EDUCATION LEGISLATION, 1967

HEARINGS

BEFORE THE

SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE UNITED STATES SENATE

NINETIETH CONGRESS

FIRST SESSION

ON

S. 1125 and H.R. 7819

TO STRENGTHEN AND IMPROVE PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION BY EXTENDING AUTHORITY FOR ALLOCATION OF FUNDS TO BE USED FOR EDUCATION OF INDIAN CHILDREN AND CHILDREN IN OVERSEAS DEPENDENTS SCHOOLS OF THE DEPARTMENT OF DEFENSE, BY EXTENDING AND AMENDING THE NATIONAL TEACHER CORPS PROGRAM, BY PROVIDING ASSISTANCE FOR COMPREHENSIVE EDUCATIONAL PLANNING, AND BY IMPROVING PROGRAMS OF EDUCATION FOR THE HANDICAPPED; TO IMPROVE PROGRAMS OF VOCATIONAL EDUCATION; TO IMPROVE AUTHORITY FOR ASSISTANCE TO SCHOOLS IN FEDERALLY IMPACTED AREAS AND AREAS SUFFERING A MAJOR DISASTER; AND FOR OTHER PURPOSES

AND RELATED BILLS

AUGUST 16 AND SEPTEMBER 18, 1967

WASHINGTON, D.C.

Part 7

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EDUCATION LEGISLATION, 1967

WEDNESDAY, AUGUST 16, 1967

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE OF LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10 a.m., in room 4200, New Senate Office Building, Senator Wayne Morse (chairman of the subcommittee) presiding.

Present: Senators Morse, Yarborough, Clark, Kennedy of New York, and Murphy.

Committee staff present: John S. Forsythe, general counsel; Charles Lee, professional staff member; and Roy H. Millenson, minority staff member.

SUBCOMMITTEE SCHEDULE

Senator MORSE. The hearing will come to order.

I hope that, sometime, I can open a hearing without expressing my regrets to the witnesses that I was kept away on business over which I had no control. Once again, we had to have a special session on the railroad case with one of the parties and with officials of the Government; so I am 30 minutes late.

The chairman wants to announce that he will close the hearings at the end of the session this morning except for the rebuttal testimony that the Department of Health, Education, and Welfare will be invited to give to the subcommittee. The rebuttal testimony, may I say to counsels, will be received from the Department on Tuesday morning the 29th of August. At the close of that testimony, the hearing record on this bill, S. 1125, and H.R. 7819 will be officially closed. The record will be closed for all other parties that have participated in the case at 5 p.m., on Tuesday, August 22. Will counsel notify them and tell them they have until August 22 to file their supplemental statements for the record if they care to.

The record shows that, in some instances, the chairman and other members of the subcommittee have invited various witnesses and panelists to supplement the statements they have already made but the invitation is an open one to any and all who have participated in these hearings.

By closing the public record at 5 p.m., on Tuesday, August 22, it will enable the staff of the subcommittee to do the necessary paperwork in order to have the record available for consideration of the subcom-

mittee at the time that Commissioner Howe appears before us, on Tuesday, August 29.

That is 1 week. Mr. Counsel, is that sufficient time for the staff to prepare its papers?

I want it also understood that with that work that the staff will do during that week and such supplementary work that it may need to do after Tuesday, August 29, I would like to have this complete record available to the members of the subcommittee for the executive sessions of the committee immediately following whatever Labor Day recess Congress takes.

I want this record to show that it is the intention of this chairman to try to write up the bill and get it to the full committee sometime during the week of September 11; that is the week immediately following the Labor Day recess, if I am correct in my understanding that the Congress is going to take a 10-day recess from Labor Day, which in my judgment, is 1 week too long.

I want to start, however, concomitant with the markup of this bill, the hearings on the higher education bill during the week of September 11. However, before we recess for Labor Day, I want the subcommittee to complete its work on a special bill that has already been considered on the House side. This is the House proposal for relaxing the matching grant formula on the work-study program which I have already commented on in the Senate and introduced a companion bill in the Senate. It is identical to the House bill. That should not take us more than part of a half a day. I cannot imagine calling more than two witnesses on that bill—two or three witnesses.

I would like to get that scheduled for next week and I would like to have the members of the subcommittee notified that immediately following the hearing, I want to go into executive session to mark the bill up immediately because my surmise is that there is going to be practically no opposition to it and time is of the essence in connection with that bill.

I want to get reported out of the subcommittee to the full committee at the earliest possible date.

The Chair, without objection, orders the insertion of relevant statements, letters, exhibits, charts, tables, and all other material that participants in these hearings may wish to file with the subcommittee for the record between now and 5 p.m., Tuesday, August 22.

Now, Counsel, understand that wherever possible, printing problems permitting, I would like to have such statements and materials inserted in the record at the relevant places in the record where the subject matter has been discussed by the witnesses and the panelists. If this in any case would not be convenient for printing physical reasons, then see to it that the material is inserted in the record, if possible, at the close of that particular day's hearing session.

Does Counsel have anything that you want me to put in the record for procedural purposes?

Mr. LEE. No, sir.

Senator MORSE. Well, with that subcommittee housekeeping out of the way, I am now delighted to call Mrs. Louise Mesirow, president of the Association for Children with Learning Disabilities, Inc.

INTRODUCTION OF MRS. LOUISE MESIROW

Mrs. MESIROW. Thank you, Mr. Chairman.

Senator MORSE. I want to say before you start, Mrs. Mesirow, that I speak not only on behalf of myself but Senator Prouty. He hopes to be here before you leave.

We would like to express again, to your association, the very deep appreciation and feelings of gratitude that Senator Prouty and I have, for the kind consideration that you extended to us last year when you gave us the Special Award for our interest in work in the legislative field in connection with the objectives of your great humanitarian programs. We accepted the award on behalf of the whole committee. It was a pleasure to ourselves, personally, because I am very proud to tell you that this whole committee has been of one mind when it comes to being of assistance to the children of disabilities in connection with the legislation that we passed.

I want to thank you again for the help that you have been to us in the preparation of this legislation and we are looking forward to seeing you make a further contribution for those legislative changes that you think are necessary for our consideration in connection with this bill.

Just last Sunday I had the privilege of inspecting a summer camp in Mount Hood, Oreg., at the foot of that majestic mountain, that is being operated by the Kiwanis Club of Portland; supported by the Kiwanis and other clubs in the State. It is a summer camp for the benefit of the physically disabled and the mentally retarded, selecting those within those two classifications that could benefit from the therapy of summer camp. They operate the camp a week at a time; one week for boys and another week for girls.

It comes as no surprise to you because it is typical of this type of service throughout the Nation.

The sad thing is those who cannot come because the waiting list is too long. Nevertheless, what is being done, of course, makes you a better person for having visited such a camp and fills you with renewed determination to do what you can legislatively and in every other way to try to get your fellow citizens to realize what our moral responsibilities are to fellow citizens who are not as fortunate as we are.

I wanted to make that little statement to you this morning because I think this is one of the challenges that we are too prone, I think, to forget; and I am not a preacher although I do some preaching, I am afraid, in some of my presentations, but the sermons, on the other hand, I think, are necessary. Here again, is the old, old moral obligation of being our brother's keeper; and we ought to face up to the fact that we are just constantly failing in carrying out that obligation; but that doesn't mean we should not keep trying.

So it is in that spirit that I call on you this morning to listen with great interest to the suggestions you make to the subcommittee.

You may proceed in your own way.

STATEMENT OF MRS. LOUISE MESIROW, PRESIDENT, ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES, INC.

Mrs. MESIROW. Thank you, Mr. Chairman. It was just a little over a year ago that children with learning disabilities had their first

hearing before any Federal congressional committee, this Subcommittee on Education, and the first recognition in Federal legislation. I have outlined in my testimony some of the progress that has been made as a result of this recognition. It has been a good year. On behalf of the Association for Children with Learning Disabilities, the children it serves, and their parents, I want to again express our gratitude to you, Senator Prouty, and the other member of the committee. This is a summary of my testimony.

Senator MORSE. It is not too long. You can read the whole thing if you would like to. It is not too long. I am going to insert your whole statement in the record at this point.

Mrs. MESIROW. Yes, I know. Would you like me to read it?

Senator MORSE. If you would like to summarize it, you may.

Mrs. MESIROW. All right. Since I am aware of the pressures on your time, and that consideration will be given to the full testimony, let me summarize.

(The prepared statement of Mrs. Mesirow follows:)

PREPARED STATEMENT OF MRS. LOUISE MESIROW, PRESIDENT, ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES, INC.

My name is Louise Mesirow. I serve as president and executive secretary of The Association for Children with Learning Disabilities, Inc., a parent and professional organization serving state and local chapters and independent members. I am the parent of a learning disabled child.

I am pleased to have this opportunity to inform you of the progress that has been made in the past year and of the continuing and pressing needs of children and youth with learning disabilities.

On April 27, 1966, Dr. Samuel Kirk, Director, Institute for Research on Exceptional Children, University of Illinois; and a panel consisting of Richmond Paine, professor of pediatric neurology, George Washington University; and Jeanne McRae McCarthy, Director of Special Services, Consolidated School District 54, Illinois, testified before this committee for the purpose of defining learning disabilities, outlining the special educational needs of learning disabled children, and requesting Congress to consider amending the definition of the handicapped in Federal legislation to include learning disabilities as a separate category. The Senate Report which accompanied the Elementary and Secondary Education Act Amendments of 1966 included the following paragraph:

> Research by Dr. Samuel Kirk, who testified before this committee, indicates that a certain number of children have severe learning disabilities of a physiological rather than a sociological nature which prevents them from learning or functioning in a regular school situation. Inasmuch as these severe learning disabilities are apparently related to a health impairment, it is the intention of this committee that such children be served under that part of the definition "other health impaired."

This was the first time that the problems of these youngsters and the professional people who deal with them were recognized in Federal Legislation. You should know that this recognition resulted in a good beginning toward some solutions. Interest and activity in this problem area has been stimulated in public and private schools, in universities and colleges, in State Departments of Education and state legislatures, in the United States Department of Health, Education, and Welfare, and in parent and professional organizations. The United States Office of Education employed its first specialist in learning disabilities. Requests from Institutions of Higher Learning for grants in the Interrelated and Learning Disability Area for Personnel Training rose from $1,069,362 in 1966 to $5,128,931 in 1967. The Division for Children with Learning Disabilities of the Council for Exceptional Children was formed at that professional organization's annual meeting, and across the country every meeting or speech concerning learning disabilities has been swamped. At such affairs a majority of those attending are *regular* classroom teachers. These kids with

their problems are in their classrooms and they are not equipped by their training or their limitations of time and energy to meet the needs of these children.

On May 15–16, 1967, a Conference on the Problem of Dyslexia and Related Disorders in the Public Schools of the United States was held at Southwest Texas State College. The twenty-five participants were outstanding leaders from the professional disciplines and organizations concerned with the education and well being of children and youth with dyslexia and related disorders. Observers from ten agencies of the Department of Health, Education and Welfare attended. The purpose of the Conference was to assess at the highest level of competence the state of knowledge, the facilities, the programs, the efforts, and the current needs in the problem area of dyslexia and related disorders. The final report of this conference has been submitted and I urge this committee to request copies of the report from the Bureau of Research, United States Office of Education, the funding agency. A partial listing of suggestions and recommendations from the report are listed below:

Executive Committee: That at the highest possible national level a commission be appointed to examine in detail the areas of research, diagnosis and evaluation, teacher preparation, and corrective education; to make recommendations concerning the need for a continuing national program to deal with this educational problem; and, if indicated, to develop guidelines for establishing such a national program.

Working Group on Corrective Education: That the national commission, in addition to the above, agree upon operational definitions, determine prevalence, study manpower utilization in such terms as present and future personnel needs, supply, necessary competencies, professional identification, recruitment, and other personnel considerations, and assess the relationship between cost and benefit of components of both present and projected programs; That this field have representation at the highest level of national, state, and local government; That at all levels of support additional funds be earmarked for pilot, experimental, and on-going service programs in this area, *without reducing support of programs in other areas;* That regional centers be established to develop and utilize techniques by which present as well as new knowledge can be made immediately effective in corrective educational programs and to conduct research and demonstration in identification, diagnosis and evaluation, and corrective education and management in this problem area; That, since high level in-service training programs must be introduced not only for professionals currently working with the children but also for the staffs of institutions which train teachers, physicians, school administrators, and other professional personnel, adequate provision be made for the development of the personnel and facilities necessary to implement the training; That additional traineeships and faculty support monies be given to already established college and university programs of merit to make them more available to in-training teachers; That existing and anticipated school management programs be evaluated critically in terms of establishing necessary resources for early identification, multidisciplinary diagnostic as well as treatment teams, personalized learning situations, modification of school programs to reduce elements which cause or maintain failure and frustration, initiate program changes to facilitate academic progress, and integrate programs from preschool through high school graduation with special emphasis upon overcoming learning problems at the kindergarten and primary grade levels. Also to coordinate between school and outside programs with particular emphasis upon meaningful assessment of pupil's abilities for vocational education; released time for in-service training of all school personnel and particularly those with specific responsibilities in corrective educaton, and appropriate physical facilities and special materials.

Working Group on Teacher Education: That preservice teachers at the undergraduate level be taught about dyslexia and related learning disabilities and have opportunities to observe, and to do supervised teaching of the disabled as well as normal pupils in learning situation; That a small task force of knowledgeable persons prepare a pilot report which would epitomize for this field present knowledge, materials available, and techniques of corrective education, and would establish guidelines for an intensive re-

source unit; That a national conference of some magnitude be held to call attention to the dimensions of this problem, to present known information, and to suggest further steps to be taken; That presentation of basic materials growing from the pilot reports and the research conference be presented at the conventions of relevant professional associations; That careful consideration be given to the possibility of grants to teacher education institutions, to school systems, and to special education institutes for the implementation of pilot programs, in-service training institutes, research and special training, and educational programs for specialists and for supportive personnel.

Working Group on Diagnosis and Evaluation: That the assessments would usually include an educational evaluation, medical history and physical examination, psychological evaluations, language evaluations, and investigations of relevant environmental and social factors; That the reports should be written so that they are understandable to all members of the diagnostic and evaluations teams, and provide, in so far as possible, bases for teaching and treatment.

Working Group on Research: That a National Advisory Committee be appointed; The instigation of coordinated, cross-disciplinary research, both basic and applied, both behavioral and biological, and including longitudinal studies and basic research: The development of appropriate techniques and facilities for the systematic storage and retrieval of data, and the dissemination of research information, and the training of research workers with awareness cutting across traditional disciplinary lines.

If the steps outlined in this report are carried out, we will have taken a giant step forward in salvaging the approximately eight percent of our school population who cannot learn in a regular school situation without special help. Can we afford to throw away this large a part of our potential manpower?

In his testimony before the Ad Hoc Committee on the Handicapped, House of Representatives (June, 1966), Wayne Sengstock, Ed. D., speaking for the National Association for Retarded Children, Inc., stated: "It is predicted that by 1975 there will be 75 million children in our school age population—of these 12 million will be handicapped. Within this handicapped population, it is estimated that there will be some three million mentally retarded (considerng a precise definition of that disability category) and another three million with specific learning disability which will represent a functional retardation unless strategic special intervention takes place." Such strategic special intervention surely rates a high priority from all levels of government. It would not only allow these youngsters to become productive adults, as well as those with less severe limitations, but it would mean that all funds appropriated for programs for the mentally retarded could be spent for the education, training and well being of the retarded.

Progress has been made, but the problems of learning disabled children are not receiving the same degree of attention as do other categories, none of which have adequate programs. History shows that programs for other categories did not move forward until they were given an identity and an equal place with other programs in the organizational structure. Learning disability does not have that clear cut identity in Federal legislation despite the fact that this disability is no more related to a health impairment than are other categories with a clearcut identity. The new division of The Council for Exceptional Children recognized that there is a core group of youngsters who simply do not fit any of the accepted categories. This new division defines them as: "A child with learning disabilities is one with adequate mental ability, sensory processes, and emotional stability who has a limited number of specific deficits in perceptual, integrative, or expressive processes which severely impair learning efficiency. This includes children who have central nervous system dysfunction which is expressed primarily in impaired learning efficiency."

MAGNITUDE OF PROBLEM

Mrs. MESIROW. Mr. Chairman, the plain facts of this matter are: (1) That we do have in this country a very large group of children, approximately 8 percent of the school-age population, who cannot learn

or function in a regular school situation unless or until they receive special help is overcoming or learning to compensate for their learning disabilities. I have here an article from the July 31 issue of Newsweek magazine. This article reports a survey made by Roger D. Semerad, State University of New York, which indicates that 3 million U.S. schoolchildren are dyslexic. Dyslexia is one kind of learning disability. Many such surveys have been made including one by Dr. Helmer Myklebust at Northwestern University, and one by Dr. Norris Haring, University of Oregon; (2) that there is now enough professional knowledge to identify and remediate learning disabilities; (3) that there are many institutions of higher learning with personnel training programs so that a real attack could be mounted against this educational problem if sufficient funds were available; and (4) that giving visibility and an equal standing in the organizational structure for this problem area is an essential first step toward mounting this attack.

Every study of dropouts and juvenile delinquency indicates school failure to be a major factor. We must stop assuming that school failure is always due to social factors. With learning disabled youngsters—rich or poor—from good homes or bad—it is the learning disability, or the failure of the schools to give proper consideration to the learning disability, that causes the school failure which in turn results in social maladjustment.

Nor does poverty cause a learning disability, though it may add to the problems of the learning disabled child. Again, it is the other way around, for a child that cannot learn to read grows up to be an adult that cannot support himself thus starting a new, and unnecessary, cycle of poverty. There is little enough for the unskilled or uneducated in today's labor market. What will that market have to offer 10 or 20 years from now to the uneducated?

TASK FORCE REPORT ON HANDICAPPED CHILDREN

Last year, at the President's request, the U.S. Department of Health, Education, and Welfare appointed a task force on handicapped children and child development. The report of that task force is not available to the general public but I have heard it quoted as saying that the three most neglected areas are the mentally retarded, emotionally disturbed, and the children with minimal brain dysfunction(a medical term for the educational problem of learning disability)

Of these three, children with learning disabilities are the most neglected. In my own State of Oklahoma there are public school classes in most school systems for the mentally retarded and there are three residential treatment centers. I do not mean to imply that the needs of the mentally retarded are being met. They are not. But the first class for the learning disabled started a short 3 years ago. I would like to include here a letter from Maurice P. Walraven, Oklahoma State Department of Education, which gives a clearer picture of the "bottom of the totem pole" status children with learning disabilities have. I would also like to include a report from Mrs. Gordon Hallstrom,

chairman, Advisory Committee on Education of the Handicapped in Illinois, addressed to Representative Hugh Carey. This report traces the history of programs for learning disabilities in one of the more progressive States. A pilot class was started in 1957. In 1966, there were 100 teachers in this field, and a survey of need indicates that there is an unmet need of 1,978 teachers of children with learning disabilities. In other words, even in a State that is trying hard to meet the educational needs of all children, only about 5 percent of the learning disabled have special programs.

