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DISASTER SCHOOL ASSISTANCE AND MEASURES TO
ELIMINATE INEQUITIES IN PUBLIC LAWS 815 AND 874

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HEARINGS
BEFORE THE
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

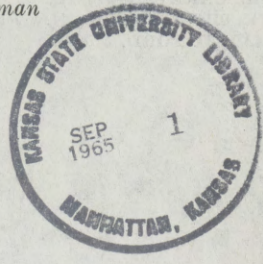
H.R. 7808, H.R. 9022, H.R. 6704, H.R. 7930,
H.R. 7931, H.R. 8291, and H.R. 8249

BILLS ON DISASTER SCHOOL ASSISTANCE AND MEASURES
TO ELIMINATE INEQUITIES IN PUBLIC LAWS 815 AND 874

HEARINGS HELD IN WASHINGTON, D.C.,
MAY 18, 19, 24, AND 26, 1965

Printed for the use of the Committee on Education and Labor
ADAM C. POWELL, *Chairman*

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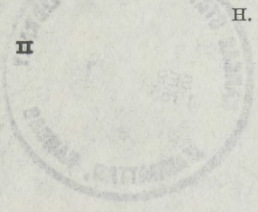
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**DISASTER SCHOOL ASSISTANCE AND MEASURES TO
ELIMINATE INEQUITIES IN PUBLIC LAWS 815 AND
874**

TUESDAY, MAY 18, 1965

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 9:40 a.m., pursuant to call, in room 2257, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Carey, Ashbrook, and Bell.

Also present: H. D. Reed, Jr., counsel.

(Text of bills follow:)

[H.R. 7808, 89th Cong., 1st sess.]

A BILL To amend Public Laws 815 and 874, Eighty-first Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 23, 1950, as amended (20 U.S.C. 631-645), is amended by inserting, immediately after section 15 of that Act, the following new section:

“SCHOOL CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

“SEC. 16. (a) If the Commissioner determines with respect to any local educational agency that—

“(1) (A) such agency is located in whole or in part within an area which has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

“(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

“(2) public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of this major disaster;

“(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the replacement or restoration of such school facilities; and

“(4) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, to provide the minimum school facilities needed for the restoration or replacement of the school facilities so destroyed or seriously damaged,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public

interest; but such additional assistance, plus the amount which the Commissioner determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster.

"(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b)(1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

"(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to this section."

SEC. 2. The Act of September 30, 1950, as amended (20 U.S.C. 236-244), is amended by inserting, immediately after section 9 of that Act, the following new section:

"ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN MAJOR DISASTER AREAS

"SEC. 10. (a) If the Commissioner determines with respect to any local educational agency that—

"(1)(A) such agency is located in whole or in part within an area which has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe; and

"(2) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance, but as a result of such major disaster it is unable to secure sufficient funds to meet the cost of providing free public education for the children attending the schools of such agency,

he may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five fiscal year period beginning with the fiscal year in which the President has determined that such area suffered a major disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency during the last full fiscal year prior to the occurrence of such

major disaster. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which the President determined that such area has suffered a major disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

“(b) In addition to and apart from the funds provided under subsection (a) the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such major disaster, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster.

“(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act, such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

“(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

“(e) Amounts paid by the Commissioner to local education agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.”

[H.R. 6704, 89th Cong., 1st sess.]

A BILL To amend Public Law 874 and Public Law 815 so as to authorize the advancement of grants-of-aid, building construction and operational funds for educational purposes which might not otherwise be issued

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 874 be amended so that notwithstanding the orders which may have been issued within the last twelve months to close any military base, grants-of-aid, or operation funds for educational purposes, which would have been valid under the facts as they existed prior to November 19, 1964, will be, or are hereby declared, to still be valid and shall be made during the year, beginning November 19, 1964, and including calendar year 1965, just as they might have been made had no order of November 19, 1964, been issued, regardless of the number of scholastics now anticipated. Further, that Public Law 815 be so amended as that notwithstanding the orders which may have been issued within the last twelve months to close any military base, building and construction funds which would have been valid under the facts as they existed prior to November 19, 1964, will be, or are hereby declared, to still be valid and shall be made during the year, beginning November 19, 1964, and including calendar year 1965, just as they might have been made had no order of November 19, 1964, been issued, regardless of the number of scholastics now anticipated.

[H.R. 7930, 89th Cong., 1st sess.]

A BILL Relating to payments for school construction in federally affected areas affected by proposed base closings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in determining the payment to be made to a local educational agency under the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), the Commissioner of Education shall disregard the announcement, made November 19, 1964, of a decrease in or cessation of Federal activities in certain areas, and shall carry out such Act as if such announcement had not been made.

[H.R. 7931, 89th Cong., 1st sess.]

A BILL To provide for a more gradual reduction in payments to local educational agencies pursuant to Public Law 874, Eighty-first Congress, as a result of the termination of Federal activities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (20 U.S.C. 238), is amended—

- (1) effective after June 30, 1964, by striking out clause (B) of paragraph (2) of subsection (c), and inserting in lieu thereof the following:

"(B) amounts to 3 per centum or more of the total number of children who were in average daily attendance during such year and for whom such agency provided free public education, except that such 3 per centum requirement need not be met by such agency for any period of four fiscal years which follows a fiscal year during which such agency met such requirement and was entitled to payment under the provisions of this section, but the payment, under the provisions of this section to such agency for the second fiscal year of any such four-year period during which such requirement is not met, shall be reduced by 25 per centum of the amount thereof, for the third such year by 50 per centum, and for the fourth such year by 75 per centum"; and

- (2) by inserting at the end of such section a new subsection as follows:

**"Adjustment for Decreases Resulting From Termination of Activities of
Department of Defense**

"(g) In the case of any local educational agency which for any fiscal year beginning after June 30, 1963, received a payment pursuant to this section with respect to any child and which for the succeeding fiscal year would not, under the other provisions of this section, receive such payment as a result of the termination of activities of the Department of Defense, such agency may continue to receive credit for such child, on the same basis, for such succeeding fiscal year and the two fiscal years thereafter, for the purpose of computing such agency's entitlement under this section, except that for the first such succeeding fiscal year any payment pursuant to this subsection on account of such child shall be 75 per centum of what such payment would otherwise be under this section, for the second such year 50 per centum, and for the third such year 25 per centum. Payments pursuant to this subsection shall be made notwithstanding the fact that the child is no longer in attendance at the schools of such agency."

[H.R. 8249, 89th Cong., 1st sess.]

A BILL To amend Public Law 874, Eighty-first Congress, relating to assistance for schools in federally impacted areas, to provide that payments on account of children who live on Federal property with a parent employed there will be made at a rate equal to the national average per pupil expenditure

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(c)(1) of the Act of September 30, 1950 (20 U.S.C. 238(c)(1)), is amended to read as follows:

"(c)(1) The amount to which a local educational agency is entitled under this section for any fiscal year shall be an amount equal to the sum of (A) the average per pupil expenditure in the State multiplied by the number of children determined under subsection (a), and (B) the local contribution rate (determined under subsection (d)) multiplied by one-half the number of children determined under subsection (b)."

SEC. 2. The next to the last sentence of section 3(d) of such Act (20 U.S.C. 238(d)) is amended by inserting after "preceding sentence" the following: "and paragraph (1) of subsection (c)".

[H.R. 8291, 89th Cong., 1st sess.]

A BILL To amend Public Laws 815 and 874, Eighty-first Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 23, 1950, as amended

(20 U.S.C. 631-645), is amended by inserting, immediately after section 15 of that Act, the following new section:

"SCHOOL CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

"SEC. 16. (a) If the Commissioner determines with respect to any local educational agency that—

"(1) (A) such agency is located in whole or in part within an area which has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

"(2) public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of this major disaster;

"(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the replacement or restoration of such school facilities; and

"(4) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, to provide the minimum school facilities needed for the restoration or replacement of the school facilities so destroyed or seriously damaged,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which the Commissioner determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster.

"(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b)(1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

"(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to this section."

SEC. 2. The Act of September 30, 1950, as amended (20 U.S.C. 236-244), is amended by inserting, immediately after section 9 of that Act, the following new section:

"ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN MAJOR DISASTER AREAS

"SEC. 10. (a) If the Commissioner determines with respect to any local educational agency that—

"(1) (A) such agency is located in whole or in part within an area which has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe; and

"(2) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance, but as a result of such major disaster it is unable to secure sufficient funds to meet the cost of providing free public education for the children attending the schools of such agency,

he may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five fiscal year period beginning with the fiscal year in which the President has determined that such area suffered a major disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency during the last full fiscal year prior to the occurrence of such major disaster. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which the President determined that such area has suffered a major disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

"(b) In addition to and apart from the funds provided under subsection (a), the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such major disaster, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster.

"(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act, such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

"(e) Amounts paid by the Commissioner to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States."

[H.R. 9022, 89th Cong., 1st sess.]

A BILL To amend Public Laws 815 and 874, Eighty-first Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 23, 1950, as amended (20 U.S.C. 631-645), is amended by inserting, immediately after the last section of that Act, the following new section:

“SCHOOL CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

“SEC. 16. (a) If the Director of the Office of Emergency Planning determines with respect to any local educational agency that—

“(1) (A) such agency is located in whole or in part within an area which, after the date of enactment of this section and prior to July 1, 1967, has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

“(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe,

and if the Commissioner determines with respect to such local educational agency that—

“(2) public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of this major disaster;

“(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the replacement or restoration of such school facilities;

“(4) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, to provide the minimum school facilities needed for the restoration or replacement of the school facilities so destroyed or seriously damaged; and

“(5) to the extent that the operation of private elementary and secondary schools in the school attendance area of the local educational agency has been disrupted or impaired by such disaster, such local educational agency has complied with the provisions of section 10(a) (3) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), with respect to provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate,

the Commissioner may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster.

“(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

“(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirement of section 6(b) (1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local

educational agencies which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

"(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to this section."

SEC. 2. The Act of September 30, 1950, as amended (20 U.S.C. 236-244), is amended by inserting, immediately after section 9 of that Act, the following new section:

"ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN MAJOR DISASTER AREAS

"SEC. 10. (a) If the Director of the Office of Emergency Planning determines with respect to any local educational agency that—

"(1)(A) such agency is located in whole or in part within an area which, after the date of enactment of this section and prior to July 1, 1967, has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe,

and if the Commissioner determines with respect to such local educational agency that—

"(2) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance, but as a result of such major disaster it is unable to secure sufficient funds to meet the cost of providing free public education for the children attending the schools of such agency, and

"(3) to the extent that the operation of private elementary and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by such disaster, such local educational agency has made provision for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate: *Provided*, That nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction,

the Commissioner may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five fiscal year period beginning with the fiscal year in which the President has determined that such area suffered a major disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency during the last full fiscal year prior to the occurrence of such major disaster, taking into account the additional costs reasonably necessary to carry out the provisions of subparagraph (3) of this section. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which the President determined that such area has suffered a major disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

"(b) In addition to and apart from the funds provided under subsection (a), the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such major disaster, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster.

"(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act, such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

"(e) Amounts paid by the Commissioner to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States."

Sec. 3. The Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, is amended by inserting immediately after the last section of that Act the following new section:

"SPECIAL BASE CLOSING PROVISION

"Sec. 17. (a) In determining the payment to be made to a local educational agency under this Act the Commissioner shall disregard the announcement, made November 19, 1964, of a decrease in or cessation of Federal activities in certain areas, and shall carry out such Act as if such announcement had not been made."

DELETION OF SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS

Sec. 4. (a) Section 3(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out paragraph (3) thereof, and by striking out " , (3)." where it appears in paragraph (5).

(b) The amendment made by this section shall be effective on and after July 1, 1965.

Mr. PERKINS. The committee will come to order. A quorum is present.

The purpose of these hearings is to consider a number of legislative recommendations dealing with Public Laws 874 and 815, the so-called impacted areas legislation.

To my way of thinking this legislation has had a tremendously beneficial effect on education throughout the country. Without the funds provided by Public Laws 815 and 874, many school districts throughout the country would not have been able to provide appropriate educational services and facilities for the increasing number of students in areas where Federal activities placed great burdens upon the capacity of the local schools.

Through the years, this legislation has strengthened the financial ability of the States, in general, to cope with increasing school populations and higher costs of providing quality education. Historically it has had a record of good administration and in considering any recommendations for its change, I very strongly favor retention of

the basic principle but expansion of the act to meet other pressing educational needs.

These hearings will not deal with the newly created title II of Public Law 874, which was the result of the passage of H.R. 2362 earlier in this session of the Congress. We will focus our attention on title I of Public Law 874 and Public Law 815.

The committee has before it H.R. 7808, which would provide financial assistance in the construction and operation of elementary and secondary schools in areas affected by a major disaster.

H.R. 6704, introduced by our colleague, Congressman Poage, to preserve a contribution level under the provisions of Public Law 874 and Public Law 815 for those districts affected by announced closing of military bases in November 1964.

Also to be considered are H.R. 7930 and H.R. 7931, dealing with Public Laws 815 and 874 respectively in connection with shutting down or the discontinuance of military activities in school districts receiving grants-in-aid under the provisions of those laws.

In addition, it is my understanding that our colleague and subcommittee member, Frank Thompson, has recommendations to make with respect to including children of servicemen who are not now being counted under certain circumstances where the serviceman is stationed overseas.

This morning, the subcommittee is privileged to hear from our colleague, the Honorable William Robert Poage, of the 11th Congressional District of Texas. Tomorrow we will hear the Honorable Robert W. Kastenmeier, of the Second Congressional District of Wisconsin. It is my further understanding that Mr. Kastenmeier will introduce to the subcommittee tomorrow, school administrators from his district who will testify further to the need for legislation which he has introduced.

At this time we will hear from you, Congressman Poage and we are delighted to have you put in an appearance. I can't think of any individual that has made a greater contribution in the past from the standpoint of strengthening this legislation. Over a period of years that I have had the pleasure of serving with you in Congress you have been very helpful and constructive in your relations with this committee.

STATEMENT OF HON. WILLIAM ROBERT POAGE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. POAGE. Thank you, Mr. Chairman. I appreciate the opportunity to come before this committee.

This committee has shown a very commendable and intelligent interest in the school problems of our Nation for a long time. And I think the present personnel of the committee is doing an excellent job in that respect, and I think I am coming before a friendly court when I come in here and seek relief, even though it be very small, for people who I think on principle are entitled to help, just the same as some of the larger groups would be where they are involved.

There are four school districts, as I understand it, in the United States that were rather disastrously affected by the closing of military or defense bases last year. Two of those districts are in Texas. One is the Connally Independent School District, and the other is the School of Amarillo represented by my colleague, Mr. Rogers.

Our problem stems from the fact that we, like every other school district, of necessity made plans sometime in advance predicated on the assumption that military installations would be in operation. As I understand it, the basic Federal law makes the same assumptions. Obviously when a census of students is taken in any school district in an impacted area you have an idea, you know how many were there at that time, you assume that that is going to be substantially the situation during the school year and you make your plans on that kind of basis. We never know just how many there will be by June; we know how many were there in September and we assume we will make our payments based on the assumption we are going to continue the base. We did that and I speak particularly of Connally Independent School District, which is the school district serving most of James Connally Air Force Base. Actually I represent another school district, Robinson, which has some, but not as much as Connally.

Connally Air Force Base was and is one of the two navigational training schools in the United States. In the order of November 19, the President ordered this base consolidated with Mather Base in California. The consolidation will be completed next year. The phasing out has already begun.

Strange as it may seem, I received word last week the enrollment has increased in the Connally School and is greater than it was at the time of the order. That is because of the personnel that will come down in the next few weeks. It is one of those strange things however. In the situation at Connally, the Connally Independent School District was a number of years back known as the Lakeview District. They had one school building and that was a rather old building. Since that time, since the base has been there—it has been there over 20 years, they have built a number of buildings, including a new high school, a new junior high school, and I think two new elementary schools. This has been done largely because of the students coming from the Air Force base, but, of course, it is also serving the students who have no military connection. I think approximately half of their enrollment is nonmilitary as would normally be the case.

Last year it became evident the old school building, the one they had before the military was there, reached such a stage of deterioration they reached the conclusion it had to be torn down. It has been torn down except for the gymnasium. That has been repaired. It was on the ground, but in the meantime the school district issued a bond issue, a bond issue for about \$250,000. The election had been ordered and under our laws, once a bond issue election is ordered, the process continues and you have to hold your election.

The election was held, I believe, on the Saturday after the order announcing the closing of the base. It carried, it had to carry, because they had to have the school building and they have gone ahead and are presently building the school building. They have not issued all the bonds and I hope they will not issue all the bonds. We are trying our best to curtail the size of the thing, but to serve the existing students, they have to rebuild the building.

The cost was small. I think it was \$28,000, not a large amount as far as we are concerned.

It is important to those people who are concerned with this. Actually it is only \$21,275. Robinson was approximately \$20,000. Then there is the two other districts. As far as we know those are the only

commitments of this type in the United States. You can see there is a total of less than \$150,000 of this type involved. It does impose an unfair burden on these people, as we see it, unless they are allowed to continue to have the same kind of treatment that they expected to receive at the time that they called for the bond issue.

Had the base stayed open they wouldn't have issued the bond on the assumption that they would have had approximately the same population and the Government would have assumed its share of the \$20,000-odd. The Government would have assumed its share based on the population that existed at that time.

The payment on those bonds would not depend, had the base stayed open 1 week longer, the payments of those bonds would not depend on the future population of that base but on the population at the time the bonds were issued.

We think we are faced with the unfortunate proposition that at the time we called our election we knew how many were on the base and knew what the Federal contribution would be, and the Federal Government knew what it would be. We feel when the Federal Government changed the situation in the middle of the stream, we feel it should go ahead and assume the same obligation it would have assumed had they held that base open a few days longer and then closed the base. Had they done that they would have been committed.

We feel we should have the same treatment that we would have otherwise received and all that the bill I have introduced does is to simply say that where an institution or a school district was affected by the closing of a base the Federal contribution should be the same in the future based on the situation as it existed at the date of closing, the 19th of November, the date of the order, I should say. The closing has not taken place at any of these places yet, I don't believe.

On the date of the order, the Government's obligation would be determined by the situation as it existed at that date, and would not be affected by the order but we would be entitled to the same help, both as to current students for the remainder of the life of the base, and for bond issues that were issued on that assumption, bond issues in process at that time, as it would had this bond issue not been issued.

As it is we won't receive anything during the year because we have more students than expected. We have more students there today, day by day, than when it actually closed. Next year we probably would not have as many because they will phase out and it will mean that the Government should make a small contribution to this bond issue, which, in our case is only about \$20,000.

We think it is a matter of simple equity, a matter of fairness. We think it is rather unfair for the Government to negotiate with us, as they did, and properly so, and determine what assistance we would receive on this bond issue and for us to then call the election in reliance on that and then be told that, "Now you have gone ahead and done this. You have torn down your old building and are in a position where you have to do something. Now we are just going to move out and leave you."

We think there is just as much obligation on the part of the Government to assist in that situation as there was a year ago when the base was a going concern and nobody knew it was going to be closed.

That, Mr. Chairman and members of the committee, is our case.

Mr. PERKINS. You do not have any onbase schools at Connally Air Force Base.

Mr. POAGE. No, sir.

Mr. PERKINS. All these children are served by the Connally Independent School District?

Mr. POAGE. Not all. Some by Connally and some by the Waco School District. The greater majority are served by the Connally.

Mr. PERKINS. What percent of your enrollment would you say are military?

Mr. POAGE. Between 40 and 50 percent.

Mr. PERKINS. After your count was made, the first notice you received of the closing was in November?

Mr. POAGE. Yes, sir, November 19.

Mr. PERKINS. And the bond issue had already been ordered at that time?

Mr. POAGE. That is right, and the election was held in the next few days, I believe on Saturday. I think the notice came on Tuesday and the election was on Saturday.

Mr. PERKINS. Was that the first notice that the Connally Independent School District had received? The first was on Tuesday before the election, on Saturday.

Mr. POAGE. Yes. And the independent school district didn't receive anything then?

Mr. PERKINS. I know, it was a general public notice that the military base was going to close.

Mr. POAGE. Yes, sir.

Mr. PERKINS. Mr. Carey, do you have any questions?

Mr. CAREY. I can appreciate the predicament of our colleague from Texas. It is almost as though the Government issued a rubber check.

Mr. POAGE. That is the way we feel.

Mr. CAREY. We induced you to increase the size of the plant and then the base flew off. I think there is a problem throughout the country where the bases are closing. The impacted problem was predicated on the theory that the tax burden should be met through the creation of the tax revenue. Through the change in our posture this situation, such as yours, is being repeated throughout the country.

My own theory is the 60,000-odd persons being removed from Government payrolls by Mr. McNamara's close-down program; this means a tremendous loss to the economy and in that loss to the economy we are hard pressed to meet our school needs. And I think it clearly points up the need of study in the impacted area, the needs of the future and how we are going to make up the imbalances created and how are we going to help in the school needs in and around these defense installations. I don't think the Defense Department lived up to its obligations in this respect. We hear great news releases about these closings, but we never hear of the collateral problems, such as these that are being effected, and how much the ante will be when the base closes down. I don't think the Defense Department has done a good job of studying the side issues created in community after community. It is certainly true that these children who would be the beneficiaries of your bond issue in the better schools and classrooms are part of the defense establishments also.

Admiral Rickover says they are the first line of defense. In a sense I think we will have to give adequate attention to this, Mr. Chairman, and not have the Federal Government as I say, handing out rubber checks when we did promise that we would assist the schools in the situation that we have created.

It is a real problem and we thank you for coming.

Mr. POAGE. Thank you. I agree with what you have said.

As to the bonds, I think there are only four in the United States involved and it is less than \$150,000 for the whole group. I understand there are many, many more involved on the day-to-day operations.

Mr. CAREY. If I might indicate, we had Mr. Saunders, superintendent of schools for the State of Connecticut. Mr. Saunders came down to us 2 years ago and indicated that he was using a large installation at Groton, Conn. The economy was being affected by the loss of that and that was to him good reason for him to ask us to prolong and continue impacted area assistance for 2 years after the base closed. He made a good theory. Under the old law, he wouldn't be entitled but under the equity the fact the children were still there, he was looking for funds in connection with the old system and the new.

Mr. POAGE. It seems to me even if the children are not there, even if we could assume that they all moved when the base closed, which they won't do in any instance, if they all did move, you still have a plant and you have an organization. You have a teacher's staff, a school organization built to the size of handling these military students as well as the nonmilitary and you can't simply shrink that instantly. To do so destroys the quality of your instruction to your nonmilitary students.

Mr. CAREY. Thank you, Mr. Chairman.

Mr. PERKINS. Mr. Ashbrook?

Mr. ASHBROOK. Yes. Thank you, Mr. Chairman.

I have listened with interest. I think there is a great amount of merit in what you have talked about. There are two things I can think of as questions. One you partially answered in the statement you just made. You outlined the fact that the plant is being expanded and that the Government induced, in effect, the expansion of the plant, which is correct.

Now, what did you say about 50 percent—

Mr. POAGE. Not quite 50 percent military; between 40 and 50 percent.

Mr. Ashbrook. If 45 percent were removed you will still have a plant but not necessarily the revenues. By the same token, I don't think you are talking in terms of continuing teachers you don't need.

Mr. POAGE. We are not talking about it over any period of time, but certainly the teachers we had contracts with, all of these teachers obviously can't be terminated. Those contracts run through the school year, to say the least. I think it would be rather harsh and inconceivable for us to try to terminate those contracts in the middle of the school year.

I recognize that as the load drops off in the future, you can terminate those teacher contracts. You can't terminate all the expense of your buildings. We are operating there in a high school building that is built for—I am not sure of the figures. Let us say it is built for 1,000 students and we come back next year with only 600.

It is obvious you can't cut the expense down by two-fifths, because you lessened the student body by that much.

Mr. ASHBROOK. You are talking of a reasonable phasing out?

Mr. POAGE. Yes.

Mr. ASHBROOK. There isn't any question of comparing teachers to plant?

Mr. POAGE. No.

Mr. ASHBROOK. I gained that inference and wanted to make that certain that your request is appropriate and reasonable.

Secondly, is there any provision for this termination of the Government's support at some fixed time in the future or is it more or less in perpetuity?

Mr. POAGE. Yes. There is, if I can find it. In fact, we only provide in the legislation I have introduced, we provide for 1 year.

The grants for teaching are valid under the facts as they existed prior to November 19, 1964, will be valid and shall be made during the year, beginning November 19, 1964, and including calendar year 1965, just as they might have been made had no order of November 19, 1964, been issued, regardless of the number of scholastics now anticipated.

You see, we only carried the actual operations through 1965. As far as we asked the Government to be committed to carry its assistance in the operation of the school, we asked next—we have to have two amendments, the next asked that the commitment of the share the Government would make as to its payment on the bonds would be the same after the 19th of November as it would have been before the 19th of November. That is a commitment that runs for the life of the bonds.

In our case, it is \$21,275.

Mr. ASHBROOK. That is the point I wanted to make.

I was thinking in terms—in my way of thinking there obviously is a Government commitment. If you plan ahead you get the development either way. They say get the school facilities. As you say, you can't just draw them in and cut your staffs down fast.

There are districts not affected quite as much as yours and I, thinking without specific language, do not think you could terminate the Federal Government's responsibility where the student body of a school would attain the level without the impact that had been anticipated at the time the school was constructed. For example, in your case, which looks as though it would be about the worst, at least from the standpoint of the advent of the closing, you used a figure of 1,000 and a figure of 600. It seems to me when the school enrollment should reach a thousand again, it wouldn't seem there was a Government responsibility because you would have to have that anywhere. In some it might be 850 instead of 1,000 and the enrollment should get to the point it was at the time of purchase and it would seem there was not any Government responsibility.

Mr. POAGE. I agree. We don't ask the committee to do that much. We just ask that you do it for 1965. Maintain the payments at the level that it would have been.

Mr. ASHBROOK. I am talking of terms of construction. Say you had 1,000 students at Connally a few years from now. You could not say there was Federal involvement. You constructed that at the behest of the Federal Government. You couldn't say that if you had to have that for the 1,000 students anyway.

Mr. POAGE. I think that is true, except we don't know what our resources would be for that construction. You can understand that I believe.

I don't think you can look down the line and say necessarily that if you get the 1,000 students that you necessarily would have built the same plant for that 1,000 students. You would have built a plant in keeping with your ability to pay and our ability apparently was greater prior to the 19th of November. Our ability apparently was more than it is today or than it will be at some future date. It is perfectly true if we get Chrysler Motor Corp. to take that over and put it on the tax roll we would have a greater ability to pay than we do today. We can't foresee what we are going to have.

We do think that we had a situation where we feel that the Government had set this up and said, "This is how much we will pay." It just so happens in our case it isn't a large amount. It is a relatively small amount that the Government said they would pay. We feel we are entitled to have that much down the line.

Had the Government said that and had the bond issue been conducted a week before, then the Government would have assumed the obligation regardless of this announced closing. I mean now the Government goes out and commits itself on bond issues anywhere over the country on the assumption the base is going to be operated as long as the bonds are paid.

Mr. PERKINS. Before we leave this point, what are your calculations as to the exact cost to preserve the contribution level under your legislation and during the school year 1965?

Mr. POAGE. I don't have that and, frankly, I think it is going to be less. I don't think it is going to be anything as far as Connally is concerned. We thought it was, but as I say, we have had an influx rather than a decrease. It will be around \$21,000. I can't tell you what it will be as to the operating expense, because that depends on how many students we will have this year. We thought we were going to come up with a deficit, but believe we may not show a deficit because of the increase of business. We had anticipated they would immediately begin to go down.

Mr. PERKINS. Assuming that your bill was enacted, can you give us an estimate of the cost?

Mr. POAGE. Approximately \$140,000 as to the bonds over the United States. This includes Connally, the Robinson district, Sun Prairie, and the Potter County district.

Mr. PERKINS. That figure represents the total cost as to the bonds?

Mr. POAGE. Now as to the operation during the year 1965, this involves nothing except the operation during 1965. Of course, that depends upon the actual attendance at those schools.

Mr. PERKINS. Yes, sir. You have not got an estimate from the count that was made before the announced closing?

Mr. POAGE. No, sir. I don't.

Mr. PERKINS. I mean an estimate or some information you could have received from the Department?

Mr. POAGE. I have Mr. Lillywhite's estimate of daily enrollment but this doesn't tell you what it would cost. We had actually a total enrollment—I am off on those figures, as I said—it was 1,707 and the average daily attendance was 1,650. That was for last year.

Mr. PERKINS. You must have had some quality education to have

had an average daily attendance of 1,650. That stands out, I would think.

Mr. POAGE. They gave us some estimates, I thought, but I don't have them in mind.

Mr. PERKINS. What is the life of the bonds, 20 or 30 years?

Mr. POAGE. 25 years, I believe.

I can't tell you how much it would be for the operation per year. I believe that is all I have to say, Mr. Chairman.

Mr. PERKINS. Mr. Bell, do you have any questions?

Mr. BELL. No, sir.

Mr. PERKINS. Mr. Ashbrook, do you have any further questions?

Mr. ASHBROOK. No, sir.

Mr. PERKINS. Thank you very much, for your good appearance here. We assure you the problem will be given consideration.

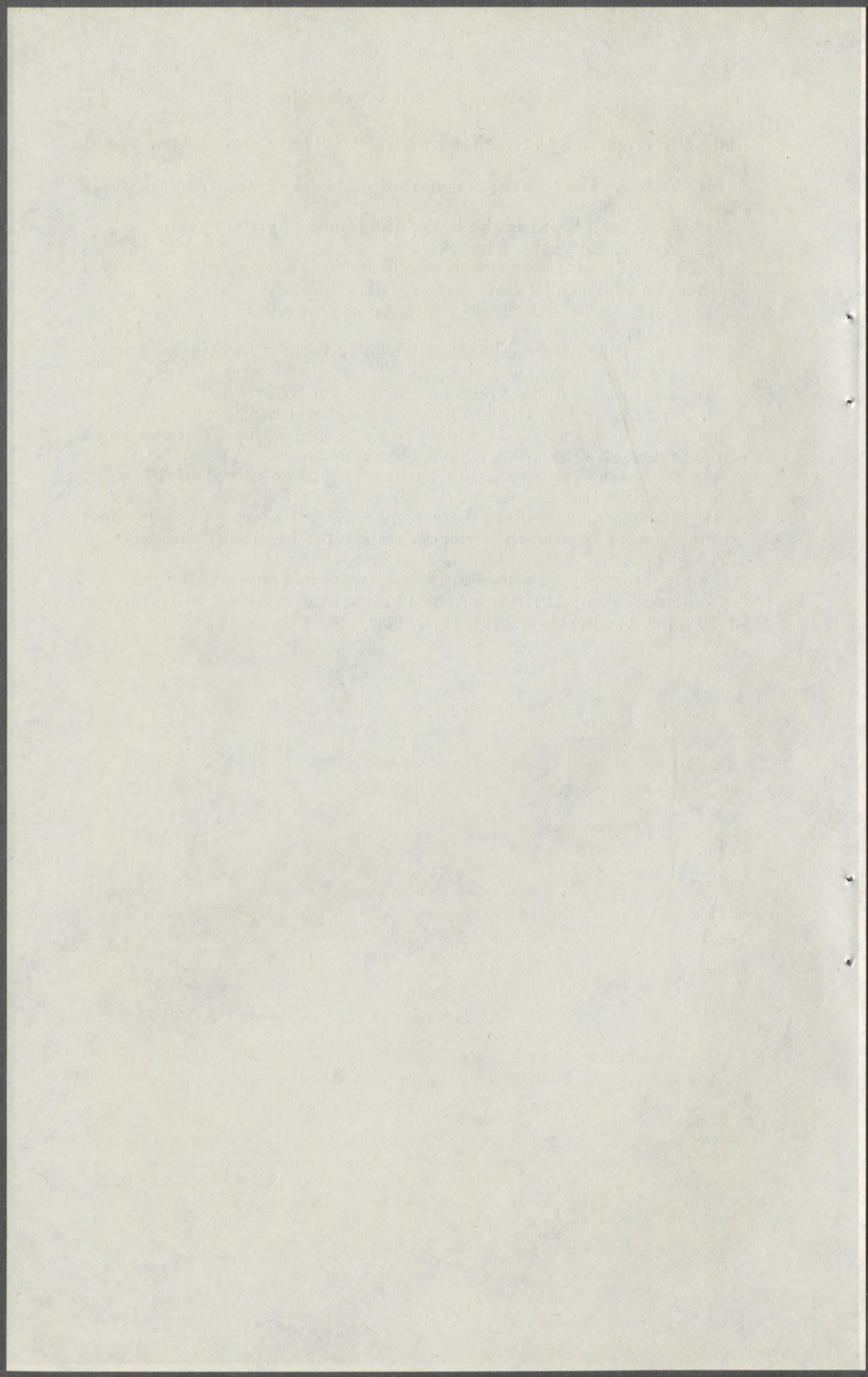
Mr. POAGE. I know you will work on it and I hope you can work out something better than I have been able to do.

Mr. PERKINS. We are going to have representatives of the U.S. Office of Education appear on the 20th.

Mr. Kastenmeier will be here tomorrow with some of the school administrators from his district to testify further as to the need for this legislation.

The committee will recess until tomorrow morning at 10 a.m.

(Whereupon, at 10:20 a.m. the hearing was recessed to reconvene at 10 a.m., Wednesday, May 19, 1965.)



**DISASTER SCHOOL ASSISTANCE AND MEASURES TO
ELIMINATE INEQUITIES IN PUBLIC LAWS 815 AND
874**

WEDNESDAY, MAY 19, 1965

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2257, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Carey, Ford, Scott, and Bell.

Also present: H. D. Reed, Jr., counsel.

Mr. PERKINS. The committee will come to order. A quorum is present.

Our first witness this morning is Congressman Kastenmeier. Come around, Bob. We are glad to have you here and are delighted to welcome you. We know you have some problems under Public Laws 815 and 874. We want to do our best to be as helpful as possible.

I see you have a prepared statement. Please proceed in any way you like.

**STATEMENT OF HON. ROBERT W. KASTENMEIER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. KASTENMEIER. Thank you, Mr. Chairman.

With me this morning, and to testify subsequently, will be the superintendent of schools of Sun Prairie, Wis., and the secretary of the Madison Board of Education, Mr. McDaniels. With them will be the mayor of Sun Prairie who is here, and the city attorney from Sun Prairie and the attorney for the school board.

I deeply appreciate this opportunity to appear before the committee and must state at the outset how pleased I am that you scheduled these hearings on the effects of the natural disasters experienced throughout the country this spring as well as the impact of the November 19, 1964, base closings announcement.

The situation faced by communities losing military bases may not be natural disasters, but they are disasters in many respects. Insofar as they are manmade, federally created disasters, we have at least as great an obligation to study the means of alleviating the hardships created as we do in the case of natural disasters. As the witnesses from Madison, Wis., and Sun Prairie, Wis., who will testify on this subject will tell you, the decision to close Truax Air Force Base has raised havoc in their communities and with their school budgets.

The Truax Air Force Base will be closed by June 30, 1968. Its closing will effect a savings of 1,407 military and 251 civilian personnel

and a total payroll, operation, and maintenance savings of \$13,412,000. Needless to say, the payroll loss will make a dent in the Madison community. The city, however, greeted the announcement with equanimity—the Madison City Council acknowledged the need for trimming the defense budget and made no complaint. The city owns most of the site and hopes to develop the area to its overall growth and stability advantage.

The immediate effect of the closing announcement on local school districts and on the city of Sun Prairie is greater and more urgent.

Sun Prairie had a 1960 census of 4,008. Located about 10 miles east of Madison and Truax Field, it offered the Air Force an alternate community site for a 280-unit Capehart development. This was built adjacent to Sun Prairie in 1962. City leaders accepted the location of this development to the extent of acquiescing in water and sewage connections, zoning exemptions, and in other ways on the basis of assurances that the construction of the housing itself made the Truax mission more permanent.

Hanging in the balance since the closing announcement is a pledged \$20,000 to acquire a site for the new grade school adjacent to the Capehart project, a \$15,000 Public Health Service grant, and the correction of the diversion of ground water flow from the Capehart development across the site for the new school.

In addition to the existence of the 280 units of Capehart housing to be vacated, the loss of about 80 families from within Sun Prairie itself, and the outstanding school debts pose far-reaching and serious threats to the normal growth of the city.

It is in the belief that the Congress and the Nation have a responsibility to these communities, that extends beyond the closing date, that I have introduced two bills dealing with the problems of local school districts. It is because I believe the Nation's responsibility extends to helping the communities meet the obligations undertaken at the request of the Federal Government to provide education facilities for federally connected students that I ask your support of these bills.

My first bill, H.R. 7930, proposes an amendment to Public Law 815. As you are aware, section 5 of Public Law 815 provides certain Federal funds for school districts experiencing increases in their numbers of permanent federally connected students. A lesser amount per student is payable under section 9 if the students are temporary or are expected to remain in the district less than 6 years. These payments are limited to the equivalent of the cost of temporary school facilities. In my evaluation of the language of the law this covers the "damsite" situation: where Federal employees are brought into a community for a temporary stay. The Federal impact then is known to be temporary right from the start and the local community is not expected to permanently expand its educational facilities.

Such is not the case where the Federal impact has been permanent and now is being eliminated. We now face a situation where a community has made a conscientious effort to provide first-rate educational facilities for what everyone considered to be permanent students. Assurances were made about the permanence of the Truax mission when the Capeharts were built. Sun Prairie was assured that the Federal Government would not impose this housing on a small community if it intended to close the base. The complete cooperation

of Sun Prairie was obtained. On the basis of these assurances, and of the Office of Education, reservations in 1964 of two grants totaling \$198,575 for school equipment and school construction were made, Sun Prairie has made irrevocable commitments on choice of sites, bond requirements, and engineering and architectural expenses.

The November closing announcement rendered Truax-connected students temporary. As a result, Sun Prairie now is faced with reductions in these reservations totaling \$85,000—a serious blow to a small community. My bill would restore the full amount of these grants. It is the only fair thing to do. The city has made commitments it must live up to on the basis of existing Federal assurances. The Federal Government should similarly live up to its commitments. As Mr. Berge will tell you, the action of the Federal Government in this case is completely incredible to the people of Sun Prairie.

On the other hand, the cost of this bill is small. Only two other communities are involved. They happen to be both in Texas. And these have suffered a total loss of \$45,000, bringing the total cost of this bill to \$130,000.

I am aware of a study of these two laws, Public Law 815 and Public Law 874, which is due to be completed this summer. I do not think action on either of these bills should be postponed pending the completion of that study. My bill, H.R. 7930, does not alter the basic policy of the act, but rather corrects inequities arising out of the 1964 base-closing announcement. I, therefore, respectfully urge the committee to obtain a departmental opinion on this particular measure and to take action on it prior to the completion of and notwithstanding the aforementioned study.

Public Law 874 offers a slightly more complicated problem. Under the so-called Purtell amendment, Federal assistance to school districts having a percentage of federally connected students is eliminated in two steps after the percentage of students falls below 3 percent, it receives 100 percent of the Federal assistance for each federally connected student remaining in the school district. The following year it is reduced to 50 percent of the allowable assistance and is completely eliminated thereafter.

The amendment was designed to assist school districts where the overall number of students was increased so rapidly that the federally connected students no longer accounted for 3 percent of the students.

It is the purpose of my bill to apply the underlying interest in the problems of school districts losing their eligibility to the cases at hand—those actually losing wholesale numbers of federally connected students. That is not to say all students will leave these school districts—many, in fact, will remain—all they will lose is their Federal connection.

My bill seeks to accomplish this in two different ways.

First, it would change the provisions of the existing Purtell amendment. In the 4 years after the federally connected schoolchildren slip below 3 percent in a school district, the district would continue to receive aid for each federally connected student remaining but in a decreasing amount. The school district would receive 100 percent for each child remaining the first year, 75 percent the second year, 50 percent the third, and 25 percent the last. Under existing law this happens in two steps, 100 percent the first year and 50 percent the second.

The second part of the bill as drafted would create a legal fiction or a "phantom kid" to enable school districts to adjust to the sudden loss of a large part of its annual budget. This would add a new section 4(g) to cover base closings.

The mechanics of this section are simple. They would permit a school district to count federally connected children for 3 years after a base is closed regardless of whether the children still are present. The amounts would decrease in three steps, 75 percent of full entitlement the first year, 50 percent the second, and 25 percent the third.

The intent of my bill is to have both these sections run concurrently rather than consecutively. The combination of these sections would provide equitable phaseout for both the school districts which lose only a part of their federally connected students and those which lose almost all of their federally connected students. The second section of the bill is not intended to credit a school district with the "phantom kids" for purposes of satisfying the 3-percent requirement, but merely for purposes of phasing out the Federal impact aid.

Both Mr. McDaniels and Mr. Berge will testify as to how this bill would affect their respective school districts.

It should also be noted in the Public Law 874 area that the closings of the VA hospitals can be expected to have a similar effect, particularly where the hospital is the only Federal activity in a community. It is interesting to note that in my areas a large part of the students are expected to remain in the schools. Even the new school buildings being constructed are expected to be full.

But the tax base will not immediately increase to make up for the lost Federal impact funds. For example, in Madison, Truax Field will not immediately be developed and added to the tax base. In Sun Prairie, the 280 Capehart units will not be restored to private ownership and added to the tax base immediately either since General Services Administration says the \$4 million mortgage on this property will make disposition difficult.

Even though the communities have advance notice—and this planning time, the resources will not immediately be available to work with.

Finally, I want to emphasize that the Public Law 815 fund problem is of most immediate concern to Sun Prairie. It cannot await the outcome of broad policy studies. It calls for us to make a judgment on the equities now.

Gentlemen of this subcommittee, if we are to continue to seek the cooperation of local communities and local school districts in providing support for our military personnel—in providing housing for their families, education for their children and, shopping and recreational activities—we must adhere to the highest equitable standards as bases are closed and Federal requirements withdrawn. I am uncertain whether Sun Prairie or Madison would open their arms to another military base. I would hope they would, but how we treat them will determine in no small way how other communities respond to the Government's request for assistance.

The Defense Department claim that over \$13 million will be saved, is not the whole truth if we allow these communities and others like them across the country to absorb the losses imposed by decisions of the Federal Government. The creation of Public Laws 815 and 874

within this very committee is testimony that Congress has recognized the obligations of the Federal Government to communities affected by Federal projects. By asking your support for these two bills, I am only asking that Congress recognize that the Government has a responsibility beyond the date of the base closing—for the direct costs of Federal involvement in these communities.

In what I consider our mutual interest in providing fair treatment to communities suffering the consequences of the base closings, I ask your support of H.R. 7930 and H.R. 7931.

Thank you.

Mr. PERKINS. You have come before the committee, Congressman Kastenmeier, with a very enlightening statement that will be most helpful to the committee. Did I understand you to tell me a few moments ago that you preferred not to be interrogated at this time?

Mr. KASTENMEIER. Yes, Mr. Chairman. I am obligated to the Senate to testify in behalf of a Federal judge nominee.

Mr. PERKINS. As far as I am concerned your statement is as clear as a crystal. I don't think I need to ask you any questions.

Do you have any questions, Mr. Ford?

Mr. FORD. No, Mr. Chairman. No questions.

Mr. PERKINS. Mr. Scott?

Mr. SCOTT. No questions, Mr. Chairman.

Mr. PERKINS. Mr. Bell?

Mr. BELL. No questions, Mr. Chairman.

Mr. PERKINS. Our next witness is Mr. McDaniels from Madison, Wis.

Mr. KASTENMEIER. He is not only the secretary of the Board of Education of Madison, Wis., but happens to be an old teacher of mine. I am proud to introduce him to the committee this morning.

Mr. PERKINS. I think the secretary of the board of education has not only a very able but a very intelligent Congressman to represent him here.

STATEMENT OF WILBUR N. McDANIELS, SECRETARY, BOARD OF EDUCATION, MADISON, WIS.

Mr. McDANIELS. My name is Wilbur N. McDaniels. I am secretary of the board of education of Madison, Wis. I have a prepared statement here but will refer to it only in part.

Mr. PERKINS. Without objection, the statement will appear in the record as though read.

Mr. McDANIELS. Thank you, Mr. Chairman.

It is a pleasure to appear before this committee and indicate that the Board of Education of Joint District No. 8, City of Madison et al., is vitally concerned in your consideration of H.R. 7931 as an amendment to Public Law 874. The action proposed in this bill which provides for a more gradual reduction in payments to local educational agencies as a result of the termination of Federal activities is most commendable.

