

86TH CONGRESS
1ST SESSION

H. R. 4854

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1959

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide financial assistance for the support of public schools by appropriating funds to the States to be used for constructing school facilities and for teachers' salaries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "School
5 Support Act of 1959".

6 FINDINGS AND PURPOSE OF ACT

7 SEC. 2. The Congress finds that despite sustained and
8 vigorous efforts by the States and local communities, which
9 have increased current school construction to unprecedented
10 levels and which have increased expenditures for teachers'

1 salaries, there is still a serious shortage of classrooms and of
2 qualified teachers which requires immediate action on the
3 part of the Federal Government. The financial resources
4 available to many communities are inadequate to support
5 construction programs sufficient to eliminate classroom short-
6 ages, and practically all communities face the problem of
7 providing compensation to teachers commensurate with the
8 salaries received by persons with comparable education, ex-
9 perience, and responsibilities. These inadequacies are seri-
10 ously restricting the quality of the educational program of
11 the Nation.

12 The Congress strongly affirms that the control of the
13 personnel, program of instruction, formulation of policy, and
14 the administration of the Nation's public elementary and
15 secondary schools resides in the States and local communities.
16 The Congress also affirms that a major portion of the re-
17 sponsibility for financing the costs of these schools resides
18 in the States and local communities.

19 However, the Congress recognizes that without sufficient
20 financial resources at their disposal to provide necessary
21 educational facilities and to employ competent teaching per-
22 sonnel, the control of our Nation's schools is not directed
23 by State and local school boards but is dictated by the harsh
24 demands of privation. Without the means to pay for al-
25 ternatives, school boards have no freedom of choice.

1 In order to provide State and local school boards with
2 actual, as well as nominal, control of schools, the Congress
3 has the responsibility for appropriately sharing in their
4 financial support. The purpose of this Act, therefore, is to
5 provide Federal financial support to help meet both the
6 immediate and continuing problems of financing adequate
7 school facilities and teachers' salaries and thereby to
8 strengthen the schools of the Nation.

9 AUTHORIZATION OF APPROPRIATIONS

10 SEC. 3. There are hereby authorized to be appropriated
11 for the fiscal year beginning July 1, 1959, and for succeed-
12 ing fiscal years, amounts equal to the product of the esti-
13 mated number of the school-age population of all the States
14 as of such year and the following amounts: For the fiscal
15 year beginning July 1, 1959, \$25; for the fiscal year
16 beginning July 1, 1960, \$50; for the fiscal year beginning
17 July 1, 1961, \$75; and for each fiscal year thereafter,
18 \$100.

19 ALLOTMENTS TO STATES

20 SEC. 4. (a) The Commissioner shall allot for each
21 fiscal year to each State, from the total amount appropriated
22 for such year pursuant to section 3, an amount which bears
23 the same ratio to such total as such State's estimated school-
24 age population bears to the total estimated school-age

1 population of all such States, subject to such adjustments,
2 if any, as result from the application of section 8.

3 (b) The State education agency of each State which
4 desires to receive an allotment under the provisions of this
5 Act shall specify annually to the Commissioner the propor-
6 tion of its State's allotment that will be expended for each
7 of the two purposes: (1) school construction and (2)
8 teachers' salaries.

9 **SCHOOL CONSTRUCTION PORTION**

10 **SEC. 5.** The State education agency of each State which
11 desires to use a portion of its allotment under this Act for
12 the construction of school facilities shall certify to the Com-
13 missioner that such funds allocated within the State for this
14 purpose will be—

15 (1) expended solely for the construction of school
16 facilities in school districts in accordance with this Act;
17 and

18 (2) so distributed that priority is given to school
19 districts which have the greatest need for additional
20 school facilities and which in terms of the economic
21 resources available to them are least able to finance the
22 cost of needed school facilities.

23 **TEACHERS' SALARY PORTION**

24 **SEC. 6.** The State education agency of each State which
25 desires to use a portion of its allotment under this Act for

1 teachers' salaries shall certify to the Commissioner that such
2 funds allocated within the State for this purpose will be—

3 (1) distributed among its school districts to be used
4 solely for teachers' salaries; and

5 (2) so distributed that each school district in the
6 State will receive at least three-fourths of the amount
7 which bears the same ratio to the total portion of the
8 State's allotment specified for teachers' salaries under
9 section 4 (b) as the number of teachers in each school
10 district bears to the number of teachers of all the school
11 districts in the State.

12 VERIFICATION OF EXPENDITURES

13 SEC. 7. The State education agency shall verify annually
14 to the Commissioner that funds received under this Act were
15 distributed and expended in accordance with the provisions
16 of this Act.

17 MAINTENANCE OF STATE AND LOCAL FINANCIAL SUPPORT 18 OF SCHOOLS

19 SEC. 8. (a) The amount allotted to any State under
20 section 4 for any year shall be reduced by the percentage
21 (if any) by which its State school effort index for such year
22 is less than the national school effort index for such year,
23 with the exception that during the first three years that allot-
24 ments are made this provision shall not be applicable. The

1 total of such reductions shall be reallocated among the re-
2 maining States by proportionately increasing the amounts
3 allotted to them under section 4 for such year.