A report from Kathryn Dice Reier, Department of Public Instruction, Pennsylvania, reads: "About 2 years ago a committee drew up recommended teacher certification criteria. We have been following these criteria in the selection of teachers, but on a permissive basis. We felt that we could not make them mandatory until at least one of our State colleges or universities planned a comprehensive teacher preparation program."

SHORTAGE OF PERSONNEL

The real bottleneck in programing for the handicapped is a shortage of trained personnel. In some instances it would appear that a lack of adequate funding, even more than the difficulty of recruitment, is contributing to the continuation of the bottleneck. For example, requests from institutions of higher learning for personnel training in the interrelated area (includes learning disability, multiple handicap, deaf-blind, disadvantaged, and other) for 1967 totaled $5,128,931. A total of $917,600 was awarded for traineeships, fellowships, and program development, or less than 20 percent of the funds requested. Other areas of handicap faired somewhat better. Awards in the area of the mentally retarded totaled about one-third of the amount requested. For the deaf and emotionally disturbed, the awards were approximately one-half of the sums requested. In no area were the funds sufficient to meet the need.

TITLE VI AMENDMENTS

I have read with interest the President's message to Congress concerning the Elementary and Secondary Education Amendments and the Fact Sheets for the Department of Health, Education, and Welfare (Congressional Record, February 28, 1967). The suggested amendments to title VI would all be helpful. Looking at the total picture, however, I cannot but get the impression that handicapped children do occupy that same "bottom of the totem pole" position in the Federal Government that they enjoy at local and State levels. Are there fewer handicapped children than there are poor children? Does it cost less to educate a handicapped child than to educate a poor child—or any other child? Is the need for additional trained personnel for the handicapped less than it is for other areas? The requests for funds for the handicapped would indicate that the answers to all of these questions is "yes."

Mr. Chairman, this concludes my testimony on behalf of the Asso-

ciation. With your permission, however, I would like to show how I feel about some of these things as an individual, as the parent of a handicapped child.

I have heard a lot of talk in the past few months about what Congress can and cannot do in the areas of health, education, and welfare because of what the people back home want. I am one of those people from back home. None of the statistics on handicapped children include this newly understood category of handicap. My estimate of the number of handicapped children in this country is based on the following estimates:

Number of children in elementary and secondary schools	50,300,000
Visually handicapped, 0.1 percent	50,300
Deaf, 0.075 percent	37,725
Hard of hearing, 0.5 percent	251,500
Speech handicapped, 3.5 percent	1,760,500
Crippled and other health impairments, 0.5 percent	251,500
Emotionally disturbed, 2.0 percent	1,006,000
Mentally retarded, 2.3 percent	1,156,900
Learning disabled, 8.0 percent	4,024,000

If over 17 percent of the school children are handicapped, then a larger percentage of the parents "back home" must be parents of handicapped children (parents of the handicapped usually have other children). I do not pretend to speak for all of those parents, but I will say that of the thousands I have met and corresponded with, none felt differently than I do. That is, that all handicapped children are entitled to the special programs they need. I suspect that the grandparents of these children as well as friends of the parents and grandparents also feel the same way.

COST OF SPECIAL EDUCATION

My husband and I both grew up during the depression in very poor circumstances. Getting an education and achieving some degree of success required much hard work and sacrifice, especially when a law practice was interrupted twice for periods of service in the Armed Forces. Nevertheless, we never resented paying taxes at any level of government, especially those taxes that were used to implement the idea of an equal opportunity for all children. We did not resent having to pay for the private education of our son, since we understood the problems of educators in staffing in this, at that time, little understood special education field. We were grateful that we were able to do these things. In addition, we worked for and contributed much more than we could afford to organizations and foundations so that inability to pay would not prevent other children from receiving an education. We gave up things that many consider necessities to save, for we knew that the education of our son might continue to depend on our ability to pay. In February 1966, Aaron died. The estate taxes would have provided for 2 more years at a good residential treatment center. I do not resent paying that tax. But I do resent, I bitterly resent, that all of this tax money has been spent for other purposes, including the education of other people's children, when my son has never had a public school program that meets his needs.

I regret this emotional display, but these are honest emotions and I felt you should know that they exist.

Senator MORSE. You should feel that way about it. It is one of the problems that confronts us. I won't say more at this time.

Mrs. MESIROW. Thank you, Senator Morse. I wanted you to know that to me there is no higher priority than the education of my child.

Senator MORSE. There is no higher priority than meeting the problems of the people of this country. They are entitled to have them met by a government which claims to be a government of the people, and I will say that I share your view. I am very glad you said what you have on this record and I hope counsel will take note, and I think it needs to be pointed up to the attention of members of the subcommittee who could not be here this morning because of many other things that their duties call for. But you put your finger on the problem.

We authorized $158 million for the handicapped. The administration Bureau of the Budget figure is $15 million.

Mrs. MESIROW. It actually amounts to about $5 per child.

Senator MORSE. It should be shouted from the housetops. It represents another example of the moral failure of this administration to feel a need to take care of the emergency needs of this country.

Certainly, I am not happy about criticizing my administration. I am going to keep right on doing it until we right some of these wrongs in the field of domestic problems.

Well, this was a dramatic disparity, but across the board, the average is a 40- to 60-percent cut in what the Congress has authorized, and let me say Congress has never been overgenerous; and so we have this problem in connection with all of our educational programs this year.

You heard me speak at some length the other day of the failure of the Senate to add, in this instance, what the administration wanted, the Teacher Corps; to give you the special teaching aides that are necessary for placement immediately into the slums of the country, where some of these great moral problems exist.

I want to say to the everlasting credit of the Senate Appropriations Committee, to the Senate, we have added $5 million to the administration's $15 million which is a drop-in-the-bucket parsimony, but at least it is some recognition that the problem exists.

It is in conference today. It is interesting to see whether that amount is held.

No; don't make any apology for speaking with feeling before this subcommittee in regard to the subject in which there ought to be a great deal of talk with feeling across this country.

I want to thank you very much for this statement.

You have also filed with the subcommittee, "How to Teach the Hard to Reach." I am going to ask that it be printed in the record.

Another brochure that you filed with us is "Learning Disabilities," with an introduction by Dr. Sylvia O. Richardson. I want that also to be printed in the record.

Another one, also, "ACLD Special Report on Legislation and Learning Disabilities," will receive the same treatment.

Thank you for making this material available. The witnesses have no idea of the importance of the filing of such material. The staff has to digest them all for the benefit of those members of the committee that are not able to read them because of the terrific workload they carry, although you would be surprised to know how many members of the committee will read them.

I want to thank you very much for the material.

I have no other questions.

DISCRIMINATION AGAINST HANDICAPPED

Mrs. MESIROW. I listened with great interest in the hearings yesterday to your discussion of Federal legislation and the Constitution. Do you think the parents of handicapped children have a pretty good case? They are taxed at all levels of government to support school programs from which their children are excluded. Some are allowed to "sit through" and be promoted to grade after grade if they sit quietly and cause no trouble. Learning disabled children are quite likely to become restless, even troublesome, if they are asked to sit in a classroom where the program does not take into account that, for example, they do not see in the same way as a majority of children see. These are intelligent and healthy kids. That is a normal reaction. But that normal reaction quite often results in their being excluded from school. These are "kickouts," Senator Morse, not dropouts. Is this not discrimination? To exclude a child from a school program supported by tax money simply because he sees, or hears, differently from a majority of children?

Senator MORSE. Sure, it is discrimination.

All we can do, Mrs. Mesirow, is to do what we can to get the Congress and the administration to recognize that type of discrimination as educational inequality. We ought to recognize if we are supporting any discriminatory policy that results in equality, in my judgment, we are violating the very principles I discussed yesterday afternoon to which you were kind enough to refer. I believe that we have not scratched the surface yet in really applying our constitutional guarantees to their fullest in our system.

I sometimes have the nerve to say—I used to teach it when I was teaching constitutional law—that the general welfare clause in the Constitution really is the keystone and we have not yet in American law, started to apply, in my judgment, the fullness of the meaning of the general welfare clause of the Constitution although traumatic and remarkable changes have taken place in the last quarter of a century in court decision after court decision that recognize—in descriptive terms—recognize that clause, as one of the dynamic concepts of our constitutional system.

Isn't this really what you are referring to by implication in your remarks? We are not living up to the general welfare clause responsibility as long as the discriminatory policies against the handicapped continue to exist?

Thank you very much.

Mrs. MESIROW. Thank you, Mr. Chairman.

(Material supplied by Mrs. Mesirow follows:)

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How to teach the hard-to-reach

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If you are the typical teacher, you have one or two or three children in your class who are destined — quite needlessly — to become educational discards unless our schools come to recognize the child with severe learning disabilities and learn to teach him properly

This article is based on interviews with **Dr. Jeanne McRae McCarthy** (seated) and three of her staff in Community Consolidated School District 54, Hoffman Estates, Ill. They are, left to right:
R. Charles Hanlon, school psychologist, M.S. in Psychology, Bradley.
Nancy Jo Telford, Psycho-Educational Diagnostician, M.A., Northern Illinois.
Norma Harmon, Psycho-Educational Diagnostician, M.A., Northern Illinois.
Dr. McCarthy, director of special services in District 54, received her doctorate at the University of Illinois in administration and psychology.
Some of her activities include...
Governor's Advisory Committee on School Psychological Services.
Chairman, School Psychology Section of the Illinois Psychological Association.
Director of Special Education, Niles Township, Illinois.
Consultant in Learning Disabilities, Chicago Institute for Juvenile Research.
Project Director of a grant to study remediation of learning difficulties.
Conducted workshops at West Texas State, Texas Christian, Rochester.
Represented public schools on behalf of children with learning disabilities at Congressional hearings in Washington.

EIGHT OF EVERY 160 children who enter this nation's schools each year are handicapped by *severe learning disabilities.* By that is meant they have the capacity to learn, but for one reason or another one or more of their channels for learning is blocked. The eight percent figure varies from authority to authority, mainly because of different interpretations of the word "severe." Some experts say one percent; others say 20. Whomever you believe, here is the plain fact:

If you are the typical teacher, you have one or two or three children in your class who are destined—quite needlessly—to become *educational discards* unless our schools come to *recognize the child* with severe learning disabilities and take the pains to *teach him properly.*

Who is he? He is hard to identify—and that is why it is only in the past few years that specialists in learning-teaching processes have come to set him apart. In Hoffman Estates, Ill., a shiny new suburb 40-odd miles northwest of Chicago, there is one of these specialists who has set up a program based in large

part on identification. She is Dr. Jeanne McRae McCarthy, who starts by explaining:

"He is the kid of whom teachers everywhere say, 'He drives me out of my mind!' "

Dr. McCarthy is a member of the Association for Children with Learning Disabilities, so she also cites the ACLD definition:

"He is a child with normal or potentially normal intelligence who has learning disabilities of a perceptual, conceptual, or coordinative nature. . . ."

That is the working definition. How does it translate? Another of Dr. McCarthy's definitions is this one:

"He is not blind, but he cannot seem to see; he is not deaf, but he cannot seem to hear; he is not retarded, but he cannot seem to learn."

After three definitions (there are dozens more) you are entitled to say, "Yes, but how do I recognize him?"

Look around your class for one or more of the following characteristics, some of them contradictory, which are the 10 most visible signs of the learning-disability child . . .

1. Hyperactivity. Can't sit still. No organization. Desk a mess (although some may be compulsively neat). Tie this in with 6 below.

2. Perceptual-motor impairments. Poor coordination. Doesn't connect with what he reaches for. Handles pencil, scissors, etc., awkwardly or even grotesquely. Difficulty cutting a drawn pattern with scissors.

3. Emotional lability. (Compare this with 1, above.) Sits and does nothing. Doesn't seem to tune in. Seems to become upset when you begin to talk to the class. Slow to react; fails to interact. Rises to no bait you offer.

4. General coordination deficits. Awkward. Clumsy. Kicks over the wastebasket while trying to put something in it.

5. Disorders of attention. Short attention span. Easily distracted. Shows a tendency to keep repeating a word or phrase due to inability to change readily to another.

6. Impulsiveness. Seems to be reading a book and suddenly bops another child passing in the aisle. He is sitting doing a picture, and seemingly in the wink of an eye is across the room bothering somebody. Gets up pointlessly and aimlessly and wanders.

7. Disorders of memory and thinking. Makes inappropriate responses. (One child, asked her name, said, "DE-2-4562." Another, asked how she was, said, "Green.")

8. Unable to organize thinking, or draw the essential features out of anything. Slow to form concepts.

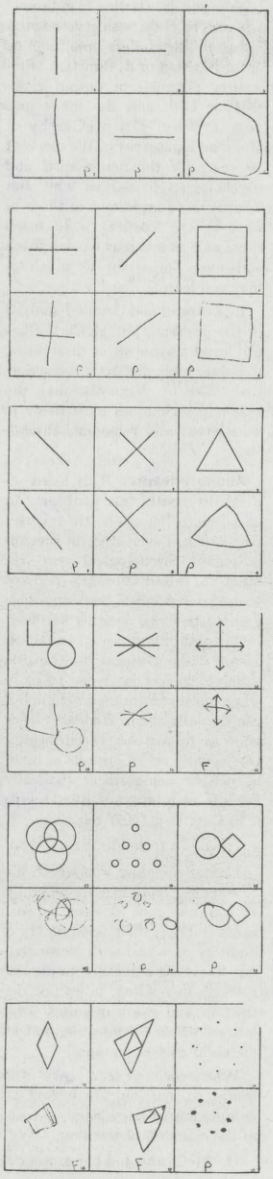
9. Specific learning disabilities. These are relevant to reading, spelling, writing, and arithmetic.

10. Disorders of speech and hearing. Misarticulation. Reversal. (The child who gets p, b, q, p mixed up, and says 71 for 17.)

These are the things you could observe if you were no more than a casual passerby. As a school teacher, you can recognize more.

The basic problem. Have you ever had a pupil who seems to comprehend when you talk, but not when you write? How about the opposite—he gets what you write but can't seem to absorb what you say?

Have you ever had a pupil who nods his head in eager comprehension when you tell him something—then cannot repeat it? Or one who can tell you the answer, but can't write it? Or who, if you showed him a ring could never say "round" or "ring" . . . who couldn't spell it either . . . but who could make a circular signal with his fingers?



Typical diagnostic problems are shown by this Beery-Buktenica test of a boy nearly 8 years old. Is visual perception bad—or is the problem motoric? Since the simpler forms (upper three) are copied quite well, while the lower three get worse, motoric is indicated.

Now you are starting to get somewhere. The child with severe learning disabilities suffers a malfunction or misfunction or dysfunction of incoming channels or output channels—or both and the inner processes. Why? Dr. McCarthy of Hoffman Estates says: "We can wait 50 years for the neurologists and psychologists to tell us why. But what is more important to *those of us who are teachers* is to teach these kids as much as we can teach and—more important—as much as they can learn."

In a careful and detailed analysis of the problem, Dr. McCarthy has produced a synopsis of disabilities, the observable classroom behaviors that lead to diagnosis, and the teaching techniques most likely to circumvent and remediate disability. . . .

Auditory learner. This learning-disability child has problems in visual-motor channels. He reverses p, q, b, d, n, u even after the seventh or eighth chronological year. He often has mixed laterality—perhaps writing left-handed, kicking right-footed, etc. Trips over his own feet, bumps into things, seems to fall off a chair without reason. May be able to give correct answers verbally when questions are read to him, but cannot write them. Handwriting is poor, as are artwork and drawings. Does poorly on group tests of intelligence or achievement (basically because such tests are usually written.) Gets lost. Can't tell time.

Try these techniques. . . .

Phonetic reading works best. Encourage the child to respond orally. If you use such devices as flash cards, support them with plenty of auditory cues and with motor tracing. Show the child how to use line markers in reading, to reduce distraction and eye-wandering. Tape lessons whenever possible, and let the child answer on tape.

Whenever you can, give tests orally, so that you are testing accumulation of knowledge, not one of the channels of learning.

Dr. McCarthy and her group cite the example of a girl who put more honest and eager effort into her work than almost any other student in the district. An example of her work is reproduced with this article —a fill-in-the-blanks test . . . . Of it Dr. McCarthy says:

"She was trying her head off. She didn't scribble all over the paper. She didn't crumple it or tear it. She didn't try to hide it. She turned it in. And she got zero. As if this were not low enough, someone also added an F. "It doesn't take many experiences like this to break a child's spirit. . . ."

The McCarthy team explained the problem to the girl's teacher, who adopted the practice of bringing the learning-disability child up to her desk to answer tests verbally, while the rest of the class wrote the answers.

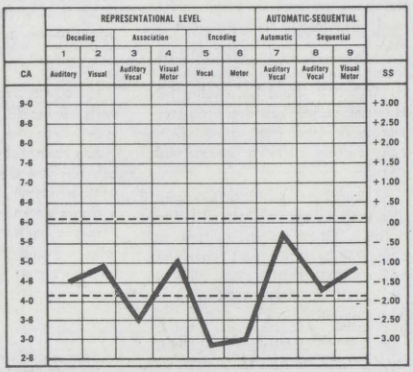
"There is little point," says Dr. McCarthy, "giving a child zero for spelling, when the objective of the test was science."

Dr. McCarthy points out, however, that to teach to strength in this manner is only part of the optimum process. "You must also work to remediate the weakness," she cautions. "That is the way you can gradually improve the pupil's learning capacity."

Visual learner. This child has problems with the auditory-vocal channel. The most common manifestation is in speech (articulation) and in speaking problems. Sounds or syllables may come out in odd ways. This is the child who says "pasghetti" for spaghetti. Has trouble sequencing small words. Uses wrong prepositions. Responds in one-word sentences. Does better if you show him than if you tell him how to do something. Great trouble with rote memory such as the alphabet, number combinations. This child seems to be less intelligent than the IQ tests indicate.

One interesting characteristic is a tendency to watch your face intently as you talk or read to him. He's a visual learner, remember; he's trying to read your lips, since his auditory channels play tricks on him.

Give the child with this disability all the visual aid possible. Look-say works best in reading. He does well with sight cards and flash cards. In extreme cases you may need to give individual training in auditory discrimination.



On the Illinois Test of Psycholinguistic Abilities developed by Samuel A. Kirk and James J. McCarthy, this student first showed a mental age of just over 4 years, against a calendar age of over 6.