Truax Field is by far the most extensive Federal installation in our school district. Community and school relations between Truax, the city, and the school district have been excellent with mutual cooperation in handling the problems we have experienced. Truax Field, by virtue of its size, furnishes approximately three-fourths of

the federally connected pupils attending the Madison public schools. It is this group which provides the base for eligibility of our district for financial assistance under Public Law 874. The closing of Truax Air Force Base as announced for June 30, 1968, will inevitable mean that our district would no longer qualify under the requirement that federally connected pupils must equal 3 percent or more of total average daily attendance. Should the Air Force decide on a policy of gradual uncertainties even sooner, this could bring us into the present law's schedule of reductions even before 1968. Excluding the possibility of gradual reductions, the impact of the change will be felt immediately following June 1968.

Data concerning the last 5 years which highlights the local effort to support public education in Madison, and the totals of federally connected and nonfederally connected pupils are shown in the following tables:

TABLE 1

Year	Expenditures for all school purposes	Local effort for school purposes	Percent of local effort of total expenditures
1961.....	\$10,397,641	\$9,066,680	87
1962.....	12,081,974	10,512,260	87
1963.....	14,201,212	12,404,984	87
1964.....	15,532,410	13,773,010	88
1965.....	17,072,762	15,189,662	89

TABLE 2

Year	Non-Federal pupils	Truax-connected pupils	Other federally connected pupils	Aids under Public Law 874
1960-61.....	20,651	1,164	380	\$180,575
1961-62.....	23,365	1,375	426	219,881
1962-63.....	26,389	1,397	445	216,036
1963-64.....	27,992	1,070	470	229,077
1964-65.....	28,915	1,170	476	245,000

Educational costs during the last 5 years have risen markedly, due first to rapid influx of additional pupils, and second, to rising costs of services and commodities that school districts require.

The property tax base in our community has not increased proportionately with numbers of children and the rising costs of services and commodities. The property tax rates have, therefore, had to continually increase to meet these growing demands for educational support. Aids from outside sources have been unable to keep up the pace. Note in table 1 the increasing percent of local support to the total cost.

In the case of Madison our school district has been supported by local effort on the average between 87 to 89 percent of the total costs for all school purposes. This local support level is one which deserves recognition as being well above the average for the State of Wisconsin, which is 73 percent. It is also considerably above the average for the United States, which is 57 percent.

High local effort in support of Madison schools is the first reason for urging enactment of H.R. 7931 for a more gradual reduction in payments to Madison under Public Law No. 874. The earlier replacement of Federal aids by local tax funds is hardly deserving where such high percent of local support is given.

Understandably, the announcement of Truax Field closing came as a shock to our entire area. However, the decision has been accepted and our city with the other area communities are making plans to fill the void caused by the closing. Attempts will no doubt be made to convert part of the base to public purposes, but much of it will be offered for private commercial development. If private investors can obtain desirable sites and be assured of long-term possession, they could, over a period of years, make this site a good tax-yielding area. It is, however, a matter of extensive community effort and salesmanship to make all this possible.

The years it will take to make a former base site into a tax-yielding area for Madison is the second reason for asking that Public Law No. 874 be additionally extended as provided in H.R. 7931.

School operation will be affected in a number of ways by the impending closing on June 30, 1968. It is well that school officials have been given an advance warning on this action. However, there will be many uncertainties which will continue up to and after the 1968 closing. Will many of the federally connected parents stay in the service or will they as they as their enlistment ends, choose to stay in Madison? Will technicians working for private contractors in the Sage unit be sent elsewhere or will they be used in the Madison area? Will civilian employees at the base go to other communities for work or will they stay in Madison? The answers to these questions will come gradually during and after 1968 and may cause serious dislocation in the utilization of our school facilities and assignments of our teachers and staff. It is entirely possible that the departure of Truax parents of the present total of 1,170 pupils could cause the Madison public schools most serious problems.

The 1,170 pupils represent the total attendance in one of our larger combination elementary-junior high school buildings.

The 1,170 pupils represent on the average a need for about 42 teachers, 2 or 3 school secretaries, 4 custodians with supporting help from a number of specialists.

The 1,170 pupils represent a real complication. If they leave quickly, our system could be overstaffed until our normal growth catches up. If many of these pupils with their parents remain in Madison, they will keep up our costs with rapidly reducing Federal aids.

Complication caused by uncertainties of 1,170 pupils which will tend to keep costs up for facilities and staff is a third reason for requesting that H.R. 7931 be enacted as an amendment for Public Law No. 874.

An existing to evaluate the existing phaseout provisions of Public Law No. 874 as we understand these provisions might work out as follows:

1. It is assumed that our federally connected pupil total remains constant through June 30, 1968, and the rate of reimbursement does not change.

2. This means that approximately \$250,000 would be paid for the last eligible year 1967-68.

3. It is assumed in the following year 1968-69 the 1,170 Truax-connected pupils leave, but the 476 other federally connected pupils remain. At this point the Commissioner of Education must approve the termination aid before it can be authorized. It is further assumed that the current work-on, live-off rate of \$165, per pupil in average daily attendance for Wisconsin would apply in 1968-69 and 1969-70.

1968-69: 476 pupils times \$165, at 100 percent.....	\$78, 540
1969-70: 476 pupils times \$165, at 50 percent.....	39, 270

4. The phaseout under the existing law is abrupt and would cause undue hardship as our property tax must fill the gap left by the withdrawn Federal aid.

The proposal contained in H.R. 7931 would have the following effect as we understand this bill:

1. It is assumed again that the 1,170 pupils remain at Truax through June 30, 1968, along with 476 other federally connected pupils. Using current rates of reimbursement this would earn a total aid of approximately \$250,000 for 1967-68.

2. It is assumed in the following year 1968-69 that 1,170 Truax-connected pupils leave, but the 476 other federally connected pupils remain. As the effect of H.R. 7931 is understood the following aids would be provided using the current Wisconsin work-on, live-off rate of \$165 per pupil in average daily attendance:

1968-69:	
1,170 Truax pupils times \$165, at 75 percent.....	\$144, 787
476 other pupils times \$165, at 100 percent.....	78, 540
1969-70:	
1,170 Truax pupils times \$165, at 50 percent.....	96, 525
476 other pupils times \$165, at 50 percent.....	39, 270
1971-72: 476 other pupils times \$165, at 25 percent.....	19, 635

In conclusion, Mr. Chairman and members of the committee, we urge your favorable consideration of H.R. 7931. Current Federal aids under Public Law No. 874 amounting to approximately \$250,000 annually play an important part in our school district budget. To lose all or a major part of this aid will add to the already heavy property tax load.

The more gradual reduction in aids as proposed in H.R. 7931 will give credit to our high level of local support by our school district taxpayers. It will for 4 additional years instead of 2 years provide for payments in lieu of tax payments as originally intended in Public Law No. 874 and bridge the gap until the Air Force area becomes a tax-yielding unit.

It will provide the funds to better handle the dislocation of school facilities and school staff and make more certain that the educational opportunities of Wisconsin's boys and girls will not suffer.

It is a real privilege to follow Bob Kastenmeier whose presentation was very excellent.

It is one of the problems that we have had in Madison because Truax Field is one of the largest federally administered schools in our district. The closing of Truax as announced for June 30, 1968, would inevitably mean the school would no longer qualify under the requirement that federally connected pupils must equal 3 percent or more of total average daily attendance. One of our concerns prior

to 1968 is what the intention of the closing might be in connection with gradual withdrawal. It could be that the Air Force would remain there in its full unit until 1968 or we could be subject to a gradual withdrawal and might be forced nearer this 3-percent problem than we might anticipate.

For purposes of this discussion, and this testimony, let's just assume they will be there in full until June of 1968.

I have prepared two tables to give you some idea of the data that affects and concerns our school district. I have indicated the full expenditures of our school district. This includes our operational cost. It includes that of your debt service, capital improvements, and school recreational programs. As you can see the educational program has been growing in Madison quite extensively as a cost to the community. The next refers to local effort. That is two areas. The tax levy based on our property taxes in Wisconsin and, second, local revenues that school patrons pay for such things as their fees, certain other local types of collections that come to our district.

The remaining part of the local effort comes from the State of Wisconsin. There are no State funds listed in this local effort compilation. There are no aids coming from our Federal Government in this.

The important thing to note in connection with the table is the fact that local effort in the city of Madison has taken care of between 87 and 89 percent of the school costs of our local communities.

If this particular aid is to be replaced, you will see on the basis of 1966 we would get over the 90 percent in this particular area. In table 2, I have given you some idea of the number of pupils that are involved. I have shown in the first column, "Nonfederally connected pupils," those connected with Truax Field and then other federally connected pupils. In the last column the dollar amount of various aids made to us under Public Law 874.

Educational costs during the last 5 years have risen rapidly, due, first, to rapid influx of additional pupils, and second, to rising costs of services and commodities that school districts require.

The property tax base in our community has not increased proportionately with numbers of children and the rising costs of services and commodities.

The property tax rates have, therefore, had to continually increase to meet these growing demands for educational support since aids from outside sources have been unable to keep pace. We have had to seek and hope for increased aid from other sources but they have not been increasing at the rate our costs have been increased.

As I pointed out in my reference to the first table, our local efforts in the city of Madison are between 87 and 89 percent. What does this mean in connection with the NEA research report? They report in the State of Wisconsin that the local effort is at about an average of 73 percent. Other outside forces from out of the State account for 28 percent of the effort in these communities. The national average is 57 percent.

I am merely referring to this to show the citizens of our community have given outstanding support to this particular phase of civic expenditures and we feel they should be credited with that and not have the Federal aid removed at this time.

As I point out here, our local effort in support of Madison schools is the first reason for urging enactment of H.R. 7931. The Federal aid by local tax funds is hardly deserving where the higher percent of local support is given. Understandably the closing of Truax Field came as quite a shock to our community. The decision has been accepted and our city, with the other area communities, is making plans to fill the void caused by the closing.

As our Congressman has indicated to you, no doubt attempts will be made to utilize parts of this base for public and civic purposes and other portions will be offered to commercial and private interests to develop.

As private investors can obtain desirable sites and be assured of long-term investments, they could, over a period of time, make this site a good tax-yielding effort. It would probably take some time and some salesmanship to develop it.

The years it will take to make a former base site into a tax-yielding area for Madison is the second reason for asking that Public Law 874 be additionally extended as provided in H.R. 7931.

School operations will be affected in a number of ways by the impending closing on June 30, 1968. It is well that school officials have been given an advance warning on this action; however, in spite of the advance warning there are going to be uncertainties that will continue up to and after the 1968 closing. Here I refer to the fact of whether these people are going to stay or are they going to go. The uncertainty is more of the problem than the definite assurance they are going to go or they are going to stay. Plans can be made more adequately if they are going to be one or the other.

We are faced with the uncertainties here and that is the big problem.

The answer will come gradually during and after 1968 and may cause serious dislocation and the utilization of our school facilities and assignment of our teachers and staff. It is entirely possible that the departure of Truax parents at the present total of 1,170 pupils could cause the Madison public schools most serious problems. This 1,170 pupils represents the total attendance in one of our larger combination elementary-junior high school buildings. The same pupils represent, on the average, a need for about 42 teachers, 2 or 3 school secretaries, 4 custodians with supporting help of a number of specialists. There is counseling help and guidance assistance in other areas, too, that is not easily fixed as to their needs, in this particular group. This number of pupils represents a real complication. If they leave quickly our system could be overstaffed until our normal growth catches up. If many of these pupils with their parents remain in Madison they will keep up our costs with rapidly reducing Federal aids.

It is the complications caused by these uncertainties of the 1,170 pupils which will tend to keep costs up for facilities and staff which is really the third reason for requesting that H.R. 7931 be enacted as an amendment for Public Law 874.

On the following page of my statement I have attempted to evaluate what would happen to the City of Madison School District under the present law and I am quickly going down this under the assumption here that our totals will remain the same, that the rate of reimbursement will remain the same. I know these may not be the case, but for the purposes of an example, we have to maintain an assumption under the standards.

Under the present law in the school year 1968-69, we would receive \$78,540 and in 1969-70 it would drop to \$39,270, and would cease after that date. It is also my understanding that the Commissioner of Education must approve these authorizations before these aids could be paid.

It is our feeling the phaseout under this law is quite abrupt and will leave a gap. Our property taxes must then fill the gap caused by the withdrawal of this aid.

As we understand it the effect of H.R. 7931—I have attempted again in the latter half of the page to suggest to you what the aids might be under this enactment. Again I have tried to make the assumption—have made the assumption rather—that the number of pupils would be the same and rate of reimbursement would be the same. I am using the rate of the work-on, live-off pupil since that is the greater share of our pupils. This table shows the amounts of money we would receive, as we understand it, under this enactment if it is to be made.

I have separated the Truax pupils from the other pupils, assuming the base is now closed, and you will see the 3-year effect of the pupils there who will be leaving the base or at least will no longer be eligible.

The 476 other pupils are those connected with some other installation in our community, the veterans' hospital, the Forced Product Laboratory, the Barley and Malt Laboratory, the various Army and Navy installations which are of a permanent type in the community.

You will see there under the 4-year schedule under these 476 other pupils the phaseout of the 4-year period of the aid for these people and the amounts there are indicated which easily are there for your records.

In conclusion, Mr. Chairman and members of the subcommittee, we urge your favorable consideration of H.R. 7931. Current Federal aids under Public Law 874 amounting to approximately \$250,000 annually play an important part in our school district budget. To lose all or a major part of this aid will add to the already heavy property taxload. As I commented before, that is near the 90-percent mark.

The more gradual reduction in aids as proposed in H.R. 7931 will give credit to our high level of local support by our school district taxpayers. It will, for 4 additional years instead of 2 years, provide for payments in lieu of taxpayments as originally intended in Public Law 874 and bridge the gap until the Air Force area becomes a tax-yielding unit.

It will provide the funds to better handle the dislocation of school facilities and school staff and make more certain that the educational opportunities of Wisconsin's boys and girls will not suffer.

Again, I would like to express my appreciation for the opportunity to appear before you and discuss this problem with you.

MR. PERKINS. First, let me compliment you for your appearance here as secretary for the Board of Education of Madison, Wis. Your testimony has been very convincing.

I am particularly impressed by the local effort that your school district is making and has been making for several years, according to your statement.

It seems to me that you have an outstanding school system and it is due much, undoubtedly, to good school management.

Then, again, you have presented the problem so clearly to the committee I feel that we all can understand the additional burdens you are now confronted with as a result of the closing of the military

installation. I can assure you that this committee will give the bill before the committee very careful consideration.

Let me personally express my hope that we may be able to come up with some type of an answer to help you meet these problems.

Mr. Ford, do you have any questions?

Mr. FORD. Yes. Thank you, Mr. Chairman.

Superintendent McDaniels, looking at the first page of your testimony, do I read this correctly that the total school enrollment of your elementary and secondary schools is 2,711? Is this your total enrollment?

Mr. McDANIELS. No. I believe you are looking at the Sun Prairie schedule.

Mr. FORD. Pardon me. I am looking at the wrong chart.

Mr. McDANIELS. Ours is nearly 30,000.

Mr. FORD. You mentioned 79 to 80 percent of the cost of maintaining the school system was by local effort. Does this take into consideration both school construction and operation?

Mr. McDANIELS. If you will note on the first page of my testimony, it runs 87 to 89 percent. The amount that is paid each year to the bondholders of our district is included in our cost of the operation of our school district. In other words, as it is being refunded, this is the way it gets into the expenditures for school purposes.

The only capital improvement costs included in the figures you see here are not of construction. Construction is as a result of the payment and interest provision and enters only through that course.

Mr. FORD. Is local effort derived entirely from property taxes?

Mr. McDANIELS. There are other types. We have a tax paid to the city from Dane County which is in the form of teacher aids. That, frankly, is a part of our regular property tax. That is not outside effort. That is local effort.

Mr. FORD. Is it fair to state that this local effort is almost entirely locally imposed property taxes?

Mr. McDANIELS. By far the bulk of it, yes.

In other words, these are taxes or revenues that come directly from our patrons to our coffers.

Mr. FORD. What kind of State tax support does Wisconsin have for school agencies?

Mr. McDANIELS. They have two forms, a flat aid and equalized aid.

Mr. FORD. Where do they get the money?

Mr. McDANIELS. State income tax.

Mr. FORD. From this they make a distribution to you on the basis of head count and some adjustment for local effort?

Mr. McDANIELS. Per child average daily attendance. That means a program considered superior to the basic programs a committee might give. They have two forms but all are paid on an average daily attendance basis per pupil.

Mr. FORD. You show 1961 through 1965 here with an increase of about 2 percent in the total local effort, percentage of local effort, against the total cost of operating the schools. During the period from World War II until the present, I take it Madison has blossomed like other cities with population and you have a good sized increase in your elementary and secondary schools. What period has reflected the greatest jump in the percentage of local effort?

Mr. McDANIELS. The local effort has remained reasonably constant, being between 87 percent, I would say, and the 90-percent level. What has happened is obvious even though the total amount of money in our community has risen remarkably, the relationship has remained fairly constant. The problem being that Federal aid and State aid have not increased proportionately. Then a new Federal aid or State aid comes along and begins to help reduce the percent by a slight amount. Then it remains constant for a number of years before new legislation comes in. It is sort of a seesaw arrangement. It has never gotten below 85 percent and never above 90 percent.

Mr. FORD. To put it in the simplest terms, if Federal aid at its present level were withdrawn by the sudden withdrawal of the base, Truax Field, assuming that happened, and we don't enact this legislation, how would you adjust to this in your school system?

What kind of modification of the educational opportunities in your system would you be faced with?

Mr. McDANIELS. First of all, we would be faced with a situation where we would have to determine whether these children were remaining in our community or were they not remaining.

If they were remaining, then the only answer would be the property tax would have to take up the gap because the children are there. If the children did not remain, we, unfortunately, will not be able to make readjustments in staff, meaning, if 1,000 pupils leave, that year that many go, we might not need all the staff we would have hired.

It is doubtful whether we could release that staff and affect too many savings unless we were dead sure they were not going to be there.

Mr. FORD. So even if you had on the one hand the less disastrous effect of the students leaving with the money at almost the same time, it still wouldn't reflect itself in the school district's ability to adjust to that change?

Mr. McDANIELS. Not completely. It could be made with a better effort if we were certain what was going to happen.

Mr. FORD. What you really need is a delayed procedure regardless of which way it happens and the determination could be made for the withdrawal of Federal funds would relate itself to the problem presented by either of the two circumstances you suggested, the children staying and you have a continued obligation to continue their education or the children leaving and you have the continued obligation for the staff for the whole year even though the children are not there.

Mr. McDANIELS. Yes.

Mr. FORD. I take it what the Congressman was talking of when he said "phantom" children, he was treating them as though they were still there?

Mr. McDANIELS. I believe so.

Mr. FORD. No further questions.

Mr. PERKINS. Mr. Scott?

Mr. SCOTT. No questions.

Mr. PERKINS. Mr. Bell?

Mr. BELL. No questions, Mr. Chairman.

Mr. PERKINS. Thank you very much for your appearance here this morning, Mr. McDaniels.

Our next witness is superintendent of schools of Sun Prairie, Prof. O. G. Berge.

**STATEMENT OF DR. O. G. BERGE, SUPERINTENDENT OF SCHOOLS,
SUN PRAIRIE, WIS.; ACCOMPANIED BY WILMER E. TRODAHL,
ESQ., SCHOOL ATTORNEY**

Mr. BERGE. Mr. Chairman, I have a prepared statement here which I would like included in the record. I will not read it, but I will follow it closely in making my presentation.

Mr. PERKINS. That is fine. Without objection, your statement will be included in the record at this point, and you may proceed as you desire.

(The statement referred to follows:)

STATEMENT OF O. G. BERGE, SUPERINTENDENT OF SCHOOLS, SUN PRAIRIE, WIS.

Mr. Chairman and members of the House committee, I am honored to have this privilege to appear before this committee and discuss the financial impact the November announcement, informing us the U.S. Air Force will be phasing out of Truax Field by June of 1968, has had upon the Sun Prairie School District.

Presented for your consideration is a brief data sheet showing the increase in Federal impact aid students since construction of the Capehart housing project, as well as the financial losses suffered by the Sun Prairie School District as a result of recent decisions rendered by U.S. Government agencies.

Actual enrollment increases of both federally connected students and nonfederally connected students

Year	Federal students enrolled residing on Capehart housing project	Federal students enrolled not residing in Capehart housing project	Total Federal students enrolled	Total non-Federal students	Grand total of all students
June 1962.....	0	203	203	1,251	1,454
June 1963.....	374	174	548	1,470	2,018
June 1964.....	445	214	659	1,692	2,351
February 1965.....	500	253	753	1,958	2,711

The U.S. Office of Education estimated we would have a maximum of 420 students enrolled in the school system from the Capehart housing project and paid us on that basis.

As the above figures indicate, we now have 500 enrolled from the Capehart project. In addition, the enrollment of federally connected students not residing on Capehart has increased from 203 in June 1962 to 253 at the present time. We anticipate both the Capehart and federally connected students not residing on Capehart will continue to increase during the next 3 years.

Because of the continuous increase in Federal impact aid students, appropriate applications were made for financial assistance under Public Law 815 for public schools constructed in areas affected by Federal activities. This report covered the 1962-64 base years, and was submitted on March 25, 1964. The application requested reservation of \$100,000 in Government funds for equipment to be placed in the senior high school addition.

U.S. Office of Education representatives informed me their computations indicated we were eligible to receive \$68,575 under Public Law 815 due to the enrollment increase of federally connected students. We accepted this figure as the amount we were eligible to receive.

Because funds under Public Law 815 were not yet available, and our priority index was not high enough at that time to be declared an emergency, approval of the application was delayed until Congress passed the appropriations legislation. It was anticipated this bill would pass Congress during April; made official in May so bid openings for equipment could be scheduled for early June; bids awarded to appropriate bidders, and the equipment installed in time for school opening in September. Congress filibustered, however, some 90 days, then adjourned for the Republican and Democratic National conventions, and action on the Public Law 815 appropriations bill was delayed until October 1964.

Meantime, because of the excellent cooperation of officials in the U.S. Office of Education, who were well aware of our plight, their field representative was directed to come to our school to make a complete check and evaluation of the equipment we anticipated purchasing as a result of Government funds designated or anticipated for this project. A complete review of our equipment list was made and necessary changes recommended by the representative. All equipment was approved in June 1964.

Again, through the cooperation of U.S. Office of Education officials, we were granted permission to advertise for equipment bids and a bid opening date was arranged with the Housing and Home Finance Agency in Chicago in August 1964. The bid opening date was scheduled September 4, 1964, and the field representative from the Housing and Home Finance Agency was present to supervise the bid opening and procedures.

I received official notification from the U.S. Office of Education for project No. Wis-64-C-801A14, dated September 14, 1964, informing me that \$68,575 had been reserved for this project.

Following bid opening, all bids were tabulated, the attorney's opinion rendered concerning legal procedures, several meetings were held with the architect concerning the quality of some of the equipment, several trips were made to other school districts to evaluate actual equipment installations to ascertain exactly what should be received from the bids in question.

On October 12, 1964, all necessary information, such as tabulation of bids; a copy of each successful bid; a copy of proof of publication of advertisements; the complete list of suppliers selected for bids; proposed contracts, showing each supplier, selected for bids; proposed contracts showing each supplier's name and address, items included, and the cost; necessary certified copy of the adopted resolution of proposed awards; appropriate supporting data concerning each proposed award; and a copy of the statement from our school district attorney verifying that the proposed awards conformed to all State and local laws, were sent to the Housing and Home Finance Agency for evaluation and approval. It was hoped they would be in a position to evaluate our project immediately since the application had already been delayed 8 months. This took longer than was anticipated, so I drove down to their office and met with them to discuss any questions they might have concerning the application. The few questions were quickly resolved.

On November 10, 1964, I received a letter from the Housing and Home Finance Agency describing the adjustments we had discussed at our meeting so a written communication could be sent to them concerning the adjustments.

The questions were evaluated and answers returned to them on November 23, 1964.

On November 19, 1964, announcement was made that Truax Field would be phased out by June 30, 1968.

November 20, 1964, the U.S. Office of Education called and informed me that our project No. Wis-65-C-801A15 entitlement for funds, would be reduced from \$130,000 to \$99,000. They also informed us that project No. Wis-64-C-801A14, for senior high school equipment, was not in jeopardy and definitely would not be affected as a result of the decision to phase out Truax Field.

We are now requesting corrective legislation be enacted that will restore the \$130,000 as originally anticipated.

On November 25 the U.S. Office of Education called to inform me they had reinterpreted their previous statement that the entitlement for our high school equipment would not be reduced, and were now interpreting that statutes in the strict sense of the word which meant our \$68,575 entitlement would be reduced to approximately \$8,000. This was shortly revised to \$14,525.

On December 5, 1964, I received official communication from the Housing and Home Finance Agency that the revised and corrected application for the high school equipment was approved by their department and that they fully concurred in our intention to award the project contracts. This equipment still has not been ordered, due to the reduction in Federal funds.

This interpretation does not seem reasonable or logical to us.

We were eligible for the \$68,575 Federal grant under Public Law 815, in March 1964. This was old business to both our school district and the U.S. Government. We close our books on June 30 and commence our new budget July 1 of each year. The U.S. Office of Education forms are based on the same fiscal year. In planning for the 1964-65 school year, the \$68,575 debt the U.S. Government owed our school district was included in budget plans for the ensuing year. I would expect the same is true of the U.S. Office of Education budget.

We refuse to acknowledge this drastic cut in a year-old debt because of the financial ramifications and additional financial burden or obligations the U.S. Government would suddenly be placing upon taxpayers of the Sun Prairie School District. We certainly do not feel we are in a position to suddenly throw this cost upon local taxpayers, when they in no way are responsible for decisions and actions on the part of the U.S. Government. This, in a sense, would place us in the most awkward and ridiculous position of subsidizing the Federal Government.

We are here today supporting this legislation which would restore the original reservation of funds for both project No. Wis-64-C-801-A14, amounting to \$68,575, and project No. Wis-65-C-801-A15, amounting to \$130,000.

We are also seriously concerned about the financial impact of our school system beginning with the 1968-69 school year. Because of the 750 federally connected students in our school system, we now receive approximately \$180,000 per year under Public Law 874. We expect to maintain this number until spring and early summer of 1968.

Approximately 730 of these students will be transferred between January 1 and June 30, 1968. This will leave us with approximately 20 federally connected students. This will mean that our revenue will drop from approximately \$180,000 during the 1967-68 school year to approximately \$3,000 during the 1968-69 school year. This is a tremendous drop in revenue from one school year to the next for a school system of our size to budget for during such a short time. A good share of this loss can be absorbed by firing some 20 classroom teachers. We are not sure how logical such a procedure would be. Firing that many teachers and then rehiring them or a new group the following year does not sound like good planning either.

However, there are other intangible problems that cannot be solved as simply. For example, we have specialists hired in such areas as guidance, psychometry, speech correctionist, librarians, art, music, physical education, and special education teaching the mentally handicapped. These people are hired more or less on a ratio of a specialist for so many pupils. We cannot suddenly inform them that because a percentage of their students are being transferred and a substantial cut in Federal aid will result, they will now be hired on a 75- or 80-percent basis and their salaries reduced accordingly. A similar factor would occur concerning the operations costs of the school buildings.

The proposed legislation amending Public Law 874, which would assist schools financially on the basis of the last year of eligibility, would alleviate this financial problem for all school systems faced with this situation.

Another setback the school district suffered as a result of the announced phasing out of the Air Force from Truax Field was their refusal to purchase the site for the proposed elementary school building. When we announced we were going to construct a kindergarten through grade 6 elementary school, many pressures were applied through various sources in an effort to influence the school board concerning its location.

The Air Force people, as well as the U.S. Office of Education were very eager to have a school building constructed adjacent to the Capehart housing project. The board concurred, and after a bitter battle the Capehart site was selected.

A major factor which influenced their decision was the offer of U.S. Air Force officials to purchase this site for \$20,000, and lease it to the school district for 50 years with a renewable clause. This was not a costly project for the U.S. Air Force but simply sound economics on the part of the U.S. Government who is now paying approximately \$14,000 per year to transport the kindergarten through grade 6 Capehart students to Sun Prairie public schools.

The \$20,000 expenditure for purchase of this land would have been more than repaid in a period of less than 18 months. Officials at Truax Field, Colorado Springs, and Washington, all seemed to concur that purchase of this land would be no particular problem but rather good economics on their part. While this decision is still under study by the U.S. Air Force, we are not optimistic about it.

It would cost the Air Force approximately \$45,000 to transport students during the next 3 years. Purchase of the land would cost \$20,000 saving the Government about \$25,000 in only a 3-year span. It takes little genius to understand the economics of this particular project.

Because of the fine working relationships we had experienced with the Air Force personnel, we were most eager to provide them with an excellent school, outdoor and indoor recreation facilities, as well as a meeting place for various organizations for use by both students and adults living in the immediate Capehart housing area.

Since we already had some \$20,000 involved in engineering fees, plus attorney fees and referendum costs, we felt we were compelled to construct the school adjacent to Capehart whether we all agreed it was still the most suitable site or not. With the announced cuts in the two anticipated Federal grants, we were already in serious financial difficulty and were making every effort to avoid any additional financial burdens. The school board, therefore, held to its original recommendation to construct the elementary school adjacent to the Capehart housing project, as originally proposed.

While I do want to make it clear that I do not come before this committee seeking assistance over the site acquisition and other similar financial reversals, such as connecting the new school sewerage system with the Capehart housing project system, and the correcting of the surface water runoff problem in this area created by the Air Force, both projects of which we were originally assured by the Air Force would be corrected at their expense, I feel it is important for the committee to be aware of the fact that such a sudden and unexpected announcement created other financial burdens to our school district unrelated to either Public Laws 815 or 874.

Because we had been assured the Air Force would be assigned to Truax Field on a long-term basis, we made our long-term plans accordingly. The fact they had just completed a Capehart housing project within our city limits at a cost of some \$5 million less than 2 years previously appeared to be a strong indication of their long-term plans.

We do not believe it was the original intent of Congress to pass legislation that would have a detrimental effect on any school district in this country. Instead, we firmly believe it was the intent of Congress to pass legislation that would assist school districts located in federally impacted areas. With over 27 percent of our student enrollment consisting of federally impacted students, we consider ourselves a heavily impacted area.

Therefore, we strongly support H.R. 7930 and H.R. 7931, bills which amend Public Laws 815 and 874 and correct the inequities now contained in the law. This legislation will assist those school districts already notified of cuts in anticipated Federal funds by restoring the original funds reserved for the school districts involved and will prevent similar circumstances from occurring in the future.

COST ANALYSIS OF THE 2 PUBLIC LAW 815 CONSTRUCTION PROJECTS THAT HAVE BEEN AFFECTED BY U.S. OFFICE OF EDUCATION DECISIONS TO REDUCE OUR ORIGINAL ENTITLEMENTS

Charles W. Bird Elementary School, Wis-65-C-801A15

Total construction bids (general, electrical, plumbing, heating, architect fees)	\$600, 000
Attorney fees	5, 000
Purchase of site	20, 000
Estimated cost of movable classroom furniture	20, 000
Contingency	10, 000
 Total costs	 <u>655, 000</u>
 Original anticipated receipts:	
Bond issue funds	505, 000
Public Law construction funds	130, 000
Purchase of site by U.S. Air Force	20, 000
 Total receipts	 <u>655, 000</u>
 Revised anticipated receipts as result of reduction in Public Law 815 construction funds:	
Bond issue funds	505, 000
Public Law 815 construction	99, 000
Additional local property taxes required	51, 000
 Total receipts	 <u>655, 000</u>
Additional funds that will have to be paid by the electors of the Sun Prairie School District on their property taxes as a result of the \$31,000 reduction in Federal funds and the withdrawal of the U.S. Air Force to purchase the \$20,000 site	51, 000

The addition to the Sun Prairie Senior High School, WIS-64-C-801A14

Total construction costs (general, electrical, plumbing, heating, architect fees).....	\$695, 000
Attorney fees.....	5, 000
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Cost of movable furniture (major items only):	
Haws folding partitions.....	15, 900
Classroom chairs, shelving, cabinets, tables, drapes, carpeting, equipment, audiovisual projectors, etc.....	15, 800
Seating for multipurpose team teaching, audiovisual, forensics, dramatics, and lecture auditorium room, plus teacher desks and chairs.....	16, 000
Physical education equipment.....	2, 000
Intercommunications and sound system.....	2, 500
Business education machines.....	2, 500
Science laboratories.....	12, 000
Lockers.....	5, 000
Foreign language laboratory.....	4, 000
Stage equipment.....	4, 500
Chalkboards.....	2, 000
Construction of new hot lunch kitchen.....	45, 000
Classroom equipment on attached list that was originally approved under Public Law 815 and later reduced to \$14,525.....	69, 500
Subtotal.....	196, 700
Site development.....	24, 000
Total cost.....	920, 700
<hr/>	
Original estimated receipts:	
Bond issue funds.....	695, 000
Bond issue funds (portion of elementary issue).....	103, 000
Public Law 815 construction funds.....	68, 575
Additional local property taxes required.....	54, 125
Total receipts.....	920, 700
<hr/>	
Revised anticipated receipts as a result of reduction in Public Law 815 funds:	
Bond issue funds.....	695, 000
Bond issue funds (portion of elementary issue).....	103, 000
Public Law 815 construction funds.....	14, 525
Additional local property taxes required.....	108, 175
Total receipts.....	920, 700
<hr/>	
Additional local taxes required due to reduction in funds on WIS-65-C-801A15 project (elementary school).....	31, 000
Additional local taxes required due to withdrawal of U.S. Air Force to purchase school site adjacent to Capehart.....	20, 000
Additional local taxes required due to reduction in funds on WIS-64-C-801A14 project (high school equipment).....	54, 050
Total.....	105, 050
Total additional property taxes required of residents of Sun Prairie School District as a result of recent U.S. Government decisions to withdraw or reduce original anticipated grants-in-aid.....	105, 050

Those involved in the original project of locating the Capehart housing project in the city of Sun Prairie, have said guarantees were made stating that if at any time a decision was made to close out the Capehart housing project, the Government would not thrust any sudden or serious financial circumstances upon electors and taxpayers of the Sun Prairie area.

Suddenly reducing anticipated revenues expected by the Sun Prairie School District by the sizable sum of \$105,050, is undeniably a sudden and serious financial burden placed on local property taxpayers by the U.S. Government.

If the Sun Prairie School District was the size of Madison or Milwaukee the reduction of \$100,000 in anticipated revenues would certainly not create a financial crisis. They are fiscally dependent school districts obtaining their funds from city, councils, and the need only to adjust municipal departments to obtain the necessary funds.

The Sun Prairie School District is a fiscally independent corporation. This means all losses are suffered directly by the school district and all revenues required to restore losses must be levied directly upon the local property taxpayer for school purposes.

There will no doubt be a tremendous struggle to pass an even reasonably adequate school budget next summer that would include a portion of this loss. It would be ridiculous to even consider calling a special school district meeting to ask electors for authorization to conduct a referendum for a bond issue of \$100,000 to pay costs of the losses, when it is common knowledge that taxpayers are convinced the Government still has some responsibilities in Sun Prairie and should share in the above-mentioned losses. The sum of \$100,000 is approximately one-sixth of the present levy for school purposes.

In summary, the school district is requesting the reduction in the senior high school equipment project be restored to the original amount of \$68,575. Whether the Government will prefer to pay \$45,000 for bus transportation over the next 3 years, or purchase the \$20,000 Capehart school site for lease to the school will have to be a decision the Air Force and other Government officials must make. If they refuse to purchase the site the school district will have to pay the \$20,000. The reduction in the new elementary school grant, from \$130,000 to \$99,000, was a most unwelcome decision to receive but it is apparently a decision that is supported by law and will result in an additional \$31,000 to be placed on the local property tax levy.

Respectfully submitted.

O. G. BERGE, *School Administrator,*
Sun Prairie Public Schools, Sun Prairie, Wis.

Sun Prairie

Existing Public Law 874 phaseout assistance:	
1968-69: 20 pupils times \$165 at 100 percent.....	\$3, 300
1969-70: 20 pupils times \$165 at 50 percent.....	1, 650
Proposed legislation Public Law 874 phaseout assistance:	
1968-69:	
500 Truax pupils times \$330 at 75 percent.....	123, 750
230 Truax pupils times \$165 at 75 percent.....	28, 462
20 Truax pupils times \$165 at 100 percent.....	3, 300
Total.....	<u>155, 512</u>
1969-70:	
500 Truax pupils times \$330 at 50 percent.....	82, 500
230 Truax pupils times \$165 at 50 percent.....	18, 975
20 Truax pupils times \$165 at 75 percent.....	2, 475
Total.....	<u>103, 950</u>
1970-71:	
500 Truax pupils times \$330 at 25 percent.....	41, 250
230 Truax pupils times \$165 at 25 percent.....	9, 487
20 Truax pupils times \$165 at 50 percent.....	1, 650
Total.....	<u>52, 387</u>
1971-72: 20 Truax pupils times \$165 at 25 percent.....	825

Mr. BERGE. Mr. Chairman and members of the committee, it is a privilege this morning to present the problems that we have encountered, due to the announced phaseout of Truax Field and the financial implications we are faced with.

I believe you have a copy of my statement and I would like to follow it quite closely and at least adhere to the form of its sequence.

If we take a look at enrollments, you will see in 1962, we have no federally connected students living on a Government housing project in our city, but today we have 500.

The other students we have living off the Capehart housing project who are federally connected students—we have approximately 753 and it is growing every day. When they decided to construct the Capehart housing project within Sun Prairie, they estimated we would have approximately 280 students living there. This theory adjusted to 420. They said that would be maximum and we were paid on that basis at that time.

Today we have over 500.

Now, because of the continued increase in our Federal impact aid students—

Mr. PERKINS. What about the miscalculation? I hate to interrupt you. What about this miscalculation where, now you have more than 500 Federal students enrolled residing in the Capehart housing. What brought about the miscalculation?

Mr. BERGE. I believe it was originally estimated that the Capehart housing project would have 280 students. I was not there because I am somewhat new in Sun Prairie. This is my third year, but because of the request by the school administrator at that time and the surveys taken, it was determined that the Air Force personnel would probably have more than one child per family of school age, so they readjusted the amount to 1.5 and that brought it to 485 and we were paid for construction costs on that basis for 1962.

These Air Force people, like everyone else, keep having children, and now we have over 500. This is growing daily in a sense, both on the Capehart project and the off-Capehart Federal students. Because of this withdrawal, we have made an additional application for Federal funds.

In March 1964, I made an application for a reservation of funds for \$100,000 for equipment to be placed in the senior high school addition we were building at that time. The Office of Education informed me we were eligible to receive \$68,575 due to the enrollment increase of federally connected students. This was under Public Law 815 and was the correct figure we were entitled to receive according to the number of students. These funds under Public Law 815 were not available yet, and the priority index was not high enough in March so our approval was delayed until Congress passed the appropriate legislation. It was anticipated if this bill would pass Congress during April, we would have official confirmation in May, bid the equipment and have it in June and have the building ready with all the equipment when we opened our doors in the fall.

As we all know, there was the long congressional filibuster, the adjournment for the Republican National Convention, and the appropriations bill was delayed and not passed until October 1964. We were waiting from March until October for passage of this bill. Meantime, because the U.S. Office of Education knew of our problem, they did direct their fieldman to come to our schools and make a complete check and evaluate our equipment list which they must do prior to an approval.

So that when the appropriations bill was passed, we would be ready to move as rapidly as possible.

The official came out and reviewed the equipment listed for the new building, the bidders, he approved this in June of 1964.

Again, through the cooperation of the U.S. Office of Education officials, we were granted permission to advertise for equipment bids and a bid opening date was arranged with the Housing and Home Finance Agency in Chicago in August 1964 and the date was scheduled for September 4, 1964. They had their fieldman present for the bid opening and procedures to supervising the bidding of the equipment.

On September 14, the U.S. Office of Education informed me that the \$68,575 had been reserved for this project. Now this had been pending since the previous March because of the appropriations bill, but they did give us this information in September.

Following bid opening, all bids were tabulated. The attorney's opinion was rendered concerning legal procedures. Several meetings were held with the architect concerning the quality of some of the equipment, several trips were made to other school districts to evaluate actual equipment installations to ascertain exactly what could be received from the bids in question. There were quite a few people involved in the bidding and this was done so we could determine what we wanted to get with respect to the best product for the amount of the bids.

On October 12, 1964, all necessary information such as tabulations of bids, a copy of each successful bid, a copy of proof of publication of advertisements, the complete list of suppliers selected for bids, proposed contracts showing each supplier's name and address, items included and the cost; necessary certified copy of the adopted resolution of proposed awards, appropriate supporting data concerning each proposed award, and a copy of the statement from our school district attorney verifying that the proposed awards conformed to all State and local laws, were sent to the Housing and Home Finance Agency for evaluation and approval. It was hoped they would be in a position to evaluate our project immediately since the application had already been delayed 8 months.

This took longer than was anticipated so I drove down to the office and met with them to discuss any questions they might have concerning the application. The few questions were quickly resolved.

On November 10, 1964, they sent me a letter officially informing me of the changes that we should make and I answered the request they had made and sent it back to them.

At this point, we thought we were pretty well underway. On November 19, 1964, the announcement was made that Truax Field would be phased out in June 1968.

This was quite a surprise.

That same morning, I talked to the officials and they said they would not be included in this phaseout. They had been there for 20 years and expected to remain there.

At 2 o'clock the story was quite different.

The next morning the U.S. Office of Education officials called me and told me the entitlement of funds we had for the new school we were getting ready to construct would be reduced from \$130,000 to \$99,000. They also informed us that the previous payment we were awaiting since March would not be affected because of this decision. This would be forthcoming.

We are asking now that the \$130,000 be restored.

On November 25, 5 days later, the U.S. Office of Education officials called me again and said they had reinterpreted the statute and that

our \$68,575 entitlement would be reduced to \$8,000. This was a shocking experience to all of us at Sun Prairie. They did recalculate and revise this figure to \$14,525.

On December 5, 1964, the Housing and Home Finance Agency informed me that they had made the revisions and corrections and that they concurred in our intention to award the project for the equipment. This equipment still has not been ordered due to the reduction in the Federal funds. This actually means that most of the suppliers during the summer knew that we were eligible for and would receive Federal funds because of our number of students.

So, in most cases, they said, "Well, we will provide you with the equipment. If we get the bid, this is fine. If we don't you will have it."

In most cases, they provided us with the necessary typewriters, calculators, and desks; whatever the case might be. Of course, I have been getting bills from them since last September. We don't have \$68,000 sitting in our budget to pay these bills. This was anticipated in our budget. This is why this interpretation of a delayed decision does not seem to us to be reasonable nor logical and I think, as Congressman Kastenmeier testified, we don't believe it is according to the original intent of the statute.

I think the intent was for installations coming in on a short duration and moving out. Ours is coming in on a long-term duration and was to be there a long period of time.

We were eligible for the \$68,575 Federal grant under Public Law 815 in March 1964, and this was old business, both to our school district and the U.S. Government. We close our books on June 30 and commence the new budget July 1 of each year. The U.S. Office of Education forms are based on the same fiscal year. In planning for the 1964-65 school year, the \$68,575 debt the U.S. Government owed our school district was included in budget plans for the ensuing year. I would expect the same is true of the U.S. Office of Education.

We have refused to acknowledge this drastic cut in a year-old debt because of the financial ramifications and additional financial burden or obligations the U.S. Government would suddenly be placing on taxpayers of the Sun Prairie School District. We certainly do not feel we are in a position to suddenly throw this cost upon local taxpayers, when they are in no way responsible for the decisions and actions on the part of the U.S. Government.

This, in a sense, would place us in a most awkward and ridiculous position of subsidizing the Federal Government.

We are here today supporting this legislation which would restore the original grants for both the high school equipment and for the new elementary school, one grant in the amount of \$68,575 and the other grant amounting to \$130,000. These are Public Law 815.

We are also seriously concerned about the financial impact of our school system, beginning with the 1968-69 school year. Because of the 750 federally connected students in our school system, we now receive approximately \$180,000 per year under Public Law 874. We expect to maintain this number until spring and early summer of 1968.

Approximately 730 of these students will be transferred between January 1 and June 30, 1968. This will leave us with approximately 20 federally connected students. This will mean that our revenue

will drop from approximately \$180,000 during the 1967-68 school year to approximately \$3,000 during the 1968-69 school year. This is a tremendous drop in revenue from one school year to the next for a school system of our size to budget for during such a short time.

A good share of this loss can be absorbed by firing some 20 classroom teachers. We are not sure how logical such a procedure would be. Firing that many teachers and then rehiring them or a new group the following year does not sound like good planning either.

Other problems are more intangible and cannot be solved as simply. For example, we have specialists hired in such areas as guidance, psychometry, speech correctionists, librarians, art, music, physical education, and special education teaching for the mentally handicapped. These people are hired more or less on a ratio of a specialist for so many pupils.

