

*Curriculum flexibility—or rigidity?*

## Legislation Influences Curriculum Development

SELDOM is legislation considered an essential part of curriculum development. Yet in a sense it is basic, for without sound legislation, curricular improvements would be limited indeed.

Curriculum specialists have important professional responsibilities regarding legislation. Their professional advice and counsel are especially vital when legislation is in the embryonic stage. As bills move through the inevitable process of compromise and change, curriculum specialists have continuing responsibilities to help safeguard sound provisions and to oppose unsound ones.

Either because many educators have failed to see their responsibility or because they have failed to shoulder it, many mistakes have been made by legislative bodies. Consequently, provisions that never should have been entered upon the books have become law, and provisions that should have been removed from the law books have remained as anachronisms to hamper curriculum improvement in the schools.

The authority for regulating both the content and the conduct of public education in the United States resides in the

state legislatures. Legally, the states' powers are absolute so long as the state legislature conforms to the state constitution and the provisions regarding individual liberties protected in the federal Constitution are not denied.

In most states, however, the local school boards have been designated by the state legislature as the agencies of the state for actually controlling and operating the instructional program of the schools. It is important to note that these local school boards are legally an adjunct of the state government, not of the local community.

### Prescriptive and Prohibitive

In this wide-open legal context, the extent to which states have prescribed curriculum varies greatly. Some states have enacted a host of statutes pertaining directly to the curriculum; other states have enacted relatively few.

Virtually every state prescribes at least some specific subject matter to be taught in public schools. Most commonly included are requirements for instruction in the Constitution of the United States, American history, the state constitution, civics, citizenship, health habits, temperance, the evils of narcotics, and safety education.

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Various other requirements are also mentioned in many states. In Wisconsin, for example, the state statutes require that "every public-school teacher shall teach her pupils morality and how to conduct themselves as social beings."

The Wisconsin statutes also require that the school curriculum include "study of the true and comparative vitamin content and food and health values of dairy products and their importance for human diet."

There are also laws on the prohibitive side. For instance, California forbids any teaching that may reflect upon nationality, color or creed. Utah prohibits teaching that is partisan, political, atheistic, infidel, sectarian—religious or denominational. Michigan outlaws the teaching of facts regarding birth control. And, of course, there is the classic Tennessee law, still on the books, which makes it unlawful to teach that man is descended from a lower animal and that the story of creation as presented in the Bible is untrue.

In a number of states, for example, California, statutes actually set forth lists of subjects which must be taught, and often spell out how much time shall be devoted to subject areas. Such prescription, however, is usually stated in terms of minimum requirements. Very few states have attempted to specify what the schools must teach and to prohibit the teaching of anything else as did Tennessee in a law enacted in 1913. This law required that 13 specified subjects be taught in the public elementary schools and that "no other branches [of knowledge] shall be introduced."

### Trends in Curriculum Legislation

If fairly wide variation among the states is discounted, it is possible to di-

vide the enactment of legislation prescribing curriculum into three major periods.

First is the period prior to the late 1920's, in which states enacted a large amount of curriculum prescription legislation. This legislation appears to have resulted largely from efforts to bring uniformity into school programs.

The second period began in the late 1920's and extended to the early 1950's. During this period, state legislatures tended to eliminate curriculum prescription legislation. This trend was due, at least in part, to the strong opposition to such legislation by members of the teaching profession and by lay-professional study committees. During the 1930's, several states also codified their laws, and in the process eliminated many specific prescriptions for school curriculum.

By the mid-1950's, the pendulum began to swing in the opposite direction, and a number of the states started to enact legislation prescribing curriculum. We are still in this third period. The current trend seems to be resulting from public concern for tightening the curriculum along more rigorous academic lines.

Ohio illustrates these pendulum swings. In 1943, Ohio repealed all laws requiring specific courses except that prescribing American history. In the mid-1950's this policy was reversed, and the legislature enacted laws prescribing various subjects together with the time to be devoted to them.

### Finance Legislation Important

As with icebergs, in legislation the obscure is frequently more important than the obvious. We can see the obvious effects of prescription legislation on curriculum, but often the far-reaching ef-



fects of school finance legislation upon curriculum development go unnoticed.

These are frequently the most important legislative provisions influencing the curriculum, for in many cases of curriculum prescription legislation, the prescribed items may be incorporated into larger areas of instruction with little or no distortion to the total curriculum. But when it comes to the actual earmarking of funds for expenditures for specific subjects or for the purchase of specific kinds of equipment, the curriculum specialist is faced with more concrete factors in curriculum development.

### Finance and Control Separate

Some persons state, as though it were an irrefutable axiom, that the level of government which pays the bill must control the school curriculum. This pseudoaxiom is frequently brandished about in efforts to defeat proposed legislation for school finance at both state and national levels.

It is important for curriculum planners and other educators to understand thoroughly and for them to help the public to understand that curriculum control need not follow financial support. Indeed, there is evidence that it does not.

Substantial evidence in this regard was obtained in a study made in 1953 by John Guy Fowlkes, Dean of the School of Education of the University of Wisconsin, and George E. Watson, State Superintendent of Public Instruction in Wisconsin. Fowlkes and Watson studied the relationship between state financial support of public education and the number of controls exercised by states over local educational programs. They concluded from their investigation that:

In the eleven midwestern states included in the study, no conclusive evidence was

found to indicate that a high level of state support is accompanied by more state controls than are found in states with lower levels of support.