"Ideally, the problem may be no worse than teaching them to discriminate between the sounds of p and b," Dr. McCarthy says. "But it can be so bad that you try high and low sounds from two bells . . . even a horn and a bell, trying to establish through a badly functioning auditory channel that things sound different."

Sound blending is, as you'd expect, a difficult feat for this child. You can say "c . . . a . . . t" to him—and he does not see how those three sounds can blend together into "cat."

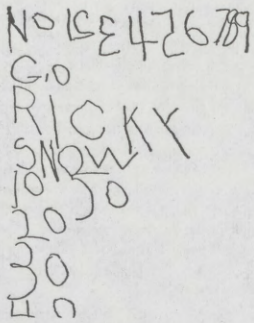
Decoding disability. When the learning-disability child with auditory problems is short on decoding, he is unable to establish the significance of what he is told—or the questions he is asked—or the instructions he is given. He hears—but he is unable to file the information away usefully. Try these techniques . . .

Use short sentences with one idea only. Keep questions short. Supplement what you say with gestures whenever possible. If you support auditory material with visual aids, it helps.

When the problem in decoding is visual, you'll find that the child doesn't enjoy pictures or books very much. He often cannot form a story from what he sees in a picture. His understanding of what he reads is limited.

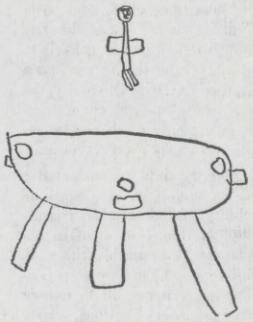
Use phonic reading methods with him, and allow plenty of chance for him to talk. Since it is particularly difficult to tell whether he understands or not, check comprehension in several ways. Give auditory clues. This child makes beneficial use of tape recorder, records, and other methods of auditorizing material to be learned.

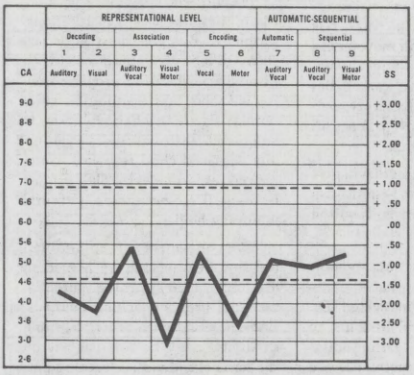
Association poor. You'll recognize this problem in the child who does not relate what he sees and hears to what he has seen or heard before. He does poorly on similarities tests. He raises his hand frequently—but often gives foolish an-



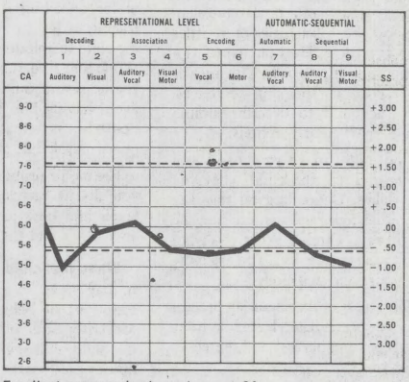
Reversals shown in this child's attempt to write letters and numerals are typical of children with severe learning disabilities. Notice that the much-practiced name is fairly well done.

Below, result of the standard test: "Draw a picture of a man and a picture of yourself." The job of the psycho-diagnostician is to determine whether the eye sees inaccurately—or the hand fails.





Ten months later, at CA 6-11, the mental age is up to 4-7. Notice, however, that the profile is still ragged, with some of the highs in areas that were formerly very low on the tests.



Excellent progress is shown here, at CA 7-7 and MA at 5-5. Notice that the profile is now comparatively flat. Uneven profile is a signal of learning disabilities, and the flattening a sign of improvement.

swers. He does not comprehend instructions, perhaps taking a long time to mull them over—then doing nothing.

"Johnny, stand up, go to the board, take some chalk, and write your name twice." Give the boy these instructions and he is likely to stand up, ponder the instructions a while, then sit down. Obviously, the trick is to use one-concept instructions, give plenty of chance for response and accept short responses.

To give the child with associative problems long-range help, work on his ability to find common characteristics in things—in animals, objects he sees. Support this with work on differences. Give him a box containing many items, all in two or three categories (buttons, poker chips, steel washers) and have him sort or categorize them. Tell him stories with incongruities and help him recognize what is wrong. As he shows progress, increase the difficulty of these exercises. Often the child learns a lot helping his mother sort out the groceries—and sorting the knives, forks, and spoons into the proper trays as he helps dry the dishes.

Encoding disability. This child —often called the shy child—has trouble putting back into words what he has seen or heard and knows quite well. If the problem is vocal, he talks little—or prattles with few ideas. Uses one word as a response in most cases. The answer is practice in speaking sentences. Ask the child to describe simple things—particularly actions.

You might move your hand in a circle and ask the child what you are doing. Depending on the way the question registers on him he might say, "Circle." What you want him to say is—ideally: "You are moving your hand in a circle."

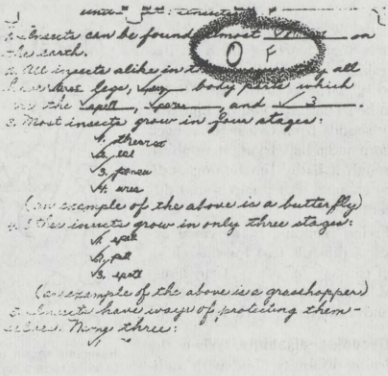
Since part of the encoding process may be speech itself, have him practice repeating phrases and sentences after you.

When the encoding disability is motoric, the handwriting and drawing are poor. You can't tell if the child knows the answer or not by looking at written responses. You'll notice that he has trouble with imitative games children play; he cannot duplicate the actions or gestures of the other children. He is hopeless at charades, and Simon Says is completely out of his range.

You make progress with poor motor encoding if you encourage tracing of letters and pictures. Ask the child to imitate your movements. Work him into simple finger plays, charades and imitative games, but avoid having him fail sharply, particularly in situations where his peers may laugh at him.

The motor-problem child will give you fits at recess time—until you teach him how to zip and button his clothes and tie his shoes.

What the child is not. By now it may seem to you that the descriptions of behaviors which Dr. McCarthy and others attribute to the child with severe learning disabilities are exactly those which you have often noticed in:



The worst experience for any child is a 0 (with an added F) on a paper that is an obvious attempt to do well. This child, at the teacher's desk, was able to speak the answers perfectly. How would you have graded the student's paper?

The slow learner.

The undermotivated child.

The emotionally disturbed child.

The culturally deprived child.

The mental retardate.

The just plain spoiled brat.

Dr. McCarthy explains this apparent confusion in this way:

"A child who has severe learning disabilities may *also* have additional problems. But you must approach them differently. Undermotivation disappears when the proper stimulus is found, and learning becomes normal. Psychiatry finds solutions to emotional disturbance. The culturally deprived child responds to improved environment. The spoiled brat—well, sometimes a parental whipping helps.

"Even the mental retardate and the slow learner can be helped to maximize their learning potential with the proper teaching methods. But—the child with severe learning disability must be approached on the basis of individual learning patterns.

"In diagnosis, it is usually easy to differentiate the learning disability from other learning problems. The basic clue is extreme discrepancies between abilities, as shown in such tests as the Illinois Test of Psycholinguistic Abilities. When this test shows notable ups and downs, the problem may well be learning disabilities. In most cases involving the slow learner, undermotivation, emotional disturbance, cultural deprivation, retardation, and spoiled bratism, the mental age may be lower than chronological age, but the profile will be fairly level. This indicates a relatively normal range of open learning channels, in contrast to the ragged profile of the learning disability child, which indicates that some of the normal learning channels are blocked in one way or another."

Is there a cure? Dr. McCarthy winces at this question, because she doesn't like the word "cure." Still, it is a proper indication of the progress that is made. Many children with severe learning disabilities may show lower IQs when they enter school. The McCarthy team doesn't rely greatly on kindergarten tests. They consider the age group too fluid. Children whose tests at K level indicate they haven't a ghost of a chance to learn anything too often prove so resilient they end up on the honor list in high school. Others whose tests in kindergarten give great promise, turn out to be classic drop-outs.

But, by the first grade, academic learning has begun. IQ tests become truer indicators of educability. Weak spots reveal themselves, as do strengths. You begin to see the areas where a "cure" might be possible.

"If we raise the IQ 10 or 15 points, and provide intellectual exercise for learning weaknesses . . . if we provide knowledge through channels of learning that will accept it . . . if we keep a child in school past the sociological and economic danger points . . . if we clear the way for more learning—isn't that a cure?" Dr. McCarthy answers her own question: "Just give us the chance." □□

Learning Disabilities: An Introduction

(By Sylvia O. Richardson, M.D., Assistant Clinical Professor of Pediatrics, University of Cincinnati College of Medicine)

When we speak about Learning Disabilities it is important to define our terms. In this meeting we are not discussing children who have difficulty in learning in general . . . we refer to children who have particular or specific difficulties in learning and/or those whose behavior is such that they cannot concentrate or attend when we try to teach them. The difficulties or disabilities in learning most commonly demonstrated by these youngsters are in the areas of language and/or mathematics.

Since the large majority of these children are not identified as having specific learning disabilities until they are placed in specific learning situations, they generally are not discovered or diagnosed until they have been in school for varying periods of time. Initially they may be described by their teachers as presenting behavior problems; they may be referred to by their kindergarten teachers as "immature" or "late bloomers"; they may be labelled as "emotionally disturbed."

When a child persists in atypical behavior and does not master the basic skills of the primary curriculum, or even attempt to do so, he may be called "a slow learner" (kindly), or "mentally retraded."

He is then submitted to a battery of psychological tests, the results of which do not add up to mental retardation; physical examinations and perhaps an EEG, both of which often are reported as within normal limits or "equivocal"; and his parents are questioned in depth with regard to all family interrelationships, which, of course, arouse suspicion and require further exploration. These procedures may continue for an extensive period of time. Meanwhile, the child may begin to feel like some kind of a freak, his parents undergo the tortures of guilt (now piled on top of the common guilt feelings that parents tend to have in relation to their child-rearing abilities), the teacher becomes increasingly frustrated as she prays that the "devil" in her class may soon be exorcised, and the physician may begin to think that he is dealing with a group neurosis, or he may simply feel that if everyone would just wait the child would "grow out of it."

Who is the child in the midst of the tumult? What do we know about him? We know that the child currently labelled "specific learning disability" is not intellectually subnormal, yet he has not been able to master the basic skills in the primary grades. On the basis of clinical observations, he shows evidence of some emotional disorder, but, as Eisenberg has stated, "it should be clear that emotional disorder is almost inevitably a consequence of the repreated frustration entailed in trying, but being unable, to learn to read."

"Unable to learn to read." Here, then, is something else we know about this child. The probability is great that his "specific learning disability" is demonstrated in an inability to learn to read. In fact, most of the literature on "specific learning disabilities" actually discusses specific language disorders and/or specific behavior disorders. A language disorder is the inability of the child to use symbols for communication purposes and may be characterized by difficulties in speaking, reading and/or writing. Thus, we know that this child probably has a specific impairment of symbolic learning. If he demonstrates just a reading disability we call it dyslexia or "specific" dyslexia, although this rose has had a multitude of names, e.g. . . . Word Blindness (Kussmaul, 1877); Congenital Symbolamblyopia; Congenital Typolexia; Congenital Alexia; Congenital Dyslexia (1909); Amenesia Visualis Verbalis; Development Alexia; Strephosymbolia (Orton); Bradylexia; Analfabetica partialis; Constitutional Dyslexia; Specific Dyslexia (Hallgren); Specific Reading Disability; Children Who Cannot Read (Monroe, 1932).

Classroom teachers have provided much assistance in diagnosis through their descriptions of learning problems they have observed. Among the characteristics of the children with specific learning problems, teachers report the following:

1. Poor visual discrimination and memory for words.
2. Poor auditory memory for words or for individual sounds in words.
3. Persistent reversals of words, syllables or letters in reading, writing and speech. Rotation or inversion of letters; reversed sequence of letters and syllables; mirror-writing, or transposition of numbers.
4. Poor recall for reproduction of simple geometric forms.

5. Poor memory for auditory or visual sequence.
6. Weakly established handedness.
7. Clumsiness and poor hand control.
8. Immature articulation.
9. Hyperactivity and distractibility.

Clinical psychologists have discussed discrepancy demonstrated by these youngsters between the verbal and performance scores on the Wechsler Intelligence Scale for Children (WISC), pointing out that there may be from 15 to 30 points difference in favor of the performance score. In fact, the findings on the WISC have been remarkably consistent, considering the different ways of defining these children. The most consistently reported low scores are on the Information and Arithmetic subtests. The Information subtest involves memory of information or facts presented both visually and auditorily. This finding supports the teachers' observations that the children tend to have poor auditory and visual memory. The low scores on the Arithmetic subtest may seem to conflict with the fact that the same children may have scored high on arithmetic achievement tests. However, the problems on the WISC Arithmetic subtest are presented orally and require auditory decoding, memory, and abstract reasoning, all of which involve symbolic or language skills; the achievement tests involve computational problems presented visually.

Psychologists have reported visuo-motor and perceptual-motor problems in these children. Although it may be variously described, for the sake of simplicity, perceptual-motor impairment is the lack of normal functioning of either the perceptual processes (visual, auditory or tactile), the motor processes (speaking, writing, manipulating, walking), or both. If the child's major difficulty is in correctly interpreting what he sees, the problem may be described as visuo-perceptual. If the child's major difficulty is in correctly copying what he sees, it may be described as visuo-motor. Again, the teachers have described these findings in the classroom, but in their own terminology.

Pediatricians, neurologists, and psychiatrists have described the following physical signs of difference between these children and those who learn the three R's:

1. Mild tremor, especially on effort; mild chorelform or athetoid movements.
2. Hyper-reflexia.
3. Excessive clumsiness.
4. Monocular vision or minor ocular imbalance.
5. Disturbance of body image:
   a. Right-left confusion and absence of, or weakly established, laterality.
   b. Finger agnosia or impairment of finger-localizing ability.
   c. Impaired spatial concept.
6. Impaired form perception.
7. Immature articulation.
8. Hyperkinentic behavior with distractibility, short attention span, irritability and emotional lability.

Acknowledging the risks of over-simplification and generalization, these children seem to exhibit signs of disorganization in the integrative perceptual-motor mechanisms of the brain. Any number of conditions—organic, environmental or intra-psychic—may affect the way a child perceives sensory information; the result can be seen in his behavior but the disorganization may not be appreciated by the observer until the child is of school age and fails to perform tasks that depend on perceptual-motor or behavioral organization which should have taken form earlier in development.

As stated earlier, kindergarten teachers tend to describe the behavior of some children as "immature." These same children often prove to have learning disabilities later in the primary grades. Twelve kindgarten and first grade teachers were asked to list what they believed to be the major characteristics of the "immature" child's behavior. In reviewing their descriptions, the most outstanding behavioral characteristics of the "immature" six-year-old appear to be inadequate language skills and insufficient attention span. His behavior was described most frequently as disorderly and disorganized rather than hyperkinetic. His vocal and motor output were thought to be excessive and without syntactical or contextual structure. Teachers reported that this child tends to speak and act without thinking, and when compared with normal peers the "im-

mature" child requires much more auditory, visual, tactile and kinesthetic reinforcement. He is described as clumsy and "closer to the ground," clinging and overly dependent on the teacher. The "immature" child, in general, seems to lag approximately one year behind his mature classmates in terms of performance in school activity, physical appearance, social and emotional interactions, and learning ability.

Now, if we re-view our child with "specific learning disability" as seen through the well-trained eyes of the physician, teacher, and psychologist his identifying characteristics include the following (at least in these the representatives of the three disciplines will agree): (1) poor auditory memory; (2) poor auditory discrimination; (3) poor sound blending; (4) poor visual memory; (5) poor visual discrimination; (6) inadequate ability in visual and visual-motor sequencing; (7) lack of, or weakly established, cerebral dominance; (8) right-left confusion, with problems in laterality and directionality; (9) fine motor incoordination; (10) non-specfic awkwardness or clumsiness; (11) ocular imbalance; and (12) attention defect and disordered or hyperkinetic behavior.

Although this child may show evidence of emotional maladjustment and immaturity, the relationship of cause and effect is not clear. The final observation, on which all agree, is that this youngster is of at least average intellectual capacity.

Those of us whose job is diagnosis tend to be "little old label-makers" searching for a cause. We sometimes create impressive labels and proceed with vigor to pin them on individuals rather indiscriminately. We create "syndomes" too; these are several signs and symptoms which tend to occur together, characterizing a particular disease. A syndrome is a bigger and better label.

Ever since Strauss described the behavior of children with a known history of brain damage, we have lumped together hyperactivity, short attention span, distractibility, irritability, and emotional liability into the "Straussian syndrome," or, more recently, "the hyperkinetic syndrome." Because children with learning disorders often show similar behavior at home and in school, the label "brain damage" fell into place. (For that matter, it has been noted that harried young mothers of pre-school children also may show this kind of behavior!)

Many dislike using the term "brain damage" if there is no evidence of such. In fact, the Oxford International Study Group on Child Neurology in 1962 held a conference, the main achievement of which was the decision that that concept of "damage" be discarded.

Since the diagnosis of learning disabilities is made on the basis of symptoms of disordered function rather than on evidence of anatomical damage, the term "minimal cerebral dysfunction" is currently and justifiably more popular. Because of the heterogeneity of this group of children, it may be helpful to review T.T.S. Ingram's clinical classification in which he defines three main categories within the concept of minimal cerebral dysfunction:

(1) *Defined clinical syndromes with constant evidence of abnormality.*

In this group there is strong evidence of a *fairly constant association* between brain abnormality and particular symptoms and signs. In this category he includes the choreiform syndrome of Prechtl, the syndrome of overactive purposeless behavior known as the hyperkinetic syndrome, and the definite focal neurological abnormalities such as mild unsteadiness with intention tremor, mild ataxia, mild paresis of movement, and involuntary movements found in some clumsy children. The disorders included in this category comprise recognizable clinical syndromes in which the history or evidence of brain damage is fairly constant. For example, children with Prechtl's choreiform syndrome usually have a history of perinatal hypoxia. Evidence of temporal lobe damage may be found in a high proportion of children showing hyperkinetic behavior. In general, the same causal factors that are found in cerebral palsy may be found in most of these patients. Many, in fact, are regarded by some as having mild cerebral palsy, and the disorders are classified appropriately. For example, children with the so-called choreiform syndrome are appropriately classified as having mild dyskinesia or choreoathetosis.