We cannot suddenly inform them that because a percentage of their students are being transferred and a substantial cut in Federal aid will result, they will now be hired on a 75- or 80-percent basis and their salaries reduced accordingly. A similar factor would occur concerning the operations costs of the school buildings.

The proposed legislation amending Public Law 874 which would assist schools financially on the basis of the last year of eligibility, would alleviate this financial problem for all school systems faced with this situation.

Another setback the school district suffered as a result of the announced phasing out of the Air Force from Truax Field, was their refusal to purchase the site for the proposed elementary school building. When we announced we were going to construct another elementary school many pressures were applied through various sources in an effort to influence the school board concerning its location.

Various developers, were looking for the site in their particular areas. Because they had to cross a busy intersection in the highway in order to get to the school—I'm speaking of the students attending the school—they were assigned to attend, the Office of Education often referred to the school as "the school across the road," because there definitely was a problem involved.

The U.S. Air Force was interested enough to become involved and indicated they were willing to purchase the site for \$20,000 and lease it to the school district for 50 years with a renewable clause. Twenty thousand dollars was not a costly project for the U.S. Air Force, but simply sound economics on the part of the U.S. Government that is now paying approximately \$14,000 per year to transport the children from the Capehart housing project to our present school system.

That would practically alleviate the transportation costs. In a year and a half the site would be more than paid for.

Because of the fine working relationships we had experienced with the Air Force personnel, we were most eager to provide them with an excellent school, outdoor and indoor recreation facilities as well as a meeting place for various organizations for use by both students and adults living in the immediate Capehart housing area. They were very eager for us to go ahead with this project.

We also received a few other financial setbacks when the announcement was made concerning the closing of the base.

While I do want to make it clear that I did not come before this committee seeking assistance over the site acquisition and other similar financial reversals, such as connecting the new school sewerage system with the Capehart housing project system, and the correcting of the surface water runoff problem in this area created by the Air Force, both projects of which we were originally assured by the Air Force would be corrected at their expense, I feel it is important for the committee to be aware of the fact that such a sudden and unexpected announcement created other financial burdens to our school district unrelated to either Public Law 815 or Public Law 874.

Therefore, we strongly support H.R. 7930 and H.R. 7931, which amend Public Law 815 and Public Law 874 and correct the inequities now contained in the law.

Next in my statement is a financial page for the new school and the equipment. Just to briefly state the estimated costs of the new school, that is \$655,000.

In working out the finances for the schools we anticipated receipts from bond issues in the amount of \$505,000, and Public Law 815 construction funds in the amount of \$130,000 and from the site acquisition by the Air Force \$20,000.

You can see what happens now with the withdrawal of the funds. Suddenly we have \$51,000 additional placed on the Sun Prairie taxpayers on this one project alone.

The next page is a similar example whereby the cost of the high school addition is about \$920,000. Of this amount we anticipated \$68,575 under Public Law 815. We were suddenly reduced to \$14,525 after all bond issues and commitments had been made. Suddenly we have another burden on our school district of \$54,050.

In a matter of about 5 days and two telephone calls we had a reduction of funds which had been included in our budget revenue of \$105,050. For a district of this size it is quite a sum of money; it is one-sixth of our tax levy to operate our schools. You can see what will happen if we have to pick up this burden.

Those involved in locating the Capehart housing project in the city of Sun Prairie said guarantees were made, all officials stated in the original planning that if it should ever be pulled out of Sun Prairie absolutely no financial hardship would occur. The Government would take care of any sudden financial problems. This apparently isn't the case under the present legislation, because we do have a bill of \$105,000 in just three items facing us, plus a number of other bills that are facing us where the Government is now withdrawing their commitments they had made with us, the school district and the city last fall, prior to the announced phaseout.

Between the various losses we have incurred directly and the other losses we know we will probably have to pick up on our own, we are strongly urging your support of the two bills before you, to help out our district and help us in this situation.

Mr. PERKINS. Thank you very much, Superintendent Berge.

Mr. BERGE. Mr. Chairman, I probably briefly should go over the last page.

Just briefly, this is what happened to us under the existing Public Law 874: During the 1968-69 school year we will receive approximately \$180,000 because of our 750 students. This will end June 30.

On July 1, we are suddenly down to \$3,300. So in a matter of this short time, we have suddenly lost more than \$170,000 of the entitlement. Somewhere there is a gap of \$177,000 to be made up.

As I mentioned, probably we can fire some 20 teachers, and probably pick up \$100,000. We still have \$77,000 to make up and we can't remove that many people in the specialist areas.

The next year we would be entitled to \$1,650. That is what we would be paid under the present phaseout system. Under the proposed legislation we would be paid, using the \$180,000 as a basis, we would receive \$123,000 at the 75-percent ratio for those living on the Capehart project, \$90,000 for the 230 living off, and we would probably have 20 Federal students left after June 30 of 1968. These are people not in the Air Force—that is, Federal marshals living in the community and so forth.

So the legislation of Public Law 874 is equally important and probably more so than the 815. To us they both have a serious impact on our schools.

Mr. PERKINS. To get the record straight at this point, I think you have already made it clear, but I would like to ask you if under the existing law, if you relied upon the commitment as a result of 815 to the extent that you would have made your plans and prepared your program contemplating that you would receive, under Public Law 815, \$130,000 as the original anticipated receipts before the announcement was made for this school year. Am I correct?

Mr. BERGE. Right.

Mr. PERKINS. After the announcement was made under the present law, as the law is now written, notwithstanding the fact you have relied on the commitments, you will only receive, unless the Congress acts, \$99,000?

Mr. BERGE. Right.

Mr. PERKINS. Is that correct? You are short about \$31,000 for this school year under 815?

Mr. BERGE. This is for the construction of a new school being constructed at the present time.

Mr. PERKINS. Now in addition to the funds you thought you were going to obtain and cannot obtain under the present law, for the construction of this new school, during this school year, have you suffered any other losses under 815?

Mr. BERGE. Yes. In addition to that cut of \$31,000 in the school construction grant under Public Law 815, we are also gravely concerned over the cut in an equipment grant under this same public law. We suffered a loss of roughly \$54,000. The original amount of the grant was \$68,575. This was cut back to \$14,525. This is the largest and most serious loss, since much of the equipment had been provided the school in the expectation of the receipt of the \$68,000 Federal grant. The school district now faces the situation where it will either have to return the equipment and pay a year's rental on it or impose additional taxes on the local community to make it up. This is true for the \$31,000 cut from construction funds as well. The building is now going up and the funds will have to come from some place.

Combined, our losses under Public Law 815 total \$85,000. I frankly can see no alternative to the passage of these bills. If the bills

are not passed, it is hard to see where the school district will be able to get the funds to make up for these Federal cuts.

In view of all the other instances in Sun Prairie where the Air Force and the Federal Government have reneged on their agreements, the citizens of Sun Prairie understandably are embittered toward the Federal Government. They probably would refuse to vote additional taxes to make up what they feel are rightly the cost of the Federal Government.

Mr. PERKINS. That is all the loss you have suffered?

Mr. BERGE. Right.

The two that I have listed here, the \$68,000 and the \$130,000.

Mr. PERKINS. That is under 815?

Mr. BERGE. Yes. Both under 815.

Mr. PERKINS. Under 874 how much revenue will you lose unless we make the change, as a result of the closing?

Mr. BERGE. We will not lose any revenue until 1969. In the 1968-69 school year, we will lose \$177,000 and \$178,000 in the following year under the existing law. These students will all be here through the 1967-68 school year. They just finished the housing project, just spent some \$5 million to build the housing. They were not even 2 years old when they announced they were going to leave, so all our planning is long range. I have been assured all the Capehart units will be filled through June 30, 1968. There were other items which I am here to present before the committee.

For example, we bought three sites because of the influx of military people. Just last month the military leased 19 apartments for military families. We know there will be military families in these 19 apartments for the next month. This will keep increasing. In order to plan with the Air Force and include them, we had fine relations locally; we bought three sites last summer—a recreation area—because of this increase. And the Air Force assured us we could tie into their sewerage system because we were right adjacent to the Capehart project. They said we could do that rather than have us spending \$10 million to provide sewerage systems.

The school said they would annex to the city unless this is taken care of. They assured us and guaranteed us this would be taken care of. Apparently this is just words. I imagine we will be paying for this for quite a long time.

We can go on with these intangibles. I don't want to sound like a chronic complainer, but the bills involved will heal a lot of wounds, and we can pick up some of these other things.

The \$20,000 site which at the present time they pay some \$14,000 per year to transport their students across the highway to our school. If we built this school like we had planned adjacent to their housing, they can eliminate that \$14,000 a year. They were talking of a long-range plan when this was discussed a year ago. We announced that we were going to do this to help the planners for schools in their developmental areas. When the announcement was made they were going to phase out and we were suddenly cut \$31,000 on one and \$54,000 on another and \$20,000 on the site, this began to add up quickly.

If the Air Force would prefer to pay \$15,000 a year for the next 3 years in transporting the kids across the road, it is not our decision. We can put our own students there. We think it is simple economics, why pay \$40,000 when you can pay 20.

Mr. PERKINS. Without objection, your prepared statement will appear before your discussion.

Mr. Bell, do you have any questions?

Mr. BELL. You said in your statement that hiring that many teachers and firing them the next year would not be good planning. Would you be rehiring a large percentage or just a few?

Mr. BERGE. We will be growing. We are growing at the rate of probably 350 to 400 students per year. So, in 1968, where we have about 2,800 students now—we had 27 something in February—we will be well over 3,000 by September, for example.

Mr. BELL. Isn't it true the results of this move on the part of the Government will take away students?

Mr. BERGE. Right. So we will have between now and 1968—we will be growing at about the rate of 400 a year and all of a sudden, 750 will be gone. We can move out that many teachers. We won't be needing them all. We will be gaining students while we are losing students.

Our problem is not only moving out the actual classroom teachers, but you just can't move out so many guidance people, psychologists, librarians, art people—you have to have so many on a ratio basis. Maybe you have a guidance person for every 500 students. This will be a burden; you can't just fire these people. You fire them and start hiring them again in a year.

Mr. BELL. This next question isn't tied to this, but I am curious. Would you be receiving any aid at all from the recently passed Federal aid to primary and secondary schools?

Mr. BERGE. Very, very little. It would not have any impact on our schools.

Mr. BELL. You would have no impact to speak of?

Mr. BERGE. No. The headstart program, one of the programs for the 4-year-olds, and so forth, would not be an issue in our district.

Mr. BELL. This is not the poverty program.

Mr. BERGE. Yes; but it is for the 4-year olds. We utilize most of the NDEA under the present situation, and will be utilizing it more with the new legislation.

Mr. BELL. That is all, Mr. Chairman.

Mr. PERKINS. Mr. Ford?

Mr. FORD. Have you any anticipation of the Elementary and Secondary Education Act of 1965; have you determined what your eligibility would be in terms of the number of children shown in the 1960 census for families on the 2½ ratio?

Mr. BERGE. No. As I say it would be insignificant.

Mr. FORD. You are aware, are you not, that this takes into account the 1959 unemployment?

Mr. BERGE. Yes. 1959 or 1960.

Mr. FORD. What is your principal source of employment for the people living in your district?

Mr. BERGE. I would say 40 percent work in the city of Madison. We are 5 miles out of Madison and I would say we have a so-called bedroom community in the sense it is residential. Many are people like sales managers, accountants, and so forth. We have a porcelain factory and canning factory within the community but Madison is the primary area of employment.

Mr. FORD. The reason I raise this question is that Congressman O'Hara, who is a member of this committee, and I, had a conference with the educators. We both represented a community in suburban Detroit, bedroom communities, and the per capita income is high. In your district you do not have that quality?

Although there were a number of school superintendents that had to have this proven to them; they were operating under the same assumption you are now in terms of the high rate of employment, they felt that their problem could not be covered by the poverty program. In one instance, I had a gentleman with the highest per capita income rating and we developed the figures for families having 2½ children per family, which gave them enough eligibility.

Mr. BERGE. This is in Dane County. And I am sure we qualify, but as far as the impact—

Mr. FORD. This is Dane County?

Mr. BERGE. Yes.

Mr. FORD. You are away above the national average of 5 percent of the children coming from families with income of \$2,000 or less?

Mr. BERGE. I think we have 6 percent in the county.

Mr. FORD. There is a figure of \$512,611 under title I law?

Mr. BERGE. Yes.

Mr. FORD. I am reading figures from the chart that is a part of the hearings on the Elementary and Secondary Education Act. I am sure Congressman Kastenmeier would be very able and willing to pin this down for you. You ought to now be looking at the amounts of money involved here in titles I and II, and perhaps in title III.

Mr. BERGE. Right.

Mr. FORD. Especially with these special education teachers you are talking about. There is a possibility that this new act gives you some joint help.

Mr. BERGE. Right.

Mr. FORD. From the city of Madison, they want a grant under title III and get it much easier. How far away are you?

Mr. BERGE. We are adjoining. In the new school where the \$130,000 grant is requested, we have four special rooms designed for mentally handicapped in the building. Those funds we have made arrangements for as far as teachers are concerned. They will be taken care of as far as their salaries are concerned.

Mr. FORD. You mentioned, and Mr. Bell has questioned you about page 4 of your testimony where you mentioned you will probably have to fire 20 teachers. This is a lot of teachers for a school system. Do you have teacher tenure in the State of Wisconsin?

Mr. BERGE. No.

Mr. FORD. Will it be possible to fire 20 teachers in Wisconsin?

Mr. BERGE. You have to hold a hearing and so forth. You didn't have to until now. It is becoming more difficult each year, but you can release them if you have just cause and so forth.

Mr. FORD. I take it you, like other suburbs in the country, are caught in the squeeze of having to compete with the city of Madison for teachers?

Mr. BERGE. Right.

Mr. FORD. If it were known that you had to from time to time fire a large number of teachers because of this sort of thing, you might have difficulty recruiting teachers?

Mr. BERGE. Correct. The other problem, too, we talked of this. We will probably be hiring 20 teachers to take care of normal growth. If we try to hire teachers on the 1-year basis, you all know the caliber we will probably get.

This doesn't look attractive either. Either you hire them and don't tell them or you hire them for 1 year.

Mr. FORD. What kind of growth are you experiencing in this community. Are you getting these large projects of subdivision-type homes?

Mr. BERGE. Right.

Mr. FORD. FHA, most of them?

Mr. BERGE. Not necessarily; no. I think that would be minimum. Residents, developmental areas.

Mr. FORD. Are you getting subdivisions with large numbers of homes, and you have to build a school to take care of them?

Mr. BERGE. No. We have been growing up in Sun Prairie and now have about 345 apartments, duplexes, or homes for next year. They will be finished between now and January.

Mr. FORD. Are these apartments, duplexes, and homes furnishing children for your school system?

Mr. BERGE. Right.

Mr. FORD. There is no Federal money involved in financing those?

Mr. BERGE. No. Although I can mention the Air Force, just a matter of 2 or 3 weeks or 10 days—

Mr. FORD. Isn't this new construction that is bringing people into your community either financed by the Federal Government, FHA, or Federal loan guarantees?

Mr. BERGE. For homes and apartments?

Mr. FORD. Yes.

Mr. BERGE. I can't tell. I don't know how they finance their homes and apartments. Perhaps Mr. Trodahl can answer that.

Mr. TRODAHL. I think the only thing being financed is homes. I think the apartments are through loans, through savings and loans. One of the things that hurt Sun Prairie is, one of the biggest savings and loans in Dane County, after this announcement on November 20 made a statement they would put no more money into Sun Prairie. Of course, this is a bit of a jarring thing for a community to have this sort of thing happen. Of course, when it is eased off a little, perhaps it won't be so bad, but for the moment, people looking at housing in Sun Prairie, for a month, they would make a flat statement, "I am not going to move to this town, period."

Mr. FORD. No further questions.

Mr. PERKINS. Any further questions?

Thank you, Mr. Berge for your appearance.

We will now hear from Congressman Meeds.

Will you come around, Congressman.

Congressman Meeds is also greatly concerned about the disaster aid for our school districts. You have introduced a bill on this subject. Am I correct?

Mr. MEEDS. Yes, sir.

Mr. PERKINS. We are very happy to have your sponsorship of this legislation, and we will be delighted to hear from you at this time.

**STATEMENT OF HON. LLOYD MEEDS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF WASHINGTON**

Mr. MEEDS. Mr. Chairman and members of this committee, I hope this committee will not accuse me of trying to make a field trip in their area of concern. Believe me, it was inadvertent. I must confess I didn't know the distinguished chairman of this subcommittee had introduced 7808 and I went to my district recently for the primary purpose of discussing with education people the problem of disaster caused by the earthquake.

Mr. PERKINS. I am sorry I failed to discuss it with you.

Mr. MEEDS. That is my fault. But I didn't want the committee to think I was making a field trip for that purpose.

Mr. PERKINS. Your prepared statement will appear in the record at this point.

(The statement referred to follows:)

PREPARED STATEMENT OF HON. LLOYD MEEDS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF WASHINGTON

Mr. Chairman and members of the committee, earthquakes in Alaska and Washington State, floods in the Pacific Northwest and Midwest, and tornadoes in the Midwest combined with other natural disasters have placed an unusually heavy burden upon schools in their efforts to meet levels of education consistent with the Nation's needs.

Amendments to Public Laws 815 and 874 of the 81st Congress to provide Federal financial assistance in the construction and operation of public elementary and secondary schools in areas affected by major disasters is badly needed legislation in view of the unusual number of natural disasters occurring in the United States during the past 2 years.

I returned to the Capitol last Monday after personally inspecting several schools in my congressional district that were seriously damaged by an earthquake on April 29.

What I saw was damage to school facilities that will place a gigantic burden on the already tight budgets of the school districts involved.

This situation is not unique to my district or my State. This legislation, that I feel is necessary to meet the financial crisis faced by school systems in the wake of a major disaster, has been needed in the past by many sections of the country and may be needed in the future by every section.

I heartily support H.R. 7808, a bill that would provide this Federal financial assistance.

By way of highlighting for you the need for this legislation, I would like to describe the specific conditions in my own district as I saw them when I visited several schools on May 15.

I know something of the structure of the Monroe High School in Monroe, Wash., as I am a graduate of this particular school. Severe cracks and loosening of the outer walls combined with loosening of the inner frame of the building make repairs expensive. The main staircase in several instances has had to be shored up so that students can continue to attend classes in this school. Floors and floor supports are sagging in many of the rooms and several of the hallways appear to be out of alinement. In some rooms I found basic support so lacking that I could rattle the windows by jumping on the floor in one corner of the room.

Later the same day I visited Marysville School District where I inspected two buildings at the Marysville High School, one built in 1911 and the other in the 1930's. Both of these buildings had to be evacuated shortly after the earthquake and have now been condemned. All present evidence indicates that these buildings can never again be used for school purposes and it is the opinion of knowledgeable local people that they will both have to be torn down and replaced.

The major damage seems to be to outer walls. By climbing on top of the building I was able to move the entire outer wall of one building by shoving on the top. The swaying of these outer walls made it obvious that they were no longer tied to the main structure as insurance against toppling. Huge cracks in both the outer and inner walls as well as sagging floors could be seen throughout both buildings.

Further, information from the acting deputy district engineer for the Army Corps of Engineers outlined damage to schools in the city of Everett. Referring to the Monroe Elementary School, he says, in part, "the west wall is visibly out of alignment. The west wall parapet is easily separated by hand pressure. A single tieback to the roof is not bolted at the roof and is not effective."

What is the Corps of Engineers recommendation?

"The earthquake has opened up cracks which indicate that bond has been broken almost the full height of principal lateral support of the west wall. This wall, or a large portion thereof, could drop onto the school playground in the event of a similar subsequent earthquake. We concur with your decision to abandon the building at the present time and to barricade the schoolyard in the area of the west wall."

In all of these three school systems building damage has created extreme hardship on both the schools and the students they serve. Loss of classrooms necessitated by evacuation of unsafe buildings has created situations such as that at Marysville High School where classes are now being held in locker and shower rooms, in the gymnasium, and even in schoolbuses outside the buildings themselves. Yet, in these school districts, proper renovation or rebuilding cannot be accomplished speedily through financing at the local level. This is because these school districts are near or have already reached the maximum level of bonded indebtedness allowed by Washington State law. This means that the money necessary to rebuild these schools cannot be raised without special levies or special bond issues. In some instances even these would not be sufficient.

The State of Washington appears to be unable to respond adequately at the State level or to provide sufficient assistance for the rebuilding that appears absolutely essential in both Marysville and Monroe.

Some funds are available through emergency disaster relief, but these are only to make such repairs and replacements as to make the school buildings "useable." But in many instances it is clear that efficiency and long-range economy dictate that these buildings be rebuilt completely. Any attempt to merely repair them would be washing money down the drain—investing good money in buildings that will never again be able to serve permanently as schools.

While I tell you of the specific cases in my own district, I know this story could be duplicated in school districts throughout the Nation that have been affected by major disasters.

I heartily support H.R. 7808 introduced by Representative Perkins. It would serve to provide schools in disaster areas with the necessary funds to rebuild their buildings and continue effective operation of their classes. This bill would allow the important functions of education to continue even in the face of chaotic consequences of a major national disaster.

Mr. MEEDS. Mr. Chairman, during the past 2 years, I think the United States has suffered more than its share of major disasters. Certainly, the earthquakes in the State of Alaska and the State of Washington, tornadoes in the Midwest, floods in the Pacific Northwest, as Mr. Bell well knows, and the Midwest again, have put an unduly heavy burden on the school systems of the United States to maintain the level of education with which this committee is very concerned.

I happened to return to the Capital Monday after a field trip to my own district where I discussed with educators the problems presented by the earthquake in the Second Congressional District. The center of the earthquake was just off the coast of my congressional district. There has been severe damage to many of the schools in the Second Congressional District and in particular the earthquake damaged the three school districts, the Everett School District, the largest in my home county; Monroe School District, where I graduated from high school; and the Marysville School District.

I went to the town of Monroe first, where I went to the high school from which I had graduated a couple of years ago, and there were very severe cracks and loosening of the outer walls brought on entirely by the earthquake and loosening of the interframe of the buildings so

that in three instances the stairways where one would go up the stairs, the entire stairway had to be shored up so it could still be used by students.

The Monroe High School was still being used although I thought it was a little precarious. In one instance I went over in the corner of the room and jumped on the floor and it would shake the windows across the building, because the underpinning had been pulled loose from the outer frame of the building.

The floors sagged in many instances caused by settlement brought on by the earthquake.

Perhaps even in more perilous conditions were two buildings in the Marysville School District, which had to be evacuated entirely. In one instance, I climbed on the roof of the building and could shake an entire big wall moved visibly 4 or 5 inches by applying pressure. It had become unpinned, so to speak from the rest of the entire building.

This building had to be evacuated.

The other building in Marysville—these were at the high school—the floors were like the floors in the high school at Monroe. In both instances in Marysville, the buildings had been evacuated and condemned.

The students—the committee will be interested in this—were conducting classes; four or five classes would be carried on at one time in the gymnasium and I am sure the noise level was high. In addition they conducted classes in shower rooms and had four school-buses pulled up outside and in which they conducted classes.

In addition to this, in the city of Everett, we have two buildings damaged there. One of those had to be condemned, and, again, it is much the same story of the walls coming loose. I didn't shake it but I am told it can be shaken in much the same fashion as the one in Marysville can.

In all three of these instances, repair of these buildings is out of the question. It will be necessary to rebuild these buildings.

Now, one might say, "Why doesn't the community do it?" Let me tell you, the community is very concerned, and I am sure are willing to bend an oar to help in this. We have a rather strained situation which exists in our State. I assume it exists in other States. We have a maximum bond indebtedness for our school systems. Most of our school systems—as I am sure this committee is aware—are up at the top of this maximum right now and to apply for more bonds or more special levies in this instance requires—at least in our State—an election at which it requires a 50-percent affirmative vote to provide any levy above this bonded indebtedness, above the maximum which all these three school districts I have talked about—one is adequate; the other two are very near it.

From this standpoint the chances and probability that something can be done at a local level is not good.

Even above and beyond this, of course, we have the "Emergency Disaster Relief" which is provided. Again, people will say, "Why don't you use this?" In these instances, particularly the schools of which I have spoken, "Emergency Disaster Relief" would provide sufficient funds to repair or the amount that the repairs could be made or they will apply that to make the building usable. But it can't be applied to new buildings.

Now, in the instance of the Monroe School, preliminary estimates on this are less than \$50,000 but this school district is faced with the problem of absolutely building a new building. The Marysville district is faced with the problem of two new buildings, and Everett district is faced with the problem of two new buildings.

They are faced with the same circumstances that to repair the building where it could be usable for another year or two is one thing, but to put money into these buildings, all of which I am talking of are old buildings, there is no question about it. As I say in my testimony, it's kind of throwing money away. It is necessary to rebuild these buildings, build new buildings, and it is my feeling the bill which the chairman has introduced is certainly a step, or the answer, or solution to this type of problem.

Mr. PERKINS. I want to state to my colleague that the floods out in eastern Kentucky in the past, particularly the floods of 1957, that recurred again in 1963 and did tremendous damage to our schools in eastern Kentucky—we are not bothered with the earthquake problem but I well appreciate the problem in your area.

It is deplorable and this subcommittee will certainly try to take some favorable action.

Mr. MEEDS. It will certainly be appreciated in our area and I am sure most of the areas in the United States.

Mr. PERKINS. Mr. Bell, any questions?

Mr. BELL. Thank you, Mr. Chairman.

I would like to say we do appreciate having you appear before this committee. You mentioned the emergency feature that would just allow for repair of usable buildings.

Mr. MEEDS. Yes, sir.

Mr. BELL. Doesn't it go from there that in certain cases, you make a decision that it really isn't usable, that it should be destroyed—I mean, in other words, you could destroy it and build a new building. The repair goes further than just putting together toothpicks about ready to collapse?

Mr. MEEDS. Perhaps I didn't make myself as clear as I should have. I said, and I believe, in the instance where the building is rendered unsafe and it would be necessary to build another building then the amount of funds which could be used to place the other building in a usable condition could be allocated for the new building. In all of the instances, I have cited, it is far from adequate to do the job which should be done. As a matter of fact, it amounts to very little.

Mr. PERKINS. Mr. Ford?

Mr. FORD. I have no questions. I would like to thank Congressman Meeds and at this time move that his formal testimony be entered in the record just before his comments that he has made here today. I think it is very well thought out and very well prepared and will aid this committee in explaining the need for this legislation.

Mr. PERKINS. Without objection it is so ordered.

Mr. FORD. I would like to say as a Congressman from Michigan, that your very pointed testimony about the effects of natural disasters and the immediate problems they create for the school districts have been felt in my State in several instances. In the past 10 years since we became a part of the tornado belt. For many years, we thought we were immune to this sort of thing; we didn't have the kind of floods Congressman Perkins has in his district, but we have been hit

almost yearly for the past 10 years with some sort of tornado and for some reason schools are particularly susceptible.

Mr. MEEDS. Because they are so old, in many instances, I think.

Mr. FORD. I don't know what it is but we lose a lot.

I want to thank you for your testimony and tell you how much we appreciate how you set forth this problem.

Mr. PERKINS. Thank you, Congressman Meeds.

Mr. MEEDS. Thank you, gentlemen.

It was a pleasure to appear before you.

Mr. PERKINS. On the record.

The committee will recess until 9:30 a.m. tomorrow morning.

(The subcommittee recessed to reconvene at 9:30 a.m., Thursday, May 20, 1965.)

DISASTER SCHOOL ASSISTANCE AND MEASURES TO ELIMINATE INEQUITIES IN PUBLIC LAWS 815 AND 874

MONDAY, MAY 24, 1965

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2257, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Brademas, and Bell.

Also present: H. D. Reed, Jr., counsel.

Mr. PERKINS. The committee will come to order. A quorum is present. Before I call on administration witnesses, I would like to take just a minute to think out loud a few of the questions that the subcommittee has concerned itself about in weeks with these hearings on H.R. 815 and H.R. 874.

One question we wish to have your comment on, Dr. Lillywhite, has been brought to our attention by Mr. Thompson of New Jersey. Under present law, when a serviceman is assigned overseas, but his dependents remain in the States, Public Law 874 payments are made in behalf of his children if they remain in the school they were attending during the father's tour of duty stateside.

Many dependents, however, find it desirable to move to a location near the port of embarkation, either to await transportation or the serviceman's return for reassignment. No payments are then made to the local school district in behalf of the children, even though the local district is impacted to the very same degree as would have been the district where the children previously were enrolled.

I am very sure that you gentlemen from the Department are quite familiar with H.R. 7808 and H.R. 8291 whereby we provide assistance for both school facilities and operational costs in cases where the need results from a major disaster such as flood, fire, or earthquake, and we certainly want to obtain the views of the administration on this proposal.

We would further like to have the views of the administration on the legislation H.R. 6704, H.R. 7930, and H.R. 7931 where we seek to continue assistance for both school facilities and operational costs under the basic legislation during an adjustment period following the announced closing of a military installation.

The legislation, as I understand, provides for a phasing-out period, maybe 4 years, and we certainly would like to have your views on this point and any other views on 815 and 874 which you are permitted to make under the recent study.

Likewise, we would like to have your views in going beyond the school destruction disaster bills pending before the committee. I have more or less a general school construction bill tied to 815 that I introduced early in the session. I certainly would like to have the views of the administration so far as you are permitted to go at the present time as to the general need for a general school construction bill.

I personally feel that this is one of the greatest educational needs in the Nation at the present time. I certainly want to take the opportunity to welcome the administration's witnesses here. Dr. Philip H. DesMarais we have known from previous appearances and has done outstanding service in the work in this area and in his work with the Congress. We have known Dr. Lillywhite for many, many years in connection with 815 and 874. We are delighted to see your familiar face back here again.

Dr. LILLYWHITE. Thank you.

Mr. PERKINS. We called on you to come up jointly and put in a joint appearance. I see you do have prepared statements here. You may proceed in any manner that you gentlemen prefer.

STATEMENTS OF PHILIP H. DES MARAIS, DEPUTY ASSISTANT SECRETARY (LEGISLATION), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY B. A. LILLYWHITE, ASSISTANT COMMISSIONER, U.S. OFFICE OF EDUCATION; AND CHESTER RELYEA, LEGISLATIVE ATTORNEY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. DESMARAIS. Mr. Chairman, members of the committee, I would just like to say that I consider it a privilege to appear before this subcommittee which has done such outstanding work in elementary and secondary education. I think, in terms of the agenda that you have outlined, Mr. Chairman, it would be most convenient for us if we start first with respect to the legislative proposals for disaster aid.

Then, Mr. Lillywhite, the expert on all of these various 815, 874 programs, can answer any specific questions that you have with respect to the problems that have arisen such as some of those that you have suggested.

I have a statement here on H.R. 7808. I am not going to read the whole statement.

Mr. PERKINS. Without objection, the statement as prepared will be inserted in the record at this point, but I suggest you go through it and lift out parts and discuss it so that we know what is in it.

(The statement referred to follows:)

STATEMENT BY PHILIP H. DESMARAIS, DEPUTY ASSISTANT SECRETARY (LEGISLATION) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY B. A. LILLYWHITE, ASSISTANT COMMISSIONER, U.S. OFFICE OF EDUCATION; CHESTER RELYEA, LEGISLATIVE ATTORNEY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman and members of the General Subcommittee on Education, I would like to say that I consider it a real privilege to appear before this subcommittee which did such outstanding work on the Elementary and Secondary Education Act of 1965.

I wish to thank you for the opportunity to appear here today and discuss with you the legislation introduced by the distinguished chairman of this subcommittee

to assist schools in major disaster areas. Unfortunately the rampages of nature have been much in evidence lately, and schools have not been exempt from destruction.

H. R. 7808 would amend Public Laws 815 and 874 to give permanent standby authority to the Commissioner of Education to provide Federal assistance to public schools systems in disaster areas. Under this bill the Commissioner would be empowered, upon a finding by the President that a major disaster has occurred, immediately to make available funds which have been previously appropriated in order to repair, restore, or rebuild public elementary and secondary schools seriously damaged by a major disaster. In addition, the legislation would authorize grants for current operating expenses of such schools on a reducing basis over a 5-year period to enable the affected school district to continue its educational program. Grants could also be made for the purchase of supplies, instructional materials and equipment so that normal school operations can be resumed.

The amount of any Federal grant for school construction could not exceed the difference between the amount of funds reasonably available to the local educational agency from all other sources and the full cost of restoring or replacing the damaged facilities. The amount of any grant for operating expenses could not exceed the difference between the amount of funds reasonably available to the local educational agency from other sources and the cost of providing a level of education equal to that maintained in the schools during the last full year prior to the disaster. Amounts provided during the last 3 years of the 5-year period for operating expenses would be 75, 50, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. The authority to provide funds immediately after a disaster to replace supplies, equipment, and materials that were destroyed, including cafeteria facilities, will make it possible to begin school in areas affected by major disasters with a minimum of delay.

The bill authorizes the Commissioner to use funds from appropriations previously made to carry out the purposes of Public Laws 815 and 874 for disaster relief and to request replacement of those funds through supplemental appropriations. This provision will expedite the availability of funds urgently needed for disaster relief.

Almost every year some type of major disaster strikes some area in the United States. Several years ago there was major earthquake damage in Montana. Last year, as you all recall, there was a major catastrophe in Alaska caused by earthquakes. Currently, we are hearing of the extensive damage caused by flooding of areas in Minnesota, Wisconsin, Iowa, Illinois, and Missouri. Several weeks ago major disasters by hurricanes and wind damage caused severe damage in Indiana and other areas in the Midwest. Every year some areas in the country are damaged by flooding of some of our major rivers. Just recently a severe earthquake caused extensive damage in Seattle, and other areas of the Northwest.

In most of these natural disasters there is damage to public schools requiring rebuilding or extensive repairs. In addition, these disasters—particularly flooding and hurricanes—often destroy the supplies, equipment, and teaching materials used in the everyday instruction of the students. Ordinarily, when these disasters occur, school district budgets have already been established for the year, and seldom are emergency funds available that can be used to put these facilities back into operation without extensive delays.

The Office of Emergency Planning now has authority not only to coordinate efforts of the various Federal agencies to repair damage caused by natural disasters but also to use emergency funds to assist local educational agencies in repair and cleanup operations and to provide temporary school facilities where the permanent facilities are destroyed. The Office of Emergency Planning first determines what can be done under the existing authority of the various Federal agencies to assist in the repair of damage to public facilities. The Bureau of Public Roads, for example, has emergency authority to repair public roads in the Interstate System that are damaged by floods and earthquakes. The Office of Education does not have any authority of its own to go in and provide emergency disaster help to schools.

As the subcommittee well knows, under the authority of Public Laws 815 and 874 the Office of Education administers a program of Federal assistance for current operating expenses and for construction of school facilities in federally impacted areas. In carrying out the functions of these two acts our Office has a staff of 66 people in 9 field offices who visit the federally "impacted areas" school districts and work with local educational agencies in determining the capacity of their existing school facilities, the need for additional facilities, and the number of

federally connected children in their districts each year. In performing these functions members of our staff work in cooperating with State departments of education.

The pattern of administration of the disaster program as proposed in H. R. 7808 would closely follow the pattern already in effect for the "impacted areas" program. Thus, this legislation would not add materially to the administrative costs, and staff members already in the Department's regional offices could be on the scene in the disaster areas with a minimum of delay. Field representatives of the Office of Education now working in the "impacted areas" program frequently become directly involved in the disaster assistance program upon request of the Office of Emergency Planning. On these occasions they may go to a disaster area, review the damage to public school facilities, give estimates of the cost of temporary or permanent repairs, and make recommendations regarding the type and kinds of teaching supplies and materials that are necessary to resume the educational program as quickly as possible. In fact, field representatives from this program are now giving this type of assistance to other Federal agencies in areas that have suffered major disasters during the current school year.

The provisions of H. R. 7808 contain safeguards to make sure that the State and local communities affected by disasters will bear their full share of the burden, while at the same time assuring that the education of children in the areas struck by disasters will not suffer because of unexpected and severe strains on local government finances. Assistance may not be granted to any area unless the Governor of the State has requested the President to declare the area a disaster area, and the President has made a finding that the area should be declared a major disaster area and that emergency assistance should be provided. The bill contains the further requirement that the educational program be at the same level as was provided in the school district in the year prior to the disaster. In addition, the amount of Federal assistance granted would be the difference between all funds reasonably available to the school district from local and State funds, proceeds from insurance, and other resources, and the cost of repairing and replacing existing school facilities and conducting a normal education program.

Gentlemen, a moment ago, I pointed out that H. R. 7808 would authorize temporary assistance to get the educational program back in operation, up to a maximum of 5 years, and that the amounts granted for the last 3 years of the 5-year period could be 75, 50, and 25 percent respectively of the amounts granted to local educational agencies the first year in which the disaster occurred. It is our opinion that this authority to grant funds over the whole 5-year period would be needed only in rare instances, where the disaster is of such magnitude and severity that it seriously affects the ability of the local educational agency to provide adequate operating revenues for a period of years. Generally, emergency assistance to get the schools in operation, and perhaps for 1 additional year, should be sufficient to meet most of the major problems.

H. R. 7808 authorizes the appropriation of such sums as may be necessary for the disaster program authorized by the provisions of the legislation. It is not possible to estimate with any degree of accuracy the amount that would be needed in any year or for any specific disaster because it is obviously unpredictable where disasters will occur, how many school facilities will be affected, the extent of the damage to these facilities or the resulting cost. Since the bill authorizes the use of funds appropriated for the other provisions of Public Laws 815 and 874 for the purpose of immediately repairing damage, the subsequent request for supplemental appropriations would be based on reasonably complete information of the amounts required for any specific disaster.

It should also be pointed out that while there are usually a dozen or more major disasters occurring each year, the number which would require expenditure of Federal assistance is never large and consequently the cost of this program each year can be expected to be small.

It has been Federal policy for the past 15 years—since the enactment of the Federal Disaster Relief Act in 1950—to provide emergency assistance in case of severe disasters; and it is apparent that in a number of cases there would have been serious interruptions in local school operations if this emergency assistance had not been available. I have previously pointed to the involvement of our field staff in assisting local schools both to construct and operate schools in "impacted areas."

However, schools are not the only community facilities ravaged by natural disasters; hospitals, water and sewage facilities, and roads can be the casualties of flood and earthquakes and storm. The executive branch is now reviewing the Federal Disaster Relief Act of 1950 and the outcome of such a study may well be

an improved overall approach to the problems created for communities in disaster areas. Accordingly, the Department of Health, Education, and Welfare recommends that the authority contained in this legislation be limited to a period of 2 years. Pending the outcome of the comprehensive review, we feel that it would be appropriate for the Office of Education to have direct standby authority to provide assistance for educational facilities and programs in major disaster areas and we feel that the impacted areas program under Public Laws 815 and 874 is an appropriate vehicle for this assistance.

In view of the fact that the Office of Emergency Planning has overall responsibility for coordinating disaster relief on the Federal level, we believe that it should participate in the administration of all Federal disaster relief programs. We therefore recommend that H.R. 7808 be amended so as to require the Director of the Office of Emergency Planning rather than the Commissioner of Education to make the determinations relating to whether a school district is located within a major disaster area and to the adequacy of the State's disaster relief efforts. (I am referring to subsection (a)(1) of the sections which would be added to Public Laws 815 and 874, lines 1-16 on page 2 of the bill.)

As you know, the Stanford Research Institute is now undertaking a study of Public Laws 815 and 874 and the administration of these laws. Sufficient funds have been made available for the study to make possible a special inquiry on the effect of the closing of military bases.

I commend the subcommittee again for its continuing strong leadership in the strengthening of American education at all levels and assure you of the administration's wish to assist the subcommittee in every way in this mutual responsibility.

Mr. DESMARAIS. We will point out what is most pertinent to the proposal.

First of all, I would like to emphasize that H.R. 7808, which has been introduced by the chairman of this subcommittee, would amend Public Laws 815 and 874 to give permanent standby authority to the Commissioner of Education to provide Federal assistance to public school systems in disaster areas.

Under this bill, the Commissioner would be empowered, upon a finding by the President that a major disaster has occurred, immediately to make available funds which have been previously appropriated; that is, those funds that are appropriated under the regular authority of 815 and 874 in order to repair, restore, or to rebuild public elementary and secondary schools seriously damaged by a major disaster.

In addition, the legislation would authorize grants for current operating expenses of such schools on a reducing basis over a 5-year period to enable the affected school district to continue its school program.

Grants could also be made for the purchase of supplies, instructional materials, and equipment so that normal school operations can be resumed.

The amount of any Federal grant for school construction could not exceed the difference between the amount of funds reasonably available to the local educational agency from all other sources and the full cost of restoring or replacing the damaged facilities.

In the phasing-out period, with respect to operating the schools, amounts provided during the last 3 years of the 5-year period for operating expenses would be 75, 50, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster.

Of course, we have all been aware of the great number of tornadoes, cyclones, floods, and other disasters which have taken place in recent months. There were extensive tornadoes and cyclones in the area of Indiana from which Mr. Brademas comes.

I had the most unnerving experience of talking to my mother on the telephone as the tornadoes were moving in on the Minneapolis

area just 3 weeks ago; and the damage was extensive in many parts of the country, with the floods in the Mississippi Valley and in the flooding on the west coast, particularly, in the areas of Washington and Oregon.

In most of these natural disasters, there is damage to public schools requiring rebuilding and extensive repairs.

Another aftermath of the flooding and disaster oftentimes is almost total destruction of school supplies and equipment.

Mr. PERKINS. Before you leave that point, I would like to ask one question pertaining to the recurring floods in eastern Kentucky where the damage has run into hundreds of millions. Of course some financial assistance was available from the Office of Emergency Planning, an executive arm of the President, to rebuild roads and bridges and improvements of that type, but I don't recall that we got any funds to build any schools that were destroyed in these floods or to help out in connection with the rebuilding of schools.

My question here is this: Is there overlapping, and if there is some overlapping, just tell the committee why this legislation is necessary.

Mr. DESMARAIS. Mr. Chairman, as I understand the authority that OEP has and you might want to ask them about this, too, they have authority after assessing the damages to make grants for construction on temporary school facilities to replace damaged or destroyed facilities—severely damaged or destroyed facilities.

Counsel, correct me if I am wrong; I believe this legislation utilizes the word "temporary" under the act of 1950 under which they are operating. As I understand this legislation, this would authorize the Commissioner of Education to make grants to restore or rebuild or replace school facilities which have been destroyed as the result of these disasters. They would have the same permanent status as the buildings that were destroyed.

Mr. BRADEMAS. May I ask a question at this point in time? When you talk about the Office of Emergency Planning having the authority to provide for permanent facilities where permanent facilities have been destroyed, does that mean OEP has the authority to provide temporary school facilities, too?

Mr. DESMARAIS. Yes.

Mr. BRADEMAS. In listening to your testimony, I was concerned with this problem. It takes time to rebuild a building, particularly if one has been totally destroyed. Is there now authority whereby the Office of Emergency Planning can make available the temporary facility by, let's say, renting a building, so that if the tornado does come, as it came in my district a few weeks ago, within the next week a structure could be rented in which children could begin to go to school without their having to wait until the kind of authority which you are seeking in this legislation we are now considering—authority to provide for a permanent structure—comes into effect? Do I make my point clear?

Mr. RELYEA. They do have authority to provide public facilities immediately.

Mr. BRADEMAS. Immediately?

Mr. RELYEA. Yes. Their authority provides for providing temporary facilities immediately, pending the construction of permanent facilities.

Mr. LILLYWHITE. I think the other thing that might be added while they have authority to rent a church or a lodge hall and equip

it with teaching materials that might have been blown away or soaked up can't be used, they would go ahead also and put up a temporary school building and equip the school building, using this equipment that they have and then they move away and leave the school district. I say move away and leave it—this ends the assistance that OEP grants once they restore that building. I say restore it—either replace it by a temporary building or replace it.

Mr. BELL. Specifically, pinning down the answer to the chairman's question, as I understand it, the Office of Emergency Planning will repair a building, will provide funds for renting another building and will, I suppose, if a building was entirely destroyed—with repairs they could build another building for them.

Mr. LILLYWHITE. They could build a temporary building.

Mr. BELL. What is the difference between a temporary building and a main building? I assume the schools have some insurance and the insurance plus the OEP, is it not quite possible for them to put the same building intact?

Mr. LILLYWHITE. We had a discussion of that on the Senate side, Mr. Bell, and there was a considerable discussion about what do you do when you put up a temporary building as compared to what we do when we put up a building where ours is restricted to minimum facilities. I am referring to Public Law 815, Office of Education.

We submitted a memorandum and we have one here which we would be glad to submit for the record, if you wish, Mr. Chairman.

