics and Science Study (TIMSS). Texas students also bested the international average on the science exam.
- The Business Roundtable, an association of Chief Executive Officers who are committed to improving public policy, released a 2001 study, “Real Results, Remaining Challenges: The Story of Texas Education Reform.” The study revealed that “annual testing and a groundbreaking system that holds schools accountable for the passing rates of all student groups have led to higher student achievement and dramatic decreases in racial learning gaps in Texas.” The author, Craig Jerald, a senior policy analyst with The Education Trust, concluded that Texas is “among the pacesetters in state education reform.”

More than ever before, Texas students are prepared to achieve success in the increasingly complex world of the 21st Century.