Though there seems to be a relatively constant association between brain injury or abnormality and the disorders described in this category, it is important to remember that environmental factors may influence the symptoms. Hyperkinetic behavior, for example, seems almost self-perpetuating in some

children whose parents themselves over-react to the child's unpredictable outbursts or apparently unprovoked tantrums. The magnitude of behavior abnormality depends greatly on the parents' reaction to the child's abnormal behavior (Prechtl, 1961; Pond, 1961).

(2) *Defined clinical syndromes with inconstant evidence of brain abnormality.*

Ingram's second category comprises those disorders of learning where, in some patients, but not in all, there is evidence of an association between the disorder and detectable brain injury or abnormality. In this category he includes specific retardation of speech development, which he calls developmental dysphasia, "specific developmental dyslexia" and dysgraphia, and some cases of "clumsiness." Sometimes a history of brain injury can be found. For example, specific difficulties in reading and writing following measles encephalopathy are quite common (Meyer and Byers, 1952); but in a high proportion of patients with reading and writing difficulties there is a lack of other evidence suggesting that brain damage has occurred.

Before assuming that slow speech development, or clumsiness, or specific difficulties in writing or reading are the result of brain dysfunction, it is well to remember that there is a wide distribution of ability in children. For example, though the vast majority of children have IQ's between 90 and 110, a few normal children are well below average and a few are above average intelligence. Similarly, while some children are very dextrous others show less than average dexterity and may be called clumsy. Some apparently normal children say their first words before the age of nine months and others may not speak until over the age of two years.

Secondly, it must be remembered that many of these disorders can occur in generation after generation of apparently normal children. For example slow speech development and specific difficulties in reading and writing often associated with ambidexterity or poor lateralization of handedness are relatively common in the families of Campbell and Maclean in Scotland. Are we then to assume that all Campbells and Macleans have brain abnormalities?

A major factor, which is often ignored, is the influence of environmental factors in producing specific clinical manifestations. A high proportion of children with retarded speech development, for example, have a history of being neglected by, or separated from, their parents in later infancy.

(3) *Behavioral symptoms in which brain abnormality may be an inconstant direct cause or an indirect contributory cause.*

The third category includes disorders of behavior in which brain damage may be a contributory factor in a proportion of patients. There are a large number of these. Characteristics of the behavior of children with "brain damage" are said to be: unpredictable variability of behavior, hyperactivity, distractibility, impulsiveness, irritability, and difficulties in abstract thinking. Anxiety and emotional immaturity often may be found also. These symptoms include most of those for which children are referred to Child Guidance Clinics. Apart from hyperactivity of the characteristic type which has been described, all these disorders may occur in the absence of any suspicion of brain injury. Yet a significant proportion of the patients can be shown to have either a history highly suggestive of birth injury, or minor neurological signs which alone are of little importance, but which, in combination with these symptoms, may indicate that the brain is functioning abnormally.

Such a variety of symptoms and signs cannot be ascribed to the direct effect of brain injury, but abnormality of the brain in such patients may have contributed to the behavior abnormalities by damaging the infant's ability to adjust to the conditions in which he finds himself. These difficulties in adjustment are commonly reflected very early in the feeding situation, and this in turn may initiate maternal anxiety and a chain of events resulting in further disturbances in the mother/child relationship. There are some excellent studies that describe mothers' difficulties in making good relationships with abnormal babies. (Oppe, 1960; Prechd, 1961). However, it is necessary to differentiate between the normal child in an abnormal environment and the abnormal child in a normal environment; in either case behavior is disturbed.

It is almost impossible to assess the contribution made by brain abnormality to the emotional disturbances shown by children in this category. Certainly babies who have recovered from the effects of perinatal brain damage may continue

to suffer in later life from the disturbances of mother/child relationship which have resulted from the original difficulty. In order to understand the behavior of a particular patient it may be helpful to know that there has been brain injury, but this discovery does not lessen in any way the need for adequate assessment of the environmental causes of emotional stress (Eisenbert, 1957; Pond, 1961).

The diagnosis of "minimal cerebral dysfunction" usually is made on the basis of clinical behavior, history, psychological evaluation, neurological signs, and EEG findings. The psychological evaluation includes tests of: verbal and non-verbal intelligence, perceptual ability, language development (including comprehension, vocabulary, motor speech function, reading readiness and reading skills) and behavioral characteristics. With regard to the EEG, in spite of the lack of agreement in this field, the high frequency of borderline records reported may be significant. For instance, the 6- and 14-per-second positive spiking pattern has clearly been found by Schwade and Geiger to be associated with outbursts of violent behavior. This is an important area for research. In general, however, it should be pointed out that the majority of neurological and neurologically oriented articles may not even refer to electroencephalographic findings, or may simply mention these in passing.

The accumulated weight of various signs and symptoms, or the singular specificity thereof (e.g., hyperactivity, dyslexic errors, large scatter of discrepancy between verbal and performance scores on the WISC), guide us in making a diagnosis. These must be evaluated carefully against a background of environmental and interpersonal determinants. At this stage of our knowledge it is logical to assume that any disorganization of brain function due to injury or to naturally occurring constitutional deviation places a hardship on the developing child. If, in addition, the interpersonal environment is unfavorable, the child is more likely to experience problems compounded of his original perceptual defect, his reactions to the attitudes of persons surrounding him, and to his own failures. These accidentally or naturally occurring deviations must exist in a scale from gross to subtle and to different degrees in the various functional and interlocking units within the brain.

Too often we have seen good parents who have a child who cannot learn to read, or who is a behavior problem, or who is impulsive and hyperactive, or whose speed of mentation is distinctly different from his siblings, for us to jump to the conclusion that the parents must have mishandled the child. The prevailing climate of opinion in both professional and "magazine" psychiatry is such as to create in these parents the conviction that somehow, by some magical aberration in their attitudes and behavior, they are to blame for the child's condition.

It is necessary to affirm again that we must take into account the full spectrum of causality from the unique genetic combination that every individual happens to be, to his gestation and birth experiences, to his interaction with significant persons, and finally to the stresses and emotional trauma of later life after his basic reaction patterns have been laid down. If at present we cannot measure, for instance, the contribution of the child's genes to his behavioral characteristics, then until we can, we should leave a large empty space in the formula of causality.

Possibly we have gone as far as we can, at this time, in our search for cause. We begin to sound too glib. Possibly now is the time to search more diligently for more suitable techniques. It is highly doubtful that we are describing one condition. In fact, when these children are placed in various remedial settings, it becomes apparent that some begin to learn following psychotherapy with remediation, some with psychotherapy alone; some begin to learn when they are given visual-motor training; some show marked improvement when they are provided a corrective optical lens and orthoptic training. Some of these youngsters show remarkable improvement with specialized remedial reading such as the Fernald or Gillingham methods; some do well with remedial reading after they have received visual-motor training; and some seem to "grow out of it."

To return to a sentence stated earlier in this paper, since we are talking about a heterogeneous group we must turn our attention to closer and more detailed examination of each child, not just in the examining room but in the classroom. In every case where a child demonstrates an atypical approach to learning, there must be an adjustment in the ways the pupil is taught. An effort should

be made to make as many adjustments as possible in the regular class, but wherever the severity of the learning disorder reaches certain proportions, class size must be reduced in order to maximize the individual interaction between the teacher and student. Kindergarten and primary teachers must be trained to utilize multisensorial techniques, to provide visual-motor training in the classroom, to search continuously for methods of instruction that will fit a child's needs rather than search for ways to make the child fit a particular method or curriculum.

Very often it is not until a child responds to a particular teaching technique that the underlying cause of his learning disability becomes apparent. Our teachers must receive appropriate training as well as every assistance from consulting psychologists and physicians; school programs of instruction must be flexible enough to permit a continuing search for new teaching methods; and the administrative leadership in the schools must not only allow but encourage experimentation, both with identification procedures and with adjustable methods of instruction.

I should like to close with a quotation from Mr. John Holt's new book, *How Children Fail:*

"Some people say of non-readers, 'These children can't or don't read because of the way they use their minds.' Others retort, 'No; they don't read because of the kind of minds they have.'" The argument seems to me unreal as well as useless. The distinction between what our minds are and how we use them is one that exists only for purposes of talk; it does not exist at the level of reality. The mind is not a kind of thinking machine that someone or something inside of us uses, well or badly. It is: and it works, perhaps well; perhaps badly; and the way it works one time has much to do with the way it will work another time.

Religious mystics in India, so we are told, stand for many years with an arm raised, or a limb distorted or immobilized in some fashion. After a while the limb becomes unusable. What sense does it make to argue whether the cause of this is physical, or lies in the way the limb was used? It was the way it was used that made it the kind of a limb it was, a limb that could not be used in any other way. It is probably true of the mind, as well, that the way we use it determines how he can use it. If we use it badly long enough, it will become less and less possible to use it well. If we use it well, the possibility grows that we can use it even better. We must be wary, then, of assuming that because some learning difficulties seem to be caused by brain dysfunction they are therefore incurable. The brain, as an organ, may have far more flexibility and recuperative powers than we realize. What it cannot accomplish one way it may be able to do another. Conversely, we must be aware of the extent to which, in causing children to make poor use of their minds, we may be making their minds less and less useful to them."

A.C.L.D. Special Report on Legislation and Learning Disabilities

PRESIDENT'S REPORT

Learning disabilities as a category in legislation.—Children and Youth with Learning Disabilities are not pinpointed in present Federal legislation since they are not mentally retarded, deaf, blind, severely emotionally disturbed (as a primary disability), crippled or other health impaired. Although the U.S. Office of Education has ruled that programs for these children may be funded by that office, many local school districts have not taken ful advantage of this opportunity. On April 27, Dr. Samuel Kirk and a panel consisting of Dr. Richmond Paine and Dr. Jeanne McCarthy, testified before the Senate Subcommittee on Education which was considering amendments to present legislation.

Learning Disabilities as a category in legislation was also discussed by Mrs. Louise Mesirow, ACLD president, in her statement before the Ad Hoc Committee on the Handicapped, House of Representatives, June 20.

CEC Interagency Committee meeting.—ACLD is one of the twenty-six organizations concerned with the education of exceptional children which comprise the membership of the interagency committee of the Council for Exceptional

Children. The last two meetings of this committee have been extremely important and informative. On June 2, committee members met with Dr. Edwin Martin, Professional Staff Representative of the Ad Hoc Committee on the Handicapped (generally known as the Carey Committee), to discuss committee plans. Chaired by Congressman Hugh Carey of New York, the ad hoc committee was formed March 30, 1966, and will terminate automatically at the end of this Congressional year. If continued past this point, it will have to be reconstituted by the next Congress. The committee plans to obtain an understanding of the present situation and to learn what needs to be done. It is expected that proposals for legislation will arise from committee activities. The Honorable Harold Howe II, U.S. Commissioner of Education, HEW, also met with the committee.

A bill of rights for the handicapped.—In a stirring statement before the ad hoc Committee on the Handicapped on June 15, Dr. Samuel Kirk asked the Committee to consider the creation of a Bureau of Handicapped Children and Youth in the U.S. Office of Education. Pointing out the accomplishments of the Division of Handicapped Children and Youth before its abolishment, and citing some of the difficulties of special educators operating under the present office structure, Dr. Kirk declared that the creation of a Bureau of Handicapped Children and Youth would be a BILL OF RIGHTS FOR THE HANDICAPPED.

One way out of the teacher shortage dilemma.—The U.S. Office of Education does not need any additional funds for training professional people to work with the handicapped because additional trainees are not available according to the testimony of Donald N. Bigelow, Acting Director, Division of Educational Personnel Training, Bureau of Elementary and Secondary Education. The Carey Committee is very much concerned with the ability of this country to recruit and train enough special educators for all of the handicapped. One vital new supply of man-power to our overworked public school teaching staff was suggested by Charles Drake, President, Perceptual Education and Research Center, Sherborn, Mass.

ACLD purpose—Past, present and future.—A May newsletter editorial devotes 2½ pages to an alleged change of purpose by this Association, purportedly "revealed openly" at an organizational meeting of a proposed CEC Division of Learning Disabilities. Neither the president of ACLD nor the three advisory board members attending, Drs. Marianne Frostig, Raymond Barsch, and Samuel Kirk, made any statement at that meeting *that could possibly have been interpreted* to mean that ACLD was expanding its interest to include the cerebral palsied, the blind, the deaf, the mentally retarded, the "severely emotionally disturbed;" or the culturally deprived. Minutes of that meeting should be available from the chairman, Dr. G. S. Hasterok, College of Education, University of Florida, Gainesville.

To set the record straight, the purpose of ACLD is to advance the education and general welfare of children and youth with normal or potentially normal intelligence who have learning disabilities of a perceptual, conceptual, or coordinative nature, or related problems. ACLD is concerned with these children and youth *regardless* of the cause or of the medical or symptomatic terminology—brain injury or damage, brain dysfunction, neurological impairment, perceptually handicapped, aphasic, dyslexic, etc.—that is used to describe them. We exclude from this category those children and youth who have other sensory deficits such as the blind, the deaf, the cerebral palsied, and the mentally retarded. We are concerned with those learning disabled youngsters who may also be emotionally disturbed or culturally deprived, and *we are determined* to work cooperatively with organizations serving other handicapped children and youth when that cooperation will serve the common cause of all of the handicapped.

3,000,000 school age children with specific learning disabilities but functioning as mentally retarded estimated by 1975.—In his testimony before the Ad Hoc Committee on the Handicapped, Wayne Sengstock, Ed. D., National Association for Retarded Children, Inc., stated: "It is predicted that by 1975 there will be 75 million children in our school-age population—of these 12 million will be handicapped. Within this handicapped population, it is estimated that there will be some three million mentally retarded (considering a precise definition of that disability category) and another three million with specific learning disability which will represent a functional retardation unless strategic special intervention takes place."

Look Magazine article.—In June, ACLD requested its affiliates and other interested individuals and groups to send resources materials to Charles Mangel, Education Editor, Look Magazine (488 Madison Ave., New York City) to assist him in the preparation of an article. Mr. Mangel is now researching that material. The publication date of the article will be included in our next report.

For your convenience.—Congressmen who serve on the Senate Committee on Labor and Public Welfare and the House of Representatives Committee on Education and labor are interested in handicapped children. They will welcome the opinions of professional people and parents. For your convenience, the names of these congressmen are listed on page 2326.

STATEMENTS BEFORE THE SENATE SUBCOMMITTEE ON EDUCATION, APRIL 27, 1966

STATEMENT OF DR. SAMUEL KIRK (AND PANEL)

Dr. KIRK. Children with learning disabilities have only recently begun to receive the attention that they deserve from parents groups and public schools. The reason for the neglect of this group is the complexity of the problem and the diverse disabilities which come within this category. Societies in general usually begin their provisions for handicapped children by supporting the handicaps that are obvious to them. Blindness, for example, is readily recognized by both lay and professional personnel. For that reason schools for the blind were organized in Boston and New York as far back as 1832. Since that date we have organized State schools for the deaf and the blind and for the crippled and the mentally retarded, and other handicapped children.

The groups of children that are not so readily diagnosed and identified by either lay or professional personnel naturally tend to be neglected and enter the arena requesting help at a later date. One of these groups we have entitled "Learning Disabilities."

Children with learning disabilities as defined educationally are those who have a retardation, a disorder, or a developmental defect in one or more of the processes of speech, language, reading, spelling, writing, arithmetic, or other school subjects, who do not appear to profit or develop under ordinary instructional procedures, and who require special remedial instruction—special education—for the amelioration of their disability. The Association for Children with Learning Disabilities, a national organization concerned with this problem, defines this group as—"children and youth with normal or potentially normal intelligence who have learning disabilities of a perceptual, conceptual, or coordinative nature or related problems."

These children are in our schools and are in general failing, particularly in some aspect of behavior or communication. They do not fit into the traditional categories of the blind, the crippled, the deaf, the gifted, the mentally retarded, or special health problems. Actually this group of children cuts across various disability groupings. Thus, learning disabilities are found among children who are otherwise average in intelligence as well as among children who are below average or superior in intelligence. It is not uncommon to find a child with an IQ of 130 who has attended school for several years and who has, for example, not begun to learn to read. Many such children fail in school, become discouraged, and join the ranks of the school dropouts. We also find children who are diagnosed as mentally retarded, but who are better classified as learning disabilities since they have normal abilities in some areas and markedly limited abilities in other areas, giving the appearance of mental retardation. Remediation programs for some of these children will successfully remove them from the classification of mental retardation.

The child with learning disabilities has now become recognized as a special problems in education. He certainly does not fit into any one of the traditional categories of handicapped children. When a teacher finds a child in class who is not performing normally she may refer him for an eye examination. The specialist finds that the child can see, so he does not fit into the class for the visually handicapped. When his hearing is checked, it is found that he hears; so he does not fit into the class for the acoustically handicapped. His intelligence is normal or near normal so he cannot be placed in a class for the mentally retarded. Furthermore, he is not crippled and does not have a health problem that requires attention. He needs help—he needs special education—but not in the classes for other handicapping conditions.

If these children all presented the same picture, their identification and remediation would be made easier, but there are many facets to learning and the same cause may affect differing facets in different children. Consider the following three children, each of whom has a learning disability.

(a) One child was examined by three different ophthalmologists who each declared the boy's vision to be normal. Yet he could not recognize different objects. He could not even recognize his classmates until they spoke to him. He is a child who requires intensive remediation in visual perception and visual recognition. Without training in this area he could not succeed in school.

(b) Another child could not hear tones normally. Repeated ear examinations resulted in the diagnosis of normal hearing acuity, yet he could not understand the spoken word. He acted as if he were deaf, but he was not deaf. He also needs intensive instruction in auditory understanding.

(c) There are many children who are normal in intelligence but who are unable to learn to read by the ordinary methods. Yet under special remedial instruction these children are capable of learning to read and to spell. This severe reading disability, sometimes called dyslexia, is the most common form of learning disability.

During the last decade such children have attracted the attention of research workers in education, psychology and medicine. Specialized examinations have been developed, and remedial procedures have been and are being organized. Personnel are being trained in small numbers; and parents groups have organized a national organization entitled "The Association for Children with Learning Disabilities."

I notice that Mrs. Louise Mesirow, who is the president for the Association for Children with Learning Disabilities, is here today, and she is available to answer questions relating to the national organization that has evolved only in the last two or three years.

Because many children with learning disabilities have been diagnosed as brain damaged, and because many brain-damaged children have learning disabilities, these terms are sometimes thought of as synonymous. It should be pointed out, however, that a dysfunction of the brain may have widely different effects in different people. Some are crippled physically like the cerebral palsy, but may have brilliant minds. Some are extremely retarded mentally. Some have difficulties of attention and concentration or difficulty inhibiting physical activity.