Mr. PERKINS. Without objection, it will be inserted in the record. (The memorandum referred to follows:)

STATEMENT REGARDING THE TERM "MINIMUM SCHOOL FACILITIES" AS USED IN PUBLIC LAW 815

Public Law 815 was enacted September 23, 1950, to provide Federal assistance for the construction of school facilities in areas in which Federal activities have been or are being conducted.

Section 210(10) of the original act (now sec. 15(9)) defined school facilities as follows:

"The term 'school facilities' includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadiums or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public. Except as used in sections 203 and 204, such term does not include interests in land and off-site improvements."

Under the terms of this original act quoted above, eligible school districts could use the Federal grants to construct any type of school facility desired except those expressly prohibited by the second sentence of section 210(10).

In 1953 there were major changes made in some provisions of Public Law 815 by the passage of Public Law 246, 83d Congress. The changes made at this time included the concept of "minimum school facilities." The act, as amended by Public Law 246, provided that the Federal payment to an eligible school district in no event could exceed the cost of constructing "minimum" school facilities in the district. The following provision was added to section 210(11) (now sec. 15(10)):

"Whether or not school facilities are minimum school facilities shall be determined by the Commissioner, after consultation with the State and local educational agencies, in accordance with regulations prescribed by him."

The amended act did not define minimum school facilities but congressional intent with respect to the meaning of the term is to be found on page 9 of House Report 702, dated July 3, 1953, which explained the amendments to Public Law 815 made by Public Law 246. This report reads as follows:

"The term 'minimum' school facilities used in the bill (H.R. 6049, 83d Cong., 1st sess.) does not mean that the test to be applied will be one based on the use of

inferior materials or on the provision of inadequate space for the basic school needs of the children * * * the term 'minimum' school facilities merely insures against Federal participation in expenditures beyond those needed to conduct an adequate school program, and hence, spreads Federal funds as far as possible to meet adequately the basic needs. Under this concept, the Federal payment to the school districts will be based on the cost of the type of facility which the average school district has in recent years been building out of its own funds."

The regulations issued by the Commissioner define "minimum" school facilities [par. 114.1(j)] as follows:

" 'Minimum school facilities' means those instructional and auxiliary rooms (and initial equipment) exclusive of single purpose auditoriums, single purpose gymnasiums, and any built-in spectator space necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State."

Under the concept of minimum school facilities, Federal funds may be approved to construct school facilities of the size and type which school districts have been providing in recent years with their own funds.

Since the Federal law does not specifically define minimum school facilities, the Office follows the guidelines given in the committee report. Circumstances vary by States. Some States allocate substantial amounts of State funds to local school districts for construction of school facilities, and have definite standards in terms of area per pupil and the type of construction that must be followed. In these States, it is not too difficult to determine what common practice is.

Other States allocate little or no State funds for local school construction. Most of these States have recommended standards for school construction but they may or may not have the authority to enforce them. In these States school districts determine what they will build with the available local funds. In these States, it is more difficult to determine what common practice is.

Section 15(6) of the act requires the Commissioner to determine the average per pupil cost of constructing minimum school facilities in each State. In order to make this determination, we ask each State department of education to furnish detailed reports for each fiscal year on contracts awarded in the State for the construction of new school buildings. These cumulative reports give very good indication of the normal practices on school construction in each State.

Section 9 of Public Law 815 authorizes the Commissioner to construct temporary school facilities, when the Federal activity will be of temporary duration. This is a different concept than "minimum" school facilities. It is the experience of this Office that the cost of temporary school facilities averages about 75 percent of the cost of permanent "minimum" school facilities.

Mr. LILLYWHITE. It is the difference between what we consider to be minimum school facilities as this House of Representatives passed it and directed us 15 years ago and then you also authorized us to build temporary school facilities when the attendance of schoolchildren is to be in a temporary building.

I think they also have a memorandum to describe what they conceive to be temporary school facilities. They came over and talked with our people, but I don't want to try to tell you what they consider to be their temporary facilities. I think they ought to be the ones to do that.

Mr. BELL. When you say "they," who are you referring to?

Mr. LILLYWHITE. OEP.

Mr. DESMARAIS. On the bottom of page 3 of this statement, it reads as follows:

The Office of Emergency Planning now has authority not only to coordinate efforts of the various Federal agencies to repair damage caused by natural disasters, but also to use emergency funds to assist local educational agencies in repair and cleanup operations and to provide temporary school facilities where the permanent facilities are destroyed.

The Office of Emergency Planning first determines what can be done under the existing authority of the various Federal agencies to assist in the repair of damage to public facilities. The Bureau of Public Roads, for example, has emergency authority to repair public roads in the Interstate System that are

damaged by floods and earthquakes. The Office of Education does not have any authority of its own to go in and provide emergency disaster help to schools.

I would also like to further point out that as this subcommittee knows, under the authority of Public Laws 815 and 874, the Office of Education administers a program of Federal assistance for current operating expenses and for construction of school facilities in federally impacted areas.

Carrying out the functions of these two acts, the Office has a staff of 66 people in 9 field offices who visit the impacted areas in the school districts and work with local educational agencies in determining the capacity of their existing school facilities, the need for additional facilities, and the number of federally connected children in their districts each year, and so on.

As it is now, under the operations of the Office of Emergency Planning, field representatives of the Office of Education now working in the impacted areas program frequently become directly involved in the disaster assistance program upon request of the Office of Emergency Planning.

On these occasions, they may go to a disaster area, review the damage to public school facilities, give estimates of the cost of temporary or permanent repairs and make recommendations regarding the type and kinds of teaching supplies and materials that are necessary to resume the educational program as quickly as possible.

Mr. BELL. Is it not quite likely that in a case of this kind that schools that were, say, destroyed or at least partially destroyed, their insurance program plus their working out an arrangement with the OEP—is it not quite possible that they could completely restore and put back the same building intact?

Mr. DESMARAIS. That determination has to be made before any grant could be made under this bill or under the emergency temporary instructions which they have. They go in and survey the damage. They check with the resources that are available with the school district, in the case of schools in terms of their insurance. They check what funds the State might be able to provide, what funds the school district might have in their budget for purchasing or replacing supplies or books and after they have surveyed all possible resources of local and State governments and the school district, and the insurance available, then a determination is made as to what additional funds, if any, are needed. This is the way this bill would act as well.

Mr. BELL. Mr. DesMarais, it would be a little bit different. Is it not more likely as a practical matter for the OEP to say this bill provides the funds to take care of this kind of thing, but we don't have to worry about it. Is this not likely to be the end result of this—in other words, inasmuch as we were passed this bill, why should the OEP concern itself too much if we were going to take care of it.

Mr. DESMARAIS. Mr. Bell, on that point, on page 7 of the statement, I would like to refer you to the second paragraph.

In view of the fact that the Office of Emergency Planning has overall responsibility for coordinating disaster relief on the Federal level, we believe that it should participate in the administration of all Federal disaster relief programs.

We therefore recommend that H.R. 7808 be amended so as to require the Director of the Office of Emergency Planning rather than the

Commissioner of Education, to make the determinations relating to whether a school district is located within a major disaster area and to the adequacy of the State's disaster relief efforts. I am referring to subsection (a)(1) of the sections which would be added to Public Laws 815 and 874. That refers to lines 1 to 16 on page 2 of the bill, which I might say refers only to the construction aid.

As I understand your question, we would go along with your thinking and make it quite clear in this bill that the primary responsibility for making the initial determinations as to the extent of the disaster, overall disaster, and as to the general need of assistance for education and as to what contributions the State could make should be made by the Office of Emergency Planning and then after they have made this—only after they have made this evaluation and certification to the Commissioner of Education would he be in a position to make any grants to take care of funds which were not available on the State and local level.

Mr. BELL. Was this in the chairman's bill?

Mr. PERKINS. No; the bill would have to be amended.

Mr. DESMARAIS. That is what I recommended in this statement.

Mr. BELL. Do you think that would solve it? Do you honestly think that that is what will happen?

Mr. DESMARAIS. I would also point out that we also recommend in this statement, members of the committee, that although this is a 5-year bill, we have recommended that the aid be limited initially to a 2-year period because, as you know, the Executive Office of the President is now conducting an overall review of the disaster aid activities of OEP.

This review has not been completed yet and we are of the position that educational aid should be coordinated as part of the overall disaster aid program and rather than trying to anticipate what the report would come up with, we think that a 2-year authority to the Commissioner of Education to make grants out of the funds available under 815 and 874 under the conditions provided in this bill would be ample at this time to take care of this problem.

So, in effect, we have made two suggestions for amendments to limit the authority to 2 years and to require that the Director of Emergency Planning make the initial evaluations and certify to the Commissioner that these grants are needed.

Mr. BELL. Is that the purpose of these amendments to overcome my question?

Mr. LILLYWHITE. As you well know and as Mr. Brademas knows after having seen what happened, you don't ever just have a school building blown down. You have other things with it and quite often the sewer system is hurt because trees are uprooted. This is almost invariably—almost all of the disasters I have been in—you have sewers and water mains that have to be replaced and city halls or roads might be washed out, so a determination on an overall basis, it seems to us, was a very advisable thing instead of having Public Roads come in and say you can put up so much money for your sewer and water system—an overall determination—then, the operating agencies then go in after this determination is made. This seemed to us to make some sense.

That is one thing, and I did not complete the other difference, Mr. Perkins, when the Office of Emergency Planning sets up a school in

operating condition, either in a temporary building and then this is the end of their assistance. This bill, as I understand it, carries with it the authority to make grants if they are needed to bring the school to a level of education of what it had the year before the disaster occurred, for 4 years on a declining basis, one-fourth each year.

That is not in the authority of the Office of Emergency Planning. That authority would continue.

I believe, also, that you can grant assistance to a State department of education if the disaster is statewide and the tax base has been so badly hit—is that in this bill?

Mr. RELYEA. No.

Mr. BELL. What percentage of coverage do most of the school buildings have?

Mr. LILLYWHITE. I am afraid it varies a great deal. We get a call every week—this goes back to some of your other questions—somebody in one of the Federal agencies told me that somebody called on the average of once a week when a school building burned down. I think the State departments of education are getting after the schools more and more and they have better insurance coverage.

When a local school operates a Federal project that we have built on base, we require 100 percent coverage or with coinsurance, 90 percent. A lot of school districts in the coinsurance will have 90 percent coverage on all of their buildings but a lot of school districts have closer to 50 percent. I think it varies up and down. It would be very difficult to give you a figure.

Mr. BELL. If a school district were to have 90- or 100-percent coverage and the OEP was also a factor you would not need this bill, would you?

Mr. LILLYWHITE. No. If you always had enough insurance to rebuild a building—you may need it for operating expense—you don't insure it for current operating expenses.

Mr. BELL. You would have 874 for that.

Mr. LILLYWHITE. 874 can't do a single thing to a school district that has damage to it because of a disaster. It has to have federally connected children in it before it can get 1 cent of money and enough federally connected children to meet the eligibility requirement; so there has to be that amendment if 874 is going to do any good.

Mr. PERKINS. In Kentucky, I don't know of anybody who has ever been able to obtain any insurance to cover a disaster such as flooding. There is no flood insurance written in eastern Kentucky. I am very confident that is true in other areas of the country. After the flood in 1957, I know we had on the House floor legislation to try to subsidize insurance companies that would give flood control protection, but we were unable to pass it. It lacked just a few votes. I am of the opinion that there are so many disasters that are not covered by insurance at all.

Mr. LILLYWHITE. I was talking mainly about fire insurance because that is the one that occurs so frequently.

Mr. BRADEMAS. In commenting on Mr. Bell's question and Dr. Lillywhite's response with respect to who makes the determination, both that serious damage has taken place and that a major disaster has occurred, I am very sympathetic to your point that this should be the responsibility of the Office of Emergency Planning and not scattered all over every Federal agency in town. I say this because,

as you indicated, my congressional district was one of those that was very badly hit by the tornado.

About 55 people were killed in the Elkhart County area which President Johnson and some of us visited a few weeks ago. One of the problems that we have been encountering is that the people back there find it difficult to know to whom to turn for help with so many agencies involved.

We had a similar experience in my own district following the shutdown of the Studebaker plant in late 1963. It was an event that caused about 8,000 workers to be unemployed and in turn, provoked response here in Washington when President Johnson established an interagency committee which met periodically to follow the progress of our efforts to be helpful to the men and women who lost their jobs.

But once again, so many Federal agencies were involved—the Veterans' Administration, the Department of HEW, the Office of Education, others—that it became necessary for the President to name a coordinator of Federal activities to go out to South Bend and stay there for a couple of months so that the local leaders would be able to know to whom they could go to get some counsel and advice.

I know that as a result in part of the Studebaker experience there has been set up at the request of the President, I think by an Executive order, a program—I am not familiar with all the details of it—to provide better coordination of Federal programs in the event of mass plant shutdowns. But the same kind of problem afflicts a community that suffers a natural disaster as follows an economic disaster, and it seems to me we are missing the boat if we fail to provide in all this disaster relief legislation we are considering some means of coordinating Federal activities.

When people get hit with these disasters, they need help and they need it fast and they are not interested in redtape at all.

Mr. LILLYWHITE. We have a lot of letters coming in right now asking if we can use the 874 money to help rebuild their schools. I think it is good evidence of what you are saying. I can't tell them they can't use that money, but it is put in the budget to operate a school. They are searching for somebody to give them some help, some advice, some answers.

Mr. BELL. Mr. Brademas' point goes to a part of my question. I am certainly in agreement that something has to be done to adequately take care of any of the schools that are affected by the disaster. I am not disagreeing with the principle of this. I am just wondering about Mr. Brademas' point, the one I am making, as to whether or not this becomes an exercise in confusion. If we get too many Federal programs involved in this, it does become a problem. If the Office of Emergency Planning could be made to replace the school as it was, essentially, and schools could be encouraged in their insurance programs if there were insurance perhaps insurance isn't available against flooding—I am just wondering whether it is necessary to get two programs duplicating the same thing. It looks to me like there might be. It is possible.

Mr. DESMARAIS. Mr. Bell, and members of the committee, on that point, as we said before, the executive branch is now reviewing the Disaster Relief Act of 1950 under which OEP now operates, and the outcome of such a study may well be an improved overall approach to the problems such as Congressman Brademas referred to.

In accordance with that, HEW recommends that the authority contained in this legislation, as I previously indicated, be limited to a period of 2 years. Pending the outcome of the comprehensive review, we feel that it would be appropriate for the Office of Education to have direct standby authority to provide assistance for educational facilities and programs in major disaster areas—

Mr. PERKINS. May I interrupt you right there? You are saying that, after the Office of Emergency Planning has made the original determination, that is your prerequisite to that statement?

Mr. DESMARAIS. Yes, and we feel the funds appropriated under 815 and 874 would be appropriate to use for these emergency grants, and I would simply punctuate again the point you raised, Mr. Chairman, that it is important that we keep OEP in this picture and they should have the responsibility for making the overall survey of all disaster needs; and only after they have made this survey and determined the availability of local funds and the insurance status of the property and so on, and have reported on this and certified to the Commissioner of Education the situation, could he make any grant for replacement of the school facility.

Mr. BELL. Why not just make it clear and understood that the OEP would always replace the schools if they were in a disaster area? Why not just give the OEP responsibility for doing this? Our educational system is too important.

Mr. DESMARAIS. I think the point there, Mr. Bell, is that the OEP's role—and I think they are more properly to testify in this—is one of coordination and one of providing funds for initial emergency needs which they now do. Whether they should go into the school building business, the road building business, the sewer construction business, is another point.

Mr. PERKINS. After they get past a certain point, they call on the Public Roads Department, the Housing and Home Finance Agency if sewer or water facilities are involved, and if it is a school they call on the Office of Education; am I correct?

Mr. DESMARAIS. That is correct.

Mr. LILLYWHITE. They particularly call on them to assess the damage, not determine the amount of money anybody has or this coordinating role, but what do they need in the way of supplies to start schools with 32 classrooms out of commission in 3 different schools. What do they need on Monday morning? What do you think would be required to repair this school? They call on our people in the field in most of these cases to go with them to help assess the damage from the standpoint of an educator's view of what it takes to get going.

Mr. BELL. A disaster could affect any elementary and secondary schools, not just schools in impacted areas.

Mr. DESMARAIS. Yes.

Mr. BELL. Would that not be better as an adjunct to the elementary and secondary schools? Why is it just an impacted area's problem; impacted areas are really different situations, are they not?

Mr. DESMARAIS. The elementary and secondary school bill—Public Law 89-10—is aimed primarily at providing money for school programs for low-income children; 815 is a construction aid program; 874 is a program for educational programs, school operations, and this would modify those two laws; 815, "Grants for Construction," and

874, "Grants for School Operations," to authorize the Commissioner to make grants for reconstruction of destroyed buildings and for initial operating costs for the school system until they get back on their feet.

Mr. BELL. I don't want to belabor the problem. First of all, you have the OEP, and as the chairman just said, the OEP assesses the damage and tries to repair it but he has some coordination with the Commissioner of Roads or whatever it happens to be or the Commissioner of Buildings or whatever it may be.

The OEP assesses it, and analyzes it and if there is any coordinated effort needed, he should be talking to the different school systems. Isn't that a parallel situation?

Mr. LILLYWHITE. The different school systems or the different people who would put the money in to help the different school systems.

Mr. BELL. Eventually, this would be the Commissioner of Education.

Mr. LILLYWHITE. I would say one other thing in addition to what Mr. DesMarais said. The disaster relief program operates to considerable degree in the same kind of pattern as the existing Public Law 815 and 874 amendments at the present time; we have these people in the regional offices and they go out to the local school districts, with the States now, not bypassing the State, reviewing the children, the number of federally connected, and counting the capacity of school facilities.

The grants are made directly to local school districts with approval of the State, with the help of the State in working up the applications and, in the case of construction, always the approval. Now, the disaster relief program works directly to local school districts in much the same kind of pattern. Our impacted areas program does have that kind of advantage and it does have the additional advantage of having 66 people, 40 professionals, I believe, in 9 regional HEW offices whose daily duties are to go to local impacted area school districts to make the reviews and the kinds of reports we need to make, and who are quite well acquainted with local school officials and always very well acquainted with the State department of education officials.

So, from the standpoint of parallels, if it means anything, this is a pattern that is quite similar to the disaster program.

Mr. BELL. I would agree with that. In fact, the chairman on the floor of the House asked me a rather pointed question. He asked me if there was a similarity between this bill and the impacted areas bill, and I had to answer "Yes, there was," and this is the educational bill. I think there are plenty of similarities here, too. It is quite possible that they will develop a coordinated effort on all school districts throughout the State. I am just bringing this up because there is a question in my mind as to just where this belongs. I am very fearful of getting, as the chairman's question brought out first, too many duplicating efforts that just become an exercise in confusion and nobody knows where to go or what to do.

I am in full agreement that it has to be done, but where?

Mr. DESMARAIS. Public Law 89-10 is an amendment to Public Law 874.

Mr. BELL. Title II, it would be, and title I in 874.

Mr. BRADEMAS. Public Laws 815 and 874, in your opinion, I take it, are appropriate vehicles for providing assistance to public schools

that have been destroyed or damaged by disaster because of the fact that 815 and 874 are fundamentally school construction and school operation programs. Therefore, this is the most appropriate instrument to be used.

Mr. LILLYWHITE. It is not specialized, it is a general budget operation. It is a general school district.

Mr. BELL. Isn't the other bill the same?

Mr. BRADEMAS. I might say, Mr. Chairman, in view of the visit of Dr. Deborah Wolfe here today, the former education chief of this committee, that we are glad to have with us a person who played a really key role in the writing and passage of the Elementary and Secondary Education Act of 1965, and I would just like the record to make note that there are some of us who are aware of the great contribution she has made.

Dr. WOLFE. Thank you very much.

Mr. PERKINS. I would concur completely with that.

Mr. BRADEMAS. I do have one other question, Mr. Chairman. Does the Office of Education now play any part at all in making determinations under any of the existing disaster aid programs?

Mr. LILLYWHITE. No, we have no authority to do anything in a disaster unless the disaster occurs in an impacted area and they would be eligible anyway.

It might be possible that in the construction program they had enough of an increase to be eligible but they had no in-house school-children and if the disaster blew away a school, it might make them eligible.

There is a section which says if the school building was under construction and was destroyed by an act of God, you can use money under section 8 to replace it. That has never happened, in the history of the 14 years, when one of these disasters occurred to a school building that was not yet completed.

It had always been accepted by the school district. So, from the standpoint of the existing laws, we have no authority. From the standpoint of cooperating with the Office of Emergency Planning and the local school district, I suppose the next morning after the Seattle earthquake, our people were out there with the school superintendent and a member of the Office of Emergency Planning reviewing the damage. They come to the Office of Education people and ask them to give their appraisal of the extent of the destruction of this building and various judgments with respect to starting the school program again.

Mr. PERKINS. I have a couple of questions here which I would address to both of you. I take it from your statements that you endorse H.R. 7808 subject to the two amendments which you have spoken about, requiring the Office of Emergency Planning to make the original determination and to do the coordinating but from that point on, you feel that the Office of Education should have authority to proceed on the construction of a permanent school building on pretty much the same basis as the Bureau of Public Roads have at this time with respect to road repair. Am I correct in that statement?

Mr. DESMARAIS. I think that would be a correct summary of the decision; yes, sir.

Mr. PERKINS. Do you care to comment any further on it, Mr. Lillywhite?

Mr. LILLYWHITE. No, sir; I think Mr. DesMarais represents the Secretary's Office and that is exactly the way I would feel about it. They are representing the Secretary directly in their statements.

Mr. PERKINS. You feel, then, Mr. DesMarais, that we need the legislation with these amendments that you have suggested?

Mr. DESMARAIS. Yes, sir; Mr. Chairman. Of course, as you know, Mr. Chairman, this was not an administration recommendation initially. We did not have any proposals for amending 815 and 874 in this fashion earlier.

However, in the light of all of the disasters that have taken place in the last 8-month period and all of the problems that have arisen, we think that given the limitation that I suggested in the statement, that the standby authority—that the authority given to the Office of Education to make these grants should be a standby one on a 2-year basis as described in your bill, that this would be a useful amendment at this time.

Mr. PERKINS. And you are endorsing it at this time, or the administration is endorsing it?

Mr. DESMARAIS. Yes.

Mr. BELL. I could not disagree with that, but I assume you are saying through the Office of Education, but that does not necessarily mean through the impacted legislation.

Mr. DESMARAIS. No.

Mr. PERKINS. Let me ask you a couple of further questions.

Mr. DESMARAIS. Could I make a technical point on Mr. Bell's very important distinction there? The way this bill is drafted, the funds would come from the funds that have been appropriated for the regular 815 and 874 operations. The money is there and the Commissioner would be authorized to draw on his funds and then to the extent that, say, he used up \$10 million of 815 funds and \$15 million of 874 funds in disaster aid, he would then have the authority to go up for a supplemental to replace his regular 815 and 874 funds for their regular purposes.

You can't predict how much money you are going to need for disasters in the next 2 years and this way it provides a convenient reservoir of funds which the Commissioner can draw upon for this kind of a grant.

Mr. BELL. Could that not just as well be placed under the regular educational program for disasters, the regular educational bill and then be drawn on after the OEP analyzed that? Could it not be handled that way?

Mr. DESMARAIS. They are administered differently. OEP now has authority—

Mr. BELL. I understand that, the same which you are applying it to the impacted areas for disasters, perhaps our educational bill could have a fund to draw upon.

Mr. LILLYWHITE. As Mr. DesMarais explained, the educational bill has as its primary purpose, as you know very well, the assisting and uplifting of education of educationally deprived children.

Mr. BELL. Ninety-five percent of all of our school districts are included in this.

Mr. LILLYWHITE. They are included, but the allocation is made in the State departments and they approve the local projects.

In the overall educational bill, the department does not have the authority to go out and act under 815 and 874, but they would have authority to go to the Disaster Area Act.

This is the difference.

Mr. DESMARAIS. In reality, your educational bill, that is title I is a part of Public Law 874.

Mr. PERKINS. I would like to have your views in connection with the pending legislation to amend 815 and 874 to deal with school districts where it has been announced by the Government to close down certain military installations. Do you endorse the several bills pending before the committee on which we have heard evidence and particularly concerning the problem that Congressman Poage brought before the committee and Mr. Kastenmeier, of Wisconsin? What is your recommendation on that legislation?

Mr. DESMARAIS. Mr. Chairman, first of all, I want to report to the committee that in connection with the overall study on 815 and 874 being done by the Stanford Research Institute of California, we have asked this same group to make a special study of the problems arising with the operation of 815 and 874 in connection with base closings.

We anticipated some time ago with the order of November 19, 1964, on the part of the President, that there would be base closings affecting this program. We had enough money left; we didn't use up all of the money in the authorization from the Congress in the other study, so we were able to make an additional grant to the Stanford Research Institute to make a special, on-the-spot study, and this is going to take at least a couple of more months to complete.

So, at this time, we think from the standpoint of the administration's overall responsibility that it is difficult for us to make any recommendation until the facts on this study are all in and at that time, we will be in a much better position to make recommendations on the basis of the overall problems resulting from base closings through the country in all of the districts where this might have taken place, so, I think that is our position as of this morning.

Mr. PERKINS. Your position this morning is not to make a recommendation until you get a report from the study?

Mr. DESMARAIS. That is correct.

Mr. PERKINS. You do not have any recommendation for the future until this study has been completed? Am I correct?

Mr. DESMARAIS. That is the position of the administration.

Mr. PERKINS. But it would seem to me—the question I am trying to ask—that any study of any depth would have touched on a problem of this type before this particular question arose. Because when it is announced that a military base is going to be closed, and where you have an impact from children who go to school and payments are made to that local educational district because of these children whose parents work on the base or work for some other governmental activity, and the parents are transferred, it is very obvious that there is going to be a continued impact, I would think, because maybe if the bases close down, the fathers are unemployed, no work, tremendous hardship, and they may not move from that base for quite a period of time. If the base is closing and many fathers are trying to find employment it would seem to pose a school district burden created by an act of the Federal Government. It is most difficult for me to

comprehend any study being made without going into this area. That is the reason I want some comments along this line, because I cannot comprehend any competent research people making a study of any depth without going into this.

Mr. DESMARAIS. I think you have a very valid point there, Mr. Chairman.

With respect to the present law, under 874 in particular, under section 3(f) of 874 as it now stands, when a district has made preparation for education of a number of pupils eligible for entitlement under section 3, but such number is substantially reduced because of cessation or decrease of the Federal activity, the Commissioner may authorize payment of a maximum amount equal to the amount the district would have received but for such cessation or decrease.

That is under 874 for the educational program.

Mr. Lillywhite may want to comment further on that, but I think where these problems have arisen, they have been more in connection with commitments for school construction rather than commitments for school operation.

As it is now, we have authority to pay the full amount during the year in which there has been a decrease of federally counted pupils.

Mr. PERKINS. Particularly in Mr. Kastenmeier's district and Mr. Poage's district, will there be any hardship involved if we delay enactment until next year?

Mr. DESMARAIS. I would like Mr. Lillywhite to comment on that because he has made the study, I might add, of all of the base closings that have been announced that affect the program and I think he has some data with respect to this matter.

Mr. PERKINS. Before you commence, let me put to you another question: What school districts presently face hardships arising out of the November 19 closing announcement in connection with construction commitments under Public Law 815?

Go ahead.

Mr. LILLYWHITE. I am glad you said the last. I can answer that. If you had said both laws, it would have been much more difficult.

Mr. PERKINS. I would include that 874, too.

Mr. LILLYWHITE. Let me comment on the observation that you could not understand a research group that did not take this into consideration, I think you are dead right and they would agree with you. But the primary purpose of the study they were to make was what really is the extent and kind of financial burden created on local districts by these various kinds of Federal activity. How deep is it? What is the nature of it? How long does it last?

The authorization for the study came pretty late last fall and we had to negotiate a contract after that and you had to get bids from several competent research groups in order to determine which one had the best proposal. So that the study did not actually get underway until shortly before Christmas.

They had a very short time in which to complete this study and get the results in here. They just didn't have time more than to just hit the high spots. I don't think that is quite true, but they didn't have time to go into all variations of it.

The base closings started then and they looked at it but it is the kind of problem that has been going on for years. Here were 93 base closings all at once. This is a different matter. What effect?

So I think once it was decided to give a special kind of study on base closings they left it out for a special study. They were aware of it and they got a list of which ones had been closed so they could think about it, but once it was agreed that they could go on with the study, and they could spend their time in doing as good a job as possible in the existing study, they spent their time doing that.

Again, we have not seen anything but just the summary and they may have something in there about base closings on the initial report. It was not in the summary.

To answer your question, this order of November 19 to close, I believe, 93 military bases, of which 8 or 10 were overseas—there were about 83 of them here—affected, I think, 6 school districts under Public Law 815, under construction, very specifically, and it affected them in this manner: The application had come to our Office, a little bit earlier than November 19.

We had looked at it and we had had a field survey on it and we had said, "You are eligible for money." We had not approved the project yet. This is what we call reservation of funds, and those of you who have received a notice from the Commissioner of Education which says funds have been reserved for such and such a project to construct school facilities—after that notice goes out to the district, it tells them, yes, you are eligible and this is the amount of money, and then they can proceed. They have never known for sure just how much money they had coming.

They can proceed to refine their own opinions and their own planning as to just what they want to do. Do they want to put up some local money? Maybe it is not quite as much as they thought they were going to get or maybe it is a little more—but we have not really given approval, so, until they decide what they want to do, give us a floor plan—we have not yet approved the project and committed money.

We simply tell them this: We have found you are eligible for this much money and we will approve it when you meet the four or five or six requirements that are specified in Public Law 815. There has to be a report come in. They have the site, they have the right to construct on the site, the right to operate the school for 40 years, they have the non-Federal share of the cost and they will cause the Davis-Bacon Act provisions to be put in the contracts, and so on.

Until those things are done, we have not approved the project. When the November 19 base closing order came, there were two projects pending in Sun Prairie, Wis., because of Truax Field. One of those was for the purchase of high school equipment which they were building with their own funds.

The latest one approved was for the construction of an elementary school or an addition to an elementary school. There were two projects pending in Texas near Waco—Connelly Consolidated School District and Robinson School District which had a few children connected with this base.

Glasgow Air Force Base in Montana was quite a large one and then there was a small district, Amarillo School District in connection with the Amarillo base in Texas.

So far as we could find out, these were the only school construction projects which were seriously affected by the closing order. There may have been half a dozen children here or two children here or

something that was connected with another school district that was getting some money, but actually, there was one in Nebraska that didn't do any damage.

I will go through each one of these and say what happened.

In Nebraska, it is at Lincoln Branch. We were building an elementary school and the kids will not be there after 1968. We went in to see if it would be advisable to cut down the sizes, cancel the project and maybe see if we could put some temporaries so the school district could take care of these new increased numbers of children. It was all new military housing that was causing the need for this school. It was about 45 percent complete, \$100,000 worth of materials on the ground and we thought it would be cheaper to let them finish the project. It would be in the interest of the Federal Government to let them finish, but we did restrict the amount of site development and the amount of permanent equipment they would put in the school building because it is only going to be used for 3 years.

Up at Truax in Wisconsin I think the figures are something like this: The first project was approved, I believe, for about \$77,000 for equipment. The school district has an increase of some 35 children, multiplied by the rate of payment gives about this much money.

The second project was for about \$135,000 for construction to an elementary school. The agent says when the attendance of the children in the area is for a temporary period, the Commission shall build temporary school facilities, or if the district requests him to do it, grant them the money, the equivalent cost of temporary school facilities, so they can add it to their own funds and add permanent facilities.

We reduced this from \$133,000 down to about \$99,000, I believe—I can get the exact figures—for the increased number of children for payment that gave them the entitled of \$133,000.

On the equipment project, the \$77,000, the cost of buying equipment—this is a little bit different—the cost of buying equipment for the number of children counted for payment was \$14,000 at the cost per child for equipment in Wisconsin, so we reduced that from about \$77,000 to about \$14,000.

Truax by the way, is closing out in 3 years, June 30, 1968, so there will actually be an increase in the number of children according to the best figures they get as houses build up until June 30, 1968, when it closes out. So you have the children for 3 more years and we thought under that temporary provision it is our responsibility to educate the children. In Connally, seven or eight—

Mr. PERKINS. You are saying there is not going to be any undue impact on the Truax that is not going to be taken care of in the present law? Is that what you are saying?

Mr. LILLYWHITE. I am giving exact facts as they stand.

Mr. PERKINS. That is virtually your statement.

Mr. LILLYWHITE. They will have kids until 1968.

In Connally Consolidated School District part of that closes June 30, 1965, and it all closes June 30, 1966. Each one of those school districts had a small grant of money, \$21,000 or \$22,000 apiece. You couldn't grant the money to the districts, get the plans approved and the buildings up by the time the children were almost ready to leave so we canceled them, granted them nothing.

Mr. PERKINS. Canceled Connally?

Mr. LILLYWHITE. Canceled the reservation of funds.

In Amarillo—

Mr. PERKINS. You did not cancel out at Truax?

Mr. LILLYWHITE. No, just reduced to the cost of temporary and the difference is the length of time.

At Amarillo Air Force Base they have enough children other than this base to constitute eligibility anyway so their grant was reduced because the base closing, I don't know, \$15,000 or something like that, so they are still getting a grant but for a smaller amount, and the final one in Glasgow Air Force Base—each one of these is an entirely different situation—at Glasgow the base is about 20 miles from the town and I think the base population is about equivalent to the town population in total.

Mr. PERKINS. They have the school on the base there?

Mr. LILLYWHITE. Yes. They had \$295,000 reserved, I think. But when it came down to "What do you want to do?"—they are going to close down in 3 years. They didn't want to build another school because they were closing in 3 years so there would be no need to have another school there 20 years from now. So we are putting in temporary trailer units to take care of the children until they close out in 1968. This was the 815 story as we were able to size it up under the base closings.

Mr. PERKINS. How do you feel in connection with the school construction bill? I am talking about a general bill tied to 815. Do you feel you are getting sentiment on that? I would like to ask Mr. DesMarais to speak to that since he speaks for the administration. Do you have facts before you at the present time to justify an answer?

Mr. DESMARAIS. I think that is a very significant question, Mr. Chairman. As to whether we have all the facts to give an answer at this point, I am not sure. We have one contract and that is that Public Law 815 was not extended along with Public Law 874 in connection with the passage of Public Law 89-10, the Elementary and Secondary Education Act of 1965. So that makes it appropriate to consider extension and I suppose theoretically the question of amendments to Public Law 815.

Mr. PERKINS. I would like to ask the Department—

Mr. DESMARAIS. So that is the fact there and let me say just one more thing—I am afraid I can't give you as much of an answer as you would like—certainly in connection with the overall operation, both 815 and 874 and the study there were in the report and recommendations which the law puts incumbent upon the Commissioner and the Secretary to make to Congress, we will certainly consider in that connection what recommendations we should make with reference to 815, the construction authority, so that is about as far as we can go this morning.

Mr. PERKINS. But you just considered 815 and 874 in the study that has just been completed?

Mr. DESMARAIS. That is correct. It is a very thorough study.

Mr. PERKINS. How many revisions or in what areas do you feel we should make revisions according to that study?

Mr. DESMARAIS. I have not seen the draft report as Mr. Lillywhite has, and I would not want to anticipate the areas this morning. I really think we have to go over it very carefully and I think this is a

matter of high priority to the administration to give careful consideration to this study and we plan to do so. I can assure you of that.

Mr. BELL. Mr. Chairman, would you clarify your question? I don't know that I understood it.

Mr. PERKINS. My question was to the effect of trying to obtain information from the recent study that has been made under 815 and 874. They have just seen the draft of the study. It has not been published for us by any means, but I was trying to get some information from that study if they were permitted to give me information. That is basically my question.

Mr. BELL. Primarily what was the purpose of the study?

Mr. PERKINS. To determine how 815 and 874 have been operating and whether we should utilize the fund for greater educational purposes under 815 and 874. The study was authorized by the Congress a year ago for Stanford Research Institute to make the study.

Mr. BELL. In other words, how you could use the funds from 815 and 874?

Mr. PERKINS. No, it just dealt with the whole law—from the operation of it, the maintenance of school programs and school construction under 815, a study of the whole period it has been in effect, its effects, and determine what changes should be made.

Mr. BELL. You would have to make some changes in the law in both the 89-10 and 815.

Mr. PERKINS. It did not involve Public Law 89-10.

Mr. BELL. It would be a question of a movement of funds.

Mr. PERKINS. No. Their basic recommendations, as I understand, are made from the present operation of Public Laws 815 and 874 in this new study that will be made public. Go ahead.

Mr. DESMARAIS. Mr. Chairman, I think you have presented the issue of the study. The Congress asked us to do two things: To study the operation of Public Laws 815 and 874 and to make recommendations for any changes that we thought were appropriate as a result of the information that was gathered. The administration used the opportunity of the study to add a third component. We asked the people making the study to look into the issue of economic impact of Federal activities on local communities, particularly with respect to how it directs their ability to provide education, because this is the rationale for 815 and 874, so those are the three components, as I see it, an analysis of the operations of 815 and 874, what has been the economic impact on these school districts of the Federal activities and, third, what changes should be made in 815 and 874. So our recommendations will be framed with those three points in mind.

Mr. LILLYWHITE. Mr. Bell, as further background, you may recall that every year since about 1958 there have been recommendations for certain kinds of changes, sometimes it is increasing the eligibility requirements, sometimes it is decreasing the rate of payment, sometimes it is all at once, sometimes it is over a 3-year period, sometimes it is restricting States from doing certain things or eliminating a certain category, and every year, with one exception, last year, the Congress has extended the bills as they are.

In spite of these recommendations by administrations, of both parties, and then there have been all kinds of amendments to the law on the floor, and with the exception of inserting the District of Columbia, including the District of Columbia under the laws last year

they have been extended as is in every one of these years. One of the outgrowths was to make this study and really find out.

Mr. PERKINS. Let me say one of the charges with which I may not agree at all, and it has been heard so frequently that we were giving so much assistance to so many wealthy communities. I am not in agreement with that line of thought, by any means, but that has been one of the charges against the legislation.

Mr. BRADEMAs. May I ask a question I wanted to ask a little earlier in the testimony? It is not on the particular problem we are discussing now but with respect to the disaster relief question. What comments have you, if any, on the question of nonpublic schools? What happens there? I take it nothing happens under present law or in your proposal.

Mr. DESMARais. Under the present law, Mr. Brademas, as you say, there is no provision for aid to any federally impacted districts to nonpublic schools.

Under this bill, H.R. 7808, there is neither any provision and we did not make any comment one way or the other on that aspect of the bill.

Mr. BRADEMAs. This is a complicated matter and we are just getting into it in title I and title II of the Elementary and Secondary School Act wherein we make provision for certain publicly controlled school programs in which nonpublic students may participate. I refer also to shared-time programs under titles I and III. I don't know what the answer is, if indeed there is any answer to this problem, but I can conceive of situations when a national disaster strikes, especially a large city, in which there might be a lot of parochial as well as public schools. The parochial schools might suffer damage along with the public schools. In an emergency situation of that sort, perhaps we should at least put our minds and imaginations to work to ask whether or not we should not devise some means of providing some shared-time type programs in order to provide opportunities for the non-public-school children in ways that are directly analogous to the shared time and dual enrollment programs that we have written into the law of the land in the Elementary and Secondary Education Act of 1965.

If such programs are constitutional there then this would certainly be constitutional here. I think of a city hit by floods like St. Paul or Minneapolis. If you suddenly had a lot of parochial school children wandering around in such communities perhaps we should consider allowing them to participate in some kind of shared-time program.

Mr. LILLYWHITE. I think in the Midwest they had two schools for the mentally retarded children almost totally destroyed.

Mr. BELL. Do you know of many of the results of these disasters, how it has directed these private schools? Have they returned and gone back into business or has it just resulted in some cases of elimination?

Mr. LILLYWHITE. I can't answer you, Mr. Bell. I am sure there were a number of them affected as Mr. Brademas said the same way as the private schools.

Mr. BELL. I think it would be very important to find out.

Mr. LILLYWHITE. I had a congressional call on this. He said he thought it was an outside hope but this was a school for retarded children and was there any possibility—this school was destroyed.

Mr. BELL. My only question on this is, in this case as you and Mr. Brademas were expressing, would the OEP take care of it?

Mr. LILLYWHITE. It was my understanding they would not.

Mr. DESMARAIS. Under present OEP authority, Mr. Bell, they have authority only to make grants for public agencies. Again let me emphasize that the whole OEP major disaster aid program is under review. What they will come up with in terms of aiding our citizens and their agencies which are affected by disasters I don't know at this point.

Mr. BELL. There is a lot of overlap in here when you just stop and think about it. Some of the private homes in my district were affected by fire and they were receiving some small business loans and things of this kind under an emergency decree.

Mr. BRADEMAs. If the gentleman would yield—

Mr. BELL. Yes.

Mr. BRADEMAs. I might observe at this point this disaster relief proposal that you are presenting here today—in view of the authorization under titles I and III of the Elementary and Secondary School Act for public school programs of a shared-time type, if an existing shared-time facility were damaged or destroyed it would certainly qualify as a public school, which it is for an assistance under the proposal we have been discussing. Is that not correct?

Mr. LILLYWHITE. That is correct. We now ask what does the State authorize with respect to shared time or any other kind of time in attending the schools.

Mr. PERKINS. The question that was raised by Congressman Thompson, a member of this committee, how do you care to comment on that?

Mr. LILLYWHITE. I have that down here and I am not certain precisely the question he had. I know in general what he is talking about. You folks added an amendment to take care of most of this problem and it did not say this initially, but if a military parent is assigned to duty while in the Armed Forces at a given location and he takes his family with him and he is subsequently assigned elsewhere but the family remains in the area, the children are counted as though they were living with the parent employed on or residing on Federal property. This is what we call the Armed Forces elsewhere amendment. I am not sure and I will certainly find out precisely whether or not the assignment of the military parent is really to the demarcation point or he is there for just a couple of weeks and goes up with him. I think it is rather this way: The military parent assigned to a given location and the family goes with him and then he is assigned to a demarcation point and the family goes with him and then he goes overseas and housing is not readily available, and the mother with the children go back home. There is no provision to take care of anything like that. This "back home" is by a military base where the parent had at some time been stationed, then they are not going back to any place he had been assigned so they just go back and they can't be counted because they do not meet the definition of the act.

Mr. PERKINS. Should we write legislation to consider that?

Mr. LILLYWHITE. You remember Dr. Grigsby used the term "minor perfecting amendments" that I am sure we will want to consider. Some of them are more mechanical and headaches than

policy, and this is one we will certainly want to look at in connection with this listing of a number of problem areas that are not major Federal policy.

Mr. PERKINS. You have no recommendation to make on this particular point at this moment?

Mr. LILLYWHITE. I have the feeling at the present time, without knowing the specifics of the legislation, the child would not be eligible anyway if the mother went back home and it was not a federally impacted area. If it was an impacted area and they were already getting help it would be just another child to count.

The actual burden that is created, if the mother goes back and rents an apartment or a house, then she is creating the kind of burden on that school district just as though they lived on Federal property and worked off, or there are taxes on that house but there are no taxes for the employment half, the other half. But if she just goes back home to Mom and the kids all live there, and they go back home, there is no financial burden created whatever so I would have to look at that thing pretty closely, Mr. Perkins, before I could be sure of a recommendation and whether there is really a burden or not.

Mr. PERKINS. I can agree with you there is no major question of policy involved at this time.

I would like to pursue the school construction point just a little further. From the correspondence the Department receives and I know it is true of my correspondence, it is very evident that we need to do something in this area in the way of general legislation. Do you see that kind of correspondence in the Department?

Mr. LILLYWHITE. Yes, I receive a great deal of it in the impacted area program and I am sure that I don't get all of it in the Office of Education.

Mr. PERKINS. I will ask you, Mr. DesMarais, if you don't feel it is appropriate to tie the general school construction to 815?

Mr. DESMARAIS. We try to keep as well informed as we can on the development of educational problems in the country and we recently convened an informal meeting of school superintendents including those who receive aid under 815 and 874. They asked to come in and talk with us about some of the problems they are having in that program and others. Several of them reported to us that in developing their plans for participating in the new Elementary and Secondary Education Act, specifically for developing special educational services to improve the quality of education of low-income children under title I, their biggest problem is going to be in providing the adequate school facilities for improving the education for children in poor, rural areas as well as slum urban areas.

As they understood title I, as you enacted it, there was authority to use some money for construction as you recall.

Mr. PERKINS. Where you need to upgrade your whole system.

Mr. DESMARAIS. This was limited and they felt they should use the money under the new bill for educational programs and did not want to put it into construction programs, and therefore it was their opinion, in order to effectively achieve the objectives of the new educational bill, that somewhere along the line they would need more assistance for construction. That is simply evidence that was presented to us by school superintendents who are operating programs on the local level. We have that under consideration and we get corre-

spondence to this effect, as you suggested, but we have no recommendation to make today.