4 (b) For purposes of subsection (a) —

5 (1) the “State school effort index” for any State for
6 a fiscal year is the quotient obtained by dividing (A)
7 the revenue for schools per public school child for the
8 State by (B) the personal income per child of school
9 age for the State; except that the State school effort
10 index shall be deemed to be equal to the national school
11 effort index in the case of Hawaii, Puerto Rico, the Vir-
12 gin Islands, Guam, Wake Island, American Samoa, and
13 the District of Columbia.

14 (2) the “national school effort index” for any fiscal
15 year is the quotient obtained by dividing (A) the reve-
16 nue for schools per public-school child for the total States
17 of the Union by (B) the personal income per child of
18 school age for the total States of the Union.

19 (c) (1) The revenue for schools per public-school child
20 for any State for purposes of determining its State school
21 effort index for any fiscal year means the quotient obtained
22 by dividing (A) the total current revenue receipts derived
23 from State and local sources in the State for support of ele-
24 mentary and secondary education, as determined by the
25 Commissioner on the basis of data for the most recent school

1 year for which satisfactory data for the several States are
2 available to him, by (B) the number of children in average
3 daily attendance in public elementary and secondary schools
4 in such State, as determined by the Commissioner for such
5 most recent school year.

6 (2) The revenue for schools per public-school child for
7 the total States of the Union for purposes of determining the
8 national school effort index for any fiscal year means the
9 quotient obtained by dividing (A) the total current revenue
10 receipts derived from State and local sources for support of
11 elementary and secondary education in the total States of the
12 Union, as determined by the Commissioner for the same
13 school year as is used under paragraph (1), by (B) the
14 number of children in average daily attendance for such year
15 in public elementary and secondary schools in the total States
16 of the Union, determined as provided in paragraph (1).

17 (3) The income per child of school age for the several
18 States and for the total States of the Union shall, for pur-
19 poses of subsection (b), be determined by the Commis-
20 sioner on the basis of the personal income per child of
21 school age for the most recent year for which satisfactory
22 data are available from the Department of Commerce.

23 LABOR STANDARDS

24 SEC. 9. (a) The State education agency shall give ade-
25 quate assurance to the Commissioner that all laborers and

1 mechanics employed by contractors or subcontractors in the
2 performance of work on school construction financed in whole
3 or in part under this Act will be paid wages at rates not less
4 than those prevailing on similar construction in the locality
5 as determined by the Davis-Bacon Act, as amended (40
6 U.S.C. 276a—276a-5), and will receive compensation at a
7 rate not less than one and one-half times the basic rate of
8 pay for all hours worked in any workweek in excess of eight
9 hours in any workday or forty hours in the workweek, as the
10 case may be.

11 (b) With respect to the labor standards specified in
12 subsection (a) of this section the Secretary of Labor shall
13 act in accordance with Reorganization Plan Numbered 14
14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of
15 the Act of June 13, 1934, as amended (40 U.S.C. 276c).

16 APPROPRIATION FOR ADMINISTRATION

17 SEC. 10. There are hereby authorized to be appro-
18 priated for each fiscal year to the Department of Health,
19 Education, and Welfare such sums as may be necessary for
20 the administration of this Act.

21 ASSURANCE AGAINST FEDERAL INTERFERENCE IN SCHOOLS

22 SEC. 11. In the administration of this Act, no depart-
23 ment, agency, officer, or employee of the United States
24 shall exercise any direction, supervision, or control over
25 policy determination, personnel, curriculum, program of in-

1 instruction or the administration of any school or school
2 system.

3 **DEFINITIONS**

4 **SEC. 12.** For the purposes of this Act—

5 (a) The term “Commissioner” means the United States
6 Commissioner of Education.

7 (b) The term “State” means a State, Hawaii, Puerto
8 Rico, Guam, Virgin Islands, Wake Island, American Samoa,
9 and the District of Columbia.

10 (c) The term “State education agency” means the State
11 board of education or other agency or officer primarily re-
12 sponsible for the State supervision of public elementary and
13 secondary schools, or, if there is no such officer or agency, an
14 officer or agency designated by the Governor or by State law.

15 (d) The term “school district” means any public-school
16 administrative unit in a city, county, township, school district
17 or other political subdivision in a State that is under the
18 direction of a board of education or other legally constituted
19 local school authority having administrative control and di-
20 rection over tax-supported public education.

21 (e) The term “school facilities,” means classrooms and
22 related facilities (including furniture, equipment, machinery,
23 and utilities necessary or appropriate for school purposes)
24 for education which is provided by a school district for
25 elementary or secondary education, in the applicable State,

1 at public expense and under public supervision and direction;
2 and interests in land (including site, grading, and improve-
3 ment) on which such facilities are constructed.

4 (f) The terms "constructing" and "construction" mean
5 the preparation of drawings and specifications for school
6 facilities; erecting, building, acquiring, altering, remodeling,
7 improving, or extending school facilities; and the inspection
8 and supervision of the construction of school facilities.

9 (g) The term "child or school age" means a child who
10 is between the ages of five and seventeen, both inclusive.

11 (h) The term "school-age population" means that part
12 of the population which is between the ages of five and
13 seventeen, both inclusive, as determined on the basis of
14 either the actual or estimated population between such ages
15 for the most recent year for which satisfactory data are
16 available from the Department of Commerce.

17 (i) The term "teacher" means any member of the in-
18 structional staff of a public school district as defined by
19 the education agency of each State.

20 (j) The term "teachers' salaries" means the monetary
21 compensation paid to teachers for services rendered in con-
22 nection with their employment.

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