Still others may perform normally in most situations but have special areas of difficulty, such as in understanding numbers and quantitative concepts or in getting meaning from the printed page. Some can understand concepts but have difficulty in communication. Some are blocked, or have deficiencies in visual or auditory perception.

Similarly, there are many children for whom no definitive diagnosis of brain damage is possible but who have abnormal learning problems. Sometimes the child seems normal in every other respect—physically, intellectually, emotionally—but has great difficulty learning by routine methods. Children with severe reading disabilities—dyslexic children—are a case in point. Every school has them, and many schools provide special help for them. They cannot learn in the classroom by the usual group methods. Careful diagnosis can usually pinpoint behavioral characteristics which explain the difficulty and point the way to remediation.

I would like at this point to show several slides just to point out that these children differ from the normal child, and also differ from mentally retarded children because of the discrepancies in growth. We now have methods of examining children to delineate the different abilities and disabilities which these children show in their psychological makeup. (Slide 1)

This child is 8 years old. You notice that on some of the points in the profile this child is normal in some respects, but is very defective in visual perception and what we call here "motor encoding" and in some of the other visual areas. This child, according to the profile, is at the four year level in some areas and at the 8-year level in other areas. This child was 8 years old when we first examined her.

(Slide 2) I have just presented in slide 2 a profile of a test and a retest on the same child after 7 months of remediation. This is just to indicate that these disabilities are remediable even though this child was diagnosed by a very eminent neurologist as having a diffused brain damage. In spite of the diagnosis we were able to improve some of the disabilities through remediation as shown on the test and retest in the profile when she was 8 and 9 years old.

(Slide 3) This is a profile of a child who, at the age of 4, was not uttering a sound. She was diagnosed at several clinics as very mentally retarded and recommended to a State institution but never got there because of the waiting list.

On intelligence tests she was below 2 years of age at the age of 4. We put her under intensive training as an experiment to determine whether this severely mentally retarded child—who had some normal abilities at the 4-year level and some very severe disabilities—could be trained. Children who possess some normal abilities, in spite of severe disabilities can thusly be differentiated from a mentally retarded child. According to this philosophy, if the child has certain abilities that are normal and some that are very abnormal or deficient, then this child may be classified as a case of learning disability rather than as a case of mental retardation. A mentally retarded child would be relatively low on all points in such a profile.

This child was put under intensive instruction for several years. You will notice that the top profile is approximately 4 years above the first graph. Incidentally, all of the tests show similar acceleration. According to our calculations this child developed 1 year in all of these functions for every year of training. During a 4 year period she wound up in the third grade at the age of 8. She was placed in the regular grades since at the age of 6 she was too high to be placed in a class for the mentally retarded.

I present this case to show that some children classified as mentally retarded are better classified as cases of learning disability rather than as mentally retarded, and that remedial instruction with these children can in some cases remove them from the category of mental retardation.

Senator PROUTY. Doctor, could you explain the nature of this intensive training?

Dr. KIRK. You will notice from the profile on the last column (9) that this child tested normal in a test of the ability to remember things seen in sequence. We call it visual sequencing. At the age of 4 this child was a little bit above normal in sequencing ability. She could see things and sequence things and discriminate them visually. She could also understand what she heard (test 1). She is not a visual perceptually handicapped child, but she has other disabilities as shown in the lower points in the lowest profile.

What we did was to try to train her to speak spontaneously. We found that, and because of her ability to understand language (test 1. auditory docoding), and because she could sequence (test 9) we were able to train her to read before the age of 6. This achievement a severely mentally retarded child cannot do. We then taught her to speak through reading. For example, we would say "How old are you?" Her answer was, "6." We then wrote on a card: "I am 6 years old," and by saying to her: "How old are you?" and presenting her with a card, which says, "I am 6 years old," she could read the sentence: "I am 6 years old." Then we would take the card away and ask her again: "How old are you," and from memory she would say "I am 6 years old." In other words, we used her abilities as well as disabilities. This is only one phase of the methods used with her.

Actually at the age of 4 we sent a teacher to the home to tutor her in an attempt to ameliorate her disabilities. At the age of 6½ she was admitted to the first grade rather than to a class for the mentally retarded since at this time she tested above the classification of mental retardation. We continued tutoring for a while in the first grade and then dropped her. She continued to progress. She is now at the third-grade level at the age of 8½ and reading and writing at that grade level. She is not considered completely normal, but she certainly is not mentally retarded.

(Slide 4) Slide 4 represents the profile of a boy who was normal or above in intelligence.

The reason I present this case is to demonstrate that learning disabilities constitute different kinds of defects in children; that is, one child may have great difficulty in hearing and understanding, but he can see quite well and interpret what he sees; another child may be just the opposite, without any defect in hearings or in vision.

This boy had been in school to the age of 9. He was known as the boy who does not speak. He could repeat what you said to him. He did not have a speech defect. But he did not speak spontaneously or converse. For example, when the teacher asked a question in class he would raise his hand, but when the teacher called on him he stood up but nothing came out. He could not express his ideas.

That is a disability in expressive ability, both in motor expression, the ability to express himself by gestures or in writing, and in the ability to express himself in words spontaneously.

The profile shows the test-retest results after 7 months of training. He had been in school up to the age of 9 with little progress in expressive ability. You will notice from the profile that he improved from an expressive disability of 2 and 3 years of age to 6 or 7 years, an improvement of over 3 years in 7 months. He has been progressing very well in class without further tutoring.

This is a case which some people would call expressive aphasia. He understands, but he cannot spontaneously express himself. He learned to read, but could not learn to express himself in writing. Without special help for his disability he could become a dropout in school, but he is now progressing quite normally.

The method of teaching him was technical and complicated. Briefly, we used a typewriter and a tape recorder. Lessons were programmed through computors using a sequence of statements that he could read, listen to what he read, and type the missing parts. For example, he would be presented with this sentence, "The ball is round." He would read that sentence, then press a button to activate the tape recorder and hear what he read. The next sentence presented was: "The ball is r-o-u-n-." He had to fill in with the typewriter the "d." For the next presentation he had to fill "n-d." And later fill in the words in the sentence, "The ——— is ————." In other words, we taught his spontaneous speech on a typewriter and a tape recorder. He made marked progress as shown in the retest with this particular method. This case has resulted in further research on the programming of materials for this particular type of disability.

The point I wish to make with these cases which were presented is that a learning disability is a discrepancy in growth within the child in speech, language, reading, writing, arithmetic, and other areas. When we are able to examine the psychological processes of these children and determine wherein they have abilities and disabilities we can then organize remedial programs to ameliorate the deficiencies that exist.

Because different professions are concerned with different aspects of the problem, numerous names and labels have been evolved. The medical profession tends to label in terms of etiology—brain-injured, cerebral dysfunction, minimal brain damage, and so forth. Those whose prime concentration is on "what it is and what to do about it" tend to use such terms as "perceptual disorders," "reading disability," "conceptual disorders," "learning disorders," and so forth. To most educators the term "learning disability" is the most appropriate since it is necessary to organize learning materials to teach the child.

Several years ago I had the privilege of administering the newly created Division of Handicapped Children and Youth, in the U.S. Office of Education. The congressional act, title III, of Public Law 88–164, allowed for the training of teachers of the mentally retarded and other handicapped children. This act authorized the training of professional personnel for the mentally retarded, the deaf, speech impaired, and so forth, and added "crippled or other health impaired children who by reason thereof require special education." Parents and school personnel interested in children with learning disabilities were disappointed that the group called "learning disabilities" per se were not included in this list of handicapping conditions. We were, however, able to interpret the law in the U.S. Office of Education to include this group and notified colleges that applications for work in this area would be considered. Only four colleges proposed programs for learning disabilities in 1964. Two years later, in 1966, approximately 10 such programs are being partially suported under this Federal legislation.

It is my opinion that it would be appropriate for Congress to consider giving this type of child an identity in legislation for handicapped children. That could be done by inserting the term "and/or learning problems" in existing legislation. Wherever the phrase "crippled or other health problems" appears, it could be expanded to read "crippled or other health and/or learning problems."

The term "or other health problems" used in section 301, title III of Public Law 88–164 was used to include children with epilepsy, cardiac disorders, and so forth, without naming all health problems. The term "learning problems" would then also include a series of learning disorders in children without naming each one, as aphasia, agraphia, and many names that have been given.

Giving congressional recognition to an existing problem in the schools today could lead to (a) improving diagnostic procedures; (b) developing more fully effective remedial procedures; (c) organizing programs in schools for such children; and (d) training a corps of remedial specialists to cope with this problem.

Senator Prouty, may I call on my colleagues here or would you prefer asking some questions?

Senator PROUTY. No. Why not go right ahead.

Dr. KIRK. I would like to call on Dr. Richmond Paine, who as I indicated earlier is professor of pediatric-neurology at George Washington University and also a neurologist at Children's Hospital of the District of Columbia, to present his point of view regarding this problem.

STATEMENT OF RICHMOND S. PAINE, M.D.

Probably the most common disorder of the nervous system in childhood and one of the major educational problems is a condition variously referred to as "minimal cerebral dysfunction," "minimal brain malfunction," or "special educational difficulties." (The first are medical terms and the last-mentioned an educational designation.) This refers to an admittedly non-homogeneous group of children who nevertheless suffer from closely similar disorders of coordination, perception, thought, hearing, and behavior. To describe some of the characteristics of these children is to provide some idea of their probable educational needs and of the importance of taking them into account in planning.

Clinical psychologists typically report much greater discrepancies best and poorest areas of performance than would correspond to the good and bad subjects which most of us can recall having had at school. Typically, tests dependent on verbal ability, on rote memory, and on familiarity with everyday situations are much more successfully performed than those dependent on certain types of abstract reasoning or on hand-to-eye coordination in certain types of performance tests. (With other children, the discrepancy is just as great but performance tests may be better executed than verbal ones.) The typical pattern of irregularity may be superimposed on a formal full-scale I.Q. of almost any level although children who score in the frankly mentally retarded range are best considered primarily retarded, for practical purposes. We are now speaking, rather, of children whose intelligence quotients are in the average or even in the superior range but who show disproportunate deficits in specific areas of function. Such a child will experience particular difficulty in the perception of size, shape, pattern, assembly of parts into wholes, and in spatial relationships. He will tend to think concretely and have difficulty with abstract concepts. There is much greater difficulty with arithmetical problems requiring the decision whether to add, subtract, or multiply than in memorizing the multiplication tables. There may be what is called perseveration, a difficulty in efficiently shifting from one type of thought or calculation to another, with a tendency to continue along the same track instead. Coordination is frequently normal for such functions of large muscles as running or swimming but coordination of the fine finger movements and particularly of hand and eye together is disproportunately poor in comparison with that expected for age and level of intelligence. Handwriting is slow and unavoidably messy. Drawing, or the reproduction of geometric figures by copying or from memory, suffer both from impaired perception and from poor coordination in reproduction.

Certain behavioral characteristics add to the educational problem created by the difficulties just referred to, and in some instances the child's behavior is the principal complaint of parents and school teachers alike. Even more than might be accepted as normal for small children of preschool age, such youngsters continue into the school years with seeming inability to concentrate for longer than a minute or less, are readily distracted by every trivial thing seen, heard, or felt, and readily become overstimulated or overactive. They have a low tolerance for frustration and often lapse into uncontrollable temper tantrums. They are frequently socially inept and seem to lack judgment as to the consequences of their actions and not to know how to get on with other children or with adults. Impaired hand-to-eye coordination makes them not good at games, particularly those involving the use of a ball, and children of this type are no more successful on the playground at recess than they are in the classroom.

The psychological findings and behavioral characteristics are those conventionally associated with certain types of brain damage. Some degree of the patterns is usually encountered in the case of children with specific cerebral palsies, for example. Yet the group of children under discussion do not have cerebral palsies and are in fact much more numerous than the cerebral palsied. Neurological examination may or may not show minor abnormalities of the reflexes and conventional neurological signs. Careful observation, however, usually documents instability of posture and incoordination of movement of the hands and feet, disability in tasks such as assembly of block designs or three-dimensional construction, all of these considered in the light of the child's age and overall intelligence. The electroencephalogram (recording of brain waves) is frequently abnormal but far from always so.

The proportion of patients with abnormal encephalograms and with minor abnormalities of neurological signs make one wonder whether there may have been some insult to the brain in the past which was not severe enough to be followed by obvious residual damage in the form of cerebral palsy or mental retardation. Perhaps as many as half but probably somewhat less of the children referred to do have medical histories of some potential causes of brain injury such as difficult birth, head injuries, infections such as meningitis or other circumstances similar to those encountered in the histories of patients with more obvious brain damage. Others who show no such history may reflect our inability to identify some potential causes of this type of problem or it is equally probable, if not more so, that some of them represent irregular maturation of brain function in different areas. In any event, the physician rarely identifies any condition susceptible to direct medical or surgical treatment. Certain medications sometimes improve behavior and ability to concentrate but in most cases the physician's principle is to interpret the nature of the child's problem to the family and to those responsible for the child's education and management.

Special educational methods and approaches are known to some extent can get around the difficulties described in learning and thought. Sometimes simple concessions are helpful such as allowing the affected child to be the one who is designated to get up to erase the blackboard or open the windows in order to minimize demands that he sit still for protracted periods. In regard to handwriting, it is often reasonable to give him extra time to finish or grade him on what he can do in the alloted period, in either case without marking him down too severely for unavoidable lack of neatness. These approaches, combined with acceptance of the problem by all concerned and perhaps with medication of some sort, may make it possible for the child to function satisfactorily in a normal classroom, at his age level or perhaps a grade behind. Other children fail to learn under these circumstances or prove too much of a disturbing influence for the other pupils in the class. Special classes of small size and with specially trained teachers are needed for these. A variety of arrangements and of special educational approaches exist in various parts of the country but are very far from universally available.

It is usually estimated that children with the type of brain malfunction referred to comprise at least five percent of the total child population of school age. Some authorities have placed the figure at ten percent or even up to twenty. The majority of these children probably inevitably must, and probably can be more or less satisfactorily managed in normal classrooms, provided a certain amount of flexibility and of extra help with points of special difficulty is available. Even under these circumstances a larger proportion of teachers need to be better trained and better informed about the problem. (It is to be acknowledged, however, that the medical profession has also been slow to recognize this problem and has taken an active role concerning it for not much more than a decade, whereas a few pioneer educators and psychologists were working in the field as far back as the 1930's.)

A certain proportion of children, the exact number depending on the nature of educational facilities in an individual region, will need one or another type of a special class, at least for a number of years, and more such classes should be available.

Although not to be considered catastrophic neurological problems, the children under consideration are a numerous group, are probably the most hopeful group of neurologically impaired in terms of what can be done for them in the long run, and have been subject to many types of unfortunate but largely avoidable consequences. The large majority are eventually capable of taking competi-

tive places in the world, earning their livings, managing their personal affairs, and being good citizens. However, they are so much like the general run of children (yet not quite, and constantly in difficulties) as not to receive any of the recognition or concessions accorded for abviously handicapped children. It would thus be surprising if there were not considerable overlay of emotional disturbance in many cases. The children we have been discussing are found with all to disproportionate frequency among school dropouts, and in the populations of child guidance clinics, psychiatric units, juvenile courts, and as unsuccessful adults whose contribution to society is less than it might potentially have been.

Considerable research is currently being conducted concerning the nature of these perceptual and learning difficulties and in the development of more effective ways of dealing with them. In the foreseeable immediate future however it is probable that most will have to be dealt with by accepting the difficulties and attempting to get around them by appropriate methods, and the need for more adequate provision for special education is not likely to diminish in the near future.

Dr. KIRK. I would like to introduce Dr. McCarthy.

STATEMENT OF JEANNE M'RAE M'CARTHY, PH. D., DIRECTOR OF SPECIAL SERVICES, SCHAUMBURG COMMUNITY CONSOLIDATED SCHOOL DISTRICT 54, HOFFMAN ESTATES, ILLINOIS.

Although the testimony to be given today is drawn from the experience of Schaumburg Community Consolidated School District 54, Cook County, Illinois, the facts can be generalized to thousands of similar districts throughout the United States. Schaumburg Township is located 30 miles northwest of Chicago. Ten years ago, the area was primarily agricultural, broken into large farms of 200–300 acres. Because of the strategic location in close proximity of O'Hare Field and Toll Roads leading to Chicago, large real estate developers laid out planned communities within the township and built hundreds of homes per year.

Ten years ago District 54 consisted of one white frame schoolhouse, with 77 students. In September, 1966, we will open the doors of 13 buildings to 7500 students.

Over this ten year period, the average increase in student population has been 32% per year. The average assessed valuation per enrolled student has ranged between 10 and 11 thousand dollars. Of the 119 school districts in Cook County four have a lower assessed valuation. Schaumburg School District 54 is not a wealthy district. The brick and mortar problems involved in building 13 new schools in the last ten years are duplicated in many suburban communities adjacent to large cities throughout the country.

The problems of curriculum personnel, and program-development are probably also typical. The solutions which have evolved in District 54 under the direction of Dr. Kenneth Underwood, Superintendent, and the Board of Education may not be quite so typical. In spite of limited funds, and prior to the passage of mandatory legislation in Illinois. District 54 united with 9 other school districts to form the Northwest Suburban Special Education Organization, in an effort to meet the educational needs of all children who deviated sufficiently from the norm that they could not be served adequately in the regular classroom.

Through this Joint Agreement District 54 was able to place in special classes those children whose disability occurred with such low incidence that we could not have enough children in our district to provide a sequential educational program. During the 1965–66 school year District 54 has 27 children enrolled in special classes for Educable Mentally Handicapped Children. (Figure 1) Eight other children are enrolled in classes for Trainable Mentally Handicapped Children. Seven children are included in the itinerant program for Partially Sighted Children. One deaf child is placed in a special class, as are five Hard of Hearing Children. One blind child is sent to another district for the specialized training he needs. Three physically handicapped children are receiving physical therapy and a modified educational program in a day-school program outside of the Joint Agreement d istrict. In addition, three physically handicapped children have received home or hospital instruction. Three social workers provide service for 120 socially maladjusted children each month. Four hundred children receive speech therapy from four speech correctionists each month. The children in these programs may vary from month to month, so these figures reflect average case load, rather than the total number of children served. Two children who have

been diagnosed as emotionally disturbed are being tutored individually within the district. The needs of these children with observable disabilities are being met adequately within School District 54.

As these programs have been developed, and the most obviously handicapped children provided for, another group of handicapped children has emerged for whom no service was available. This is the group of children with severe learning disabilities. These are children and youth with normal or potentially normal intelligence who have learning disabilities of a perceptual, conceptual or coordinative nature, or related problems. The child with normal intelligence and reasonably adequate emotional adjustment who is not learning in school, despite the finest teaching that we have been able to provide, presents the greatest unsolved problem in the public schools of our district.