Mr. PERKINS. It is my intention—I don't know whether I will get to it in June—especially during the months of July and August to invite numerous school superintendents and other educators from not only east Kentucky but other sections to ascertain their views on school construction especially in the areas of needs, in the rural areas, in the suburban areas and it has always been my view that we should tie it to 815 in the same manner that we tied the further bill to 874.

Do you feel along a couple of months from now that you will be in a position to make any recommendations or will that be too early for you?

Mr. DESMARAIS. I am not in a position to commit the administration to any timetable this morning.

Mr. PERKINS. I realize that and I am just thinking out loud.

Mr. DESMARAIS. I have already said we are committed to making recommendations because of the study and the requirement thereto and we will be ready to do that by the 30th of June.

Mr. PERKINS. We will have you up here again in July.

One other observation since you referred to Public Law 89-10, I certainly hope that your regulations under the recently enacted educational bill will not prohibit school construction in those areas where it is so greatly needed.

I can think of a few counties back home where the greatest priority is school construction altogether under the bill to get those youngsters into some buildings that are decent and to get facilities for those youngsters that are decent, so by and large I would agree with your thinking that the superintendents that you chatted with ought to obtain the effective use of the funds under Public Law 89-10 which would be for other purposes and come back for a special school bill.

But at the same time in those areas where the whole program must be upgraded from the standpoint of necessity, you will have to construct some school buildings. It is a great thing for us to think out loud anyway, because that is the way we get things done.

Mr. DESMARAIS. I think this line of thought that you are pursuing, Mr. Chairman, is one that has struck home to many people as they have gone about developing their programs for disadvantaged children under the educational bill.

I have talked with some superintendents whom I know myself and when they actually sit down and start looking at the situation which faces them in their school district in developing a program to improve the educational opportunities for these low-income children, in many cases what hits them is the need to have a drastic improvement in the classroom facilities for some of these children. Oftentimes the low-income children are living in the neighborhoods which have the oldest, most decrepit school buildings whether they are in rural or urban areas.

I was in a large urban city recently where I used to live with the superintendent and we drove down the main avenue across from the city hall and right on that beautiful boulevard is a junior high school that is 75 years old and it looks like it is ready to fall down, but it is in full use with 1,500 students in there.

Now they can't really do anything for these low income children from the slum areas until they give them a new school building.

Mr. LILLYWHITE. This is in addition to other program needs where they would put their money if they didn't have this additional program

in fast growing areas where they need schools, and they may need more.

Mr. BELL. In the example you were giving, let me ask the chairman, how would the elementary and secondary school construction program apply. Would that not apply in that case?

Mr. PERKINS. The local educational agency would have to make the determination as I understand the priority pursuant to certain guidelines furnished by the State department of education and in all probability the priority would be the building.

Mr. BELL. In other words, the building would be rebuilt?

Mr. PERKINS. For instance, down there in Kentucky they would say the priority was buildings and not only buildings but some facilities and to keep some decent teachers at home they are going to pay better salaries.

You find that situation in various places throughout the country. I am speaking where you have to upgrade your whole system.

Mr. BELL. On that generally would you say that this is probably as much of a problem, building of school buildings, in our whole educational picture, as any feature of it, probably the most difficult one, one in which the need is the greatest? That is a pretty broad question.

Mr. DESMARAIS. That goes to the whole philosophy of improving education and what priorities you set. I think a lot of us view this kind of problem on the basis of our own experience as well as from what factual information we have. I think in terms of having an educational program of educational clearance, the quality of teaching and the realistic curriculum is basic but at the same time if we are to take advantage of all of these new educational techniques and methods and resources which you discussed in connection with title III, special educational services, you do have to have up-to-date modern buildings in which to house this equipment.

For instance, I lived in New Orleans for 5½ years before coming to Washington. It is ridiculous not to think of school buildings in the South that are not air conditioned. This is a modern facility which is now available. It can improve productivity in industry as well as education by 100 percent, but if you are going to air-condition the school buildings you have to have modern buildings, so certainly looking at it from that standpoint, modern buildings are a very important part of the quality of education.

Mr. LILLYWHITE. There are places where it does not make any difference whether it is modern or old, they just don't have enough space for the kids. They just do not have enough classrooms for them.

On the question of air conditioning, your direction to us in the law is comparable minimum school buildings and what is minimum, it is comparable to what similar school districts in that State are building with their own local funds.

As the months go by more and more school districts with their own funds put in air conditioning to the point now where we almost automatically approve air conditioning in the Southern States. We have not yet, and we are just beginning to do it, but Florida was ahead of some of the others and it is further south and it is a hotter climate, but as you described it, it is just as plain as it can be, when it becomes a common practice then we can do it under 815 and in most of the South it is a common practice, so you put in air conditioning.

Mr. BELL. You had to go for quite a while without doing that. We do not have to worry about that in southern California, because the weather is always exactly right.

Mr. PERKINS. One of our biggest problems in Kentucky has been the keeping of teachers in Kentucky. They graduate from our State colleges, the University of Kentucky, and they go into other areas all over the country, particularly Michigan, Ohio, and some of them are out in California. There are an awful lot of problems in education. I know it is not limited to school construction, but it is the general maintenance and operation of the whole plant.

Mr. DESMARAIS. Mr. Chairman, I think the Congress made tremendous progress this year already in the Elementary and Secondary Education Act, and the Commissioner is now deeply involved in developing this program and the guidelines and regulations in working with the State and local agencies so that they will be ready to develop the various parts of it when the Congress appropriates the money, and you also provided in the law for a special Presidential Commission on evaluating this educational program which will have to report to you by March 31 of next year.

Now, I think that this whole new program will be a tremendous challenge to our local school districts. As I said, in meeting with superintendents who are friends of mine they look upon this as the greatest challenge they have had in their professional careers in many cases to develop these programs in order to qualify for the grants under title I and title III particularly. So how much our educational system can digest in 1 year is a moot point.

Mr. PERKINS. I well realize that and I can appreciate that statement. I had in mind that we would call witnesses to get the views of the people as to urgent changes and get as much information in the record even though no thorough legislative overhaul be made until next year when we get that report and have time to study it and evaluate it.

Mr. BELL. Were you going to make some comment?

Mr. LILLYWHITE. I just said to Mr. DesMarias that the office of Education was deeply involved in trying to get started. We are deeply involved and I think the Commissioner has been out all last week if not this week in meetings with school superintendents and State department personnel talking about the implementation of the new bill.

Mr. DESMARAIS. You people have given elementary and secondary schools of this country more work than they have had to do in years.

Mr. BELL. I think it is a shot in the arm.

Mr. LILLYWHITE. I think it is a shot in the arm and the amount of money is substantial, but it is necessary to get them thinking about this problem and to use these funds to do something.

Mr. PERKINS. That will be the impact on local school boards throughout the country.

Are there any further questions?

Mr. BELL. No, sir.

Mr. PERKINS. Mr. Brademas?

Mr. BRADEMAS. No, sir.

Mr. PERKINS. We are delighted to have you gentlemen here. We will all work together to do the best job we possibly can.

Unless there is objection, before we adjourn, Oscar Rose could not be present. I want to ask unanimous consent that his statement be inserted in the record endorsing the legislation.

(Mr. Rose's prepared statement follows:)

STATEMENT OF OSCAR V. ROSE, MIDWEST CITY, OKLA., ON H.R. 6704, H.R. 7808, H.R. 7931 AND OTHER RELATED MEASURES DEALING WITH TITLE I OF PUBLIC LAWS 874 AND 815

The subject legislation now under consideration by this subcommittee proposes to amend Public Law 874 and Public Law 815 to meet two areas of need. H.R. 6704 provides a method whereby the Federal Government may provide assistance for both school facilities and operation costs in cases where the need results from some disaster cause such as fire, flood, earthquake, etc. Also H.R. 7808, H.R. 7930, and H.R. 7931 seeks to continue assistance for both school facilities and operation costs due to schools under the same basic legislation during an adjustment period following the closing of a Federal activity or activities which justified previous Federal payments. I believe both of these areas of assistance are definite Federal responsibilities and wish to present the following testimony in support of these changes:

H.R. 7808—FEDERAL ASSISTANCE IN CASE OF DISASTERS

Americans have always had compassion and concern for the general welfare of their people as well as the people of other lands. Especially is this true in the case of such disasters as the earthquakes in Alaska and Seattle and the floods in Montana and currently being experienced in the Mississippi River Valley as well as other disasters of less proportions. H.R. 7808 proposes an orderly plan for all citizens to assist school districts so affected and insure the continued operation of schools in such disaster areas as determined by the President. Certainly, we can do no less for our neighbors. The Federal Government is the only entity through which this can be accomplished.

While I do not have specific information regarding the number of school districts so affected or the extent of the damage to the educational programs of the children involved I am certain that such information is available and will be presented to the committee. Certainly the educational program resulting from a natural disaster over and beyond that which the local community can meet through the maximum use of its own resources should not bear the brunt of such disasters.

H.R. 7808, H.R. 7930, H.R. 7931—CONTINUATION OF FEDERAL ASSISTANCE DURING ADJUSTMENT PERIOD

As one who has administered a rather heavily federally impacted district for the last 21 years I have often wondered just what would happen to the educational program for the children of the Midwest City School District should Tinker Air Force Base suddenly be either materially reduced or moved in its entirety. At the present time approximately 52 percent of the parents of the pupils enrolled in this school district either work on or live on Federal property and thus entitle the school district to payment under Public Law 874 approximating 25 percent of the total school operating budget. In view of this it would be absolutely impossible under the normal tax plan of financing schools in Oklahoma for this school district to maintain its educational program without the continuation of Federal funds at least throughout an adjustment period. It might be assumed that under such circumstances the children of the people presently employed on Federal property would immediately or within the current school year move from the school district and thus reduce the budget obligation to provide an educational program. Not only does this fail to occur but the family economy is at least temporarily affected through unemployment pending their moving to another community or obtaining other employment. Should they obtain other employment it would not provide any immediate revenue to the school budget and not then unless other industries moved to the community and were placed on the tax rolls. This would take a considerable period of time even if it should happen.

While I have only had to wonder about this happening I know that other similar school districts have had to face the reality of such conditions and I believe the

Federal Government has a continuing responsibility during such an adjustment period.

It will be remembered that when Public Law 874 and Public Law 815 were originally enacted in 1950 the school district which they sought to aid had also suffered financial impact for a long period prior to this date. A partial responsibility for this residual financial impact was recognized by the Federal Government as well as the current and continuing problem following 1950.

Public Law 815 provided for meeting this responsibility under section 202(e) through a payment equal to 45 percent of the cost of minimum school facilities.

Likewise Public Law 874 included subsection 4(b) which was designed largely for the purpose of assisting school districts to assimilate the Federal impact of World War II and to adjust the fiscal situation to absorb completely these additional costs. For this reason, payments are made on a diminishing basis over a 4-year period with the payment of 100 percent of the entitlement for the fiscal year 1950-51; 75 percent, 1951-52; 50 percent, 1952-53; and 25 percent, 1953-54. It was felt that by the close of 1953-54 school districts of the country would be able to absorb all results from the Federal impact occasioned by World War II.

I believe that the same Federal responsibility which was acknowledged at this time is justified in the case of the closing of a Federal activity within a school district and suggest that the amendments proposed under H.R. 7930 and H.R. 7931 be approved in order that the Federal Government might meet its responsibility in such instances. A study of the annual reports of the U.S. Office of Education will show that approximately 75,000 pupils were eligible under subsection 4(b) during this 4-year period and that payments were made annually as follows:

1950-51	5,689,224
1951-52	3,948,275
1952-53	2,820,157
1953-54	1,350,179
Total	13,807,835

Of course, following this time the subsection has been inoperative and I believe the record will show that no effort was ever made on the part of the Federal impact area school superintendents to extend this provision beyond its original expiration date. This history is rather conclusive evidence that an adjustment period of 4 years is an equitable plan for phasing out the Federal responsibility to Federal impact area school districts in the case of the cessation of the Federal activity.

Since I was unable to personally appear before this subcommittee on May 18 as scheduled, I appreciate the opportunity to present this statement and hope that in the very near future the Congress will take favorable action in order that the education of a sizable number of children will not be damaged.

Mr. PERKINS. I wish to take this opportunity to compliment Dr. DesMarais and Professor Lillywhite on their outstanding testimony. Your testimony will be most helpful to the committee.

I also direct that the supplemental material to be supplied by the Department of Health, Education, and Welfare be placed in the record at this point.

(Supplemental material submitted by Dr. B. A. Lillywhite, U.S. Office of Education.)

GENERAL STATEMENT REGARDING PUBLIC LAWS 815 AND 874

NATURE AND PURPOSE OF THE PROGRAM

The Federal impact area program authorized by Public Laws 815 and 874 has been in operation for 15 years. These two acts authorize Federal financial assistance for construction of school facilities and for current operating expenses of schools to those public school districts which have experienced serious financial burdens caused by activities of the United States. The types of federally caused financial burdens for which districts are to be compensated are specifically defined in the acts. They have been amended numerous times during the 15 years of operation but they still retain the same basic justification for the Federal payments as they did when originally enacted.

A number of administrative and technical problems and omissions became evident shortly after the acts were put into operation. Some of the problems have been eliminated or modified, others still remain, but some new ones have been created by some of the amendments or by changes in circumstances.

The concepts of the program are simple and logical but the various provisions of the acts are detailed, specific, objective and extremely technical when applied to the many kinds of situations found in school districts throughout the country. In addition the various parts of each act often are so interrelated that an amendment to one of the basic provisions intended to achieve a specific result may affect other provisions in a manner that was not intended.

PROGRAM TRENDS—PUBLIC LAW 874

In the first year of the program 1,183 school districts qualified for assistance. The appropriation was \$28 million and this amount was paid for 517,760 federally connected children. Total entitlements of eligible districts have increased every year except 1 of the 15 years and the number of districts eligible for assistance also has increased every year except for the past several years when major consolidations in some States combined a substantial number of eligible districts into a much smaller number of consolidated units. The estimated requirements for the current year are \$332 million and for fiscal year 1966 are \$347 million for an estimated 4,200 eligible districts.

The actual entitlements of the eligible districts have increased by \$30 to \$35 million for each of the past 4 or 5 years. This results from an increase of approximately 5.7 percent each year in rates of payment and 3.6 percent in the number of federally connected children. While the number of federally connected children is still increasing each year, the rate of increase is slowing down.

In 1964, more than 5,300 different Federal properties containing 256.5 million acres were claimed by applicant school districts as a basis for Federal payment. The number of different properties and the acreage does not vary greatly from year to year.

PROGRAM TRENDS—PUBLIC LAW 815

A different program trend has been evident under Public Law 815. When the law was enacted there was a major backlog of needed school construction resulting from the wartime and postwar shortage of construction materials. Although the first appropriation was \$21.5 million, a total of \$466 million was appropriated for the first 4 years. This amount, to a considerable degree, alleviated the major backlog of urgently needed classroom facilities that had developed in school districts serving Federal installations. For the next 6 years the requirements ranged around \$87 million a year and the amount needed for the past 4 or 5 years has averaged between \$50 and \$60 million a year. A total of \$58 million was appropriated for fiscal year 1965 and \$50 million plus has been requested for fiscal year 1966.

SUMMARY OF APPROPRIATIONS AND ACCOMPLISHMENTS

Public Law 815

A total of \$1,175 million had been appropriated through fiscal year 1964 for construction of school facilities. Approximately \$1 billion of this amount has been reserved for 5,171 construction projects submitted by around 1,900 different local school districts. Local school districts have added an estimated \$715 million to the Federal grants exclusive of cost of site or off-site improvements for a total of \$1.7 billion which has been used to construct 55,231 classrooms and related facilities for more than 1.6 million children. Of the amount granted to local school districts, \$44 million has been allocated for 259 projects to provide 1,445 classrooms to house 41,000 children living on Indian reservation lands under section 14 which was added to the act in fiscal year 1953; \$135 million of the total was allocated to construct 3,643 classrooms and related facilities on Federal properties for approximately 110,000 children living on other Federal property under section 10.

Public Law 874

In fiscal year 1964 the 4,182 school districts eligible for Federal assistance enrolled an estimated 12.5 million children which is approximately 30 percent of all children enrolled in public elementary and secondary schools in the Nation. The Federal payment was made on account of approximately 295,000 children who live on Federal property ("A" category) and 1,586,000 children ("B" category) who live with a parent employed on Federal property. Although total entitlements have increased from \$28 to over \$300 million and the number of

federally connected children counted for payment increased from 517,760 to 1.9 million in 14 years, 1950 to 1964, the total Federal payments have constituted around 5 percent of the current operating expense budget of the eligible districts and the federally connected children counted for payment have constituted about 15 percent of the total number of children in the eligible districts each year. A total of \$2,029 million was appropriated for this program from fiscal year 1950 through fiscal year 1964. A tabulation made several years ago showed that approximately 85 percent of all federally connected children counted for payment each year were connected with properties used for military purposes.

BRIEF DESCRIPTION OF MAJOR PROVISIONS OF PUBLIC LAW 874

Removal of land from the tax rolls by Federal acquisition

Section 2 authorizes the Commissioner to make a payment to a school district if the following facts exist: The Federal Government acquired real property in the district since 1938 valued at 10 percent or more of the total assessed valuation in the district; the land was not acquired in exchange for other Federal property; the Federal acquisition has placed a continuing financial burden on the district; and the agency is not being compensated for the loss in revenue resulting from the Federal acquisition by other Federal payments or by Federal activities conducted on the acquired property. The amount of the Federal payment shall be equal to the continuing Federal responsibility placed on the district by the Federal acquisition of the real property.

Less than \$1.2 million was required under this section in fiscal year 1964 by 87 eligible districts.

Federally connected children counted for payment

Section 3 authorizes for purposes of eligibility and payment counting children who reside on Federal property with a parent employed on Federal property ("A" category children) and children who reside in a taxable home with a parent employed on Federal property or who reside on Federal property with a parent employed off Federal property ("B" category children). A child may be counted if the Federal property on which the parent was employed was situated within the same State where the child resided or within reasonable commuting distance of the school district of residence. A child also may be counted (usually under the "B" category) if the parent commenced residing in or near the school district while assigned as a member of the Armed Forces on active duty and the parent was subsequently assigned elsewhere on active duty as a member of the Armed Forces but the family remained in the area to which it came with the military parent. This is known as the "Armed Forces elsewhere provision" and the reasonable commuting concept also applies in connection with it.

Eligibility requirements, section 3

A school district is eligible for assistance under this section if the average daily attendance of "A" and "B" category children equals 3 percent of the total average daily attendance and is at least 10 children. The Commissioner has authority to waive the 3 percent in exceptional circumstances but he cannot waive the minimum of 10 children. A school district with 35,000 or more children in average daily attendance in 1958 must meet a 6-percent eligibility requirement.

Rate of payment, section 3

The basic rate of payment for an "A" category child (called the local contribution rate) is the expenditures per child from local revenue sources in comparable communities in the same State in the second preceding year.

However, the rate of payment shall not be less than one-half the State average or one-half the national average cost per pupil both in the second preceding year. The rate of payment of "B" category children is one-half the rate of payment for "A" category children. The local contribution rate for the territories or a State where there is only one educational agency or where a substantial proportion of the land is unorganized territory is to be determined by the Commissioner in accordance with policies and principles which in his judgment best effectuate the purposes of the act.

The estimated average rate of payment in fiscal year 1964 is \$271.64 for "A" and \$125.21 for "B" category children.

Section 4

Section 4 authorizes payments to school districts for a sudden and substantial increase in school enrollment resulting from activities of the United States con-

ducted either directly or through a contractor (called contractor-type children). It also authorizes a payment for "A" and "B" category children new to the school district during the year if the number of such children equals 5 percent of the non-Federal average daily attendance in the preceding year and the district meets a financial needs test. Payments are authorized for the contractor-type portion of the children counted under this section for a 2-year period and the "A" and "B" category type children counted under this section in 1 year must be counted under the regular "A" or "B" category the subsequent year. The rate of payment under this section the first year is the amount necessary to provide a level of education equivalent to that maintained in comparable communities in the same State. This usually results in the full local contribution rate being paid for "B" as well as "A" category children.

Only a few districts qualify for payments under section 4 each year. The total for fiscal year 1964 was \$1,607,153 for nine districts.

Provisions to meet special situations

There are several provisions in the act designed to meet special circumstances.

Subsection 3(f).—This subsection provides that if a school district made provisions for the education of an increased number of children which could reasonably be expected during the year and that increase did not occur or the number of federally connected children attending school was reduced substantially during the year the district could receive payment as though the children had actually attended school as anticipated. However, the district must make all savings that it reasonably can because of the reduced number of children.

Subsection 3(c)(4).—This subsection provides an additional payment to school districts if 50 percent or more of all children in the district live on Federal property and the district is in financial need.

Subsection 3(c)(2)(B).—This subsection, known as the tapering off amendment, provides that if a school district fails to meet the 3 percent eligibility requirements in a year after it had met those requirements the preceding year it shall be paid for the actual number of federally connected children in its schools, unless this number is less than 10, the first year it failed to meet the eligibility requirements and for one-half the number of children the second year.

The payments under these special provisions for fiscal year 1964 were: \$108,636 for four districts under subsection 3(f); \$108,230 under 3(c)(4) for three districts, and \$177,997 under the tapering off amendment.

Deductions

Payments made with reference to Federal property and taxes on private improvements on Federal property available to school districts for current operating expenses shall be deducted from the gross entitlement computed for a school district under section 3. Other Federal payments consist of Federal forest land payments, mineral royalty lease payments, TVA payments, and other shared revenues. Taxes in many instances are paid on private improvements constructed on Federal property or on leasehold interests held by private parties in federally owned land or buildings. The deduction from gross entitlement of the shared revenue payments is to be made only to the extent of the entitlement computed for children connected with the property for which the Federal payment was made. Deduction of taxes is treated in a different manner. The full amount of taxes paid with reference to a Federal property must be deducted from gross entitlement regardless of whether the district has any entitlement computed with reference to the property for which the taxes are paid.

Almost \$4 million was deducted from gross entitlements in fiscal year 1964.

Section 6, Federal operation

When no State or local funds may be expended for the free public education of children living on Federal property or when the Commissioner determines that no local educational agency is able to provide suitable free public education for such children he is required to make arrangements for their education including the provision of necessary facilities. He may make such arrangements only with the head of the agency having jurisdiction of the property on which the children live or with a local educational agency.

In fiscal year 1964 an estimated \$17,203,704 was required under this section for about 40,000 children.

BRIEF DESCRIPTION OF MAJOR PROVISIONS OF PUBLIC LAW 815

Section 5

This section authorizes Federal assistance for construction of "minimum" school facilities to those school districts that have had a substantial increase in membership in a 2-year increase period of children (1) who live on Federal property with a parent employed on Federal property ("A" category), (2) who live on Federal property with a parent employed off Federal property or who live in a taxable home with a parent employed on Federal property ("B" category), or (3) a sudden and substantial increase of children due to Federal contract activities of the United States "C" category. The Commissioner is required to estimate the membership of federally connected children a district will have at the end of the 2-year increase period. Membership is estimated in advance to enable a district to receive the Federal assistance and hopefully get the school facilities ready by the time the children arrive in the district.

Eligibility requirements, section 5

Eligibility under this section requires a sufficient increase in membership of federally connected children by the end of the 2-year increase period to equal 5 percent of the average daily membership during the base year. The base year is the year immediately preceding the 2-year increase period and the increase period moves forward 1 year at a time. In addition, a school district must have an increase in membership of non-Federal children of 3½ percent a year or 7 percent in a 2-year increase period before accounting any federally connected children for payment. The non-Federal increase is required because at the time this requirement was put in the law the average school district in the Nation was expected to have a 3½-percent increase each year. This requirement prevents eligibility because of normal enrollment increases. It assures that payment will be made only for a substantial increase in school membership occasioned by immigration due to Federal activities.

A financial needs test is not required if a district's application includes only "A" and "B" category children. However, if it includes "C" category children, the district must meet a financial needs test, as well as the increased enrollment requirement.

Rate of payment, section 5

The maximum payment to an eligible district cannot exceed the number of children in the increase counted for payment multiplied by the rate of payment per child or the cost of constructing minimum school facilities for the number of unhoused children in the district as of the end of the increase period, whichever is the smaller. The Commissioner is required to determine for each State each year the average cost per pupil of constructing minimum school facilities on the basis of contracts entered into for the construction of school facilities in that State in the preceding year. This determination is based on the actual contract cost per square foot for contracts let, increased by a percentage representing the cost of site improvements, architect's fees, equipment, administrative and legal fees. This cost per square foot is then translated into a cost per pupil in each State based on the number of square feet per pupil required or normally provided in that State for minimum school facilities.

Maximum payment to any district is based on 95 percent of the determined per pupil cost for "A" category children, 50 percent for "B" category children, and 45 percent for "C" category children.

Minimum facilities

The concept of restricting the Federal payment to the cost of constructing minimum school facilities was added to Public Law 815 by Public Law 246 passed in 1953. This amendment did not define minimum school facilities but the guidelines given by House Report 702, which accompanied the amendments enacted by Public Law 246 are as follows:

"The term 'minimum' school facilities used in the bill (H.R. 6049, 83d Cong., 1st sess.) does not mean that the test to be applied will be one based on the use of inferior materials or on the provision of inadequate space for the basic school needs of the children * * * the term 'minimum' school facilities merely insures against Federal participation in expenditures beyond those needed to conduct an adequate school program, and hence, spreads Federal funds as far as possible to meet adequately the basic needs. Under this concept, the Federal payment to the school district will be based on the cost of the type of facility which the average school district has in recent years been building out of its own funds."

Priorities

Section 3 prescribes that applications shall be approved in order of the relative urgency of need if the funds available for any year are not sufficient to meet the requirements of all eligible applications. In order to make this determination, the Commissioner sets a cutoff date, usually in the fall and again in the spring of each year for the receipt of applications and determinations under the priority system. Applications submitted by any cutoff date are arranged in accordance with their relative urgency of need for participation in the funds made available by any appropriation. Any application on file by a cutoff date that cannot be reached on the priority listing because of insufficient funds is carried over to a subsequent cutoff date and is in competition for approval with applications filed by that subsequent date.

Approval of applications and payment procedures

Any application submitted by a school district must be accompanied by assurances that: Construction will be started and completed as rapidly as possible; that any non-Federal share of the cost will be available when needed; the school district has the site on which the school facilities are to be constructed, the right to construct on that site, and the right to maintain the school facilities for a period of 20 years; the provisions of the Davis-Bacon Act will be applied in all construction contracts; and the school district will make such reports to the Commissioner as are required. After approval of a project by the Commissioner, payments are made periodically as construction progresses; 10 percent at the time of approval, 50 percent when the contract is awarded, 30 percent when the building is 50 percent completed and the final 10 percent after the project accounts have been audited by Department auditors.

In accordance with section 13 of the act, certain engineering and construction functions have been delegated by the Commissioner to Community Facilities Administration, Housing and Home Finance Agency.

Section 8

This section provides that when a school district is unable to provide the non-Federal share of the cost of any approved project the Commissioner may make additional grants to that district to enable it to construct the project to house the unhoused children. Not more than 10 percent of any year's appropriation may be used for the purpose of this section.

Section 9

This section provides that if the attendance of the federally connected children is for a temporary period, the Commissioner may construct temporary school facilities, or if requested by the district, he may grant the estimated cost of constructing temporary school facilities to be used by the district to build permanent facilities provided that the district gives assurance that it will house the children who are in temporary attendance.

Section 10

This section directs the Commissioner to make arrangements for construction or otherwise providing minimum school facilities necessary for children living on Federal property if no tax revenues of the State or any political subdivision may be expended for the free public education of such children or if it is the judgment of the Commissioner that no local educational agency is able to provide suitable free public education for the children. Most such facilities are constructed on military installations.

Section 14

This section was added to the act by the passage of Public Law 246 in 1953 after it was found that a number of areas in the United States, specifically Federal Indian reservation lands, had substantial numbers of unhoused schoolchildren and did not have sufficient funds to provide the necessary school facilities for them but were unable to qualify for Federal assistance under eligibility provisions of the original act because they were not characterized by substantial increases in school enrollment such as occurred around military installations or other Federal projects. This section provides that if the Commissioner finds that any local educational agency has a substantial percentage of its schoolchildren residing on Indian lands, that the district is making a reasonable tax effort, but does not have sufficient funds to provide school facilities for the unhoused children he may grant such assistance as may be necessary to construct the required "minimum" school facilities. The amount of Federal funds granted under this section is

the difference between the amount of funds that can be made available by the applicant school district from all sources and the cost of constructing minimum school facilities for the unhoused children residing on Federal property. There is a total limitation of not to exceed \$60 million on this section of the act.

Indication of requirements by sections

In fiscal year 1965, the estimated average rate of payment was \$1,300 for "A" category children and \$684 for "B" category children. An estimated total of 10,000 "A" category children and 44,000 "B" category children will be counted for payment for a total of \$44 million. From \$1 to \$1.5 million is used each year for additional payments of the non-Federal share under section 8 and approximately one-half million is required each year for temporary facilities under section 9. On the average, \$7 to \$9 million is required each year for construction of school facilities on Federal property for children living on Federal property. The requirement for construction of school facilities on Federal Indian reservation lands averages between \$3.5 and \$4 million a year.

From 175 to 200 applications have been eligible for assistance each year for the past several years.

BRIEF DESCRIPTION OF OPERATING PROCEDURES—PUBLIC LAW 874

Submitting applications

School districts submit applications to the Commissioner each year which show the estimated number of federally connected and total children, each separate Federal property with which the children are connected, category of connection, the basis for the rate of payment (comparable districts, group rates, one-half the State average or one-half the national average cost), and the sections of the act under which application is made. Applications usually are submitted to the Office after the "first count" is made, as explained below, giving estimated data for the year. The final report for the year is submitted after the "second count" is made and other necessary data pertaining to the year's operation are available. Both the initial application and the final report are submitted through the State educational agency which is requested to comment on the accuracy of the data contained in the application. The final date set by regulations for submitting applications for any year is March 31.

Counting federally connected children

The number of federally connected children may be determined by a district either of two ways: (1) recording each school day the actual attendance of each federally connected child (usually done only in small districts) or, (2) by the procedure known as the "two-count method." Under this method a school district counts all of the federally connected children by categories and total children in membership in the school district one day in the fall and another day in the spring of the year. The percent of the total membership that is federally connected is determined from each of these counts and data for the two counts are averaged to determine the federally connected membership during the year. Membership is converted to average daily attendance as required by the act.

Records

Each applicant district is required to keep records verifying the Federal connection of each child claimed in the application as a basis for payment and these records must be available for inspection and review by a field representative of the Office of Education. The records in every eligible school district are reviewed every year by a field representative of the Office to determine their adequacy as a basis for the count of federally connected children. This review is conducted before final settlement is made to any district and the case is closed.

Applications may be submitted to the central office any time after July 1 and before March 31 of any year. Final reports may be submitted at any time after school is over until September 30 of any year.

Determination of eligibility and entitlement

Every application received in the central office is reviewed to ascertain insofar as possible from data in it the number of federally connected children claimed by category of Federal connection, whether the property with which the children are connected is eligible Federal property, amount of deductions, reasonableness of the estimates, and other necessary determinations. Likewise, each final report is analyzed in the central office to determine net entitlement for the year before the final payment is made.

Payments

As soon as the estimated entitlement has been determined for an applicant for any year 75 percent of the estimated total is certified for payment through the Disbursing Office of the Department of Treasury. An interim payment up to 95 percent of the estimated entitlement will be made to hard-pressed school districts if they submit an interim report showing attendance of federally connected children through the seventh month of the school year. Final payment is made after the school year is over, the district(s) final report has been submitted and the applicant(s) records reviewed by a field representative as stated above. Where questions are raised, tentative final payments are made pending receipt of the necessary information to determine final payment.

Proration

When the Commissioner determines that the funds appropriated are not sufficient to pay full entitlement of all eligible applicants in any year he must reduce the entitlement to each applicant on a pro rata basis. Appropriations have been sufficient to pay full entitlement in all but 2 years since the program was enacted. Amounts for Federal operation under section 6 have first claim on the funds appropriated.

Instructional materials

Regulations governing the major provisions of the act are published in the Federal Register and various types of instructional materials found to be useful to applicants are published in bulletin form and issued to local districts through State educational agencies. The field representatives of the Office stationed in the nine regional offices of the Department are available for consultation with applicants on a continuing basis throughout the year.

Operation of Public Law 815

The construction program authorized by Public Law 815 is operated generally in the same manner as described above for Public Law 874 except for the necessary differences in processing and payment procedures. One of the principal differences arises from the fact that eligibility and entitlement under Public Law 815 are based on estimated membership. Thus, initial approval is not given to any application until a review of the records and substantiating data prepared by the school district is made by a field representative of the Office of Education and a report submitted to the central office. Also no school construction project is approved by the Office of Education until the State educational agency certifies that the project is in accordance with the plans of the State for providing school facilities.

Applications for construction of school facilities on Federal property are submitted through headquarters by the local office of the Federal agency involved with copies to the State educational agency. The Community Facilities Administration supervises the construction of school facilities built on Federal property under section 10 of the act.

Role of State educational agencies

Each State department of education is requested to assign a person to work with field representatives of the Office of Education and local applicants in the State on all matters pertaining to Public Laws 815 and 874. The State departments of education directly assist in doing the many things that need to be done in administering the various provisions of these acts.

Problems in administering Public Laws 815 and 874

This part discusses very briefly those provisions of the acts which create difficult administrative or other problems. It does not consider the major question of rates of payment and eligibility requirements in relation to the federally caused financial burden or major Federal policy question. The discussion is restricted to presenting factual information or descriptions of situations that develop and does not include recommendations for changes.

1. *Counting children in the 13th and 14th grades (Public Laws 874 and 815).*— Both acts authorize counting for eligibility and payment children in the 13th and 14th grades if that education is provided as elementary and secondary education. Community junior colleges which provide education in the 13th and 14th grades and which are increasing throughout the country usually are conducted on an entirely different basis than high schools in a number of important ways that affect operations under these acts. It is extremely difficult to determine under various State laws when education in the 13th and 14th grades is

conducted as secondary education. Some junior colleges qualify for the impacted area program and some do not. Public Law 89-10, which is an amendment to Public Law 874, excluded children in the 13th and 14th grades.

2. *Determination of local contribution rate—comparable districts—or group rates (Public Law 874).*—In order to get the highest rate of payment under the comparable districts rate provision, applicant districts try to find districts in the State which have the highest expenditures from local funds and which they hope they can justify as being comparable to their districts. Districts may change one or more of their comparables from year to year depending on circumstances and a considerable amount of work is required both in the central office by the State and by the applicant school districts to determine rates under this method which is used by all school districts in a number of States and by some districts in other States.

Some States divide all school districts in the State into groups that are considered to include districts generally comparable to each other. Groupings may be by size, legal classification, degree of urbanization, or other significant factors. Under this method the State department of education prepares the expenditure data every year for each district in each group and for each of the groups and sends this tabulation to all Public Law 874 applicants in the State. All an applicant district need do to determine its rate under this method is to attach the mimeograph tabulation to its application and indicate to which group it belongs.

This method would not increase the cost of the program but it would, on the average, give a little more money to the poorer districts in each group and a little less to the wealthier districts in each group.

3. *Methods used to determine average daily attendance of federally connected children (Public Law 874).*—Applicant school districts have the option to determine which of the following methods they shall use to determine the number of federally connected children in their schools: (1) keep the average daily attendance of each federally connected child each day; or (2) make two counts during the year called the "two-count method." Most districts use the two-count method. The actual average daily attendance method is a virtual impossibility in large districts. Different forms and instructions are required for each method. The two-count method is less work for applicants, does not affect the cost significantly one way or the other, and speeds up processing applications and payments. Consideration is being given to approving one count a year as an acceptable method of determining average daily attendance.

4. *Other problems of counting federally connected children (Public Laws 874 and 815).*—Both acts specify that a child is federally connected "who resides with a parent while living on or employed on Federal property." Families have many different types of living arrangements, particularly military families where there are special duty assignments away from the normal place of residence. The problem of determining precisely when a child resides with a parent employed on or living on Federal property or does not so reside with a parent raises a number of difficult determinations. Example: The 12-year-old sister of the wife of a military man goes to Alaska to live with the military family for 2 years. The mother of this child resides in New Jersey. Is this girl living with a parent employed on Federal property? The State department of education may not think this child is a resident of the State for purposes of receiving free public education; although no question would be raised regarding other children in the family. A military man is temporarily separated from his wife, then reconciled and then separated again. At what point is the child living or not living with the parent employed on Federal property? There are many of these different kinds of situations that cause problems in counting children.

5. *Armed Forces elsewhere (Public Laws 874 and 815).*—Both acts provide that if a military parent moved to an area while assigned to duty on Federal property in the Armed Forces and the military parent was subsequently assigned elsewhere and the family remained in the area to which initially assigned, the child can be counted under the "Armed Forces Elsewhere" provision. This was intended to meet the situation where hundreds of families moved to areas where personnel were assembled for departure to overseas bases. In many cases the family could not immediately go overseas and remained in the States. In some cases the family went back home or moved to a place where they had once been stationed. Under the "Armed Forces Elsewhere" provision the child could be counted in some of these situations but could not in other cases. Application of this provision produces other unusual situations and requires difficult determinations.

6. *Ship's children—Children of persons serving aboard ship.*—Many military and civilian personnel are assigned to and serve aboard federally owned ships in the

defense forces and prosecuting domestic activities. Ships are personal, not real, property. Thus, a military man serving on a ship is not employed on Federal real property and his child is not federally connected per se. It would be entirely illogical under the concept of the impact laws to count the children of naval personnel not assigned to ships as federally connected but not to count the children of personnel who were assigned to ships as being federally connected.

Accordingly a ship is determined to be Federal property under the impact laws if the home port is Federal property. This procedure brings about unusual and unexpected results. Ships are transferred from one command and from one port to another. The children of a sailor may be federally connected while the ship is in one port for part of the school year but are not while it is in another port the other part of the year although the children have lived in the same place and the parent has been in the Navy all year.

7. *Deduction from gross entitlements computed under Public Law 874 of taxes or other Federal payments paid with respect to Federal property and actually received by the school district (Public Law 874).*—Public Law 874 requires the Commissioner to deduct from the gross entitlement computed for any school district any taxes paid or other Federal payments made with respect to Federal property and actually available to the school district for current operating costs during the year.

There are a substantial number of different kinds of payments in lieu of taxes, shared revenue payments, and other types of Federal payments to States and local governing bodies under Federal law. Privately owned improvements of Federal property are taxable under most State laws. Other Federal payments are made from mineral royalties, leases, Taylor Grazing Act, Federal forest payments, payments on migratory game refuges, and a number of other specific authorizations. These funds are distributed to school districts in a variety of different ways in different States. Often county taxes on Federal property are reallocated to local districts on some formula basis. Some local school officials do not know what part of their local operating revenues, if any, come from the Federal payments or tax payments on improvements located on Federal property. Final payments are delayed, or if made before the tax receipts are fully determined there often is an overpayment to the district and the Office has to recapture the overpayment. The problems of determining the amounts received or that should have been received by an applicant school district from these various sources is tedious, complicated, expensive, and difficult. Some of the tax deductions are as small as \$25. Also, taxes are treated differently from "other Federal payments" in this deduction from gross entitlement. If no children are claimed against a Federal forest from which Federal forest payments and taxes are received there is no deduction of any of the Federal forest payments received by the school districts, but all of the taxes must be deducted.

In other words the law specifies that other Federal payments made with respect to a Federal property shall be deducted only to the extent of the Federal entitlement claimed because of that property. However, all taxes are deducted without reference to the amount of entitlement attributed to the Federal property on account of which the taxes are paid.

8. *Local services and benefits.*—When Public Laws 815 and 874 were first enacted they provided that Federal property used to provide a local service was not to be included as Federal property for the purposes of the two acts. It was difficult to determine which Federal properties were and which were not used mainly to provide a local service. By administrative interpretation local post offices were determined to be Federal property that provided a local service, but that regional post offices which sorted mail for distribution to local areas were considered to be Federal property. The acts were later amended to provide that any post office building under jurisdiction of the Post Office Department and used primarily for postal services was not to be considered as Federal property. At the same time the laws also were amended to provide that any property used by the United States primarily for a local service "or benefits" to the area in which situated was to be excluded as Federal property.

The problem of determining when the Federal Government is using its property primarily to provide a local service or benefit is extremely difficult. After a hearing on this question in Pinellas County, Fla., the Office adopted guidelines which in general provided that if a local government leases Federal property it is for the benefit of that governmental unit or it would not make the lease. Thus, in general, the Office has held that outleased Federal property, if it is located within the county of the applicant school district, is being used by the United States primarily as a service or benefit for the local area in which it is situated.

This type of determination is objective but creates a number of problems. If an effort were made to determine in each case where Federal property is leased to a local unit of government whether or not it is used by the United States primarily for a benefit to the local area it would be necessary to make a detailed economic and fiscal analysis based on the type of use made of the property and a number of other factors. The Office is unable to make this type of determination for the hundreds of Federal properties that are outleased to a local unit of government.

There has been considerable criticism of the provision which eliminated as Federal property post offices under the jurisdiction of the Post Office Department and used primarily for postal services. This criticism is related to the local service or benefit provision and also presents some difficult administrative problems.

9. *Outleased Federal property—Other aspects of the problem.*—When Public Laws 815 and 874 were originally enacted in 1950 federally owned property outleased to a private concern and which was subject to taxation was not included in the definition of Federal property for the purposes of the acts. Some State laws authorized local jurisdictions to tax leasehold interests but such taxes were not considered to be stable sources of income. In 1953 Public Laws 815 and 874 were amended to include as Federal property federally owned property outleased to private companies even though subject to taxation and provided further that taxes paid with respect to such property should be deducted from the gross entitlement of any school district. Since that time, outleased Federal property has been counted as Federal property under the impact laws.

In 1955, the U.S. Supreme Court held that the leasehold interest was subject to taxation as though the property were privately owned real property. Now many States have laws authorizing the taxing of leasehold interests and, from the standpoint of taxes received or that could be received, the property is no different than if it were privately owned real property.

One aspect of this "outleased" problem is the Wherry housing program for military personnel which was in effect from about 1950 through 1955. Most Wherry housing projects are owned by private sponsors for a period of years until the mortgage is paid off at which time they become properties of the United States. After the Supreme Court ruled that leasehold interests could be taxed as though the property were privately owned real estate, Congress amended the National Housing Act giving consent of the Federal Government to tax the interest of the lessee of the Wherry housing projects.

This amendment further provided, however, that the Defense Department should compute the value of all services provided to the residents of the housing projects from any Federal source and offset the values of such services against the taxes levied on this leasehold interest. The administrative problems created by these provisions for the applicant school district, the Wherry housing project sponsor, the Defense Department and the Office of Education as well as the courts is too involved to include in this brief description.

10. *Federal operation of on-base schools where State law prohibits the expenditure of State or local funds for the education of children living on Federal property.*—Section 10 of Public Law 815 and section 6 of Public Law 874 require the Commissioner to arrange for the education of children living on Federal property when under State law no State or local funds may be expended for the education of children living on Federal property or no local educational agency is able to provide suitable education for such children. Federal operation also is required when the Commissioner determines that no local educational agency is able to provide "suitable" education for the on-base children. The Commissioner has found it necessary to arrange for the education of children living on Federal property in 55 cases in fiscal year 1964. Eight of these cases resulted from the unsuitability of segregated education, three from an earlier situation regarding integrated schools which no longer is in effect and the remainder from the prohibition or optional provision in State law regarding expending State or local funds for the education of children living on Federal property.

These Federal operations resulting from the requirement in State law are found in about eight States mainly where the Federal properties are held under exclusive jurisdiction. Federal properties are held under exclusive jurisdiction in other States but State law still requires States to take responsibility for the education of the children concerned.

Federal operation in these situations usually causes problems for the adjacent local districts and for the Federal Government. In these cases Federal funds pay the full educational costs. Where States accept full local responsibility for education of on-base children Federal funds pay only the local share of the costs.

11. *Making appropriations available for 2 years instead of 1 year (Public Law 874).*—Appropriations for Public Law 815 are available until expended but appropriations for Public Law 874 are only 1 year. The Budget and Accounting Act requires that appropriations under Public Law 874 must be obligated by June 30 every year or the unobligated balance reverts to the Treasury. Final entitlement for applicant districts cannot be determined until the school year is over, a final report is submitted by the applicant school districts, and the applicants records have been reviewed by a field representative. The school year ends anywhere from late May until the middle of June and final reports often cannot be made until 2 or 3 months after the school year is over. Thus, we must estimate the obligation of funds by project application because we don't know what the final entitlements for those applications will be until 2 or 3 months after the date the funds must be obligated. All processing of applications must stop for a week or two just prior to the end of the fiscal year until the estimated obligations are made and are recorded on the books.