At the federal level, our nation has had ten years of experience with the distribution of federal funds to federally impacted school districts. Under these laws almost \$2 billion have been sent to over 3800 school districts which at the present time enroll one-third of all the public school pupils in the United States. This money has been and is being used by these districts to employ additional teachers, to increase teachers' salaries, to purchase instructional materials and equipment, to build new school buildings, and to supply other things connected with school programs. Yet never in the ten years has a local school official appeared before a Congressional committee with a charge of federal control. The federal funds have been distributed to these school districts and the school boards have used them in precisely the same way they have used locally collected revenues. Experience with the impacted areas legislation has shown that control need not follow support at the national level.

### The Harshest Control

The nature of our American economy and the distribution of our national wealth among and within the states make it imperative that a substantial portion of money to finance most local schools must come from outside the district. Yet because a substantial proportion of local school support must come from state and federal sources does not mean that these levels of government must or should control local school expenditures.

The *lack* of financial legislation can in-

flict severe restrictions on curriculum development. The resulting lack of funds can block the most carefully designed curriculum plans. It can cause school-board members and curriculum specialists to stand by helplessly, knowing the need but unable to provide proper instruction.

I saw this happen a few years ago while visiting a small town that had just completed a new consolidated high school. The school contained a good science laboratory. The school board was eager to provide the youth of the community with quality science instruction. To its dismay, however, the board was unable to employ a competent science teacher for the salary it was able to pay. This school board knew the type of science program needed, but it did not have the means to provide it.

In a similar way, penury—the harshest control of all—is affecting the curricular offerings of hundreds of school districts. One of the primary reasons has been the *lack* of appropriate federal financial support legislation and in some states the lack of adequate state financial support legislation.

### Method of Finance Important

School finance legislation is essential to curriculum, for it is the mechanism that pumps the life blood of public revenues through our public school system. Without these revenues there could be no public school curriculum. Yet *how* these revenues are made available—in large bundles or in small bundles—can mean a world of difference in curriculum flexibility.

Flexibility in school programs is essential to quality education and also to keeping educational practice abreast of cultural and technological change. It is

important, therefore, that we build financial structures that facilitate curriculum flexibility. This is particularly important as we move into a decade when the federal level of American government will be required to assist substantially in the financial support of public schools.

If we as educators fail to help the public comprehend the magnitude of the task facing the nation in increasing its investment in education, it is highly probable that increased federal, as well as increased state, funds will be grudgingly doled out for a myriad of narrow purposes with matching funds required for each purpose. The cumulative effect of such a piecemeal approach would build rigidity into school programs.

### Narrow-Purpose Aids

One of the hottest controversies in many states has been over the desirability of using state financial aids for narrowly specified curriculum purposes. Clayton D. Hutchins, chief of the School Finance Section of the U. S. Office of Education, pointed out to the 1960 National Conference on School Finance that “the provision of special aids substitutes the judgment of the legislature for the judgment of local school boards in the approval of certain items of a budget. This is not the best practice.” Hutchins pointed out that special aids are appropriate only for experimental or developmental purposes, but after a reasonable period such aid should be absorbed into general support funds.

Recently, an increasing number of states have moved to place greater emphasis on general-purpose funds. Edgar L. Morphet, Professor of School Finance at the University of California, believes this trend is encouraging. He is of the opinion that practically all special pur-



pose funds should be eliminated. Morphet recently pointed out: "Studies have shown that such funds tend to handicap and restrict decisions that should properly be made locally regarding relative emphasis on different aspects of the educational program."

With the recent debates over federal support of education, this narrow-purpose versus broad-purpose controversy has sprung full-grown into national prominence. The controversy has centered on the relative merits of omnibus narrow-purpose legislation, as contained in the National Defense Education Act, and the broad-purpose general support legislation, as contained in President Kennedy's school bill for teachers' salaries and school construction. Unfortunately, the real issues in this controversy have been obscured by efforts to obtain public funds for private schools through revision of the National Defense Education Act. But when the dust settles, the issue of narrow-purpose aids and their effect on curriculum rigidity will confront us.

### **Broad-Purpose Support**

The surest way to avoid curriculum rigidity is to provide federal funds to the states for broad educational purposes with states given wide discretion and freedom in deciding for themselves how these funds are to be allocated to the local districts. President Kennedy's public elementary- and secondary-school bill is an excellent example. This bill provided grants to states to be used for either or both teachers' salaries and school construction. These two broad items cover approximately 70 percent of all school expenditures.

The large-fund, broad-purpose approach to federal financial support, and also to state financial support, actually

enhances the curriculum decision potential of local school boards. Substantial funds for broad purposes help school boards build school facilities and secure skilled teachers capable of enriching their school programs. The decision regarding what to teach is left to state and local discretion.

### **Cumulative Effect**

It is conceivable that on occasion there may be some need for the American people, through their Congress or through their respective state legislatures, to provide financial aid for narrowly defined educational purposes, particularly for innovation, experimentation and research. However, if Americans first address themselves to the basic need for broad general support to strengthen the financial fabric of public schools, the need for narrow-purpose legislation will be greatly obviated.

Should we fail to make a frontal attack on our school finance problems, there will continue to be chronic shortages and deficiencies in our schools that will become conspicuous during periods of national strain and require patching with emergency legislation. The cumulative effect of such patches and bailing-wire legislation would build curriculum rigidity into the school programs of our nation.

In a final analysis, the question of how national and state legislation will influence future curriculum development depends largely on *how* the money is provided—will it be in large general bundles or small specific ones?

Educators have an impelling responsibility to help the American people, the Congress, and state legislatures to choose the road that leads to curriculum flexibility rather than rigidity.

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