In an effort to provide service to our principals, our teachers, these children and their parents, last Spring the Board of Education authorized the establishment of a Psycho-Educational Diagnostic Center. A director, a school phychologist, and two psycho-educational diagnosticians were employed. In addition, two resource rooms for perceptually handicapped children, or children with severe learning disabilities, were established and trained teachers employed. During the recent school year 18 children have been diagnosed as needing placement in the resource room for perceptually handicapped children. Placement in the resource room program requires that the child be transferred from his school of attendance to Hillcrest School in our district, where he is placed in a regular classroom and seen by the specially trained resource room teacher for an hour each day. In the special program, methods and materials are modified to meet the specific disabilities of the child. All of the children present an educationally significant discrepancy between apparent capacity and achievement, associated with cerebral dysfunction or perceptual impairments. Since special classes are available for the mentally retarded, the emotionally disturbed, and those with peripheral sensory handicaps, the children in the program for severe learning disabilities have problems not primarily caused by any of these factors.

Although 18 children were served in the resource room program, the demand from the principals for service for similar children who were continuing to baffle teachers in their buildings made it necessary to place maximum emphasis on the work of the two phycho-educational diagnosticians.

By November of this year, the two psycho-educational diagnosticians had seen a total of 47 children individually in one or all of their three capacities: (1) Diagnosis, (2) Clinical, and (3) Consultation to the regular classroom teacher.

However, by the same date, 97 children had been referred as children with severe learning disabilities. After careful diagnostic study and full evaluation, involving school social workers, speech correctionists, school nurses, the school psychologist, the classroom teacher and other professional workers auxiliary to the schools, approximately 80% of these children referred for study have been found to meet the criterion established for both the modified itinerant program and the resource room program.

The two psycho-educational diagnosticians have seen a total of 200 children this year. In most cases, the diagnostic testing done by the school psychologist has been supplemented by additional educational testing done by the two psycho-educational diagnosticians. Following the intensive diagnostic study, these two teachers have functioned in a clinical teaching capacity, both verifying the diagnostic hypothesis and setting up a working clinical teaching program geared to the specific learning patterns of each child. This program is then broken into small units which can be handled by the regular classroom teacher. Thus, the child is seen twice a week by the psycho-educational diagnosticians, and the program carried out five days a week in the regular classroom, as soon as the classroom teacher feels it to be feasible.

The purpose of the modified itinerant program is to diagnose so carefully that a specific diagnostic hypothesis emerges which leads directly into a clinical teaching program. After such a program has been devised, it is tested for a short period with the child, and broken into units which can be handled in the regular classroom.

A child who consistently writes numbers and letters backwards, reverses syllables within words, or words within a sentence, for example, may be diagnosed as having a problem in the visual-motor channel.

The areas of visual perception which are impaired will be specified as, for example, difficulties in spatial activities, or in determining the position in space

of a visual stimulus. The child's eye-hand coordination may be poorly developed for his age. In addition to these disabilities, which are essentially perceptual in nature, he may have conceptual disabilities which prevent him from abstracting the information from what he sees. Although he may look at a picture of two automobiles about to hit head-on as they come around a curve he may only be able to give the names of the two objects, and be unable to "see" the relationship between them. If his visual channel deficit is pervasive, he may be unable to remember sequences of visual stimuli, like the letters within a word. Reading, to a child like this, is virtually impossible, unless thorough information about his disability is available to his teacher so that she can teach him differently, i.e., with an auditory approach to reading, until remediation of his disabilities can be effected.

In School District 54, children like this have previously been the responsibility of the classroom teacher who has neither the time nor the training to effect change in their deviant learning patterns. In some of our buildings, the principal or a teacher may have had special training in remedial reading, and may attempt to teach such a child individually. In most of our buildings reading instruction is completely individualized and crosses grade lines. A sixth grade child may be taught by a fourth grade teacher in a group composed of children from several grade levels.

In some cases, the parents have sought diagnostic and tutorial assistance from university reading clinics, child guidance centers, or the community health clinic.

Many children, whose reading problems are due to factor external to the child, can be helped in this way. A child whose learning problem is due to a series of poor teachers, or who has transferred from school to school, can be expected to benefit from routine corrective or remedial teaching techniques. But the child whose problem is due to a specific learning disability of a perceptual, conceptual, or coordinative nature cannot be served except in a special program in which the methods and materials are designed to circumvent or remediate his specific learning disability. The child with an educationally significant discrepancy between ability ad achievement, due to perceptual impairment, cerebral dysfunction or severe learning disability, requires specialized skills in diagnosis and remediation which are beyond the financial reach of most public school districts.

Which brings us to the purpose of this testimony:

1. Children exist in large numbers (5–10% in every public school district in the country) whose needs are so great that they exceed the financial ability of the school district to provide special programs.

2. In districts like Schaumburg Community School District 54 in which the balance between local, state, and Federal funds is already skewed (37.5% local, 58.8% State, and ½% Federal), the only answer is increased Federal support for special programs for children with Perceptual Learning Disabilities.

3. Although names, dates, and places may differ it seems reasonable to assume that a similar state of affairs in regard to children with perceptual learning disabilities exists in almost every school district in the United States.

Statements and Excerpts From Statements Before the Ad Hoc Committee on the Handicapped of the Committee on Education and Labor, House of Representatives

STATEMENT OF LOUISE MESIROW, PRESIDENT, ACLD

Mr. Chairman and Members of the Committee, my name is Louise Mesirow. I serve as president and executive secretary of the Association for Children with Learning Disabilities, Inc., an international parent and professional organization representing state and provincial affiliates and independent members.

Assisting me in presenting this testimony are Mr. Robert Russell, a vice president of this association and the director of special services for the Glen Rock, New Jersey public schools; Mr. Albert Hans, a director of ACLD, and president, New York Association for Brain Injured Children; and Mrs. John Silva, director, ACLD, and president, Pennsylvania Association for Brain Injured Children. We are all parents of children with learning disabilities.

This organization is only three years old but it has been able to accomplish a great deal because of the favorable climate for education of the handicapped

created by recent federal legislation and because we have been able to obtain the advice and guidance of leading professional people in this field. For the convenience of this committee, should you wish to call on experts in this field for testimony, these advisory board members are: Chairman: *Samuel Kirk, Ph.D.*, Director, Institute for Research on Exceptional Children, University of Illinois; *Keith S. Armstrong, Ph.D.*, National Executive Director, Canadian Rehabilitation Council for the Disabled; *Raymond Barsch, Ph.D.*, Office of Special Education, University of Wisconsin; *Ross Beall, Ph.D.*, Trustee, Tulsa Education Foundation; *Arthur Benton, Ph.D.*, Professor of Psychology and Neurology, University of Iowa; *Herbert Birch, Ph.D., M.D.*, Associate Research Professor of Pediatrics and Professor of Psychology and Education, Albert Einstein College of Medicine; *Wm. Cruickshank, Ph.D.*, Director of Special Education and Rehabilitation, Syracuse University; *Leon Eisenberg, M.D.*, Professor of Child Psychology, Johns Hopkins Hospital; *Marianne Frostig, Ph.D.*, Executive Director, Marianne Frostig Center of Educational Therapy; *Wm. Gellman, Ph.D.*, Director, Easter Seals Research Foundation; *N. C. Kephart, Ph.D.*, Director, Achievement Center for Children, Purdue University; *Laura Lehtinen, Ph.D.*, Clinical Director, Cove Schools; *John Money, Ph.D.*, Associate Professor of Medical Psychology and Pediatrics, The Johns Hopkins University; *Helmer Myklebust, Ph.D.*, Professor of Language Pathology and Psychology, Northwestern University; and *Empress Zedler, Ph.D.*, Director, Department of Speech Pathology, and Professor of Special Education, Southwest Texas State College.

The purpose of this association is to advance the education and general welfare of children and youth with normal or potentially normal intelligence who have learning disabilities or a perceptual, conceptual or coordinative nature, or related problems. "Learning Disability" is the educational term used to describe these problems. "Minimal Brain Dysfunction" is the medical term.

The learning disabled child may have some or all of the following characteristics in varying degrees: forced responsiveness to stimuli, reversals, rotations, preserveration, short attention span, impulsivity, visual-motor and visual-perceptual problems, immaturity, dissociation, disturbance of figure ground relationships, and auditory-perceptual problems. Usually there are deficits in ego strength and self concept; body image is immature; feelings of anxiety and fear may be present; and there is an inability to relate to new people and unfamiliar situations. Such children are frequently unable to orient themselves in time and space. They may be clumsy and awkward, disorganized, unpredictable, and a behavior problem.

Learning disabilities may result from minimal brain injury or damage, a development lag of the central nervous system, a chemical imbalance, or other unknown causes.

Learning disability is not a new handicap. Every educator is aware of the very large number of children and youth, approximately 10% of the school population, who are unable to learn or to learn at a normal rate, even though they have normal, near normal, or even superior intelligence. The reasons for the neglect of this group are:

1. The complexity of the problem and the diverse disabilities that come within this category;

2. Methods of diagnosis which could pinpoint behavioral characteristics and delineate the different abilities and disabilities which these children show had not been developed;

3. Little was known about methods of remediation and the information that was available was not disseminated;

4. Local and state education agencies, overburdened as they were and are, were unable or unwilling to provide the special help needed by these children and youth; and

5. Children who were unable to learn in the regular class and with the regular teaching methods were allowed to drop out of school, and could be absorbed to some extent by the rural communities or as unskilled workers in the cities.

Although it is now possible to assess the abilities and disabilities of learning disabled children and youth by methods that point the way to remediation, only a tiny fraction of these children are receiving the special help they must have if they are to become productive, contributing members of society.

The hyperactive, distractible, restless or aggressive child is a disrupting influence in the regular classroom. Teachers are frustrated at their inability to help and by the disproportionate amount of their time he requires. If he becomes

too much of a problem, he is dismissed from school. These school "kick-outs" are found in private, but usually not special, schools, if their parents can afford them; in homebound programs which provide little and not always the right kind of instruction and do nothing about the child's social incompetence; or in classes for the mentally retarded where their special needs remain unmet.

In the Hearings before the General Subcommittee on Education and Labor on H.R. 11322, it was clearly and eloquently shown that there is a direct relationship between learning disabilities, emotional handicaps, school dropouts, and delinquency. This Association would like to express its appreciation and gratitude to the Committee on Education and Labor, Congressman Gibbons, and the other congressmen who introduced companion bills to H.R. 11322, both for their interest in these problems and for the information provided by the Hearings.

The needs of these children are very real. What can we do about them?

1. *H.R. 11322, Child Development Specialists.*—Many learning disabled children deviate from the normal in few and limited ways. They could remain in regular classes if their learning problems were detected at an early age—before they have developed the wrong learning and behavior patterns—and specialists were available to elementary schools for proper assessment and programming. These children could be removed from regular classes for short periods for the educational therapy they need much as speech therapy is now provided for children with speech problems. Only those children needing a more structured environment and more individual instruction would require special classes, and some of these could still be taught by regular teachers, but in smaller classes, if those teachers had the continuing help of child development specialists.

With the exception of finding special facilities needed by their children, the greatest problem facing the parents of learning disabled children has been that of learning enough about the abilities and disabilities of their children to provide the right structure in the home. What can he tolerate and from what family activities should he be excused? How do you explain the hidden handicaps of this intelligent and healthy child to his brothers and sisters and to the neighbors? What can he do that he could not do two months ago? The abilities of these children change with the right treatment. Parents, teachers, and the children themselves, need to set short term goals and these goals cannot be established without the continuing assessment and interpretation of the child's abilities and disabilities, his strengths and weaknesses. Child development specialists could provide that continuing assessment and interpretation.

This Association would like to see H.R. 11322 passed by this session of Congress.

2. *Learning Disabilities as a Category in Legislation.*—If an individual, organization or agency needs help in providing programs for learning disabled children, to what Federal agency do they apply? Learning disability is not pinpointed in present Federal legislation. On April 27, 1966, Dr. Samuel Kirk testified before the Senate Subcommittee on Education which was considering possible amendments to present legislation pertaining to the handicapped. Dr. Kirk said in part: (Quote from testimony of Dr. Kirk.)

If present legislation were amended as suggested by Dr. Kirk, we would hope that there would be created within the Department of Health, Education and Welfare some kind of an organization which would establish a national policy and plan for meeting the needs of learning disabled children and youth. Only under such a policy and plan would those minority groups within minority groups become visable and programs be developed for them.

3. *Social and Recreational Needs.*—Children whose development deviates from the normal often fall behind in their emotional and social maturation. One of the best ways of helping them "catch up" is to provide planned recreation. Camps which provide therapy in a camp setting, such as the University of Michigan's Shady Trails for boys with speech problems, provide experiences that handicapped children and youth would not otherwise enjoy. Living with the handicapped on a 24 hour basis rather than seeing them for short periods and at special times gives professional people and students a much better insight into the total problems of the handicapped.

We recommend that P.L. 88–164, Title III, Section 302, be amended to include recreational workers for the handicapped.

4. *Special Educational Materials.*—Few special educational materials for the learning disabled are available from commercial sources. If teachers must make and prepare special materials on an individual basis, their effectiveness may be cut in half. We recommend that P.L. 89–258, "Captioned Films and Other

Educational Media for the Deaf," be amended to include the development of educational material for all handicapped children.

5. *Earmarked Funds.*—The parents of children with learning disabilities have had great difficulty in obtaining special educational facilities and services for their children. Many parents found it necessary to organize and finance private schools. When the elementary and secondary education act was passed and funds became available for the "educationally deprived," we had reason to believe that public programs would become available. *No other group of children in this country has been so educationally deprived as have the learning disabled.* Attached to this statement are reports from several state affiliates of this association which show how little of this money has been spent on programs for this, the most severely educationally deprived group, and what can be done for these children if lcoal and/or state education agencies have the will to really give each child an equal opportunity to learn.

Such disappointments can be avoided in the future if funds intended to be used for programming for the handicapped are earmarked for that purpose.

6. *Vocational Training.*—The potential of learning disabled children and youth, provided they are given the special help they need and deserve, is very much like that of the general population. Many will be able to profit from college programs. Many will require vocational assessment and training if they are to be effective workers. We hope that additonal funds will be appropriated to the proper agencies so that they may study the needs of these handicapped youths and assist states in setting up programs for them.

Thank you for giving us this opportunity to present to you the problems, needs and potentials of children and youth with learning disabilities. Mr. Russell, Mr. Hans, Mrs. Silva and I will be glad to answer any questions you may have.

Following the presentation of the formal statement, it was pointed out that no survey had been made to determine the needs of these children and youth; criteria for training professional personnel has not been established, residential treatment centers are practically nonexistent, and that a public education program was essential. Most of the following report from Charles Drake, President, Perceptual Education and Research Center, Sherborn, Massachusetts, was read into the report.

EXCERPT FROM REPORT OF CHARLES DRAKE

. . . The Center began the recruiting and training of tutors. Most of the tutors are housewives, although a few men have joined the staff. The general requirements for admission to the program are that the tutor be a stable person (as determined by psychological interview and testing where necessary), that she have a college degree (or some equivalent training or experience, e.g., have nurses training), and that she have enough free time to give a significant number of hours per week to working with children.

The training program consists of a course taught by specialists in the Center, and is equivalent to a three-hour college course. The Center offers the same training to public school teachers for graduate credit as an extension course through a nearby college.

An examination is given at the end of this preliminary course, and only those individuals who pass are allowed to go on with their training.

Having passed the course, an individual begins to work with an individual child with learning disability under direct supervision from a master-teacher. The trainee receives from 150 to 300 hours of supervised training, depending on previous educational training and experience. A tutor with a masters degree and some years of previous teaching experience is required to have only 150 hours of supervised training. A trainee with an AB degree only and without teaching experience would receive 300 hours of supervised work.

During this supervised work, tutors have so far worked under the following conditions:

1. In the Center, with children coming during released time from school, or after school.

2. In public school systems, on a release-time basis, with parents and tutor making a private arrangement for payment.

3. In a public school system, with tutors and trainees working on a regular basis with pupils selected by the school system, and paid for by the system.

4. In private schools, on a release-time basis.

Each of these arrangements seems to have some values, although the work after school is probably the least satisfactory. The Center is currently being asked for help by at least 14 different public school systems in the area. It is anticipated that 100 tutors will be trained during the coming year.

A similar program has been run for the past three years in connection with the Child Care Center in Dallas, Texas. More than 50 tutors have been trained there, with 30 being trained in the coming year. The gratifying thing about all these programs is that although they began as private efforts with major involvement from medical, psychological, and educational personnel, they have been able to cooperate with local public and private school systems in such a way as to render valuable help to children with learning disabilities. We would therefore suggest that one of several solutions that may be possible in supplying personnel for working with children with learning disabilities is the recruiting and training of language arts technicians from among the great supply of college graduates who cannot work full time in the public schools, but who do have time to devote several hours per week to help children with learning disabilities.

We feel that such a program would have many values beyond just helping children. It would provide a vital and creative outlet for many women who are currently under-employed. It would relieve overworked public school teachers who experience great frustration at not being able to help children with special problems, but who cannot possibly do so under present circumstances simply because there is no time. Such a program would add a vital new supply of manpower to our overworked public school teaching staffs.

All of these are possible by-products of such a system.

A second possible source for training personnel in working with children with learning disabilities is in such summer programs as those conducted by the Reading Research Institute in Fryburg and North Yarmouth Academies in Maine. These institutions are both boarding high schools during the winter season, but during the summer their facilities are used to help approximately 100 children with learning disabilities between the ages of 8 and 18 years of age who live on the campus of these two schools for seven weeks. It is possible during this time to train public and private school teachers who desire new skills to work with learning disability cases. In a continuous program of training and supervised work with disabled children, teachers receive the most rigorous and meaningful training possible.

EXCERPTS FROM THE STATEMENT OF DONALD N. BIGELOW, ACTING DIRECTOR, DIVISION OF EDUCATIONAL PERSONNEL TRAINING, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION, U.S. OFFICE OF EDUCATION

In the *report* submitted by the Honorable John E. Fogarty which accompanied the 1967 proposed appropriation for the Department of Health, Education, and Welfare,—although referring to the education of the handicapped—there is a telling statement of broad significance with respect to Federal aid to education.

Certain appropriations, the statement proclaims, "represent the very serious intent of Congress that effective programs be developed and implemented for the benefit of handicapped children." It adds, however, that "money alone will not suffice to bring about the new ideas and new programs so desperately needed." And, it concludes with the warning that the "effective use of these funds, and the future of handicapped children, will depend very much upon the way the funds are managed by the Office of Education."