12. *Eligibility requirement for big cities (Public Law 874).*—When Public Law 874 was originally enacted it included a provision that large districts (those with 35,000 or more children in 1939) would have to have 6 percent federally connected children for eligibility instead of 3 percent required for other districts. In 1958 this provision was changed so that big city districts having 35,000 or more children in average daily attendance in 1957 had to have 6 percent to be eligible but districts which had already qualified at the 3 percent while under 35,000 pupils could still retain eligibility at 3 percent even if they had grown to more than 35,000 pupils. This provision creates considerable criticism.

In recent years the country has become increasingly aware of the difficult educational problems in large cities and there appears to be no reasonable justification at present for treating the so-called large districts different than other districts.

The subcommittee is now recessed until 10 o'clock tomorrow morning, in this same room.

(Whereupon, at 12 noon the subcommittee was recessed, to be reconvened at 10 a.m. Tuesday, May 25, 1965.)

**DISASTER SCHOOL ASSISTANCE AND MEASURES TO
ELIMINATE INEQUITIES IN PUBLIC LAWS 815 AND
874**

WEDNESDAY, MAY 26, 1965

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2257, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Brademas, Carey, and William D. Ford.

Also present: Hartwell D. Reed, Jr., counsel.

Mr. PERKINS. The committee will come to order. A quorum is present.

We are delighted to welcome you back again, Monsignor Hochwalt. You have made many capable appearances before the committee.

Monsignor HOCHWALT. I am getting to be a fixture.

Mr. PERKINS. It is always good to welcome you back. We are certainly glad to have you here this morning in connection with H.R. 7808, and other legislation having to do with schools. I see you have a prepared statement. I assume you want to go ahead?

Monsignor HOCHWALT. Yes.

Mr. PERKINS. I have not had an opportunity to read your prepared statement, but if you failed to give the committee your views on how far the Federal Government should go, in connection with the construction of schools in case of disaster, we certainly want you to supplement your prepared statement.

Go ahead.

**STATEMENT OF MSGR. FREDERICK G. HOCHWALT, DIRECTOR,
THE DEPARTMENT OF EDUCATION, NATIONAL CATHOLIC
WELFARE CONFERENCE.**

Monsignor HOCHWALT. All right, thank you, Mr. Perkins.

Mr. PERKINS. I may say that the views that you expressed earlier this year contributed immensely to the writing of the Elementary-Secondary Education Act of 1965. I think you knew the areas of controversy, and you knew the areas where there could be some reconciliation by reason of the views that people like yourself have before expressed.

Monsignor HOCHWALT. Well, we were proud, Mr. Chairman, to be associated with that effort, and rather pleased at the compromises that were effected. I think it demonstrated quite clearly to us that

when men of good will put their hearts into a task and their shoulders to the same wheel, and get behind the wagon and shove, why something worthwhile happens, so we were very happy to cooperate with your committee and with that of Senator Morse.

My statement today is, as Director of the Department of Education of the National Catholic Welfare Conference, directed chiefly at H.R. 7808, your own bill, Mr. Perkins, and I do welcome this opportunity to offer comments and some evaluations and some possible amendments to H.R. 7808 which is designed, as you well know, to amend Public Laws 815 and 874 of the 81st Congress.

In earlier presentations to this distinguished subcommittee, the National Catholic Welfare Conference has expressed some serious apprehensions respecting repeated extensions or expansions of Public Laws 815 and 874. May I at this time offer certain observations in this connection regarding H.R. 7808 which you, Mr. Chairman, and several of your colleagues are sponsoring and which will amend the foregoing law.

From its expressed intention, however, this bill now under discussion differs substantially from the previous measures that prompted our expressions of concern.

When natural disaster strikes and destroys schools or causes them to close, the education of children is interrupted and often for a considerable time. H.R. 7808 is an expression of Federal concern that the continued schooling of public school children be resumed as quickly as possible, a concern backed by Federal dollars.

In the light of these proposals may I invite your attention also to children in private schools whose schooling has been interrupted by these same disasters and who also need special assistance. Would it be possible for H.R. 7808 to include all children whose education is jeopardized by disaster?

The Perkins-Morse Act of 1965 has established a distinctive pattern for meeting the needs of all educationally deprived children. You are aware that this pattern consists in needed services extended to the child through the local public school agency. Under title II, books for both children and teachers in all schools are made available on a loan basis.

In time of disaster, cannot the Federal Government follow this same pattern by authorizing the U.S. Commissioner of Education and local educational agencies to provide materials and services which will assure a quick resumption of schooling for private schoolchildren as well as public schoolchildren?

In the light of the Perkins-Morse Act there are many possible forms of assistance: temporary dual enrollment, temporary loan of public school facilities, textbooks, teaching materials, library materials, and the loan of scientific equipment.

Since this situation, indeed, deals with disaster for which there is little or no control the repairing or reconstruction of private school buildings with Federal funds would seem consistent with the customary practice of the Federal Government in its general disaster assistance program.

As an additional thought, may I point out that it seems most appropriate that assistance of this nature could be prudently extended as a form of help not only to the private school, but to the public school system, since inability of the private resources readily to rehabilitate

themselves in behalf of their students obviously would cast an immediate additional hardship on the public schools since the children in the area of disaster must be accommodated.

Another observation seems to be in order here. We certainly could not expect assistance which private endeavor otherwise prudently could provide for itself, such as recovery through normal insurance coverage. We would suggest assistance only to the extent that the schools involved could not reasonably accomplish solutions themselves through their own resources.

In submitting this plea, moreover, we would ask for no consideration inconsistent with customary practices of the Federal Government in general disaster assistance programs.

In point, the government has already recognized the necessity to extend assistance to business, farms, and other interests and especially to health and welfare endeavors through substantial help by grant or loans to hospitals and related establishments, public and private, destroyed or damaged by disaster.

The authority proposed by this bill is necessarily and prudently cast in general terms. The widest latitude should be permitted public officials, both national and local, to make those judgments necessary to rehabilitate the educational processes destroyed by disaster and necessary to the continued uninterrupted provision of educational opportunity for all schoolchildren.

A mutuality of concern has existed in the past between public and private institutions when disaster struck. There are many instances of magnificent cooperation during days of acute need when private schools provided for children of public institutions and the reverse situation was likewise evidenced.

A questionnaire has just been prepared by my office addressed to the nonpublic school superintendents in the 50 States asking for specific examples of this mutual cooperation. In the light of the replies received from these questionnaires which will soon be made available to this committee, it would seem only fair to suggest that the legislation proposed in H.R. 7808 be rewritten.

We are aware of a study of these two laws, Public Laws 815 and 874, which is due to be completed this summer. We do not think, however, that action on either Congressman Perkins' or Senator Morse's proposed amendments to H.R. 7808 and S. 289 should be postponed pending the completion of that study.

The proposed disaster legislation merits consideration on its own. And even though the final study of Public Laws 815 and 874 suggest the phasing out of the impacted area program, the disaster proposal should certainly and prudently be attached to some other form of educational legislation or could even stand before the Congress on their own merits.

With these suggested changes as part of the overall proposals, we could readily support this constructive measure introduced by yourself, Chairman Perkins.

In summary, it would serve to provide schools and disaster areas with the necessary funds and cooperative assistance to rebuild and continue effective operation of school plants. This bill, broadly based as suggested above, would allow the necessary functions of education to continue even in the face of the terrible consequences of a national natural disaster.

Thank you.

Those concluded my formal comments, and I should welcome any questions the chairman would like to address.

Mr. PERKINS. We certainly appreciate that statement. I think I understand your point of view. But to simplify, if the amendment is approved by the subcommittee and the committee, then you would support the legislation.

Monsignor HOCHWALT. We would do that.

Mr. PERKINS. I would like for you to review again that amendment, Monsignor Hochwalt.

Monsignor HOCHWALT. All right. We believe that the bill as presently worded should have the language broadened so that the concern for the private schools would be expressed in practically the same terms as the concern expressed for the public schools.

Now this could be done in a variety of ways. The formula that could be induced into it could be the one used so successfully in the Perkins-Morse bill, or if the committee saw fit to go further and consider a new formula of grants and loans, that, too, would be satisfactory, but if within the formulation of this proposed measure, 7808, language and provisions similar to those in the Johnson Act of 1965 would be basically satisfactory.

Mr. PERKINS. Would be basically satisfactory? If we adopted that language, your people, your organization, the National Catholic Welfare Conference, would support this legislation?

Monsignor HOCHWALT. And we would be very happy to sit down with suggested groups and to help formulate the language in terms which would be mutually acceptable.

Mr. PERKINS. Now, one further question.

From your experience, Monsignor Hochwalt, have disasters destroyed a considerable number of private schools in the past, to the point that it has been impossible for the supporters, the private school people, to rebuild schools? Have you run into that problem?

Monsignor HOCHWALT. A personal note, if I may. My experience goes back to the 1913 flood in Dayton, Ohio, and I know how difficult it was to reopen the private schools there, since almost half of the city was inundated with water, and much of the school system was destroyed. There was a mutual cooperation program between public and private schools, and at that time, the city did loan its financial assistance to the rebuilding and reconstruction of those, of a great number of those private schools.

Then my memory takes me back to the days when I served in the school system of Cincinnati in 1937, and the Ohio River Valley floods caused a great deal of difficulty. I was not only in the school system, but I was a parish priest, and we took into our church and into our school the families and the schoolchildren that had been inconvenienced or unhomed, and had been confronted with the worst disasters.

Fortunately, my parish was on one of the hillsides, and we were able to give this assistance to the public schools in the lower basin of the city which had been flooded out.

Now, this, of course, has taken place again in places like Cairo, Ill. It has taken place in Louisville, Ky. There are instances of it in California and other places on the west coast. In tornado areas in

Kansas and in Nebraska, and in the Dakotas, certain instances in Michigan which I am sure Mr. Ford is aware of.

Mr. PERKINS. My point is that your budgets today, your school budgets—are they so limited because of increased demands upon your educational programs in the private schools that it would be impossible, assuming that a disaster did recur like the floods of 1937, 1913, for your organization to rebuild the schools?

Monsignor HOCHWALT. I think it would be, even though a strenuous effort has been made on the part of parochial school authorities to invoke a better insurance coverage, but the insurance coverage would never replace the property so that it could begin its work immediately.

The big difficulty, of course, would be securing an immediate flow of fresh water, to take care of the important facilities in the school, the lighting, the heating, and then, of course, most of the school materials would have floated away, and they come fairly high these days, as you well know, Mr. Chairman, so I think we would be handicapped to a considerable extent, and would not be able to function immediately, and I think that we would have to pass some of our burden along to the public school system.

So, it might be just as wise for the Government to anticipate that, and take care of that, rather than have us ask the public schools when the disaster struck.

Mr. PERKINS. We had in the other record, when we considered H.R. 8362, your enrollment in comparison with the public school system at the elementary-secondary level. I feel that that will be pertinent here, because it will be a different record altogether. Do you mind repeating those figures?

Monsignor HOCHWALT. I would be happy to. This time they are offered through the kindness of the Carnegie Corp. of New York in its quarterly publication, and the opening paragraph says:

More than 5 million American children, almost 15 percent of all U.S. youngsters of schoolgoing age, now attend Roman Catholic elementary and secondary schools.

During the past 20 years, while enrollments in the public schools increased by 69 percent, enrollments in the parochial schools jumped 129 percent. The Catholic schools now constitute a large, important, and little-known educational system.

Consequently, Carnegie Corp. has made two grants available, one of which I happen to be a director of, and which is being carried on at the University of Notre Dame. The other was carried on by the National Opinion Research Center at the University of Chicago, and I served in an advisory capacity on that one.

Results of those two studies will be made available this year, very soon, in fact, in about 2 months time.

Then we have available for the members of your committee, and I didn't bring them with me, but I can send them over readily, our new statistical analysis and breakdown of our enrollment, State by State.

Mr. PERKINS. Without objection, that data will be inserted in the record following your statement.

Monsignor HOCHWALT. This report of the Carnegie Quarterly might well be inserted, too, and I will leave this with the secretary.

(Information referred to follows:)

[From the Carnegie Corp. of New York Quarterly, April 1965]

CATHOLIC EDUCATION IN THE UNITED STATES

More than 5 million American children—almost 15 percent of all U.S. youngsters of schoolgoing age—now attend Roman Catholic elementary and secondary schools. During the past 20 years, while enrollments in the public schools increased by 69 percent, enrollments in the parochial schools jumped 129 percent. The Catholic schools now constitute a large, important, and little-known educational system.

Recently, considerable debate among Catholics has centered on the schools: their present functioning, what their goals are, and whether those goals are being met. The argument has been hindered, although not quieted, by a dearth of basic, factual information about the parochial schools, and indeed about the American Catholic community as a whole. Two sociologists recently referred to "the abominable state of data collection in American catholicism; what information is gathered is usually inaccurate and always incomplete." It is not even known within reasonable limits, say a million or two, how many Catholics there are in the United States, with estimates ranging from about 43 million to well over 47 million.

As far as parochial education goes, little has been written of the history of this important movement, which had its American start more than 100 years ago. The schools were launched primarily as a defensive measure, to protect the faith of Catholic immigrants against what was perceived as the dominant and aggressive protestantism of the public schools. As the public schools have become increasingly secular over the years, they are no longer seen as a positive threat to the faith, and so the rationale underlying parochial education has presumably shifted.

If little has been known of the schools' history and aims, still less has been known of their details. Catholics and non-Catholics alike have relied largely on isolated experiences with one or two schools plus a combination of rumor, anecdotal evidence, and in some cases prejudice, as their source of information about who goes to the schools and who doesn't, about who the teachers are and what their preparation is, how many lay teachers there are in proportion to teachers from religious orders, and what the student-teacher ratio is:

Two Carnegie-supported studies, now nearing completion, may provide some helpful information. One, under the auspices of the University of Notre Dame, is aimed at describing the schools as they are: their numbers, teachers, form of organization, financing, and so on. It is not intended to be evaluative or comparative, although some of the findings should obviously be useful in the future planning of Catholic education. The other study, by the University of Chicago's National Opinion Research Center (NORC), ventures into the sensitive area of measuring the effects Catholic education has on the later social and religious attitudes of its students. The preliminary findings of this study have already provided highly flammable fuel for the Catholic controversy about the schools.

THE PAROCHIAL SCHOOLS TODAY

More than 5 million children are a lot of children, and it requires more than 175,000 teachers, religious and lay, to staff the better than 13,000 Catholic schools. In sheer quantitative terms the achievement of the American Catholic community has been immense. But despite the impressive numbers involved, parochial school enrollments still fall far short of a long-held goal of American catholicism: that every Catholic child should be educated in a Catholic school. Fewer than 50 percent are.

To be more precise, about 47 percent of eligible children (the percentage eligible calculated on number of infant baptisms) attend parochial schools. The percentage is considerably larger, 52, at the elementary level (which in Catholic schools includes the first eight grades) than at the secondary, where it drops to 37. Many of the schools, however, report that they are not able to accept all applicants; it is estimated that about 125,000 each year are denied entrance to first grade, and about 90,000 to ninth grade.

One reason why the schools, or at least some of them, cannot accept all comers is apparent in the light of the mean student-teacher ratio, which is 45 to 1 at the elementary level and 26 to 1 in the high schools. The result is that class sizes in the grade schools range from 40 to more than 70. Additional indicators of the staff shortages at this level: 62 percent of the elementary school principals have full-time teaching duties, and 86 percent of the schools have no clerical help.

If the elementary schools are overcrowded, some of the secondary schools are not crowded enough to make possible the provision of a full curriculum. Thus, 43 percent of the high schools have fewer than 38 students in the 12th grade.

Using 1962 as the base year, that is, assuming that student-teacher ratios remain the same, and assuming also that only the same percentage of Catholic children will seek to attend parochial schools (a doubtful assumption since in the 9 years prior to 1962 the percentage as well as the numbers increased sharply), projections show that by 1968, 750,000 more children will be attending grades 1 through 8, requiring the services of 18,900 additional teachers; 330,000 more will be enrolled in grades 9 through 12, requiring 12,600 more teachers; and capital costs for the needed additional buildings and classrooms will be \$721 million, assuming no rise in prices (another doubtful assumption).

All of these statistics, among countless more, have been produced by the Notre Dame study, which is directed by Reginald A. Neuwien, former superintendent of schools in Stamford, Conn., under the general leadership of a three-man committee composed of the Reverend Theodore M. Hesburgh, president of Notre Dame; Monsignor Frederick G. Hochwalt, executive secretary of the National Catholic Educational Association; and George N. Shuster, a leading Catholic layman, formerly president of Hunter College in New York, who is now special assistant to Father Hesburgh. The project has been advised by a committee of educators which includes some non-Catholics.

In addition to compiling the nationwide statistics, the Notre Dame group made special studies of 322 selected schools in 13 dioceses in different parts of the country. These studies were designed to learn more about the religious attitudes of the students, their academic achievement as measured against national norms, and actual teaching practices in the classrooms. The group is also analyzing questionnaires returned by some 27,000 parents dealing with what they expect the schools to accomplish. All of the Notre Dame findings will be contained in a book, edited by Mr. Neuwien, which will be finished later this year.

THE SOCIAL EFFECTS OF CATHOLIC EDUCATION

Parochial schools, of whatever denomination, are created so that they may do what the public schools in the pluralistic United States neither wish, nor under the Constitution are permitted, to do: inculcate religious values, beliefs, and attitudes. In the case of Catholic education, only the Catholic community can properly define what those goals are or should be, and that is what the controversy over the schools is about.

The NORC study naturally does not attempt such a definition; it is rather an *ex post facto* effect. Never mind what effects the schools intend to produce; what in fact do they produce? In what ways do Catholics who had all their primary and secondary education in Catholic schools differ significantly—in their attitudes toward the Church and on social and political and moral issues—from their fellow Catholics who went to public school? And leaving aside issues of church doctrine, on which there would obviously be wide disagreement, do they differ significantly from the larger American non-Catholic community in their attitudes on public issues—toward labor, race, law, and so on?

In "The Social Effects of Catholic Education," which is out of print, sociologists Andrew M. Greeley (a Catholic priest), Peter H. Rossi, and Leonard J. Pinto reported their preliminary findings on some of these questions. A longer report going into more refined detail will be published this summer. The study is based on responses from a nationally representative sample of Catholics aged from 23 to 57, some of whom had all, some part, and some none of their education in parochial schools. We use the convenient shorthand "all-Catholics, some-Catholics, no-Catholics" to identify these three groups. On some relevant questions, responses from a representative group of Protestants were included.

In sum, the NORC found that those Catholics who had all their education in parochial schools tended to be more orthodox in religious practice and attitudes, although on many items the difference between them and Catholics with some or no Catholic education was slight. The all-Catholics reported more regular attendance at mass and more frequent reception of communion, larger financial contributions to the church, closer relationships with the clergy, and they displayed greater factual knowledge about religion. They were more inclined to acknowledge church authority in general, and on some controversial issues, notably birth control, the effect of the schools appears significant. When asked if the church has the right to teach what stand its members should take on the proper means for family limitation, 65 percent of the all-Catholics said yes,

whereas only 48 percent of the no-Catholics did, and on the related—and to non-Catholics, crucial—statement, “Catholics must support antibirth control laws,” 56 percent of the all-Catholics agreed, compared with 46 percent of the public school Catholics.

Those with all-Catholic education similarly responded more frequently with the orthodox position on matters of religious doctrine. Yet there is a curious finding on this subject. The respondents were presented with six statements which they were asked to agree or disagree with. Four were straight definitions of Catholic doctrine; two were heretical. Large majorities of all the Catholic groups signified agreement with all the statements, both orthodox and heretical. The NORC authors explain this startling finding by saying that the two heresies in question are part of the “religion of Americanism,” but they do not explain why, if this is the case, considerably more Protestants than Catholics challenged one of the heresies—that man can obtain salvation by his own efforts alone. Yet the Protestants had presumably had less formal religious instruction than the Catholics and also presumably would be more susceptible to the “religion of Americanism.” (The other statement—that the form of worship is irrelevant—is not heretical in most Protestant thought.)

Whatever the explanation of this anomaly, the fact remains that “in religious practice, in doctrinal and ethical orthodoxy, in a willingness to acknowledge the authority of the church as an authoritative teacher in controversial areas * * * those who had all their education in Catholic schools were more likely to engage in behavior encouraged by Catholic norms than were others.” The authors therefore conclude that “the Catholic experiment in value-oriented education has been a moderate (though expensive) success, and that therefore there is some reason to think that value-oriented education can affect human behavior and attitudes in matters that are invested with heavy symbolic importance.”

On other matters, however, the differences tend to disappear—not only among the Catholic groups but between them and the Protestants. There is little difference in Catholic and Protestant attitudes on most public issues except birth control laws and, understandably, the question of Federal aid to religious schools, with Catholics in all groups being twice as likely as Protestants to support it. However, even larger percentage of Catholics in all groups support Federal aid to public schools.

Some opponents of parochial education—but generally non-Catholics rather than the Catholic critics—base their objections on the assumption that it must necessarily be “divisive.” The findings do not support this assumption. In later life the all-Catholics have as many non-Catholic friends as do the public school Catholics, they belong to as many secular organizations, and they have as strong a sense of civic responsibility. Religion itself may be a divisive force in American society, the authors report, but they find no evidence that the schools themselves contribute to its divisiveness in any special way.

There are some respects, however, in which the schools are not divisive enough, according to their Catholic critics, who cite findings such as the following: Catholics from Catholic schools are no more committed to the cause of racial justice than the no-Catholics or Protestants, no less antisemitic, no more devoted to civil liberties. They do not appear to be any more charitable toward their fellow man—in fact rather less so than public school Catholics and Protestants, both of which groups reported having helped others more frequently than the all-Catholics. And only 53 percent of the all-Catholics agreed with the statement that it is more important to love one's neighbor than to abstain from meat on Fridays, compared with 60 percent of the Catholics with no parochial education.

“A Catholic school system which leaves the slightest doubt in the graduate's mind about the relative value of a minor church law and the most essential teaching of Christ constitutes a major danger to his religious life,” associate Editor Daniel Callahan wrote in *Commonweal* in the first round of a lively exchange on the NORC findings. In a later issue of the magazine, which is published by liberal lay Catholics, Editor James O'Gara wrote:

“For my part, I was startled at how badly the parochial school graduates came out * * *.” He went on to say:

“In short, you get out of a school system what you put into it. If we are sectarian, so will the schools be; if we are narrow, so will the schools be; if we are legalistic, so will they be.”

The NORC authors acknowledge that “it maybe possible for the Catholic schools to shift their emphasis * * * to emphasize new values such as intellectual and civil competence and excellence, the struggle for interracial and international justice, the quest for religious cooperation and unity.” However, they point out

that these values "are less concrete and of much less symbolic importance than going to mass on Sunday and practicing birth control," and conclude:

"It is altogether possible that the expanded values of American catholicism (if they really are expanding) could be taught in schools, but it certainly will be far more difficult, and the success may be even more moderate" than that the schools have so far achieved in inculcating rather formalistic religious behavior.

ACCREDITATION IN TEACHER EDUCATION

In the good old days, almost anybody could establish a "college" of any, or no, standards, and from then on it was a matter of caveat emptor. It still is, to some extent. Although each of the States has the authority to control education, few of them exercise much of it in the case of higher education; and the Federal Government has, of course, no direct legal authority in this field. Diploma mills consequently abounded, and still do abound. Partly to protect reputable institutions from such competition and the public from unqualified graduates in professional fields, partly to stimulate continued improvement in education, and perhaps partly to avert governmental intervention, a uniquely American system has evolved over the years: accreditation.

To put it as briefly as possible, voluntary accrediting agencies—of which there are now many at regional and national levels and in a variety of fields—represent a nongovernmental, extralegal device for self-discipline and self-policing on the part of educational institutions. Merely to say this is to oversimplify the matter badly, for as the agencies have proliferated they have become entwined in complicated networks involving colleges and universities, States and their procedures for licensing and certifying professionals, and the myriad educational and professional associations. Many of the best of the agencies have in recent years shifted their emphasis from a largely negative function—merely identifying the really inadequate institutions by withholding accreditation—to a more positive one: stimulating improvements in already accredited institutions. Struggles over control of the agencies have reflected the strenuous infighting that is so characteristic of the American academic community. All of which suggests that accreditation, "voluntary" as it may be in a legal sense, is a major element in the establishment and maintenance of educational standards in this country, be they high or low.

There are two major types of extralegal accreditation. One considers the overall quality of an institution; more than 1,550 colleges and universities are now approved by the six regional accrediting agencies, which are associations of the institutions themselves. This is genuine self-policing, since the agencies are under the control of representatives of the colleges and universities. The other type has to do with professional education. The professional associations—the practitioners—in law and medicine took the lead in establishing agencies, of which there now are several dozen, to accredit professional schools or departments within universities, in addition to these institutions' overall accreditation. Thus, the University of Illinois is accredited as a whole by the North Central Association of Colleges and Secondary Schools, and its school of architecture is accredited by the National Architectural Accrediting Board. As might be expected, the latter type of accreditation has led to more bloodshed than the first, since control is shared, sometimes unevenly, between the educational institutions and "outsiders," members of the particular profession.

In no field of accreditation are the issues more complicated or more bitterly disputed than in teacher education. The dispute over accreditation in this field has been most vehement at the national level, and has centered specifically on the National Council for Accreditation of Teacher Education (NCATE). It was formed in 1954 by an agreement among five groups: the American Association of Colleges for Teacher Education, the Council of Chief State School Officers, the National Association of State Directors of Teacher Education and Certification, the National Commission on Teacher Education and Professional Standards of the National Education Association, and the National School Boards Association.

Limits on space and on the reader's attention span prohibit trying to describe the complicated history of NCATE's predecessors and origins and the welter of groups, institutions, and organizations involved at one time or another—some at all times—in the controversies swirling about NCATE. However, opposition to its creation was sufficient to forestall its immediate recognition by the National Commission on Accrediting (NCA), an association of more than 1,300 colleges and universities formed in 1949 to act as a sort of accreditor of the accrediting agencies. In 1956 NCA did give NCATE what amounts to provisional recognition, but

although NCATE has made a number of changes, all of NCA's provisions have not yet been met, and the matter is still in abeyance.

It is not the purpose here to dwell upon NCA's relationship with NCATE except as it reflects—and it does—the basic issues involved in the character of the opposition to NCATE. There are many in higher education who are opposed in principle to the idea of accreditation in teacher education at the national level; they naturally opposed the creation of NCATE or any agency like it. Among this group two fears are paramount: that such an agency would inhibit creative experimentation in teacher education and impose uniformity, and that such uniformity would like be mediocre rather than excellent.

Among those who are not opposed to the idea in principle, there are many—primarily in the liberal arts colleges and some of the multipurpose universities—who are suspicious of NCATE itself for a number of reasons. They fear that its membership and sources of financial support reflect too strongly the influence of the National Education Association and the "educationists." (The Association of American Colleges, however, which represents the liberal arts colleges, was invited to join NCATE, but declined.) They object to some of its procedures (several of which have been modified in response to criticisms). They claim that in accrediting a teacher education program NCATE pays attention principally to the professional education sequence, which forms only about 20 percent of a prospective teacher's preparation. NCATE relies on the regional agencies for accreditation of the academic programs and other parts of an institution, but it is known that a university may be accredited as a whole even if it has one or two weak departments; it is possible that a prospective teacher could receive all of his subject matter preparation (in his major) in one of those departments. Furthermore, the critics say, the narrowness of NCATE's concentration deflects attention from what should be the unified character of teacher education, with general education, subject matter specialty, and professional courses all receiving attention together.

Many of NCATE's critics object to part of its basic philosophy, which is that it should not, at least at this point in its history, attempt to improve teacher education but only to see that minimum standards are observed. And what those "minimum standards" are is a basic issue at dispute, with the critics asserting that NCATE relies too much on quantitative measurements, organizational structure, etc., rather than on the quality of the teachers an institution prepares.

Many of these fears, particularly the last, seemed to be spectacularly confirmed in two cases which received wide publicity in the early 1960's, when NCATE declined at first to grant full accreditation to two indisputably distinguished institutions, Carleton College and the University of Wisconsin. It seemed incredible to many educators and to the public that either Carleton or Wisconsin, if assessed by reasonable standards, could be preparing teachers in a manner inferior to that of many of the institutions which readily received NCATE accreditation; in fact, it was difficult to believe that Carleton and Wisconsin were not actually superior, in that as in other respects, to many on the accredited list. Although these celebrated cases were eventually resolved and both institutions are now fully accredited, the excitement had hardly subsided when another blow at NCATE appeared in the form of James B. Conant's "The Education of American Teachers," in which he called not merely for the abolition of NCATE as now constituted but deplored the creation of any national agency for accrediting in teacher education.

By this time—late 1963—matters were at something of an impasse. Despite all these troubles, NCATE had in less than 10 years managed to include 442 colleges and universities on its list of accredited institutions which, although they represent only about a third of the total preparing teachers, account for some 70 percent of the graduates in education. But the NCA was still withholding full approval of NCATE, and had again extended one of the several deadlines it had set over the years before making a decision for or against unqualified recognition. If it were finally to withdraw all recognition the effect could be considerable, since almost all the accredited colleges and universities are members of NCA.

In the hope that NCATE, its critics, the NCA, and all others concerned with the accreditation of teacher education would perhaps be helped by a calm and objective study of what have in fact been the effects of the different types of agencies in this field at all levels, Carnegie Corp. made possible such a study by John R. Mayor, director of education for the American Association for the Advancement of Science. Mr. Mayor is a former professor of mathematics and of education. He was assisted by Willis G. Swartz, professor of government and formerly dean of the graduate school at Southern Illinois University.

Their report, "Accreditation in Teacher Education: Its Influence on Higher Education," has just been published by the NCA, which has been the sponsoring organization for this autonomous study. Copies of the report are available from the publications division of the American Council on Education, 1785 Massachusetts Avenue, Washington, D.C., 20036, at \$3 per copy.

As the title suggests, the book is concerned with the influence of accreditation of teacher education at all levels and on a variety of subjects: curriculum, financing, faculty, students, organization, and so forth. The authors trace the development of accreditation, identify the major issues, and go into some detail about some of the major ones and the roles played by various groups.

The book will be read with intense interest by those who are deeply concerned with the whole problem, and many educators are so concerned. The heart of the matter for most, however, is to be found in the last 3 of its 18 chapters, in which the authors set forth their general observations and present their recommendations.

Three of their general points are fundamental: that participation in accreditation should be as broad as possible; that all aspects of teacher preparation—general education, area of concentration, and professional education—should be evaluated together; that innovation and experimentation should be encouraged; any accrediting agency should be "a force for development of new and better ways of educating teachers, rather than a force for the maintenance of traditional, or currently popular, patterns."

Turning specifically to the national level, the authors conclude that NCATE's influence has been good in some respects although undesirable in others, and that many of its critics have not been aware of the changes for the better that NCATE has made over the years. They list the many reasons both for and against the existence of any national accrediting agency for teacher education, and conclude in favor of the principle. Their recommendations about its structure and philosophy, however, describe an agency which would look very different from NCATE as it exists today. Specifically, they recommended:

That the constituent membership of a national agency should be limited to the American Association of Colleges for Teacher Education and the National Commission on Teacher Education and Professional Standards;

That no less than two-thirds of the members of the governing body should be persons who are on the staff of teacher education institutions; and

That no less than one-half of the members of the national accrediting or governing body should be from the subject-matter disciplines, and that at least three of these should be named by the learned societies on a rotation basis.

One further recommendation of critical importance:

"Within 10 years, many of the present quantitative standards in the accreditation of teacher education should be replaced, at least on the undergraduate level, by qualitative standards."

This would probably involve giving nationally standardized tests to all seniors in teaching education.

Even these few recommendations, leaving aside the many others not mentioned here, would clearly produce changes of a fundamental nature. The composition of the existing agency would be drastically altered, and so eventually would its basic approach with the shift from quantitative to qualitative standards for accreditation.

Whether these changes will be made, and whether if made they will produce the desired effects, will not be known immediately. But of one thing Messrs. Mayor and Swartz are certain: if a national accrediting agency is to be effective it must have the confidence, the support, and the cooperation of the colleges and universities that prepare teachers. These will not be forthcoming until representatives of the colleges and universities themselves form a clear majority on the controlling body.

THE TWO CULTURES AND THE SCIENTIFIC CURRICULUM

Long before sputnik, scientists at Yale University were developing a course aimed at lessening the gulf between "the two cultures" described by C. P. Snow. Years of thought and experimentation are now embodied in the course known simply as science I B. Not a "survey" course, not a "general science" course, science I B is described by one of its creators, Yale Chemistry Prof. Harold G. Cassidy, as "a course in physical science specifically (but not exclusively) designed for the student allergic to science and mathematics."

In an article in the February 1965 issue of the Yale Alumni magazine, Mr. Cassidy points out that even well-educated laymen are, by and large, illiterate in science. But today, in a world increasingly dominated by the sciences, the Congressman or industrialist or Government official who not only does not understand, but positively misunderstands, the essential meaning and method of science constitutes a potential menace to society.

To be scientifically literate it is not necessary to know a great number of scientific findings, but it is essential to have some understanding of "the values of science as a mode of thought, as an underpinning to philosophy, as a method for controlling the phenomenal world through intellectual concepts." It is this kind of understanding which science I B attempts to bring to its students through treating quantitatively, and in depth, four of the most exciting subjects in physical science today: Relativity, quantum theory, conservation laws, and the structure of matter. These, Mr. Cassidy says, "are basic to modern physics and chemistry, and generative of much philosophy, social, behavioral and policy science, and of a good deal of literature."

Concentrating on these topics means leaving out many others; in experimenting with the course, difficult decisions had to be made and conventions broken with, Mr. Cassidy acknowledges. But by making the hard choices, "we have left ourselves time to explore the connections to other areas of the college that give meaning to the sciences. Nothing by itself has meaning: meaning inheres in connectedness, in interrelatedness. This lesson can be taught in a clear and unequivocal way in the sciences."

This "science for the nonscientist" course has a complementary course for another kind of student: Science I A, designed for freshmen with special aptitude in science and substantial preparation for it in high school but no firm intention of majoring in science. Both courses were developed with Carnegie support.

In describing science I A, a unified presentation of physics, chemistry, and biophysics, Prof. Rein Kilkson says that it is necessary to try to overcome a fault of most high-school science courses (and many first-year colleges courses as well): "More often than not they do not represent the true nature of science * * *. The presentation is almost invariably dogmatic and the formulation of physical laws is conveyed to the student as the unique representation."

In science I A, "we do not survey the historical collection of almost unrelated phenomena. We cover fewer topics and, starting from fundamental experimental observations, build up the logical system of science without forgetting to question the validity of the beginning * * *."

"In this way the student is made aware of the need for imagination in science * * *. He develops a far greater ability for scientific, analytical thought that is much more useful to him than a collection of unrelated equations that he memorizes just to pass a dull course."

The patient innovators at Yale are not satisfied, and never will be, that they have developed the "perfect" introductory science courses for scientists and humanists. But their work—and the spirit and attitude that inspired it—represents what devoted scientists can do to bring a fuller understanding of their discipline, in all its profundity, to the young minds who will be tomorrow's leaders. For as Mr. Cassidy writes: "Science, like any body of knowledge and experience, can be used for good or evil. Rational guidance can come only with knowledge, and now that man has been set so unequivocally in the center of his universe, his responsibility for getting that knowledge with understanding, and for using it with wisdom, is inescapable."

Mr. PERKINS. Mr. Ford?

Mr. FORD. Thank you Mr. Chairman; Monsignor Hochwalt, I would like to ask whether or not the questionnaire that you are currently circulating would provide us with some detailed information of instances of natural disasters which have interrupted for a period of time the use of nonpublic schools, and have resulted in large numbers of children who would normally be going to the nonpublic schools being transferred over to the public school systems, for perhaps the balance of the school year, or even longer. Will your questionnaire produce such details?

Monsignor HOCHWALT. Yes, this used to be the situation in the past. We often kept public schoolchildren for the balance of the school year.

Mr. FORD. You will show both?

Monsignor HOCHWALT. Yes; the question is directed to disasters: fire, flood, cyclone, tornado, earthquake, and it will show specifically which schools came to us, and which public schools we went to.

Mr. FORD. Now it appears to me that in the legislation as we already have it before us, we would have some consideration for the one aspect of this. One of the burdens that a public school system would automatically have, in most, if not all of the States, would be the obligation to immediately provide schooling for these children who would normally not be the responsibility of the public school system. In the exercise of his discretion, under section 16 of the proposal before us, the Commissioner of Education could determine that this additional temporary burden upon the public school was a condition which necessitated the provision of Federal money to meet the additional needs for teaching facilities as well as for the operation of the system.

It would seem rather shortsighted, however, to leave the legislation at this point, and suggest that we ought to simply add more facilities to the public school to take care of these children who would, in fact, be best served by a plan that did indeed consider helping them temporarily, but getting them back into the nonpublic school as soon as possible, getting the nonpublic school back into position to assume this portion of the school load.

Monsignor HOCHWALT. I think it would be a very cogent addition to the bill to have it so phrased, and it could be pointed out that in the long run, services of such kind rendered to the private schools would be cheaper as far as the public purse was concerned, and as far as Federal grants and loans were concerned.

The attitude of local school authorities in the past has been extremely helpful in this regard. It was always extended with the terminal thought in mind that as soon as the private schools could be operable again, this would be brought about, removing, then, the burden from the public schools which they had been kind enough to take on.

Mr. FORD. It would seem, then, that what we really need would be an amendment to Public Law 874, because the emphasis should certainly be in the more or less temporary operational costs for months or maybe even longer periods of time.

Monsignor HOCHWALT. Well, in a sense, it does cause another impacted area, but for a different reason than the presently impacted areas. I think you are right in the parallel.

Mr. FORD. You mentioned the possibility of making teaching materials, books, and other facilities, including the scientific equipment, available to displaced nonpublic school students in your formal statement. Do we have any practical history or precedent to draw upon? Has this actually been done with public facilities in the past, where public funds have been used to provide facilities in nonpublic schools, after disaster?

Monsignor HOCHWALT. It was done without reference to the fact it was being done; yes. I don't think cognizance was paid to the political significance of the act. I don't even think that entered into it as a dimension. It simply was a form of charity which a school system would extend to another one.

Mr. FORD. Of course, that—having that, the advantage you have of the emergence of humanitarian thoughts that come after a disaster,

is a benefit that we do not necessarily enjoy at the time that we are coldly considering the legislation before the Congress without disaster immediately at hand.

Monsignor HOCHWALT. Hence our suggestions that H.R. 7808 be amended along the lines I have spoken of.

Mr. FORD. Thank you very much, and I would like to add to what Chairman Perkins has said. As members of this committee, we are all mindful of the extremely important part that you and your associates have played in making possible the passage of the Elementary and Secondary Education Act of 1965.

I would observe to you that as one member of the committee who has a district wherein some concern was expressed over a number of the issues that were raised early in the consideration of this legislation, I am satisfied now that the people have come to understand that the cooperation that is spoken of in that legislation is good, and areas of resistance that did exist have come to be areas of understanding.

We may have a side benefit from the cooperation between religions in that legislation that will have a lot more effect in the long run than the legislation itself.

Monsignor HOCHWALT. There is a good footnote to your comment in the fact that on a statewide basis, the public and private school authorities are now consulting, regional meetings being held under the auspices of the U.S. Office of Education are proving extremely helpful, and to educate our own people into this conception which for them, as you are suggesting, is new, the education is being brought about by six national regional meetings which we, ourselves, are sponsoring, and the intent of all of these meetings, whether held under public auspices or under our own, is to educate not only the educators as to what the significance of the Perkins-Morse bill is, but also the best ways to bring it into existence as quickly as possible, so the services in the bill will become actually functions instead of theory.

Mr. FORD. Thank you very much.

Mr. PERKINS. Mr. Brademas?

Mr. BRADEMAS. Monsignor Hochwalt, it is nice to see you, sir, and I apologize for being late. Mr. Carey and I were attending another meeting on education legislation.

I want to express for the record my own strong feelings along the lines which have been expressed by Mr. Perkins and Mr. Ford about the role of the National Catholic Welfare Conference, and more specifically, the work that you and Monsignor Hurley and Mr. Considine, and Mr. Kelly, your other associates, played in helping make possible the passage of the Perkins Act.

Before I say a word about the bill under discussion today, let me express my own feeling that far more than people may realize, it was possible to make this historic breakthrough in providing Federal aid to elementary and secondary education this year, because of the election of President Kennedy, the papacy of John XXIII, the ecumenical movement in both the Roman Catholic Church and the Protestant and Eastern Orthodox Churches, and I think also far more than people realize, the civil rights movement, which brought together religious leaders and citizens of every faith, working closely together for the first time, really, in a common cause.

I think all of those factors contributed to the changed climate in the United States, and you of the National Catholic Welfare Confer-

ence certainly made a significant national contribution to changing that climate.

Now I have just now read through your testimony. I had not read it, I am frank to say to you, yesterday, but I was raising some questions in a hearing here yesterday right along the lines of your suggestion, and so I won't claim that you robbed me of my ideas, or that I took yours. It does seem to me, however, that in view of the titles I, II, and III of the Elementary and Secondary School Act—wherein it is possible for Federal grants to be made to local public school districts in titles I and III, in which we can set up dual enrollment, or shared time operations, and in title II, we can provide textbooks for the use of both public and nonpublic schoolteachers and children—that in view of existing law, there seems to me to be no reason from any legal or constitutional viewpoint, certainly, that we can't use public funds to help meet some of the problems that disaster brings to children in nonpublic as well as in public schools.

So that I can only really say I am very sympathetic with the suggestion that you have made. I really have no profound or searching questions to put to you.

Monsignor HOCHWALT. I would like to associate myself with your general comments about the combination of circumstances, because in the long period of years with which I have been dealing with this proposal of Federal assistance, it didn't seem as if we could ever arrive at an acceptable compromise, but I do believe that the combination of circumstances, as you say, in a unitary way, did make this possible.

Mr. BRADEMAS. Thank you, Monsignor.

Mr. PERKINS. Mr. Carey?

Mr. CAREY. Thank you, Mr. Chairman. Monsignor, I am very much interested in your entire statement, but I would address my brief questioning to the detail on page 3, in which you make, it would seem to me, a request that would not be inordinate under any circumstances, because as I understand it, you are indicating that the assistance you would suggest would be on that supplement which would be necessary to make up the difference between insurance benefit or indemnity and what was out of pocket over and above that.

In other words, if you were, say, an insurer of 80 percent of the construction costs of a school building, and did not have the balance for the destruction of the resources in the community, public and private, that to get the school going again, you would be seeking that kind of disaster assistance for the balance only, not for the entire reconstruction.

Monsignor HOCHWALT. That is right. Because we didn't want to give the effect that we were trying to get the Federal Government to give us a total subsidy.

Mr. CAREY. And you then make parallels between this type of contemplated disaster insurance and current forms of assistance which have been extended to business, farms, and other interests.

Can you cite examples where, say, private hospitals, church related, especially, may have been aided in this way after a disaster or other unforeseen loss?

Monsignor HOCHWALT. I think there are three cases in California; one in Oregon. There are several others that don't come to mind right now.

Mr. CAREY. Would you supply those, Monsignor, when you get a chance?

Monsignor HOCHWALT. Yes.

(Information to be furnished follows:)

REPORT OF THE RESEARCH DIVISION, DEPARTMENT OF EDUCATION, NATIONAL CATHOLIC WELFARE CONFERENCE

Public and parochial cooperation during disaster periods (1935-65)—Summary

Number of dioceses reporting	46
Number of dioceses reporting disasters	13
Number of dioceses reporting no disasters	33
Number of dioceses experiencing actual cooperation	10
Number of dioceses experiencing offered cooperation (not used)	3
Number of incidents of actual cooperation	26
Number of incidents of offered cooperation (not used)	5
Percentage of dioceses reporting with disasters concerning actual incidents of cooperation	22
Percentage of dioceses reporting with no disasters	72
Percentage of dioceses reporting with disasters (cooperation offered, not used)	6

Public and parochial cooperation during disaster periods

Diocese	Type of incident	Year of incident	Services received and number of times	Services provided and number of times
Cincinnati	Fire	1963		Library facilities (1).
Fairbanks	Earthquake	1964		Housing of refugees (1).
Worcester	Flood	1964		Food and housing (1).
	Tornado	1953		Guidance and social services (1).
	Fire	1963		Schoolrooms (1).
New York	do	1947	Food and transportation (1).	
Davenport	do	1957		Books, furniture, and transportation (1).
	Flood	1965		General aid (1).
Winona	do	1965		Housing (1).
Los Angeles	Fire	1961	Books (1).	
Rockville Centre	do	1958	Labor to build new school (1).	
Natchez-Jackson	do	1955		Library facilities (1).
Covington	Flood	1937		Housing, storage, and distribution of food (9).
	do	1957		Housing, storage, and distribution of clothing (2).
	do	1963		Housing (1).
	do	1964		Housing and storage (2).

NOTE.—Summary: Number of dioceses reporting incidents, 10; number of incidents of cooperation, 26.

Public and parochial cooperation during disaster periods

Diocese	Type of incident	Services offered, not used		Offer provided by diocese
		Year of incident	Offer received by diocese	
St. Paul	Tornado	1965		Schoolrooms.
Santa Rosa	Fire	1964		Housing.
	Flood	1964		Do.
Philadelphia	Fire	1963	(1)	(1).
	do	1964	(1)	(1).

¹ Reciprocal use of all facilities.

NOTE.—Summary: Number of dioceses reporting, 3; number of offers of cooperation, 5.

Public and parochial cooperation during disaster periods—List of dioceses reporting no incidents

Diocese:	Years covered by report
Dodge City, Kans.....	1951-65
Stockton, Calif.....	1962-65
Austin, Tex.....	1959-65
Madison, Wis.....	1946-65
Lansing, Mich.....	1935-65
Albany, N. Y.....	1935-65
Youngstown, Ohio.....	1935-65
Duluth, Minn.....	1935-65
Tucson, Ariz.....	1935-65
St. Louis, Mo.....	1935-65
Dallas-Fort Worth, Tex.....	1935-65
Salt Lake City, Utah.....	1935-65
San Antonio, Tex.....	1935-65
Des Moines, Iowa.....	1935-65
Saginaw, Mich.....	1935-65
Bismarck, N. Dak.....	1935-65
Brooklyn, N. Y.....	1935-65
Sioux Falls, S. Dak.....	1935-65
Grand Island, Nebr.....	1935-65
Oakland, Calif.....	1935-65
Spokane, Wash.....	1935-65
Dubuque, Iowa.....	1935-65
La Crosse, Wis.....	1935-65
Fort Wayne-South Bend, Ind.....	1935-65
Raleigh, N. C.....	1935-65
Honolulu, Hawaii.....	1935-65
Washington, D. C.....	1935-65
Syracuse, N. Y.....	1935-65
Green Bay, Wis.....	1935-65
Omaha, Nebr.....	1935-65
Oklahoma City-Tulsa, Okla.....	1935-65
St. Augustine, Fla.....	1935-65
Mobile-Birmingham, Ala.....	1935-65

NOTE.—Summary: Number of dioceses reporting no incidents, 33.

MR. CAREY. Isn't it true that in most of these disasters, and I see that that this bill is aimed at the major disaster experiences this year, tornado, cyclone, flood and fire, that the entire assistance base in the communities generally destroyed, that the ability to raise and levy taxes, to restore business, to restore an economy, to restore the livability in a community's entirely destroyed public and private facilities as well?

Monsignor HOCHWALT. Yes.

MR. CAREY. And in fact, to bring the educational system back to some degree of what it was before the disaster, all citizens, the parents of those who were in the nonpublic schools and the parents of those in the public schools, have to undertake a new and additional burden in most cases.

It this not true?

Monsignor HOCHWALT. This would be absolutely true.

MR. CAREY. Therefore to rebuild a public system which might be adjoining a private system, the case could be very well made that those who had the children in the private school would be called upon to carry their regular burden, plus an additional burden to repair and reconstruct the public facility, at the same time, because of their rightful desire to continue private education, they would have to be called upon again to tax themselves to rebuild the private facilities, so we

would have here not the old and I will say hackneyed expression of "double taxation," but we might have quadruple taxation.

Monsignor HOCHWALT. Yes, that is what we had in mind when we wrote it this way. Yes.

Mr. CAREY. Well, Monsignor, as a final comment, I would just suggest that disaster doesn't choose its victims. It has no preference. All suffer when a disaster hits a community. There is a sizable private investment in education there that, since disaster does not choose its victims, I don't think the Federal Government should be in a position of making preferences as to those, giving preferences as to those who have undergone an equal loss.

Monsignor HOCHWALT. Agreed.

Mr. CAREY. And I think that in the disaster field, once we recognize the plight of a disadvantaged community, that we should deal with this in terms of total disadvantage, and that brings us exactly under the umbrella of the Elementary and Secondary Education Act.

Monsignor HOCHWALT. It does, indeed.

Mr. CAREY. So if the formula is working there, it would certainly work in this bill, because I think we are dealing in equal terms here. One is a disaster of poverty, and a disaster of disadvantage, and this is a disaster of natural causes, and it is physical, but it is, I think, certainly squared with the principle we adopted in the Elementary and Secondary Education Act.

I don't see how we could, in the light of that act, proceed with the instant bill before us without bringing into play the principles we have already so well established in that act.

Thank you, Monsignor.

Thank you, Mr. Chairman.

Mr. PERKINS. Monsignor Hochwalt, in conclusion, let me again reiterate that I think that you have been most helpful to the committee, and I distinctly recall when you testified on H.R. 3000, and pointed up so clearly the areas of disagreement. Your views here today point up an area and suggest some amendments and for that, let me compliment you on your appearance here today.

Monsignor HOCHWALT. Thank you.

Mr. CAREY. Mr. Chairman, I have learned that a panel of superintendents or school personnel who have been involved in this type of disaster experience will be coming before the Senate committee at a later date.

Monsignor HOCHWALT. That is right.

Mr. CAREY. Mr. Chairman, would it be in order for us, if our hearings are open, to have copies of those statements included in our hearing, when they are made before the Senate committee?

Mr. PERKINS. Without objection, it will be so ordered. I also direct, without objection, the insertion in the record other statements received by the Committee bearing on this point which are received prior to submission of record for printing.

STATEMENT OF JOHN ADAMS, LEGAL COUNSEL AND ASSOCIATE DIRECTOR
OF AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE

Protestants and Other Americans United for Separation of Church and State, an organization of some 200,000 in all the States, neither favors nor opposes legislation as such. We have from time to time submitted statements in regard to church-state aspects of proposed legislation. This prompts our concern with certain proposals to amend H.R. 7808 presently under consideration of the committee.

Amendments have been proposed which would, we believe, seriously disturb the American tradition of separation of church and state. We refer specifically to the proposal of Msgr. Frederick G. Hochwalt, director of the department of education of the National Catholic Welfare Conference, that repair or reconstruction of the buildings of religious schools with Federal funds should be included in Federal programs of disaster relief.

We should like to take particular exception to the position of Monsignor Hochwalt that such assistance to religious schools would be consistent with previous disaster assistance programs, and even with the Elementary and Secondary Education Act of 1965 considered and approved earlier by this committee. The whole purport and intent of this recently enacted educational act was to avoid the constitutional issue of church-state separation by providing certain services to children enrolled in private and parochial schools without, however, providing any direct aid to the institutions themselves. Now, Monsignor Hochwalt erroneously seeks to rely upon that act as precedent for the very thing it was designed to avoid—namely, a direct subsidy to religious schools.

It is easy to see where this thinking will lead us. It will lead us to direct subsidy to religious schools. For if disaster aid can be given to these schools, it will soon be contended that nondisaster aid can be given as well.

Contrary to Monsignor Hochwalt's contention that religious schools should receive equal aid with other private interests, religious institutions have not been included in public assistance programs, since the first amendment sets forth a constitutional separation of church and state.

It appears evident to us that the Congress has gone just as far as the constitutional limits will allow in providing aid for students of religious schools in the Elementary and Secondary Education Act of 1965. Indeed, it is our own opinion that these limits may actually have been exceeded in that act. There will no doubt be a number of litigations in which the church-state provisions of the act will be put to judicial test. There is a substantial body of opinion which holds that some of the arrangements projected in this law may not stand the test of constitutionality.

If such is the case, how much less chance would there be for an act which would provide direct grants to religious institutions?

DIVISION OF CHRISTIAN EDUCATION,
NATIONAL COUNCIL OF THE CHURCHES
OF CHRIST IN THE UNITED STATES,
New York, N.Y., June 11, 1965.

Representative CARL PERKINS,
Chairman, General Education Subcommittee, House of Representatives, House Office Building, Washington, D.C.

MY DEAR MR. PERKINS: The proposed legislation designed to assist localities stricken by disaster to replace damaged public school facilities is a commendable extension of national concern for local victims of misfortune. Presumably, the risk of such disaster can and should be shared on a voluntary basis through adequate comprehensive coverage by private insurance. In highly hazardous regions where such coverage is not available, the risk may need to be shared on a national scale through the resources of the Federal Government.

In addition to temporary emergency assistance rendered to disrupted communities by the U.S. Office of Emergency Planning, it is fitting that provision be made for the replacement of uninsurable public schools damaged by disaster, so that the education of children need not be interrupted or impaired more than is absolutely necessary. It is fitting also that suitable provision be made for the continuing education of children attending private schools involved in the same disaster through provisions similar to those in the Elementary and Secondary Education Act of 1965; that is, through aid to children rather than to private schools.

To this end, we would urge that legislation covering the impact of disasters upon public schools include provision for the attendance of all children at public schools until private schools damaged by disaster can be repaired or replaced by their owners.

Where public school facilities are damaged or are otherwise inadequate to accommodate all children, the Office of Education could provide for the rental or lease of public or other undamaged facilities to accommodate teachers and pupils from damaged public and private schools during the period of emergency.

When textbooks or other instructional materials (as specified in Public Law 89-10) used in private schools are damaged or destroyed, publicly owned and publicly selected textbooks should be made available to children and teachers in private schools until those damaged or destroyed can be replaced from private means, so that classroom work will not be interrupted more than can be avoided.

The legislation being considered by your committee, and the acts which it would amend, are designed to maintain the public school as an institution against the impact of unusual circumstances—in this case, disaster. We would oppose the inclusion of private schools under this legislation which applies to a public institution, although we would favor every public service being extended to children attending private schools damaged by disaster. The foregoing views are derived from the recent resolution on education adopted by the General Board of the National Council of Churches on February 25, 1965, which is attached.

Very truly yours,

GERALD E. KNOFF,
Associate General Secretary for Christian Education.

RESOLUTION ON FEDERAL AID TO EDUCATION, ADOPTED BY THE GENERAL BOARD,
FEBRUARY 26, 1965

The concern of the churches for the best educational opportunities for all children and youth stems directly from an understanding of the Christian faith and of Christian responsibility for one another's welfare.

For centuries before universal, free, tax-supported education became a fact, the church was the inspirer and the actual agent of education. This was true both of what we call religious nurture and of what we know as secular instruction.

As public education became established in this Nation, the concern of the people for all the children including those who were economically disadvantaged underlay the provision for general tax support. This concern sprang historically from the Christian ethic as understood by Puritan colonists. The local school district and in time the State educational authority became the responsibly constituted governmental units.

Today in a modern technological society, equal and adequate educational opportunity cannot be assured for all children unless the full range of national resources is made available through a combination of local, State and Federal financing. Vast disparities of taxable resources exist from State to State. It should be possible to find a just formula which will compensate for these disparities without precipitating regional rivalries which might prevent prompt action. It is in accord with both the best in democratic practice and our Christian concept of responsibility for our brothers and sisters—and their children—that the common good be pursued by common effort.

The General Board of the National Council of Churches has repeatedly expressed its support for public education and urged that Federal aid be given to public schools throughout the Nation. All children have a right to share in this aid through attendance at public schools. To the extent compatible with the religion clauses of the first amendment and the sound principle of public control of public funds, those attending private and parochial schools should benefit from this aid.

An effective and appropriate way in which children attending private and parochial schools may benefit from Federal aid to public education is to make available to the children on a part-time basis the instruction and facilities of public schools, such as suggested in the General Board's policy statement supporting further experimentation with "dual school enrollment." This arrangement is a more acceptable mode of benefiting all children than arrangements under which payments from public funds would be made directly to private and parochial schools or parents.

In any program of Federal aid that makes benefits available to children in nonpublic schools, certain safeguards should be designed to make clear that it is children and not schools which receive the benefit, viz.:

1. That benefits intended for all children be determined and administered directly by public agencies responsible to the electorate, whether directly or indirectly;
2. That such benefits intended for all children not be conveyed in such a way that religious institutions acquire property or the services of personnel thereby;
3. That such benefits not be used directly or indirectly for the inculcation of religion or the teaching of sectarian doctrine; and

4. That there be no discrimination by race, religion, class, or national origin in the distribution of such benefits.

Since these distinctions are subtle, and the principles at stake important, adequate provision for judicial review should be included in any legislation on this subject.

Mr. PERKINS. At the request of Congressman Jim Roosevelt, we have invited Prof. Richard Lawrence to testify this morning. Mr. Lawrence is the coordinator of legislative and special projects in the office of the superintendent in the Los Angeles school system.

It was Congressman Roosevelt's intention to be here, but due to the fact that he is the presiding chairman on the minimum wage hearings, it is impossible for him to put in his appearance.

Mr. Lawrence, it is a pleasure to have you with us today, and I know that Mr. Roosevelt sincerely regrets his inability to be present.

You have a prepared statement.

STATEMENT OF RICHARD LAWRENCE, LOS ANGELES SCHOOL SYSTEM, RE PROPOSED AMENDMENT TO PUBLIC LAW 874

THE NONIMMIGRANT STUDENT—A PEACE CORPS IN REVERSE

The recommendation

It is recommended that Public Law 874, as amended, be further amended during the next session of Congress to add a new category of impact covering nonimmigrant students receiving an education from local school districts within the various States. It is further recommended that the category contain the following two provisions:

1. That school district eligibility shall be established if there is a minimum of 10 nonimmigrant students admitted for attendance in a school district and that no percentage of attendance within the district be a requirement within this new category.

2. That an eligible school district under this new category receive a full entitlement for each nonimmigrant student as now provided category 3A children under Public Law 874.

The law

Subsequent to the enactment of the Immigration Act of 1924, and in accordance with section 4(E) of that act, the Los Angeles City schools have admitted nonimmigrant students. The Immigration and Nationality Act of June 27, 1952, as amended, presently provides for the admission of nonimmigrant students as defined under title I, section 101 as follows: "(F)(i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him and approved by the Attorney General after consultation with the Office of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student * * *"

"The Peace Corps in reverse"

The Los Angeles City school system is conscious of the interest of the Government of the United States in making available to selected pupils throughout the world an opportunity for schooling in the United States of America. The Los Angeles City schools, and other large city school districts, have attracted the interest of students in other lands, and receive thousands of requests yearly for admission to their schools. Seeking admission to our schools, also, are many nonimmigrants of school age who, during a visit to the United States, makes a determination to remain in order to attend school in this country. Such visitors are required by the U.S. Immigration and Naturalization Service to change their status to that of a nonimmigrant student and thus, in cooperation with the U.S. Immigration Service, are processed by the school district for admission. The Los Angeles City schools are pleased to provide an educational program for as many of these foreign students as possible, a program that we feel functions, for the national interest, as a "Peace Corps in reverse."

We say "Peace Corps in reverse" because the nonimmigrant student who receives his education in the United States will receive an education in depth, has the opportunity to be trained in a technical skill or educated in one of the many professions and then return to his native land and provide leadership of a lasting value for his country.

The impact on the Los Angeles city schools

In addition to the special processing of all nonimmigrant students for admission, processing which involves evaluation of education, health, and other eligibility requirements, and interviews with the local sponsors of the students, we have found it necessary, in order to best meet the educational needs of these particular students, to provide special counseling and instructional programs for them.

The operational cost for the education of the nonimmigrant students, not including the cost of land, construction, and special services attendant to the schooling of such students is over \$500 as an average cost per student.

The following are statistics relating to the initial admission of nonimmigrant students to the Los Angeles city elementary and secondary schools during the 1963-64 school year:

ADMISSION OF NONIMMIGRANT STUDENTS TO LOS ANGELES CITY ELEMENTARY AND SECONDARY SCHOOLS, 1963-64 SCHOOL YEAR

Countries, by continents, from which admitted and number admitted:

North America.....	386	Europe—Continued	
Canada.....	15	Greece.....	4
Mexico.....	347	Holland.....	1
Central America.....	24	Hungary.....	2
British Honduras.....	5	Italy.....	5
Costa Rica.....	4	Norway.....	2
El Salvador.....	2	Poland.....	3
Guatemala.....	6	Portugal.....	1
Nicaragua.....	4	Spain.....	1
Republic of Honduras.....	1	Yugoslavia.....	11
Republic of Panama.....	2	Africa: Kenya.....	1
South America.....	29	Asia.....	108
Argentina.....	2	China.....	11
Brazil.....	2	Hong Kong.....	9
Colombia.....	9	Indonesia.....	3
Ecuador.....	2	Iran.....	24
Peru.....	9	Israel.....	5
Venezuela.....	5	Japan.....	20
West Indies.....	13	Jordan.....	1
Dominican Republic.....	1	Korea.....	17
Jamaica.....	5	Lebanon.....	1
West Indies Federation.....	7	Okinawa.....	1
Europe.....	38	Republic of the Philippines.....	7
Austria.....	1	Thailand.....	6
Denmark.....	1	Turkey.....	3
England.....	1	Australia.....	1
Finland.....	1	Stateless.....	1
France.....	1	Total countries.....	48
Germany.....	3	Total pupils admitted.....	579
		Elementary pupils.....	123
		Junior high pupils.....	183
		Senior high pupils.....	273

Enrollment of nonimmigrant students in Los Angeles City adult schools and junior colleges, 1963-64 school year

Adult schools.....	743
Junior colleges.....	331
Total.....	1,074
Countries from which admitted.....	70

Based on statistics available since the 1960-61 school year, we estimate that at the end of the 1963-64 school year, a minimum of 2,687 nonimmigrant students were in attendance in the elementary, junior high, senior high, and adult schools and junior colleges in Los Angeles City School Districts.

Using the average estimated cost of \$500 per student for the 1963-64 school year and the total of 2,687 nonimmigrant students, from the 70 countries attending schools within the Los Angeles City School Districts, we would estimate that the financial impact for operational costs alone, during the last school year, for this school district, to be \$1,343,500. No Federal money is now received from any source to assist the local school district in providing this outstanding educational program for these foreign students.

In addition to the educational program provided for these nonimmigrant students, certain high schools within the school district enroll foreign students who are participants in foreign exchange programs. Approximately 60 of these students were educated in 30 different high schools during the 1963-64 school year at an estimated cost to the district of \$30,000. The Los Angeles City School Districts are not asking, however, that the cost of this program for the foreign exchange students be shared.

The admission procedure for nonimmigrant students

Depending upon educational facilities available, and in accordance with prescribed admission standards, the Los Angeles City School Districts may accept nonimmigrant students for enrollment. Students between the ages of 6 and 18 are eligible to apply for admission to elementary or secondary schools. Older students are eligible for admission to adult schools and junior colleges.

An American consular officer abroad issues the "F" visas with which these students are admitted to this country. Nonimmigrant aliens who previously have been admitted as visitors (with B2 visas) to the United States of America must make request for change to student status from the U.S. Immigration and Naturalization Service. Before the "F" visa or change of status is granted to an individual, it is necessary that the schools issue him a "Certificate of Eligibility" (form 1-20—exhibit 1 attached).

A Los Angeles area resident who is able to sponsor the student may initiate the application for the "Certificate of Eligibility" at the Los Angeles City schools' central administrative offices. An appointment for a conference to discuss the application is then made by the sponsor. It is necessary for the sponsor to bring to this conference the following items.

1. The attached "Report of Health Examination" form completed after a medical examination made within the past 6 months. (Exhibit 2 attached.)
2. Student's birth certificate (or photostatic copy of same); or passport if student is currently visiting the United States of America.
3. Transcript of student's school record (or a notarized photostatic copy of transcript) in English, or accompanied by an English translation.
4. Photographs (two) of student (passport size).

If the student is seeking enrollment in an elementary, secondary, or adult school for the first (fall) semester of the school year, his application must be completed and all documents filed by September 1. If the student is seeking enrollment for the second (spring) semester, his application must be completed and all documents filed by January 1. Junior college applications are processed for admission in September only.

Summary

Since the admission and continuance of the nonimmigrant students is encouraged and, we understand, will continue to be encouraged by the Federal Government, through the U.S. Department of State and the U.S. Immigration and Naturalization Service, we believe the education of these students is in reality a Federal impact on the local school district and should be recognized as a Federal responsibility to be funded fully under the provisions of Public Law 874 as a new and separate category.

We, therefore, believe that this education in depth now provided by local school districts for nonimmigrant students is, in actuality, a "peace corps in reverse," and that the cost of providing such educational opportunities for students of the many nations of the world should be shared by the Federal Government and the local community.

FORM APPROVED - BUDGET BUREAU NO. 43-R397.1

Name of Student		
Date of birth	Country of birth	Country of citizenship

CERTIFICATE OF ELIGIBILITY

(FOR NONIMMIGRANT "F-1" STUDENT STATUS)

READ THE INSTRUCTIONS ON PAGE 4 CAREFULLY.

Name of school
School Official To Be Notified of Student's Arrival In U.S. PRINCIPAL
Address

It is hereby certified as follows:

- The student named herein has been accepted for a full course of study in this school. (If he must appear on or before a specified date, specify that date here _____)
If school is a university, college, technical or vocational school, give student's field of study _____
- The school has determined by a careful evaluation of the student's qualifications that the student has sufficient scholastic preparation to enable him to undertake a full course of study.
- Check one and fill in as appropriate:

- Proficiency in the English language is required and the school has determined that the student has the required proficiency.
Basis for determination: _____
- Proficiency in the English language is required. If the student lacks such proficiency, he will be:
 Enrolled in a full course of study of English in this school.
 Given special instruction in English, which will consist of _____
- Proficiency in the English language is not required.
Explain: _____

- The average academic-year cost for tuition, fees, and living expenses is estimated to be \$ _____ **Living expenses only. Tuition and fees not charged.**
- The school has made the following arrangements for the student to receive an income (check one and fill in as appropriate):
 - The student has been awarded a scholarship or similar grant in the sum of \$ _____ per _____ until _____.
 - The student has been offered employment on the campus which will not displace a United States resident. The rate of pay is \$ _____ per _____.
 - The school has made no arrangements for the student to receive an income.
- This school (or if approval not in its own name, the Los Angeles City School District under which it operates or _____ School of which it is a part) was approved for attendance by nonimmigrant students by the Immigration and Naturalization Service on October 7, 1953, file number LOS 214.110. Such approval has not been revoked.
- REMARKS _____

For immigration official

Signature of school official	
Title	Date: (This certificate expires 12 months after the date of issue)

Form I-20A

Page 7

**CERTIFICATE BY NONIMMIGRANT STUDENT UNDER SECTION 101 (a) (15) (F) (i)
OF THE IMMIGRATION AND NATIONALITY ACT**

I, _____ hereby certify as follows.
(Please print name in full)

1. I seek to enter or remain in the United States temporarily and solely for the purpose of pursuing a full course of study at the school named on page 1 of this Form.

My educational objective is _____

2. I am financially able to support myself for the entire period of my stay in the United States while pursuing a full course of study. (State source and amount of support:

(Documentary evidence of means of support must be attached to this Form)

3. (Complete this item only if you have previously been in the United States as a nonimmigrant student.)

I last attended school in the United States as a nonimmigrant student from _____ to _____

at (name of school) _____ (City) _____ (State) _____

4. I understand the following:

- a. A nonimmigrant student is not permitted to work for a wage or salary or engage in business while in the United States unless because of unforeseen circumstances arising subsequent to entry (or subsequent to change to student classification) it is necessary for him to do so to defray his living expenses, and then only if permission to do so has first been granted by the Immigration and Naturalization Service. If arrangements have been made for part-time employment on the campus, permission to accept such employment may be granted at the time of admission into the United States (or change to student classification). If employment for practical training related to the student's field of study is recommended by the school attended by the applicant, the Immigration and Naturalization Service may permit employment of the alien for a six-month period subject to extension for not more than two additional six-month periods. As on-campus work pursuant to the terms of a scholarship, fellowship, or assistantship is considered to be part of the student's academic program if related thereto and the student is otherwise taking a full course of study, permission from the Immigration and Naturalization Service is not required for such on-campus work. Other on-campus work regardless of economic necessity therefor may be accepted only if permission has first been obtained from the Immigration and Naturalization Service.
- b. A nonimmigrant student is permitted to remain in the United States only for the period fixed at the time of admission (or change to student classification) unless he applies to the Immigration and Naturalization Service on Form I-539 in accordance with the instructions on that Form between 15 and 30 days prior to the expiration of the period of his authorized stay and obtains an extension of his stay.
- c. Each year every nonimmigrant student in the United States on the first day of January must submit a written notice of his address to the Immigration and Naturalization Service by the thirty-first day of January. In addition, a notice must be sent within 10 days after every change of address. Regardless of whether he moves, each nonimmigrant student is required to file written notice of his address every 3 months. Printed forms obtainable at any United States immigration office or post office should be used in making the annual address report, the change of address report, and the 3-month address report.
- d. At the time a nonimmigrant student departs from the United States, his temporary entry permit (Form I-94) is to be surrendered to a representative of the steamship or airline if he leaves via seaport or airport, to a Canadian immigration officer if he leaves across the Canadian border, or to a United States immigration officer if he leaves across the Mexican border.
- e. A nonimmigrant student may remain in the United States temporarily only for the purpose of pursuing a full course of study at a specified school; if, after being admitted, the student desires to transfer to another school, he must make written application for permission to make such a transfer. The application must be presented to the office of the Immigration and Naturalization Service having jurisdiction over the area in which the school from which he wishes to transfer is located.
- f. A student who seeks to re-enter the United States as a nonimmigrant student after a temporary absence must be in possession of the following documents:
 - (i) A valid unexpired student visa (unless exempt from visa requirements);
 - (ii) A passport valid for six months beyond the period of readmission (unless exempt from passport requirements);
 - (iii) A current copy of Form I-20 (A and B). (However, Form I-20 presented by a nonimmigrant student returning from a temporary absence abroad may be retained by him and used for any number of re-entries within 12 months from the date of issuance and the certificate on page 2 of I-20A need not be completed.)

I CERTIFY THAT THE ABOVE IS CORRECT

(Signature of Student)

(City)

(State or Province)

(Country)

(Date)

If any nonimmigrant student in the United States has any questions concerning his immigration status, he should not hesitate to call or write to the nearest immigration office. That office will be pleased to help the student.

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
NOTICE AND REPORT CONCERNING NONIMMIGRANT "F-1" STUDENT**

PART I	Name of Student (First) (Middle) (Last)		
	Date of birth	Country of birth	Country of nationality
Name of school			
School Official To Be Notified of Student's Arrival In U.S. PRINCIPAL			
Address			

PART II — NOTICE TO SCHOOL CONCERNING "F-1" STUDENT

As indicated herein, the above named student was admitted to or authorized to remain in the United States for a temporary period as a nonimmigrant student.

<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Student's File Number</td> </tr> <tr> <td style="padding: 2px;">A—</td> </tr> </table>	Student's File Number	A—	<p>PLEASE INSERT THIS FILE NUMBER IN YOUR RECORDS AND IN THE INSIDE BACK COVER OF THE STUDENT'S PASS-PORT.</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">For Immigration Official</td> </tr> </table>	For Immigration Official
Student's File Number					
A—					
For Immigration Official					

If any of the following occurs, please fill in Part III below and mail this Form to the Immigration office having jurisdiction over the area in which your school is located:

(A) The student does not register personally at your school within 60 days of the time you expect him to register;
 (B) The student does not carry a full course of study;
 (C) The student does not attend classes to the extent normally required;
 (D) The student's attendance is terminated. (This does not include temporary discontinuance of attendance during a visit abroad, or because of acute illness or injury. However, if the student fails to resume attendance, this report must be submitted.)

PART III — REPORT BY SCHOOL CONCERNING "F-1" STUDENT

TO: Immigration and Naturalization Service

1. The student (Check one):

(A) Did not register personally at this school.
 (B) Is not carrying a full course of study. (Explain in Remarks)
 (C) Is not attending classes to the extent normally required. (Explain in Remarks)
 (D) Is no longer attending this school. (Give date and reason for, termination in Remarks)

2. The student's present address is:

--

3. The following information is furnished concerning the student's departure or planned departure from the United States:

Date of departure	Port of departure	Name of ship, airline, or transportation company
Address abroad		

4. Remarks:

Signature of school official	Title	Date
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INSTRUCTIONS TO SCHOOL OFFICIALS

1. Before issuing this certificate you may wish to arrange to have the student tested for English language proficiency. If you wish to use a test of your own selection you may have it administered abroad by any person or agency you care to designate or by an American consular officer. Alternatively, if you wish to use a test which has been furnished to American consular officers by the Department of State, you should instruct the student to arrange with the consular officer to take the Department's English language examination. The results of any test administered by the consular officer will be forwarded directly to you.

2. Execute page 1 of this form and Part 1 of page 3, in the case of every nonimmigrant student who will apply for a visa and/or admission to the United States under section 101(a) (15) (F) (i) of the Immigration and Nationality Act. Also execute page 1 and Part 1 of page 3, in the case of every nonimmigrant student in the United States applying for permission to transfer to your school and in the case of every alien in the United States applying for a change to nonimmigrant student status to attend your school. Remove carbon interleaf and furnish 1-20A and 1-20B to the student. The immigration officer authorizing the admission, transfer, or change in status will detach 1-20B and mail it to the school.

INSTRUCTIONS FOR STUDENTS

1. Fill in the reverse side of Form 1-20A, which is marked Page 2. Do not fill in any other pages of the form..
 - a. If you are an applicant for admission to the United States, present both 1-20A and 1-20B to the American consular officer at the time of your visa application (Unless you are exempt from visa requirements) and to the immigration officer upon your arrival in the United States.
 - b. If you are an applicant for permission to transfer to another school, present both 1-20A and 1-20B at the office of the Immigration and Naturalization Service having jurisdiction over the area in which the school from which you wish to transfer is located.
 - c. If you are an applicant for change to nonimmigrant student status, present both 1-20A and 1-20B at the office of the Immigration and Naturalization Service having jurisdiction over the area in which you are temporarily residing.

LOS ANGELES CITY SCHOOL DISTRICTS
 REPORT OF HEALTH EXAMINATION
 OF
 NON-IMMIGRANT ALIEN STUDENT APPLYING FOR ADMISSION TO A LOS ANGELES CITY SCHOOL

Name of Applicant _____	Birth Date _____	Sex _____
City _____	Country _____	Date _____

1. To be completed (in English) and signed by the physician. All questions must be answered YES or NO.

A. Has applicant, to the best of your knowledge, ever had any of the following:

Tuberculosis (in any form) _____	Goiter _____
Leprosy (Hansen's disease) _____	Disease of Nervous System _____
Amebiasis _____	Rheumatic Fever _____
Hepatitis _____	Disease of the Eyes _____
Keratoconjunctivitis _____	Disease of the Ears _____
Malaria _____	Heart Disease or Disorder _____
Ringworm of the scalp _____	Epilepsy _____
Typhoid _____	Mental Conditions _____
Trachoma _____	Feeble-mindedness _____
Venereal disease _____	Mental illness _____
Gonorrhea _____	Nervous Breakdown _____
Syphilis _____	Hospitalized for above? _____
Other _____	When? _____
Diabetes _____	Addiction to Drugs _____
Cancer _____	Other _____

If you have answered YES to any of the above, give nature, date, period of disability, and present condition.

B. Has applicant been hospitalized or treated for injury or serious disease in the past five years? If so, what was the cause, and date of hospitalization?

C. To the best of your knowledge and belief, is applicant now in good health and free from physical impairment or deformity?

2. To be completed (in English).

A. Physical examination.

Height _____

Weight _____

Skin _____

Scalp _____

(over)

Eyes		<u>Right</u>	<u>Left</u>
	Vision - without glasses	_____	_____
	Vision - corrected	_____	_____
	Other	_____	_____
Ears	Otoscopic	_____	_____
	Hearing (type test)	_____	_____
	Other	_____	_____
Nose	_____		
Teeth	Condition	_____	
Pharynx	_____		
Neck	Thyroid Glands	_____	
Chest	Heart Rate	_____	
	B.P.	_____	
	Sounds	_____	
	Lungs	_____	
Abdomen	_____		
Extremities	_____		
Genitals	_____		
Reflexes	_____		
Signs of Emotional Instability	_____		
Other	_____		

B. Do you believe this applicant is able to carry on a full course of study?

YES NO

C. Applicant was successfully vaccinated against smallpox on (Date) _____

D. Has applicant had inoculation against tuberculosis (B.C.G.)?

YES Date _____; NO

E. Has applicant had poliomyelitis immunization? (Required for school attendance).

Salk _____; (Date) _____; 1. _____ 2. _____ 3. _____
 Oral _____; (Date and Type) _____; 1. _____ 2. _____ 3. _____

F. Chest X-ray report: (Date) _____; (Results) _____

G. Other laboratory reports as indicated.

Remarks:

Signature of Physician _____ Date _____

Address _____ License No. _____

This medical report is subject to review by the Health Services Branch of the Los Angeles City Unified School District. If, in the opinion of the reviewing physician, further medical evaluation is indicated, the applicant may be examined by a Los Angeles City School physician to determine eligibility for enrollment on a medical basis.

Child Welfare & Attendance Branch - Form 32.93-2000-12/63 (Rev)

STATEMENT OF RICHARD LAWRENCE, COORDINATOR, LEGISLATIVE AND SPECIAL PROJECTS, OFFICE OF THE SUPERINTENDENT, LOS ANGELES SCHOOL SYSTEM

Mr. LAWRENCE. Mr. Chairman and members of the committee, I brought along a map, sir, of the community that we will be largely discussing, and superimposed over that are the congressional districts within our school districts. The white area consists of the Los Angeles City School Districts.

I am very pleased to be here, Mr. Chairman, and represent the Los Angeles city schools, the superintendent, Dr. Jack P. Crowder, and the board of education.

Mr. PERKINS. I may say in passing that I enjoyed my recent visit, meeting your school superintendent and assistants there. I think you have one of the outstanding school systems in the country.

Mr. LAWRENCE. Thank you, sir.

Mr. PERKINS. It certainly speaks well of the great city of Los Angeles.

Mr. LAWRENCE. Thank you very much.

Mr. PERKINS. Go ahead.

Mr. LAWRENCE. We felt that you would like to have some basic facts about the district. We are the second largest in the United States, and as illustrated in this map, we cover over 881 square miles.

Mr. PERKINS. Just a moment, before you get started. We have a Member from the Congress here. Mrs. Mink, do you want to proceed right now?

Mrs. MINK. No, I will wait until he is finished. Thank you, Mr. Chairman.

Mr. PERKINS. All right; you go ahead.

Mr. LAWRENCE. There are over 881 square miles that make up the school district. Sometimes there is a misunderstanding in terms of what it does include, and it is more than the city of Los Angeles. It is about 19 other cities, wholly or partly within the district, as well as over 200 miles of unincorporated county territory.

We have now over 740,000 students, and we make up some 20 percent of the State's enrollment, or 1 out of 5 youngsters go to a Los Angeles school, within the State of California. So in speaking here this morning, we are very pleased to represent the Los Angeles schools, and having heard comments about H.R. 7808, we would like to add, before making our recommendations as to Public Laws 815 and 874, that this measure we have supported as well.

I am sure most people are aware that in 1933, California, and especially in the southern California area, suffered a severe earthquake, the damages of which we are still paying for in terms of restoring and rehabilitating our school buildings.

The State legislature passed what is known as a Field Act, which requires a very strict adherence in construction requirements and specifications. Currently, the taxpayers of our district alone have provided bond funds in total of \$789 million since that earthquake.

We are now planning in June of 1966 another multimillion-dollar bond issue to continue restoring these buildings that were damaged as well as to providing construction for our increased enrollment, so it is a constant problem.

As your bill relates here, these items of flood also are a problem. We had a dam burst above the city last year, and it completely

destroyed many homes in the Leimert Park-Crenshaw areas, and we had a school damaged in the path of that flood from that reservoir.

We are constantly under the threat of fire, and this is of forest fire, and as you know, our schools are now being built in the tops of the mountains in the Los Angeles area. This is our last remaining land, and here because of the dryness of the area, fire is with us most of the months through the year.

Earthquake, because of the San Andreas fault coming down through California, and splitting at the Tehachapi Mountains, dividing itself through the Los Angeles area and down the coast. One other part going through the valley into the Imperial area has caused us to know that this is something we must always be aware of as a threat in terms of the same kind of thing your bill directs itself to, and so I fully support it, sir, and that is all we would like to mention as far as 7808.

Mr. PERKINS. Without objection, your statement of the proposed amendments to Public Law 874 and your statement will be inserted in the record as prepared and your remarks will follow.

Mr. Brademas?

Mr. BRADEMAS. I am just reading through this. Do I have the right document?

Mr. LAWRENCE. Yes, I was going to get into that a little later, Mr. Brademas.

Mr. BRADEMAS. Oh, go ahead.

Mr. PERKINS. Go ahead right now.

Mr. LAWRENCE. In speaking this morning as a representative of the Los Angeles schools, we also are speaking in terms of the problems of the great cities in the United States. We have membership within the great city organization, and I believe our comments relate to those same cities and similar problems. We all face the problems of urbanization, and the many problems contained within that as it faces schools, and they are many and varied.

Providing equal educational opportunities within the limitations of a large school district with its ever-expanding and demanding responsibility, without additional sources of revenue to provide the compensatory programs needed to meet the new challenges are changing our communities and possess a special problem of tremendous magnitude.

In addition to compensatory programs, driving through Los Angeles, we are very proud of our freeways, but as the freeways are built, many times that reach throughout the community, it means that tax base has been removed, and millions of dollars that had been available to schools are never available for the future, and this comes at a time when we have growth of 30,000 youngsters a year of children that are new, that we have never seen before.

Because of this growth and because of this rehabilitation problem, as a result of the earthquake, and because of compensatory programs, we find now that we have 30,000 of our students who must go to school in double session.

So our greatest need, then, is in finding housing for youngsters along with the current expenses of providing programs.

We have been interested in Public Laws 874 and 815 for many years, since its original enactment, and we with Congressman Roosevelt and along with others, have asked over the years, did we qualify?

In 1958, we set aside budget funds necessary to conduct a survey. It was my privilege at the time to be one responsible to conduct the survey. We found, after several months of sending home notices to our parents, that we failed to qualify. Within the district, we found approximately 5 percent.

This was a total of 24,216 federally connected students, but as you know, the districts that are large and are above 35,000 in average daily attendance are required to prove 6 percent, whereas those below 35,000 need only prove 3 percent.

We have estimated that if we were to use those same figures for this past school year, that we would not have over 27,000 federally connected youngsters, so our proposal, Mr. Chairman, and members of the committee, would be that you seriously consider at this time the reduction of the 6-percent requirement for large school districts to the same 3 percent requirement as now provided for all others; and that we urgently request you give every consideration to including this amendment during your current session of Congress.

We feel that there are inequities involving this application of percentages, and apparently at the original enactment in 1950, it was because of the physical support that this requirement was put in.

We are very pleased with the enactment of the Elementary and Secondary Education Act. This does provide funds. However, those funds are for a specific purpose.

Mr. PERKINS. Before you leave the absorption provision, hasn't it been varied from 3, 4, or 5 percent since the original enactment in 1950, or has it always remained at 3? I was thinking it had been changed.

Mr. LAWRENCE. No, sir; it has remained the same; 3 percent for those under 35,000 and 6 percent for those above.

One of the inequities could be illustrated within our own district that is called our unidentified district, and it is above 35,000, so we must prove 6 percent. The junior college district which is under 35,000 only needs to prove 3, and yet we are covering the same geographical areas and the same taxpayers, but the law works differently for the two districts.

Mr. PERKINS. That is interesting. Go ahead.

Mr. LAWRENCE. Also, if you look to the map, the large area on the left side, that is entitled "Los Virgenes, Unidentified." The Los Virgenes, unidentified, at one time was part of our district. Under State law, they were allowed to withdraw, and they are a much smaller district in terms of students, so now because they have separated, they are eligible and are receiving 874 money, and this is true with many of the districts in our peripheral area, who at one time may have been part of the district, and are not.

The opposite is true. We have had an annexation right in Congressman Bell's area, right near Santa Monica. When that district annexed to us, year before last, they ceased to become eligible, because they were part of us, and they no longer specify funds because of their 3 percent of impact.

This is a brief comment that we have on the reduction. We feel that it is warranted, and as I started to say, the enactment of the Elementary and Secondary Act provides funds for a particular program for the culturally disadvantaged.

As we look at this map, the reason that we only could prove 5 percent was that in the geographical makeup of our district, down in

the San Pedro Harbor area, the far bottom part of the map, it was 15 percent impacted.

Out in the San Fernando Valley, the upper-left-hand portion, it was 15 percent impacted, and in the west part of Los Angeles, it was around 10 percent. The area that brought that percentage down is the central core city. These are the disadvantaged youngsters, and their parents are the same parents who are not at a level to work in and work on Federal projects, and Federal employment.

Mr. PERKINS. I would just point out at this time that Congressman Bell, just like Jimmy Roosevelt, is another outstanding member of this subcommittee, and he deeply regrets his inability to be present here today because of the minimum wage legislation. He is on that subcommittee, another important subcommittee, and important witnesses are appearing before it. The General Labor Subcommittee this morning prevents his attendance, but Congressman Bell and Congressman Roosevelt are well representing not only the city of Los Angeles but the whole Nation. I felt that I should point that out to you.

Mr. LAWRENCE. Yes, sir.

Mr. PERKINS. I didn't know whether you know about the other subcommittee in operation or not.

Go ahead.

Mr. LAWRENCE. As I was saying, the very people that the Elementary and Secondary Act proposed to support in their educational program are the same people who have caused our percentage to not be 6 percent or higher. They are people who do not work on these lands that are owned by the Federal Government, and at the same time, they have reduced the percentage of all those in our peripheral area who do, at a much higher percentage.

Now, we do not qualify for Public Law 874 money under the original act, as amended in 1950, and the elementary and secondary money must be spent in areas of substantial educationally deprived.

Mr. PERKINS. Have you discovered any overlapping as to the eligibility under H.R. 2362 and the impacted area legislation?

Mr. LAWRENCE. No. There is no overlap, except we are restricted as to how those funds may be spent. It is a very definite expression in that act, whereas in Public Law 874, the original act, that is general-purpose money, and, as I mentioned before, we have two great needs in the large cities. One is for housing and land. The other is for salaries. Eighty-eight percent of our budget goes for salaries.

Now, in the Elementary and Secondary Act, it is already spelled out. We can't use this to raise salaries generally. We are talking about a hundred thousand of our youngsters in the center of town, but we need funds for 700,000. We are only meeting a portion of our needs.

Mr. BRADEMAS. I don't want to get off into a footnote here, but I think that what you have just said is not necessarily the case; that your interpretation is unduly restrictive, and I recall during colloquy on the floor of the House of Representatives during the debate on the Elementary and Secondary Act with respect to title I, I think I am right in saying, Mr. Chairman, that the point was made that if the purpose of a particular school district in which there was a very high concentration of poor children were to improve their educational experiences and opportunities, and if the local public school district determined that the best way, in their judgment, to do that was to

provide for raising the salaries generally of all the teachers in the school system, they could do it.

There might be certain parts of the United States in which as, for example, in Mr. Perkins' Kentucky district, that that would be the best way to do it. I should think those situations would be rare, but I only wanted to make that observation for the record.

Mr. LAWRENCE. Fine, sir.

We have a document from the Department of Health, Education, and Welfare. Question No. 20: "Can funds under this title be used to raise teachers' salaries?"

Answer: "Title I funds can't be used for a program of general salary increases."

Mr. BRADEMAS. Well, they are wrong down there, in my judgment. That is to say, unless I am very badly mistaken, and if I am, I am sure somebody will tell me, but they are wrong with respect to certain circumstances which could arise of the kind which I have described.

I think, generally speaking, their point might be well taken but I am talking about exceptions.

Mr. LAWRENCE. Yes. They qualify it, sir, and they say, "However."

Mr. PERKINS. That is with the qualification, that is what we are interested in, because Mr. Brademas is absolutely correct.

Mr. LAWRENCE. "Salary increases may be justified under certain circumstances to meet the need of educationally deprived."

Mr. BRADEMAS. That's what the whole title I is about.

Mr. LAWRENCE. That is right, sir. That is my point, that in the Elementary and Secondary Act, this is a specific need. Now, if the Los Angeles schools could qualify under the original 874 impact, this would give us funds to provide salary increases for the others.

Mr. BRADEMAS. I don't know anything about Los Angeles schools, but if you had a situation in a slum area of Los Angeles in which there was an extraordinarily high concentration of families with \$2,000 annual income or less, then it would seem to me that if the local public school district determined that the best way to improve the education of those children was to raise teachers' salaries across the board, you could do it under title I, and it would be perfectly proper and within the law, but that circumstance is not likely to occur in many places. That is all.