. . . . Essentially, our goal is to place the education of the handicapped squarely into the mainstream of American education, even though up until now, for one reason or another, this has not been achieved. If, within the next twenty years, we cannot do so, we will have failed to use properly the resources made available to us. Meanwhile, categorical aid must be continued and with increasing tempo. Without the direct assistance for the handicapped only minimal progress will continue to be made. However, education for the handicapped must no longer be thought of as isolated from the rest of education which, for lack of a better term, I shall call "general" education. The two are not distinct parts, although they have received special or discrete funds as if this were so. Special education should be accepted as part of the regular business of educating elementary and secondary school children. It must be thus, rather than, as so often in the past, a desirable but expensive "extra."

My remarks today are concerned with preparation of professional personnel in the education of the handicapped. Certainly research and educational serv-

ices are necessary complements of training. Done intelligently by reasonable people, striving cooperatively toward this goal, it does not seem to me that it matters on which floor or in which building they happen to work. . . .

There have been varying estimates about the number of school age children in the U.S. who are handicapped. The estimates vary according to the degree of the handicap and as to what truly constitutes a handicap. However, a commonly accepted estimate is ten percent of school age children. This would mean that we need 300,000 special educators. However, only 60,000 are now available, a substantial portion of whom are not fully trained. Moreover, local schools are employing teachers and other specialized personnel in the education of the handicapped at a more rapid rate than colleges and universities can prepare them.

Will we be able to meet the immediate needs of today and the even greater needs as projected for five years from now? It is clear from experience that considerable more effort is required, but it is equally clear that we must do more than aim at a certain figure, especially since by no stretch of the imagination can we expect to see 300,000 special educators properly prepared in the immediate future.

The time has come for all educators—special and otherwise—to recognize and to accept that the education of the handicapped is an important, relatively small, but *integral* part of the elementary and secondary education.

And though our major concern is with the development of a steadier mainstream, strength will not be accomplished at the expense of a single program. While there must always be certain special programs for the handicapped, we must attempt to develop more programs based on universal needs common to teaching the retarded, crippled, disadvantaged, gifted or normal. We must teach the whole student not just to one part. And in this age of education, of revolutionary contributions to an understanding of learning and of teaching, the special educator must continue to make contributions in all areas of education. He cannot survive in isolation.

STATEMENT OF SAMUEL A. KIRK

My name is Samuel A. Kirk. I serve as Professor of Special Education and Psychology, and as Director of the Institute for Research on Exceptional Children at the University of Illinois. For many years I have had the privilege of serving as a consultant to various constituent departments of Health, Education and Welfare, and particularly to the U.S. Office of Education. In 1964 I served temporarily as Director of the newly created Division of Handicapped Children and Youth in the U.S. Office of Education.

I have been very pleased to see the recent interest and support of the Federal Congress in behalf of handicapped children. Numerous acts have been passed which, for the first time in this country, paved the way for training, service and research in behalf of Handicapped Children.

The enactment of federal legislation and appropriations for handicapped children has been a shot in the arm but is not sufficient to accelerate and develop the work in this field as it should be developed. It is necessary that there be established within the Office of Secretary of Health, Education, and Welfare and its departments, appropriate administrative organization which will vigorously stimulate accomplishments in line with the intent of Congress and the will of the people. I should like to make two recommendations for your consideration, namely (1) that there be created a *Bureau for Handicapped Children and Youth* within the United States Office of Education and (2) that there be created a *Commission for Handicapped Children and Youth* within the office of the Secretary of Health, Education and Welfare.

Recommendation 1

Bureau for Handicapped Children and Youth, in the U.S. Office of Education.—It is my opinion that Congressional Acts administered by the Office of Education can be accomplished most effectively if all responsibilities of the Office of Education relating to Handicapped Children are organized within a Bureau structure, responsible to the Commissioner of Education. Such an administrative organization is needed to advance the field throughout the country through research, training grants, service, leadership, and coordination and dissemination of information.

This recommendation is made in the light of history of work for handicapped

children in the Office of Education, and the subsequent developments. Permit me to elucidate.

In the early 1930's a section for Exceptional Children was created in the U.S. Office of Education. This section struggled with minimal personnel and minimum funds from 1931 to 1963. Responsibilities were increased when Public Law 85–926 was passed in 1958 and when it was amended under Title III of Public Law 88–164 in 1963.

On October 31, 1963, President Kennedy signed Public Law 88–164 and in his remarks announced, "I am glad to announce at this time that we are establishing a Division in the United States Office of Education to administer the teaching and research program under the Act. This will be called the Division of Handicapped Children and Youth."

This Division of Handicapped Children and Youth was organized in the U.S. Office of Education with four branches, and within a short period of time was so successful in administering Title III of PL 88–164 as well as giving leadership to the field throughout the nation that it was awarded a Presidential Citation by President Johnson, on February 3, 1965, "in special recognition of an outstanding contribution to greater economy and improvement in Government operations during the tenth anniversary year of the Federal incentive awards program." In April 1965 the Division was given a Superior Service Award by the Secretary of Health, Education and Welfare.

It is ironical that in spite of the achievement and recognition which the Division of Handicapped Children received it was abolished 18 months after its creation under the 1965 reorganization of the U.S. Office of Education. The abolition of the Division resulted in the dispersion of its personnel among different branches and bureaus of the Office of Education. The Training Branch which administers Section 301, of Title III, of Public Law 88–164, was reduced to a section, similar to the original status of the Section for Exceptional Children in 1931.

The present organization of the U.S. Office of Education does not now permit the development of work for handicapped children at the Federal level that was intended for the Division of Handicapped Children and Youth, namely the unification and coordination of research and development, service, training, leadership, and coordination and dissemination of information. To accomplish these it is essential that all elements dealing with handicapped children be grouped under a Bureau structure responsible to the Commission of Education.

I have proposed that a Bureau for Handicapped Children and Youth be organized within the U.S. Office of Education, because I see no way that the task can be accomplished under the existing structure. Programs for handicapped children are minority operations. To accomplish the task needed in the United States, this work must at present be institutionalized with a name, a workable organization, and with definite operational goals. It cannot be dispersed among different Bureaus and be placed at the bottom of the totem pole and then be expected to accomplish the needed task of development of adequate progress of education for handicapped children within the educational establishment.

It must be remembered that any minority group, unless protected, tends to become swallowed by the majority whose interests and expertise are in other areas. The Bill of Rights was established to protect the minority from the tyranny of the majority. The establishment of a Bureau of Handicapped Children and Youth in the Office of Education will give handicapped children their Bill of Rights.

An excellent example of how programs for handicapped children are diminished when they are placed under general programs is best illustrated by the development of research under Cooperative Research PL–531, 83rd Congress.

In 1957 Congress appropriated one million dollars for cooperative research and designated $675,000 or ⅔ of it for research in the mentally retarded. It is interesting to note that at that time (and in accordance with the act (PL–531) the Commissioner of Education appointed a nine man advisory committee consisting of general educators and educational administrators, but did not include a single individual whose interests or competencies were in the education of the mentally retarded. What happened? During the first two years of the act, and because of the earmarking of funds specifically for the mentally retarded, grants were awarded to researchers for work in the mentally retarded. But as soon as the earmarking of funds was removed (in 1959) grants began to

decrease from year to year. Please note the marked decline in the proportion of funds as shown in the following graph.

(Note: Graph not included here, but it shows the proportion of appropriations under PL–531 for research on the mentally retarded. 1957—61%, 1958—54%, 1959—36%, 1960—21%, 1961—9%, 1962—6%, 1963—5%.)

The percentages used for the charts were derived by dividing the amount of the grants for the year, by the Congressional appropriation. In 1957 and 1958, the research grants for mental retardation were 61% and 54% respectively. The program gradually decreased and by 1963, only 5% of the grant funds was awarded to work in mental retardation. This figure, however, is misleading, because much of this 5% was continuation grants from previous years. Actually in the publication, OE–12004–62, *Cooperative Research Projects, Fiscal 1962*, (pages 33 to 38) only three new projects were awarded in mental retardation amounting to approximately $70,000 for one year's new award.

At that time fewer and fewer research proposals were being received from the field because many proposals had earlier been rejected. Many in the field began to feel that the review committees (consisting of individuals in other areas, like the nine man advisory committee) were not as sympathetic to research in mental retardation as they were to projects in their own fields of interests. Actually it is too much to expect, that a professor of English, or of History, or a Dean of Education would be able to determine the relevant projects in a specialized field. Because of this attitude, requests diminshed and the belief arose that people in the area of the handicapped were not interested in research.

This belief was completely demolished when PL 88–164, Title III, Section 302 (Research) was enacted and a Division for Handicapped Children and Youth was organized in the U.S. Office of Education. President Johnson signed the appropriation bill on February 10, 1964. The field was notified about the Congressional Act and the creation of a new Division of Handicapped Children and Youth. They were given 4 to 5 weeks to file applications. On this short notice 155 applications for research were received, amounting to six million dollars with only one million appropriated. Seventy-three requests for research were received for the field for mental retardation alone, amounting to $2,633,000 for 1964 (Congressional Record, 88th Congress, June 16, 1964, P.13541). This avalanche of interest and activity from the field in response to the institutionalization of the program for the handicapped is in great contrast to the program under cooperative research, which included the handicapped under all other educational programs.

The generalization here is obvious. At this stage of our development, when the work for the handicapped is dispersed under general categories, the handicapped, a minority group, is neglected in each category. When a program and a purpose is institutionalized under a name, the program moves forward. That is the reason I am recommending the creation of a Bureau for Handicapped Children and Youth in the U.S. Office of Education. I repeat—a Bureau will be a Bill of Rights for the Handicapped.

Recommendation 2

A Commission for Handicapped Children and Youth in the Office of the Secretary of Health, Education, and Welfare.—I am recommending that a Commission for Handicapped Childrren and Youth be organized in the Office of the Secretary of Health, Education, and Welfare. This Commission should consist of a permanent staff in the office and twelve non-salaried members from the profession, from Universities and State Departments of Education, appointed for a three-year period on a rotating basis for a period of six years. The duties of this Commission would be to periodically survey the various programs under H.E.W. and to recommend to the departments of H.E.W. programs and procedures that will advance the field of the handicapped nationally. Such a commission will be in a sense a liaison body between the Universities and State Departments, and the Federal agencies. It wolud also be a coordinating agency among the various departments and bureaus of Health, Education, and Welfare now administering research, training, and service programs for handicapped children and youth.

Such a commission will serve as an advisory body for developmental programs to all H.E.W. departments. Its responsibility, if accomplished effec-

tively, would prevent a split between people in the field and those in the Federal agencies; it would balance the responsibilities of each. There is a danger of people in the field going in one direction and the Federal agencies in another. They should be partners in a common endeavor. To continue this partnership from year to year requires a continuing Commission, whose major responsibility is coordination of departments in Health, Education, and Welfare, and liaison with operating units in the field.

These are my two recommendations and the reasons for making them. Thank you.

Child development specialists bill.—The Child Development Specialists Bill, H.R. 11322, is now out of the House of Representatives Committee on Education and Labor with a "do pass" recommendation and is in the Rules Committee. The purpose of this bill is to provide a program of Federal assistance to elementary schools throughout the Nation to improve educational opportunities through provision for the services of child development specialists and to provide a program of Federal assistance for the training of such elementary school personnel in the institutions of higher education, and for other educational purposes.

Programs in institutions of higher education would provide instruction and training in subject matter areas the mastering of which is necessary for a person to be qualified to act as a child development specialist. Such qualifications shall include, but not be limited to, competence in child growth and development, personality theories, behavior problems of children, learning disorders—their prevention and remediation, parent counseling and the utilization of community resources. The explicit goal of such programs shall be to establish a high level of competence in persons to help the school personnel to become more effective in the management and education of all children in the school, and especially to be a major support and resource to the teacher and to the parent in the education of children with beginning, moderate, or serious learning, behavior, or emotional problems.

H.R. 11322 was introduced by Congressman Sam Gibbons of Florida. Eleven other Congressmen introduced companion bills. Some thirty institutions of higher education have informed Congressman Gibbons of their willingness to initiate programs as soon as the bill becomes law.

CEC'S J. E. Wallace Wallin Award.—The following inscription accompanied the Wallin Award presented to ACLD Advisory Board Chairman Samuel Kirk, at the CEC Convention in Toronto.

"In recognition of outstanding professional leadership, the Council of Exceptional Children presents the 1966 Wallin Award to Samuel A. Kirk, Professor of Education and Psychology, and Director, Institute for Research on Exceptional Children, University of Illinois. He has made an immeasurable contribution to special education through his scholarship, publications, the preparation of teachers and research personnel, and his extensive research, particularly in the areas of mental retardation and learning disabilities. His role in the development of the Division of Handicapped Children and Youth, United States Office of Education, merits particular commendation.

An internationally recognized authority in his field, Dr. Kirk has contributed of his time and talents to lay and professional organizations. He is past president of the Council, and his continuous service is reflected in CEC's publication, research, convention, and legislative activities.

Conferred upon him by his professional associates in appreciation of his scholarship, leadership, service, and dedication is CEC's highest honor.

1966 Conference proceedings.—Due to some unexpected problems, the proceedings of the 1966 ACLD Conference will not be available until Fall.

1967 Conference.—March 8–11, Waldorf Astoria Hotel, New York City Chairman, Albert Hans, President, NYABIC, 305 Broadway, New York, N.Y.

White House call.—On June 24, ACLD president Louise Mesirow called on presidential assistant Douglas Cater at the White House to discuss the problems of children and youth with learning disabilities. Mr. Cater had been following the Carey Committee Hearings and seemed to be aware of the gaps in present legislation. He will discuss the issues raised with the appropriate individuals and agencies.

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What Is "Structured"?

(By Angie Nall, Director, Beaumont Remedial Clinic, Beaumont, Tex.)

A cartoon in a newspaper depicted a doctor talking to a woman patient saying, "Madam, I refuse to accept the diagnosis as given by your bridge club." We can

laugh over the absurdity of a group of women around a bridge table having the audacity to attempt to correctly diagnose a fellow-member's physical ills. It is surprising, however, how we can each relate many instances where a child's school or behavior difficulties are diagnosed and treatment is recommended by a group of parents, friends or relatives over a cup of coffee or perhaps a bridge table. Many children have suffered educationally, emotionally, socially or even physically because of these sincere but inept decisions.

One might think help to the parents concerning the educational difficulties of children would come from the schools. One must realize, however, that schools are teaching institutions, and the teachers are not trained diagnosticians. They can and do tell the parents why their children do not do their school work. They say that the child does not pay attention; that he is interested in watching his hands move or what other children are doing, instead of finishing his own work; that he is immature, that he is easily upset; that he can do the work one day but not the next; or that he cannot read (or write or spell). They might venture an opinion as to the cause of these difficulties; but, since they are not diagnosticians, they cannot know.

After talking with the school personnel, the next step usually on the part of the parents is to take their child to a doctor. This is the wisest thing to do. There should be a thorough, a very thorough, physical check-up to see if the child has difficulty in seeing or hearing or has any other physical malfunctions. For example, the child with a low metabolic rate performs at a much lower level than his intelligence would indicate, is tired, fussy, and disinterested in school work. Correction of this difficulty would make it easier for the child to concentrate, attack his work, apply himself without tiring so easily, and even to think more clearly. There are causes of reading disability, however, that do not come within the scope of the average physician.

The next step for those parents, fortunate enough to have the facilities, is a visit to the child psychologist. It is here that many other problems are diagnosed and corrected. The child is helped to make those necessary social and emotional adjustments for happy living in school and home, and the parents are helped to better understand and meet the needs of the child. There are some children, however, who seem to have personality difficulties but who do not respond positively to the therapy and recommendations of the psychologist. These children seem to feel rejected, insecure, jealous, inferior, negative or rebellious. These feelings are often evidenced by inability to get along in the home or with large groups of children, and inability to do successful school work. Many hours of therapy with the psychologist, total cooperation on the part of the parents and school personnel, and desire on the part of the child to improve do not seem to be able to produce the desired results. Further diagnosis is then indicated to establish whether other disabilities might be the cause of these difficulties.

It has been estimated that one out of twenty school children has a severe educational problem. Many of these problems are correctable. Take a child with normal or superior intelligence, who is in this group because of a reading disability caused by a difficulty in the area of associated learning, visual or auditory perception, visual or auditory memory, concept formation or language development, and you will probably find a child who feels insecure, jealous, rejected, inferior, negative or rebellious. Here is a child with a disability which has not been recognized, who tried hard until he gave up, who has been blamed and who blamed himself for acting in a way he could not help.

Remedial and Perceptual Development Clinics, as well as educators, doctors, and the general pubic, are now beginning to recognize these children with Brain Dysfunction Syndrome. This recognition makes it possible, but only with special training, for these children to function in those necessary areas of reading, writing, and spelling. This disability may be more understandable to most of us if we compare it with the inability to sing.

There are some people who can't carry a tune. This fact doesn't bother them or anyone else, unless there is a particular reason that singing in tune is mandatory. Few of these people sing in choirs, but they do not feel inferior because they don't. In fact, most people think it is funny that they "can't carry a tune in a bushel-basket." The minister from the pulpit often tells them jokingly to "make a joyful noise unto the Lord."

The reason they can't sing is because they cannot transfer messages from one particular area of the brain to another specific area. In other words, they have minimal brain dysfunction. Now suppose these people, who cannot carry a

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tune alone, had to stand up in front of their friends and acquaintances each day and sing a solo, knowing that a person, who was an excellent singer, was there to catch each mistake, correct them in front of the group, perhaps fuss at them and treat them as if they were "dumb," because they made the same errors over and over or didn't do what to them was an impossibility. What kind of personality difficulties would these people develop? Suppose these people, who can't sing had to sing on the twelfth grade level before they could graduate from High School. There would be many of them who would "fail" unless they had special training. They would no longer laugh at themselves nor would people laugh with them. They would feel different, inadequate, inferior, frustrated, rebellious, or perhaps would have given up trying to compete and would have found satisfaction in a fantasy world of their own.

The situation of the individual who cannot read, because of Brain Dysfunction Syndrome, is very much like that of the person described who cannot sing. One difference is in the common concept that some people cannot sing, but everyone can read if he has good intelligence and tries hard enough. How grossly in error this concept is! It is an established fact among authorities in the field that language functions, such as reading, writing, spelling and speech, are controlled by specific parts of the brain which are connected by association areas. Any difficulty in either a localized center or in the association areas can cause the person to have trouble. This difficulty can be overcome by specific training, comparable, somewhat, to the training given the post-polio patient in helping him to learn to walk again. It is a long and tedious job at times, and much patience needs to be used by all concerned. Understanding that pathways in the brain are being established or strengthened is imperative rather than thinking that the person is "just learning to read."