Mr. LAWRENCE. That is right, sir.

Mr. BRADEMAS. As I say, I don't want to get into a side issue, but I just think we ought to keep the record straight on that.

Mr. LAWRENCE. That is right, sir. We agree completely. It is our feeling that at the level of administration this, as a board of education, with 35,000 teachers, this probably would not happen in Los Angeles.

Mr. BRADEMAS. Right. Right.

Mr. PERKINS. Proceed.

Mr. LAWRENCE. Our second proposal is the one that Mr. Brademas was referring to as an amendment to Public Law 874. We have entitled this "The Nonimmigrant Student—a Peace Corps in Reverse."

The recommendation is that Public Law 874, as amended, be further amended during this session of Congress to add a new category of impact covering the nonimmigrant student receiving an education

from school districts within the various States, and it is further recommended that the category contain the following two provisions:

One, the school district eligibility be established if there is at least 10 nonimmigrant students admitted for attendance in the school district, and that no percentage of attendance within the district be required within this new category; and, two, the eligibility of the district under this new category receive a full entitlement for each nonimmigrant student as now provided in category 3(a) under Public Law 874. The law is enacted by Immigration Act of 1924. In accordance with section 4(e) of that act, Los Angeles City schools have admitted nonimmigrant students.

The Immigration and Nationality Act of 1952, as amended, presently provides for the admission of nonimmigrant students as defined under title I, section 101, as follows:

Mr. PERKINS. Let me ask you a question.

Do we have any legislation on the books at the present time where we can count students of this type?

Mr. LAWRENCE. No, sir.

Mr. PERKINS. None at all.

Mr. LAWRENCE. None at all.

Mr. BRADEMAS. That is what you propose, is it not?

Mr. LAWRENCE. Yes, sir. We feel that is a category of impact, and as enacted by this Congress and supported by the Congress and also the Immigration Department, and as stated, we feel that school districts are in cooperation. We feel it is a very fine thing to allow a nonimmigrant to come to this Nation and receive an outstanding educational program, and return back to his country, having had this education in depth, and really become a contributor for his period of time in that country as a regular citizen, and not one that is just staying there for a certain period of time. So, we have said a Peace Corps in reverse, really, and it is an education in depth. This is a permanent resident of that nation when he returns.

The impact on the Los Angeles City schools: In addition to the special processing of all nonimmigrant students for admission, processing which involves evaluation of education, their health, other eligibility requirements and the interviews with the local sponsors of the students, we have found it necessary, in order to best meet the educational needs of these particular students, to provide special counseling and instructional programs for them. The operational cost for the education of the nonimmigrant students, not including the cost of land or construction, or special services, in the schooling of these students would average \$500 per student per year. The following figures for initial admission of nonimmigrant students in 1963-64 would show that we have 579 in the elementary and secondary schools, and they have come from 70 different countries. They are listed by country, and by number.

Mr. BRADEMAS. Have you any judgment with respect to the comparable costs in other large urban areas of the country?

Mr. LAWRENCE. Yes. We do, sir. Our great city has put out a pamphlet that shows the cost of these various levels.

Mr. PERKINS. Go ahead.

Mr. BRADEMAS. You would say that it is roughly \$500 in Los Angeles. It would be in that general area in New York or Chicago or Detroit?

Mr. LAWRENCE. That is right, sir. The lower levels are less, and the higher levels, junior college, are higher, so the average would be roughly \$500, which it is in one of the great cities or the other.

This 579, when you add the junior college and adult students, which is another 1,074, would give us a total plus those that are renewed from prior years—and we only have records back to 1960-61—we estimate 2,687, at least, who are in our schools now.

Now if you take the \$500 per student, and that number of students from 70 countries, we estimate our impact this year is \$343,000. This does not count land, building, and equipment to house them.

Now, many of these students come in and their first need is to learn English, and we have to put them in special classes, in special facilities, with special teachers. And these costs, then, are added.

In addition to the educational program we have for these students, we know within the district that we have all of the other kinds of nonimmigrants, and we are only talking about category F, and we are not talking about foreign service students, who come on an exchange basis. We think we have our youngsters in these countries that balance out that kind of a program. but, as you know, there are many youngsters who are of the families of our diplomats, of the foreign embassies within large cities. Also, we have treaty traders. A treaty trader is a man who is in business, and he comes with his family.

We also have others that come with families under the immigration laws, and we are not talking about those. We are just talking about a category F visa as a nonimmigrant student.

We have admissions procedures that we have outlined here. We won't take your time, Mr. Chairman, because we are sure that this can be admitted to the record, but it is highly controlled by the Immigration and Nationality Act, and through the sponsor having to verify various information as well as the student's birth certificate, and his grades, and the student must maintain his grades each year, or the permit is not renewed.

I would say, then, that in conclusion, since the admission and continuance of the nonimmigrant student is encouraged, and, as we understand, will continue to be encouraged by the Federal Government through the U.S. Department of State, U.S. Immigration and Naturalization Service, we believe the education of these students is in reality a Federal impact on local school districts and should be recognized as a Federal responsibility to be funded fully under the provisions of Public Law 874 as a new and separate category.

We therefore believe that this is an education in depth, now provided by local school districts for nonimmigrant students and is in actuality a Peace Corps in reverse. The costs of providing such educational opportunities for students of many nations of the world should be shared by the Federal Government and local communities.

I would like to further add that because of the impact on the Los Angeles schools, the board of education has recently adopted a policy starting with summer school, July 1, 1965, and, in accordance with State law of the State of California that a foreign immigrant student will be charged a fee, a tuition fee of \$309 as of July 1.

Mr. BRADEMAS. That is by the city?

Mr. LAWRENCE. It is under State law, but it is going to be implemented by the city board of education.

We considered this for all nonresident students last year, and we excluded foreign residents, foreign students, under this category, in order to give them time to be aware of this, to have a notification. They have since been notified that this is coming up this year, having had it 1 year to be notified, and it will be effective starting with summer school, 1965-66 school year.

Mr. Chairman, we would like to comment on the letter that Senator Kuchel has received from Mr. Francis Keppel, the U.S. Commissioner of Education, in regard to this last recommendation. Mr. Keppel has given certain figures based on information he has received that there is a total of 28,243 such visas issued in the fiscal year 1964 in this country.

Mr. BRADEMAS. By "such visas," do you mean for students?

Mr. LAWRENCE. F visa, the same category that our recommendation deals with.

He also adds that this figure does not include the holdovers from prior years. It is just 1964. There were that many issued.

He has estimated, therefore, that there must be about 30,000 F visa students, and we think that is a very low estimate. He has also added that when you compare this to the total school population of the United States, it is only one-hundredth of a percent, and further states that nationally, it is not a major problem. He goes on to say:

It is probable that these students do cluster in a few areas of the country, and may cause a severe problem in those areas—

and this is our point. We feel they do come to large cities where there are programs that meet their needs, and this is the situation in Los Angeles.

He further states:

However, the 579 nonimmigrant—

and he has taken this from our presentation—

reported to be in the Los Angeles Public Schools amount to less than one out of every thousand.

Apparently Mr. Keppel did not go further into the report and pick up the 2,600-odd which we were reporting fully in the report. So the rest of his remarks are not completely accurate, because it does not include all of the information we provided.

He adds that in Los Angeles County, this is reported to be almost \$300,000. Again this is in error, because our report shows \$1,343,000 just for Los Angeles City. Los Angeles City is only a part of Los Angeles County, only about 44 percent of Los Angeles County, so if he is speaking of Los Angeles County, he would have to add considerably a lot more to these numbers.

He then adds in the final paragraph of his letter that Congress has directed the Office of Education to make a study, and that has been delegated to the Stanford Research Institute. The final report is due June 30, 1965, and therefore it is under consideration.

We would like to add that we feel that waiting and having more studies does not solve the problem, so we would add, then, that the two amendments that we have recommended to Public Law 874 be given your consideration. Los Angeles city schools will then support and continue in any way possible to develop the procedures or mechanisms for the practical application of these provisions to become included in Public Law 874.

In closing my remarks, in an attempt to be brief, I am sure the committee is aware more than I the future of this great Nation rests in the quality of education we provide our young people. It has always been said the future of the Nation rests in the struggle waged in our great cities. Can we also then say the kind of education provided young people in our great cities of the Nation is undoubtedly the No. 1 strength that will move this Nation forward?

We thank you very much for the opportunity to be here, and answer any questions you might have, sir.

Mr. PERKINS. Mr. Brademas.

Mr. BRADEMAS. Thank you very much, Mr. Lawrence, for your very interesting proposal.

As a strong supporter of education legislation, I am always interested in new ideas like this, but I would confess to you that I am rather dubious about your proposal, and I want to raise several questions with you, if I may. First of all, you say there are about 30,000 such students in the United States.

Mr. LAWRENCE. This is Mr. Keppel's figure.

Mr. BRADEMAS. Obviously a conservative estimate.

Mr. LAWRENCE. Yes, sir.

Mr. BRADEMAS. How much would it cost, if we were to accept your amendments for 1 year?

Mr. LAWRENCE. The cost varies per State. Under 874, there is a statewide figure developed as to the cost of education within that State. It would not be as high as the \$500, because throughout our State, there are many districts that are able to provide an educational program at a lower cost, so if you could multiply the 30,000 by a figure less than 500, you would probably arrive at a figure for that particular category.

Mr. BRADEMAS. If you multiplied it by 500, you would get what? \$15 million? Most of these students are in the big cities of the country. Is that correct?

Mr. LAWRENCE. I would say most of them are. They would be concentrated there.

Mr. BRADEMAS. Now, you make a great deal of the fact that these young people, once having been educated in this country, would return to their own countries to provide leadership, but most of the young people we are talking about are in elementary and secondary schools, are they not, as distinguished from technical institutes and junior colleges?

Mr. LAWRENCE. Sir, in our district, we have seven junior colleges. We have many in that level, and our report shows the amount there.

Mr. BRADEMAS. In percentage terms, what percentage of them are in elementary and secondary as distinguished?

Mr. LAWRENCE. Well, elementary and secondary is 579, and the 1,074 are adults in adult schools, and then 331 are in junior college, so the greater number are in the higher levels.

Mr. BRADEMAS. Now, how do you insure that they go home?

Mr. LAWRENCE. The visa controls that. It is on a year-to-year basis, and it must be for a student only, and if they are still progressing in their educational achievement, year to year, it is granted and renewed. And so, assuming that they finish their education, as far as public schools—now, they may want to go on to university or a State college, which is another factor.

Mr. BRADEMAS. I raise this question because there is always the problem of students coming to the United States and then liking it here and wanting to stay here, and thereby really frustrating the chief purpose of their coming to our country, which is that they should go back home and provide leadership in their own countries.

Mr. LAWRENCE. That is right.

Mr. BRADEMAS. And I think this is a problem we ought to face up to here, especially since we are talking about elementary and secondary school students. It is not as if they were discussing a graduate student program.

Isn't it true that if we were to include nonimmigrant students in the impacted areas program, this would have the effect of encouraging even more such students to come to the United States than are presently here, and therefore, to that extent, burdening still more heavily local schools systems?

Mr. LAWRENCE. You have no control now, sir. The control is only if they meet the standards and if there is a space available in the schools, and the district will accept them.

Now we have waiting lists. We turn many away, because we do not have housing, so that probably is one of the most controlling factors now.

Mr. BRADEMAS. But if you could receive a Federal subsidy to help educate nonimmigrant students, this would, I should think, have the effect of increasing still more the number of applications of nonimmigrant students to come to Los Angeles, let's say, and make it easier for you to deal with even more of them, would it not?

Mr. LAWRENCE. The subsidy we are recommending here is only for general purpose. It is not for construction or purchase of land.

Mr. BRADEMAS. No; but it still would help you educate these students is what I am getting at.

Mr. LAWRENCE. That is right, sir.

Mr. BRADEMAS. And thereby encourage even more to come, and multiply your problems.

Mr. LAWRENCE. We face a problem now, sir. As a tax ceiling, we have already eliminated summer schools in our elementary and secondary schools; our elementary and junior high school plants are standing idle throughout the summer. We have cut back in many other programs; yet, we haven't cut back in this one. We have tried to cooperate. If any funds were to come, it would help defray some of the costs involved in these programs, and possibly allow us to reinstate some of the other programs that we have lost because of lack of funds.

Mr. BRADEMAS. Now, you say, as I understood you, the State of California out of State funds requires that about \$300 tuition, now, for its nonimmigrant students?

Mr. LAWRENCE. They set the figure based on a statewide average, and have set that figure for this year of \$309 that a district may impose.

Mr. BRADEMAS. May. Need not.

Mr. LAWRENCE. You don't have to.

Mr. BRADEMAS. Now, are there any State—does any State aid come for the nonimmigrant student?

Mr. LAWRENCE. Yes. This is why it is set at \$309. Every student in California school is guaranteed basic aid of \$125 per year.

Mr. BRADEMAs. So this would apply to nonimmigrant students as well?

Mr. LAWRENCE. That is right, sir.

Mr. BRADEMAs. So you are asking the U.S. Government to put up more money in Federal funds than the State of California is willing to put in in State funds.

Mr. LAWRENCE. No, sir. This figure I used is an average cost of our program.

Mr. BRADEMAs. Right.

Mr. LAWRENCE. As 874 operates, there is a statewide average in costs computed, and that is the entitlement, so it will vary by the State. We have only used our cost factor as an estimate to illustrate to you what the impact is.

Mr. BRADEMAs. Now, suppose that we were to accept your amendment. Would the State of California then do away with this permissive tuition charge to nonimmigrant students? You feel confident of that?

Mr. LAWRENCE. It is permissive, and we have never imposed it until now, and the board has just decided, because of the urgent need, the financial crisis we face, to hope to defray some of the costs by imposing this charge.

Mr. BRADEMAs. You also made the point that one of the first problems of these children is to learn English.

Mr. LAWRENCE. That is right, sir.

Mr. BRADEMAs. And therefore it becomes extremely expensive to provide adequate educational opportunities for them.

Mr. LAWRENCE. That is right.

Mr. BRADEMAs. I raise this point not because I have any desire not to be helpful to our student friends from foreign countries, but we are just now beginning to pay some attention to some of the educational deficiencies of citizens of the United States. I don't think of myself as being overly chauvinistic, or nationalistic, but I know, we fought for many years around here to get a little money for elementary and secondary school children who were citizens of this country, and we just got off the dime on that, and I am just a little bit leery about taking on another burden of this kind.

Also, I have to say to you I really think that your description of your proposal as a Peace Corps in reverse is really not accurate, because these kids coming to the United States from foreign countries who are going to school in Los Angeles, I think, may in a way be compared to undertaking the kind of tasks that American Peace Corps volunteers undertake in foreign countries. I don't understand the analogy.

Mr. LAWRENCE. The analogy is, sir, that they become a professional individual, or a semiprofessional, or a skilled tradesman. They have acquired that skill for life, and returning to their country, they are not just there for a year or 2-year assignment. They are there as long as they are citizens of that country, and as a nonimmigrant, they have said they are running to their country. So it is an education in depth, and it is in reverse, because it is going to apply for a long period of time.

Mr. BRADEMAs. Well, thank you very much.

I think I am generally sympathetic to what you are doing. I think you are showing great leadership in Los Angeles in giving an

opportunity to these children from foreign countries. I just have certain misgivings about our taking on at the Federal level right now this kind of support. Why can't some private foundations interest themselves in supporting that, your efforts in this respect? Have you tried that?

Mr. LAWRENCE. Well, usually, Congressman, the private foundations do like to support you as a pilot project, in effect, and get you started on something, but we have been in there for many years, and we know what we are doing. It is just a matter of not having the wherewithal to provide. We have an old elementary school. This is a wooden frame building in the central part of the city that is our school to teach them English, and most of those that are there for that purpose are seeing a structure that shouldn't represent them education in the city of Los Angeles.

Mr. BRADEMAS. What percentage of your total school budget does the education of nonimmigrant students represent?

Mr. LAWRENCE. They would represent about the same amount of money we are getting from the Federal Government this year.

Mr. BRADEMAS. Which is?

Mr. LAWRENCE. One-third of 1 percent.

Mr. BRADEMAS. You mean to tell me that you can't find money in a very wealthy city in a wealthy State like California to put up one-third of 1 percent for an enterprise which is as noble as you suggest it is?

Mr. LAWRENCE. We are doing it, and we have been doing it.

Mr. BRADEMAS. Well, I don't understand why you can't keep on.

Mr. LAWRENCE. Well, for the same reason, Congressman, that you said. We have a greater need to educate our own.

Mr. BRADEMAS. You are not educating your own with this program, necessarily.

Mr. LAWRENCE. No. I say we have a greater need for these 740,000 who are permanent U.S. citizens, residents, who have great need, and we are now denying them many needs because we don't have the funds.

Mr. BRADEMAS. I don't want to quibble with you, and maybe that is what I am doing, but it doesn't seem to me that that one-third of 1 percent that this kind of education represents is really all that decisive or critical in your kind of operation. You have come an awful long way to get a third of 1 percent of your school budget.

Mr. LAWRENCE. No, sir. I came for more reasons than that.

If you lower the percentage from 6 to 3 percent, you would be doing a great deal for us.

Mr. BRADEMAS. Well, my questions should not lead you to think that I have closed my mind on it.

Mr. LAWRENCE. Fine, sir.

Mr. BRADEMAS. I appreciate very much your candid answers.

Thank you.

Mr. PERKINS. Where do you draw the line of a nonimmigrant student at the elementary level? So many of these youngsters undoubtedly make a declaration to become citizens. I mean, the parents will make declarations to become citizens. Where do you draw the line here?

Mr. LAWRENCE. Well, sir, the parents are normally in the foreign countries, and they have allowed the child or the student to come on the request of the sponsor.

Mr. PERKINS. You are talking about the nonimmigrant that comes over here on his own, and not talking about any of the youngsters that come over here as immigrants with intentions of becoming citizens.

Mr. LAWRENCE. That is right, sir. No, sir. This is separate, completely. This is why you may be an uncle of a student in a foreign country, and you ask the family—

Mr. PERKINS. How many of these nonimmigrant students do you have now, did you state, in Los Angeles?

Mr. LAWRENCE. We have estimated over 2,600.

Mr. PERKINS. 2,600?

Mr. LAWRENCE. Currently.

Mr. PERKINS. Do they come on their own, to your city? They do, do they not?

Mr. LAWRENCE. That is right. This is something that they have requested by the sponsor and through Immigration. The only time the school gets involved is when they apply for a place for an education, and this is the other part of it. They meet the other requirements of the Federal law.

Mr. PERKINS. Do you turn some of them down?

Mr. LAWRENCE. That is right, sir. We probably turn more down at the higher levels, secondary and junior college, than we do at the elementary, but, as I mentioned earlier, we have 30,000 students on double session in Los Angeles, so we are limited as to the number we can accept.

Mr. BRADEMAS. If the chairman will yield, I would like to ask another question.

According to your figures, about two-thirds of the students in Los Angeles city are in adult schools or junior colleges.

Mr. LAWRENCE. Of those in 1963-64 that were initially admitted; yes, sir.

Mr. BRADEMAS. Right.

I think I am right in saying, Mr. Chairman, that the impacted areas program applies only to through grade 12.

Mr. PERKINS. That is correct.

Mr. BRADEMAS. So that, even if we were to include you, include nonimmigrant students in the impacted areas program, this would be touching one-third, I dare say, one-third of your problem, which is even more of a drop in the bucket. We really haven't taken that much of a leadoff; isn't that true?

Mr. LAWRENCE. If the law were to be the same as the current 874, you are correct, sir; yes. But it is still our opinion that because the Federal Government encourages this program and has impacted us, it should be shared.

Mr. BRADEMAS. To tell you the truth, this is a brandnew problem to me. I never heard of the problem before, which is only an expression of my ignorance, and I certainly hadn't realized that the Federal Government had embarked on any vast program or any program of encouraging nonimmigrant students.

Mr. LAWRENCE. It is to the point now, sir, that we have two full-time supervisors that do nothing but arrange for appointments to meet with the sponsors, and do all the paperwork, and certify that the children meet the requirements, and work with Immigration to set up these admittances.

Mr. BRADEMAs. But that is not my question. My question is what is the Federal Government doing to encourage students from other countries to come to school in the United States?

Mr. LAWRENCE. I worked with the State legislature in Sacramento. We have 80 assemblymen and 40 senators. I get calls almost weekly from these individuals saying that a constituent has called about their cousin, or we have got a brother-in-law, or we have got another part of the family, work it out.

Mr. BRADEMAs. That is not my question. My question is, What is the Federal Government doing abroad—they have to be doing it abroad—to encourage students from other countries to come to elementary and secondary schools and junior colleges in the United States?

Mr. LAWRENCE. We assume that this is made known, and there is a program to publicize.

Mr. BRADEMAs. You are not answering my question now.

I have never had in 7 years of Congress—and I represent about half a million people—I have not had one letter concerning a problem of this nature.

Mr. LAWRENCE. I can't speak for your area, sir. It is very common in Los Angeles.

Mr. BRADEMAs. But tell me what Federal program is encouraging students in other countries to come to study in the United States. I just don't know. I am asking for my own information, because the conclusion of your statement says:

Since the admission and continuance of the nonimmigrant students is encouraged, and we understand will continue to be encouraged by the Federal Government through the Department of State and the Immigration and Naturalization Service.

That is the first time I have ever heard of the Immigration and Naturalization Service encouraging immigrants to come to the United States.

Mr. LAWRENCE. Well, I cannot cite the individual or the particular people in our district, but they are with the immigration office in Los Angeles, and they are the ones that make the referrals to us.

Mr. BRADEMAs. You are not—I mean, I am going to press you on this point, Mr. Lawrence, because it is central to your whole thesis, which is, as I understand it, that because the U.S. Government is busy, through the Department of State and Immigration and Naturalization Service, encouraging students all over the world to come to the United States for elementary and secondary education and beyond, the Federal Government has some corresponding responsibility to help the school systems which are providing such educational opportunities meet the costs of this education.

Now, I think this may be a valid point, provided you can prove to me where the U.S. Government is undertaking such programs. What law, what public law, authorizes us to spend money to encourage foreign students to come here?

Mr. LAWRENCE. On page 1, sir, of our statement dealing with the Peace Corps in reverse, it says, "The law, Immigration Act of 1924, Immigrant and Nationality Act of June 27, 1952, as amended," and this specifies in the Federal law the provisions that allow for this.

Now, as far as the individual officers throughout our country as to who is publicizing it or who is encouraging it, I would have to get

this information for you. I can as far as Los Angeles. I can submit to the great cities to get it for the 15 great cities in the United States, the information, if you would like.

Mr. BRADEMAS. If you will allow me to say so, you are not responding to my question.

Mr. LAWRENCE. I guess I don't understand it.

Mr. BRADEMAS. I don't want to badger you, but I know that the law provides for the admission of nonimmigrant students but that is not what we are talking about. That is what your statement says on page 1, but your statement on page 7 says the admission and continuance of the nonimmigrant students is encouraged.

Now, "encourages" is a lot different verb from "provides," because "encourages" suggests that somehow in our embassies abroad, we have an officer whose responsibility it is to talk to foreign students in the United States and encourage young people to come to the United States. I know we do that in the field of higher education, through the Fulbright program, and many other higher educational programs, but that's not what we are talking about, and I think it is very essential to get this point clear, because I reiterate, just reading the clear language of your testimony, you say Uncle Sam has an obligation to help you pay for the education of these children, because Uncle Sam is encouraging them to come here, and I have asked you how, and you haven't answered that question.

Mr. LAWRENCE. All right, sir. May I get that information and submit it to you for the record?

Mr. BRADEMAS. I would be delighted.

Mr. LAWRENCE. I am sure we can obtain it. I am sorry I don't have it here. Those are my words and I am guilty of using them, and we will certainly provide the information.

Mr. BRADEMAS. Thank you.

I have no more questions.

Mr. PERKINS. Thank you very much, Professor Lawrence.

I can assure you that your suggestions will receive consideration. That is a new point that the committee has never heard before, and it is most interesting. We certainly thank you for coming.

Mr. LAWRENCE. Thank you.

Mr. PERKINS. Come forward, Mrs. Mink.

We are glad to welcome an outstanding member of our committee. We will be delighted to hear from you, Mrs. Mink. I see you have a prepared statement.

STATEMENT OF HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mrs. MINK. I have a prepared statement, Mr. Chairman. In the interest of time and brevity, if I could present my statement, I think that it would cover all the points that I am interested in, and I would be sure, then, not to omit anything which I consider relevant to the hearing.

Mr. PERKINS. Without objection, your prepared statement will be inserted in the record. Also there should be placed in the record the comments of the U.S. Office of Education regarding Mrs. Mink's proposal as well as communications I have received on the legislation from the State of Hawaii.

(The statement and material follows:)

STATEMENT OF HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF HAWAII

Mr. Chairman and members of the General Subcommittee on Education. I am pleased to have this opportunity to present my views on the application of Public Law 874 and particularly to call your attention to a bill which I recently introduced, H. R. 8249, which attempts to provide a more equitable basis for the distribution of these funds at least for one category of children whose families live on Federal property and also work on that Federal property.

Although the Federal Government has indicated a general interest in the quality of education for all children through the recent passage of the new Education Act, the basis of this law is different.

The purpose of Public Law 874 is to provide financial support for the operation of public elementary and secondary schools in those school systems which are burdened by Federal installations that employ persons whose children require local educational support.

One of the principal theories underlying this law is the loss of tax base by removal of real property owned by the Federal Government from the local tax rolls which support public education. An adjunct to this rationale is also the consideration given to the fact that families residing on Federal property do not themselves pay any real property tax for the support of education.

The criteria used to determine Federal support is currently the "local contribution" rate in comparable districts within a given State. Accordingly it is possible for Federal support for the same category of children to vary considerably.

For example, a local school district that supports its pupil with 85 percent local funds could conceivably receive 85 percent of its local average per-pupil cost. State support of education under the present law is not used as a criteria at all except that no school district receives less than 50 percent of its State average per-pupil cost. A local school district may receive 50 percent of the national average per-pupil cost if that figure is higher than one-half of the State average per-pupil cost, except that in no case can the 50 percent of the national average cost payable exceed the full State's average per-pupil cost.

The purpose of my bill, H. R. 8249, is to regularize this Federal support consistent with the theory of the law; to wit, provide adequate financial support for the education of those children whose families live on Federal property and by virtue of such residence on tax-exempt property make no contribution toward the education of their own children.

It is my belief that for these children the Federal Government must assume at least the full financial burden of what the average cost of education is in that State wherein the child resides.

May I illustrate the injustice of the present law as it applies to my own State about which I am most familiar. The average per-pupil cost of education out of purely local funds in the State of Hawaii for fiscal year ending June 30, 1964, as stated by HEW records was \$399.74. Our Federal contribution figure under this law for these children for that year was only \$199.95 or one-half the national average.

The law presumes that this child whose family lives on a military base, and these are the children we are talking about today, somehow contributes the \$200 by some other means. Yet such a child's family in Hawaii pays no net income tax to Hawaii, nor does he contribute by way of the local sales taxes since most of his purchases are in Federal Government PX's for his daily needs. Consequently my State of Hawaii, for the 15,000 children who live on military bases, now contributes the sum of approximately \$200 per child or a total of \$3 million.

If all States were subsidizing the education of these "tax exempt" children by at least 50 percent of the average cost of their education in that State, then I would have to admit that at least this subsidy was being equitably levied among all the States. But under the law as it presently stands some States receive fully 100 percent of their State average per-pupil cost while others receive only 50 percent of the cost. This I submit is not fair nor is it equitable.

I urge this committee to give favorable consideration to my proposal and to amend Public Law 874 to provide that at least for all children living on Federal property as defined in the act that the Federal support be 100 percent of the State's average per-pupil cost.

STATE OF HAWAII,
DEPARTMENT OF EDUCATION,
Honolulu, Hawaii, June 8, 1965.

Hon. PATSY T. MINK,
House of Representatives,
Suite 1016, Longworth Building, Washington, D.C.

DEAR REPRESENTATIVE MINK: I have given much thought to H.R. 8249 and would like to react to it as follows:

Ever since its enactment in 1950 Public Law 894 has provided financial assistance for the maintenance and operation of schools in areas affected by Federal activities. It has recognized a Federal responsibility to provide free public education for children of military personnel and of employees of the Federal Government residing on or off Federal property. Where the function of free education is being carried on by the local educational agency, it has accepted the obligation of the Federal Government to pay its share of the cost of educating increasingly large numbers of federally connected children, due largely to the activities relating to national defense.

There is ample justification for the financial assistance provided to local educational agencies under Public Law 894. Federal property is exempt from taxes, and where, as in the State of Hawaii, this adds up to substantial holding, the base of tax revenues is considerably reduced. Nevertheless, the children of military personnel and of Federal employees must be provided with free education, and this places additional burden on the local school operations.

In States where homes located on Federal property are available to most military personnel and in some instances to Federal employees, both the place of residence and the place of employment are exempt from taxes. The result is a further lowering of the tax base and a reduction in the tax dollars. Also there is the privilege of shopping at post exchanges and utilizing commissary services, with the attendant exemption from excise taxes, such as the State sales tax.

The amendment proposed in H.R. 8249 recognizes the burdens placed upon the local school agencies by the enrollment of children as described in subsections 3(a) and 3(b) and, in my opinion, provides an equitable method of determining the amount of financial assistance to be given local educational agencies.

I therefore support the purpose and intent of H.R. 8249.

Thank you for your great interest in this matter and in the cause of public education generally.

Sincerely,

R. BURL YARBERRY,
Superintendent of Education.

STATE OF HAWAII,
DEPARTMENT OF EDUCATION,
KAPAA HIGH & INTERMEDIATE SCHOOL,
Kapaa, Kauai, Hawaii, June 8, 1965.

Hon. PATSY T. MINK,
Member, House Committee on Education and Labor,
House of Representatives, Washington, D.C.

MY DEAR CONGRESSMAN: I support your amendment, H.R. 8626, to Public Law 874.

Your amendment will be of much assistance to our schools; your support of our schools is appreciated.

Sincerely,

CHARLES LENNOX, *Principal.*

[H.R. 8249, 89th Cong., 1st sess.]

A BILL To amend Public Law 874, Eighty-first Congress, relating to assistance for schools in federally impacted areas, to provide that payments on account of children who live on Federal property with a parent employed there will be made at a rate equal to the State average per pupil expenditure

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(c)(1) of the Act of September 30, 1950 (20 U.S.C. 238(c)(1)), is amended to read as follows:

(c) (1) The amount to which a local educational agency is entitled under this section for any fiscal year shall be an amount equal to the sum of (A) the average per pupil expenditure in the State multiplied by the number of children determined

under subsection (a), and (B) the local contribution rate (determined under subsection (d)) multiplied by one-half the number of children determined under subsection (b)."

SEC. 2. The next to the last sentence of section 3(d) of such Act (20 U.S.C. 238(d)) is amended by inserting after "preceding sentence" the following: "and paragraph (1) of subsection (c)".

STATE OF HAWAII,
DEPARTMENT OF EDUCATION, OAHU,
Honolulu, Hawaii, June 9, 1965.

HON. CARL PERKINS,
*Chairman, General Subcommittee on Education,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN PERKINS: We strongly support Congresswoman Mink's actions for amendment of Public Law 874 to provide 100 percent State average per pupil cost for each child whose family lives on Federal property. The enactment of the bill H.R. 8626 will mean so much to the students of the State of Hawaii.

Sincerely yours,

STEPHEN S. KANDA,
Acting District Superintendent, District II (Central).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., May 28, 1965.

HON. CARL D. PERKINS,
*House of Representatives,
Washington, D.C.*

DEAR MR. PERKINS: This letter is written in response to a telephone request made by H. D. Reed, Sr. staff member of the Subcommittee on Education, on May 25, 1965, for comments on H.R. 8249, introduced by Congresswoman Patsy T. Mink from Hawaii.

H.R. 8249, provides that the rate of payment under Public Law 874 for children who live on Federal property with a parent employed on Federal property ("A" category children) be the full State average per pupil cost in the State in which the child resides in the second preceding year rather than the rate of payment specified in Public Law 874 as currently in effect for such children as explained below.

Under the terms of Public Law 874 the rate of payment for an "A" category child is the "local contribution rate." This rate of payment is the expenditure from local revenue sources in the second preceding year made by comparable communities in the same State as the applicant district. However, the act further provides that no school district need have a local contribution rate which is less than the greater of one-half of the State average per capita cost or one-half of the national average per capita cost in the second preceding year provided that a school district for which the rate of payment is one-half of the national average cost cannot receive a higher payment than the total State average cost per child in the second preceding year. This bill would not change the rate of payment for "B" category children.

The net effect of the proposed amendment is to substantially increase the cost of Public Law 874 for "A" category children. In addition, it introduces a different concept for compensating school districts for burdens imposed upon them by Federal activities than is now incorporated in the provisions of this act. It is estimated that a total of \$91.7 million will be paid for approximately 310,000 "A" category children in fiscal year 1966 under the terms of the act as presently in effect. H.R. 8249 would increase this amount to an estimated \$138.8 million which is an increase of \$47.1 million or 51.3 percent. For the State of Hawaii it is estimated that payment in the amount of \$3.2 million will be made in fiscal year 1966 for the "A" category children under the provisions of Public Law 874 as currently in effect. Under the proposed bill H.R. 8249 Hawaii would receive an estimated \$5.7 million for its "A" category children in fiscal year 1966.

As you know, the Congress directed the Department to make a study of the operations of Public Laws 815 and 874, including a review of the financial burdens

imposed on local school districts by various types of Federal activities and the appropriateness of the rates of payment. This report will be completed and submitted to the Congress by June 30 of this year. The administration had made no recommendations for amendments to Public Laws 815 and 874 to this session of Congress pending the receipt of the report on that study. You may be assured that H.R. 8249 will receive careful consideration in any recommendations the Department may make after this report is received.

Sincerely yours,

FRANCIS KEPPEL,
U.S. Commissioner of Education.

Mrs. MINK. Fine.

I am here, Mr. Chairman and Congressman Brademas, to call attention to one particular aspect in Public Law 874 with which I am very vitally concerned.

The problem that I see in the formula which is established by the law for this one particular category of children is the particular point that I am trying to raise, and it relates only those children whose families live on Federal property, and which become a responsibility for local school districts and for the States.

The Federal Government has indicated an interest in improving the overall quality of education of all of our children through the enactment of the new primary and secondary education bill. The purpose of Public Law 874 is to provide financial support for the operation of public elementary and secondary schools in those school systems which are burdened by Federal installations that employ persons whose children require local educational support.

I believe that one of the principal theories underlying this law is the loss of tax base by removal of the real property owned by the Federal Government from local tax rolls, which normally support public education. An adjunct to this rationale is also the consideration given to the fact that families residing on Federal property, which is itself exempt, do not themselves therefore pay real property taxes which they would do if they resided off of Federal property, and so this is the point that I am trying to raise with a bill that I have introduced, which I would like to call to the attention of the committee, and that is H.R. 8249.

The criterion in the present law to determine Federal support is the local contribution rate, in comparable districts, within a given State. Because this local contribution rate is the criterion, it is possible for Federal support to range in a very great manner, even within a single State.

For example, in a local school district which supports its pupils with 85 percent local funds, it is possible that that kind of school district could receive 85 percent of its average per pupil cost.

State support of education on the present law is not a criterion, except that the law also provides that no school district shall ever receive less than 50 percent of its State average per pupil cost. In a school district where the 50 percent of the State average is less than the national average, the national average is utilized in the public law to establish the basis of support, except in cases where 50 percent of the national average exceeds the 100 percent of the State support. Then in that case, 50 percent of the national average is used.

The purpose of my bill, H.R. 8249, is to regularize this Federal support, consistent with what I believe to be the theory of this law, to provide adequate financial support for the education of those children whose families live on Federal property, and by virtue of such residence

on tax-exempt property, make no contribution toward the education of their own children. It is my belief that, for these children, the Federal Government must assume at least the full financial burden of what the average cost of education is in that State, where the child happens to reside.

May I illustrate this injustice of the present law as it applies to my own State, about which I am most familiar?

The average per pupil cost of education, out of purely local funds in the State of Hawaii for the fiscal year ending June 30, 1964, as stated in the Office of Education reports, is \$399.74. Our Federal contribution under this law for these children whose families live on Federal property for that year was only \$199.95, or one-half of the national average.

The law presumes, by doing this, that this family, living on a military base—and these are the children that I am concerned about—somehow contribute the additional \$200 by some other means. Yet, such a child's family in Hawaii pays no net income tax to the State; he does not contribute local sales tax, because his purchases generally are made on the Federal Government's post exchanges. Consequently, in my State, the 15,000 children who live on military bases now must contribute approximately \$200 per child or a total sum of \$3 million.

If all States were subsidizing the education of these tax-exempt children by at least 50 percent of the average cost of their education, then I would have to admit, at least, that this subsidy is being equitably levied among all the States, but under the law as it presently stands, some States receive fully 100 percent of their State average per pupil cost, while others receive only 50 percent. This, I submit is not fair, nor is it equitable.

I therefore urge this committee to give favorable consideration to my proposal and to amending Public Law 874 to provide at least for all children in category A living on Federal property, that the financial support of the Federal Government shall be 100 percent of the State's average per pupil cost.

Thank you very much.

Mr. PERKINS. Let me say to the gentlelady from Hawaii that undoubtedly the study that is now being conducted will make a recommendation on this very point. There has always been controversy about this particular formula, and as to the local contribution rate, for comparable districts for a given State, and you have a particular problem, it appears to me, in the State of Hawaii, and I am sure that we will not delay until the recommendations of the Department come along from the study, but we will take into consideration your point of view. You are asking for Federal support for all children who reside on Government property be increased to 100 percent. Is that it?

Mrs. MINK. That is correct.

Mr. PERKINS. There are two factors, as I understand, in that formula at the present time, and the 50 percent of the average, of the State average, or 50 percent of the national average, or you could use the State average figure, whichever is the higher. Am I correct in that assumption?

Mrs. MINK. No; not entirely, Mr. Chairman, because those are the minimums which the law provides. There are many school districts

that are able to show the Office of Education that their local contribution through local taxes constitutes, for instance, 85 percent of the support of their school system, and if there are comparable school districts in the State doing this, they may match up with these comparable school districts, and qualify for 85 percent of what it costs them to educate a single child under Public Law 874.

Mr. PERKINS. But the best that you have been able to come up with under the formula in Hawaii is that only up to 50 percent of the average.

Mrs. MINK. We do not have the same basis of support for public education which is traditional in the United States.

Mr. PERKINS. I realize that. That is the reason I say you have a particular problem.

Mrs. MINK. Well, this is a problem for many other areas, too, and it is not only because we have a unique basis; it is true for all other areas where the support for public schools falls below 50 percent.

In discussing this matter with Dr. Lillywhite, he points out that there are many other jurisdictions where local contributions rates are about 30 percent. In other words, the State supports education by 70 percent State funds, and the local school district only supports its schools by 30 percent contribution of the total average cost per child.

Such a school district, and I understand there are many hundreds in this category, would only qualify for 30 percent of their average per pupil cost under Public Law 874, except for the fact that the law says that the minimum shall be 50 percent of the State average, or if that is lower than 50 percent of the national average, it may be 50 percent of the national average.

Mr. PERKINS. I wish to compliment you on your appearance, Mrs. Mink, and assure you that we will look into this point.

Mrs. MINK. Thank you, Mr. Chairman.

Mr. PERKINS. Mr. Brademas?

Mr. BRADEMAS. Thank you, Mr. Chairman.

Our distinguished colleague on the Education and Labor Committee, Mrs. Mink, is known as a vigorous and articulate champion of Hawaii, and her sponsorship of this amendment is solid evidence of that fact.

I just have one question to ask Mrs. Mink.

If your amendment were adopted, do you think it would have the effect of causing those States that presently pay over 50 percent of the State average per pupil cost to lower that amount of contribution, that percentage of contribution?

Mrs. MINK. Well, these children, then, would be excluded in determining what the State average per pupil cost would be. In other words, in my State, where we would have a \$60 million State budget for the education of 150,000 children, the State average would thereby be increased if we removed the 15,000 children who were being supported out of Federal funds, because they are wholly within Federal installations and live on the property, and do not contribute any tax funds for the support of the children, and it seems to me that the whole basis of this law is to take into account these children who come within a jurisdiction without a tax base, and therefore are really not contributing anything to the support of these children.

It is not that the States are unwilling. They have been, I think, supporting these children as far as they possibly could, but the point that I am trying to make is that the level of the support in each school district is different, depending upon the method of financing, the dependency that they have on local contributions as different from State contributions, and it seems to me that a more equitable plan can be adopted, whereby the Federal Government would say, for these kind of children, for whom it can be readily demonstrated no contributions are made in their behalf toward their education, that the Federal Government ought to assume full 100 percent cost of that education, based upon the level of support in that particular State, and no more.

Mr. BRADEMAS. Mr. Chairman, as usual, Mrs. Mink is very persuasive.

Mrs. MINK. Thank you very much for the opportunity to appear.

Mr. PERKINS. Thank you.

The committee will recess, subject to the call of the Chair.

(The following statement was submitted for the record:)

REMARKS OF CONGRESSMAN WILLIAM D. FORD IN INTRODUCING H.R. 9022

A bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain basic closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes.

On May 18 the General Subcommittee on Education of which I am a member initiated hearings on a number of legislative proposals with respect to the extension or improvement of the so-called impacted area legislation Public Laws 815 and 874. During the course of these hearings, it has been made obvious that there is a great need for expanding the provisions of this Law to cover urgent school needs in disaster situations and to remove inequities occasioned by the lack of uniformity in eligibility requirements and in the denial of program benefits to school districts where there have been recent announcements of cessation of Federal activities.

H.R. 9022, which I am introducing today, would expand the provisions of Public Laws 815 and 874 to provide Federal assistance to public school systems in disaster areas. Under the provisions of this legislation, the Commissioner, upon a finding of a need therefor by the Director of the Office of Emergency Planning, could make available immediately funds which have been previously appropriated in order to repair, restore, or rebuild public elementary and secondary schools seriously damaged by major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other such catastrophe. In addition this bill would authorize grants to local school districts affected by such disaster for current operating expenses of such schools on a reducing basis over a 5-year period in order to enable the affected school district to continue its educational program.

The bill specifically limits the amount of any Federal grant for school construction to the difference between the amount of funds reasonably available to the local educational agency from all other sources and the full cost of restoring or replacing the damaged facilities.

Under the provisions of the bill the local public educational agency would be required to provide educational programs for private school students within the school attendance area if the operation of the private schools was impaired or disrupted due to the disaster, to the extent of such disruption or impairment.

The amount of any grant for operating expenses to local public educational agencies could not exceed the difference between the amount of funds reasonably available to such agencies from other sources and the cost of providing a level of education equal to that maintained in the schools during the last full year prior to the disaster including any reasonable costs for providing programs in which private school students also affected by the disaster, could participate.

The authority provided in this will be to provide funds immediately after a disaster and made it possible to resume normal school operations with a minimum of delay in areas affected by such catastrophes.

The source of funds to implement this disaster program would come from regular appropriations previously made to carry out the purposes of Public Laws 815 and 874 and would enable the administering agency to request replacement of these funds through supplemental appropriations.

It would serve no purpose to elaborate fully on the consequences in many local areas of major disasters which have occurred in recent years because of the many members of this body who has representatives of these localities are well aware of the suffering and great inconvenience occasioned by them. Briefly, to recite some of these disasters, I will mention the earthquake damage in recent years in Montana, Alaska, and Seattle, Wash., the expensive flood damage suffered within the last 12 months in Minnesota, Wisconsin, Iowa, Illinois, and Missouri. Many Midwestern States have suffered disasters by tornadoes. Schools seem to be primary targets for fire and other natural destructive phenomena.

In addition to the destruction of school buildings, these disasters, particularly the flooding and windstorms and fire, destroy supplies, equipment, and teaching materials used in everyday instruction of students. In almost all instances a school district affected by disaster has already established a budget with no emergency funds that are available to put back into operation these facilities.

In addition to coping with disaster situations, the legislation that I have today introduced would remedy inequitable situations created by the recent base-closing announcements in States where school districts were committed to the construction of facilities in anticipation of receiving grants under the school construction provisions of Public Law 815.

In addition, the legislation that I am sponsoring would eliminate the inequitable requirement that large school districts must have at least 6 percent of the children in average daily attendance whose parents are federally employed. In the case of smaller communities the requirement is only 3 percent.

I am hopeful that immediate and favorable action can be taken on this legislation which will fulfill many unmet needs of our elementary and secondary schools.

(Whereupon, at 11:45 a.m., the committee recessed, subject to the call of the Chair.)