As one doctor described the situation, "If the telephone wires are down between towns A and B, and you wish to make a phone call between these two towns you could phone from Town A to Town C and then to Town B." This procedure is analogous to the techniques employed in the training of the child who has lesions in the localized or association areas of the brain which cause severe difficulty in reading, writing, spelling and/or speech development. This is why the training must be individual, using special techniques, until the ability to make contact between the different areas of the brain is established. For example, the child needs to be able to perceive what is seen, to be able to describe what he sees, and to get meaning out of it. Some children need to hear what is said, get meaning from it, and remember it long enough to be able to follow the directions. It is understandable with the need for such special individualized training, many of our public schools cannot provide adequately for these children.

Difficulties of a neurological nature can be determined by testing. This is not a quick process but takes three or four days of intensive testing done in the neurological, psychological, physical and educational fields. Many of us do not have such diagnostic facilities available, so we do the next best thing. We read all we can about the child with severe learning difficulties. We go to hear every speaker on the subject. We take notes We discuss it with our spouses, our neighbors or anyone who will listen. And often we do not really understand what is said to the point that we can markedly improve the lot of our child.

Words get in our way, words that are easy to hear, to remember and even to repeat. To translate them into action is another problem. Take, for example, the term "structured." Every authority says in speches or in writings that children with severe learning difficulty need to live in a structured environment, that they need structured tasks, that their lives should be structured. We'd be glad to give them all these structured things if only we really understood what "structured" means in terms of everyday living.

If you build a house, you end with a structure. It has limits. It is the same each time you see it. The kitchen never moves from where it is. The living room is in the same position in relation to the bedroom. It is permanent. You might remodel, but then your remodeled structure is always the same, never changing back to the way it was before remodeling. In order to remodel, you plan and permanently reconstruct. You don't do it in a wishy-washy way. It is well thought out and carried through as planned.

So it is with a structured life of a child. It is well planned in advance and kept to the original plan unless actually remodeled. A case of remodeling would be the plan for life while school is in session compared to that for life

when school is out for the summer. The structure planned, however, would stand, so that it can be depended upon. For example, the child would get up at a certain time, eat at a specified time, play at a certain hour, rest at certain hours and go to bed at a certain hour. This structure of his life can be written down and placed where he can consult it. It cannot be changed at anyone's whim any more than the walls of your home can.

Do not misunderstand and think that a child must do the same things every day of his life in exactly the same way. The structure could call for bedtime at eight o'clock on weekdays and nine o'clock on weekends, if so desired. The structure would not call, however, for spending the night at friends' homes or having company over at your house which would necessitate changing the regular routine. The structured life could call for free play after school during which time he has a choice within specified limits of what he would want to do. This structure does not mean, however, that all of a sudden something is thrown at him to do or not do. For example, the yard is littered with paper, twigs and the like. The parents are busy and the child has little to do, so there seems no harm in asking the child to clean the yard. It certainly is not a difficult or long task. It just happens to be given to him in his "free choice" time. His reaction could easily make him argue, become rebellious or frustrated, or could possibly make him retreat into a life of fantasy which is more pleasing than the one he has to face.

Often children do their own structuring. In fact, many times structuring is a bone of contention between parents and child. The child will do the same thing every day in the same way. Frankly, it is not the way we would do it. In fact, it is not always the logical way to do it.

Take, for example, a group of boys in a boarding situation who were fixing their lunches to take to school. On the table were arranged the sacks, bread, sandwich fillings, sandwich wrapping, candy, cookies, fruit and chips all in this order. The logical thing to do was for the first boy in line to start with the paper sack, fixing the sandwich to put in the sack, and then adding the "extras" as he wished. If the first day the fixing of lunches had been structured in that manner, all would have been well. Since it was not, the boys structured it themselves, fixing all the things they wished to take, putting them in a pile and then reaching for the paper sack to put it all in. This meant frequent reaching over the person to the right or the left, and confusion often resulted. A housemother, trying to help and being absolutely logical from an adult point of view, tried to get these boys to fix their lunch in the logical order. But remember, these boys had already structured their task. To restructure it would take sitting down at an unrushed time, talking through the situation, getting them to see the value of changing and then getting their agreement to chance. Merely explaining at the moment and telling them to "do it this way" only resulted in arguments and rebellion.

This same type of experience could be described by parent after parent. The child starts putting on his socks and shoes before he puts on his pants, and it is a major project to get him to change and put his pants on first. The child takes forever to get home from school, for he has to stop and browse through everyone's trash pile on the way. We correct him and correct him, but it seems to do no good. It just happens in both cases that the child has structured his own situation before we got around to helping him do it in a better way. To change something already structured to the child is a remodeling job. Remember to plan and then to rebuild. It isn't done in a day.

One of the most important items in a structured environment for the child is the parents. They should structure themselves. They must be dependable all of the time. If they say, "Don't slam the door," they mean it on Saturday as well as they did on Monday. If they don't, they should have said, "Don't slam the door This Time." They should be dependable in all management and discipline. They must mean what they say, good or bad. They should be where they say they are going to be and be there when they say they will be. If not, the child should be notified by phone or neighbor. The parents are the child's Rock of Gibraltar. They should be "solid" for the child to be able to cling to. An undependable platform of dirt that crumbles at unexpected times and cannot be depended upon every time to give support would make anyone who stood upon it feel insecure. With the children who have learning difficulties, such insecurity is a catastrophe.

It is the dangling-in-the-air feeling that is so common to these children that makes them so hard to live with. They cannot make choices. Choices of too big a scope only frustrate them. Not knowing their limits frustrates them. This is

the reason for the Structured Living. This goes into all areas of the child's life: structured tasks, structured discipline, structured play. Just remember the house you live in with its plan, its walls which makes its limits, and its dependability. So structure your child's life. The results are worth the effort.

Have You Ever Known a Perceptually Handicapped Child?

(By Laura E. Lehtinen, Ph. D., Clinical Director, The Cove Schools)

Have you ever known a perceptually handicapped child? Perhaps not. But perhaps you have without being aware of it. Perhaps you have only been aware that Johnnie seemed a bit different, maybe hard to manage, difficult to predict or understand, but not bad or unintelligent, just a problem. Perhaps you even felt thankful he was not your problem. Yet in a way he is. For while he is a problem to his parents, teachers, brothers and sisters, and to himself, he may ultimately become one to society too if understanding care and appropriate treatment cannot be found.

Just what is a perceptually handicapped child? How can he be identified? What does perceptually handicapped mean? To say that a child is perceptually handicapped is another way of saying that although he may be normally intelligent his nervous system does not receive, organize, store and transmit information in quite the same way as does that of a normal child. Does this seem paradoxical? If the functioning of the central nervous system is faulty doesn't this automatically mean mental retardation? No, it is possible for a child to score within normal limits on tests yet have serious difficulty learning certain things—to have a learning disability or learning disorder. Such a child may show a wide gap between his ability to understand events, experiences and ideas and his ability to learn to read, spell, write and compute numerically.

The causes of a perceptual handicap are numerous. It may result from actual injury to the tissue of the central nervous system such as might occur during a difficult delivery, or from some other trauma such as a severe fall or an automobile accident. High fevers, encephalitis, or a lack of oxygen may similarly damage vital substance so that it can no longer function as efficiently as it once did. Maternal virus illnesses and blood incompatibility of mother and child may be damaging. Some authorities believe that the cause does not always lie in tissue damage but that electro-chemical imbalance may be a factor or that certain systems may lag behind others or such an extent in their maturational rate that disparities in development result. Whatever the cause, the noxious event or irregularity in development results in an alteration of the normal patterns of growth and development as they usually occur. Often the child's physical growth proceeds quite normally; he does not appear to be handicapped; his vision and hearing are normal. We observe the effects of the central nervous system dysfunction in the perceptual mistakes made by the child, in his conceptual confusions, in his behavior difficulty, in his learning disorder, and in subtle motor in-coordination.

More specifically, what is a perceptual handicap? The term refers to an impairment in the normal processes of perception, that is, in the basic ability of human beings to cope with and to *make sense out of* the environment in which they live. It is a process as basic and automatic as eating, breathing, sleeping, and moving. It functions without conscious direction, continuously taking in, selecting, and organizing countless sense impressions moment by moment. It is the basis for behavior.

At every waking moment the individual is surrounded by an environment of physical energy to which his sense organs respond. His brain, the magnificent organ that mediates all of his behavior, differentiates and structures, that is, makes sense out of these impressions so that it can direct his actions. As a very young child he learns than an object that looks round will feel round and that one that looks pointy will feel sharp, and that certain sounds have certain meanings.

When he enters school he must make sense out of many little marks on charts or the chalkboard. He must be able to perceive their shape well enough so that he can remember which is which (they all have names or sounds) and be able to make them himself. It is no longer enough that he hear and understand speech,

he must detect the tiniest differences between words that sound very much alike but mean quite different things. He must be able to listen attentively to explanations and instructions and, as rapidly as the teacher speaks them, to relate them to action or experience so that they become integrated with what he already knows in order to extend the fabric of his knowledge and understanding.

The child with a perceptual handicap has difficulty forming these refined and organized perceptions. He misperceives. He overlooks important details or focuses on them so strongly that he misses the whole. He may grasp aspects of the whole but not their relationship or the whole itself. He hears meanings but fails to attend to word structure. He mishears word structure. His mishears word structure and so is misled in their meanings. He is distracted by sights, sounds, and ideas which are interesting and significant for him but irrelevant to the main objective of the moment.

Can you imagine what not being able to perceive accurately must be like? As a normal individual you have not experienced the distortions or misperceptions which occur repeatedly to the perceptually handicapped child and you can no longer recall the first groping efforts of your early childhood. It is only when conditions are poor for perceiving accurately that you may experience something comparable to perceptual disturbance. You may have had the experience of driving along the highway and noticed an advertisement but so briefly that you were unable to identify what the picture was about. Or in a fog or semi-darkness you are uncertain because the shapes of things are different from usual. If you recall the strong sense of frustration and dissatisfaction that accompanied them. You were troubled, because in the fog your perceptions were no longer reliable.

While perceptual impairment is one of the most common consequences of brain dysfunction in children it is by no means the only one. Behavior disorders usually follow central nervous system dysfunction. Many perceptually handicapped children are unusually active, restless, and distractible. Some have difficulty controlling their impulses to speech and action and interrupt conversations or recitations or get up to wander around, Some are especially persistent in their questions or demands. Some are repetitious and can't seem to drop a subject once they have become interested in it. Most are unstable emotionally—crying over trifling hurts, laughing riotously, becoming silly, loud or boisterous in excitement. The ability to tolerate frustrating situations is lower than normal and the child will respond with withdrawal or inappropriate behavior to a situation he can no longer tolerate.

Society's judgment is usually a criticism of the parent; the child has been spoiled or lacks training. It is true that the usual parental efforts are often ineffective in the child's behavior training but it is also true that the perceptually handicapped child is more difficult to teach and train than a child with a normal nervous system. The strain placed upon members of the family, brothers and sisters as well as parents, by the presence of a child who wants to take part but fails in his efforts, who smarts under the jeers of other children, who senses his inadequacy but can only react in anger or confusion, is hard to appreciate. A maximum of understanding, sensitivity, flexibility and perhaps most of all stamina and resourcefulness are demanded of a parent in the task of bringing up his perceptually handicapped child.

In addition to perceptual and behavior disturbances other mental processes such as concept formation and judgment (how the child thinks about what he perceives), language, integrative processes, and memory may be impaired. Thus, while a child may be reasonably capable of organized and accurate perceptions, he may not think well abstractly or reason logically. If his percepts are inaccurate he will arrive at faulty conclusions since they form the basis for many of his concepts. He may have difficulty in formulating the correct sentence, although he knows what he wishes to say. He may find it hard to get several parts of his mind to work together in an integrated fashion, such as saying a word as he writes it. His memory may be impaired in such a way that he cannot recall words when he needs them or remember the association between letters and numbers and their names.

To add to the parents' confusion, the child with a perceptual handicap may do some things well and some things very poorly, depending upon which abilities have been damaged or the circumstances of the moment. He seems to be extremely inconsistent.

There are all symptoms of minimal cerebral dysfunction, without mental retardation, popularly referred to as perceptual handicaps. Usually the child appears externally quite normal, with no physical signs of the gravely disturbing condition within, although he may have convuslive disorder or, if certain motor regions of the brain have been injured he may show such physical problems are cerebral palsy.

For the child with perceptual handicaps learning in the regular classroom is a virtual impossibility. Yet because the child's overall intelligence quotient indicates ability within the normal limits, the regular classroom is the only place at present available to him in most school systems.

In the regular classroom, the perceptually handicapped child is often overstimulated by the wealth of interesting material on hand and by the spontaneous, lively activity of his classmates. Because he has not yet achieved normal controls over his behavior, the stimulation which is appropriate and right for normal children overloads his nervous system and leads to immature or objectionable behavior which is disturbing to the group. His visual perceptual disturbance makes it difficult for him to make sense out of many of the learning materials offered to the rest of the class. His frequently observed auditory perceptual impairment makes it hard for him to get accurate meanings from teacher explanations or oral instructions. His confusions in thinking lead to confusions in understanding and erroneous conclusions which are embarrassing to him and unacceptable to the teacher. If language disturbances are present oral recitations or written expression are laborious. His memory difficulties mean that words, numbers and answers which were learned today may be fogotten tomorrow. His coordination difficulties, often not detected in walking or running, become obvious in gym class or on the playground, or in learning to write where complex and highly integrated motor perceptual demands are made.

It is no surprise that as the original confusion is compounded by more and more material, presented at a rapid pace, the child's frustration grows greater until he can no longer function as an active learner in the classroom. He becomes convinced of his inferior abilities, dislikes school and study, and resorts to various means to obtain compensating even if false satisfactions. Added to his school problems are the frustrations of wanting to join yet being unable to keep up with neighborhood children because of the perceptual and coordinative difficulties.

This is the typical history of a perceptually handicapped child. Minimal, but nonetheless important disturbances in the mental functions necessary for mastery of school learning and the common daily skills of play and living stand in the way of his achievement. He becomes discouraged, sometimes angry with or jealous of others who enjoy the success he desires but finds impossible to attain. Unless he can be helped he becomes a school casualty destined to limp along until the day he is permitted to leave.

Must such failure necessarily be the unhappy outcome of a perceptual handicap? Emphatically not. Experience has shown that appropriate education given at the proper time can help a child to learn more normal ways of thinking and perceiving so that even if some deviations continue to be present the gap between his faulty perceptions and normal ones can be reduced.

The child with a perceptual handicap carries the condition with him for years, perhaps indefinitely, like a short leg. He can use it but not as skillfully as if it were normal. His ability to use it grows but only if he is stimulated and encouraged to make the most of it.

He can be helped to learn the basic academic tools in spite of his impairment by teaching methods which minimize the disturbing effects of his handicaps or stimulate him to a more effective use of the impaired functions. He can be helped to compensate for his deficiencies by recognizing them and working against them so that later he can return to the regular classroom to continue his schooling.

It is most important that he receives the specific and individualized help he needs when his learning and behavior problems first become apparent in order to prevent the emotional tensions which arise with repeated failure and the wrong learnings resulting from his distorted perceptions. He wants to learn, he wants to be in step with the others around him. The challenge of the educator is to show him how it can be done and to sustain him in the arduous task life sets before him.

[From Newsweek, July 31, 1967]

WHEN "FILM" IS "FLIM"

Bobby's IQ was above average for a third grader, but he could read no better than he had in first grade. He couldn't copy even the simplest words, had trouble deciding which way to turn while playing games in the schoolyard and, finally, stopped trying. Bobby's teacher decided he was just lazy. His parents decided the teacher was incompetent. But a psychologist, after giving Bobby a battery of tests, concluded that his difficulty was neurological: the boy, he said, was suffering from dyslexia.

Dyslexia (from the Greek "hard reading") is a medical and educational mystery. Doctors don't know what causes it, few teachers know how to recognize it and, indeed, some educators obstinately question whether it exists at all. Instead, they blame problems like Bobby's on the way reading is commonly taught and on the recondite nature of the English language itself. But at a recent conference on dyslexia sponsored by the U.S. Office of Education, Roger Dale Semerad of the State University of New York estimated that 3.5 million U.S. schoolchildren are dyslectic. The meeting reflects increasing Federal interest in the disorder—it was held at Southwest Texas State College, alma mater of President Lyndon Johnson, whose daughter Luci was once treated for reading difficulties.

Reversal.—Most of the physicians, educators and reading experts at the Texas meeting agreed that dyslexia is a neurological problem. Since many dyslectic youngsters are above average in intelligence, it is not considered a form of retardation. But for some reason their brains are unable to translate the symbols on the printed page into meaningful ideas, or recall visual images. Dyslectics have a striking tendency to reverse letters in words, writing "was" for "saw," or "flim" for "film" (although anyone will make similar mistakes on occasion). Dyslectics also have difficulty keeping ideas in their proper order, and may be unable to describe how they spent their day chronologically. Typically, dyslectics may be awkward in the way they walk and have little sense of rhythm. And they also often have trouble distinguishing left from right.

Dyslexia is far more common in boys than in girls, and there is strong evidence that the disorder is inherited. A Danish study showed that if the disorder affects one member of a pair of identical twins—who develop from the same fertilized egg—it invariably occurs in the other member. In the same study, dyslexia occurred less frequently in both members of pairs of nonidentical twins.

Neurologists believe the trouble is rooted in the parietal and occipital lobes of the brain, which lie between the ears and the back of the skull; the centers for perception and imaginative thinking are located in these lobes and adults who suffer injuries or strokes in these areas may develop the signs of dyslexia. Yet the typical dyslectic child shows no evidence of brain damage. Nonetheless, some neurologists and psychologists believe the problem is caused by faulty development of the parietal areas.

Dick and Jane.—But since neurologists have yet to see this defect under the microscope or record it in an electroencephalogram, some educators like Dr. Allen Calvin, president of the Behavioral Research Laboratories, Palo Alto, Calif., look for the cause of reading difficulty in a different area. "There is nothing wrong with these kids' brains," says the 39-year-old psychologist. "There is something wrong with the brains of the people who make up the Dick and Jane books." The look-say methods, in which the pupil learns whole words, Calvin believes, taxes the memory of many youngsters. The phonetic system is only a little better, he adds, because the spelling of many English words bears no relationship to how they are pronounced. Calvin's alternative: learning based on pronunciation, such as grouping words with the short sound of "a."

The confusion for the parents of a child with a reading problem is compounded by the fact that even those who agree that dyslexia exists may disagree about the way to treat it. Some prescribe concentrated remedial reading, while others prescribe exercises. "In one program kids are crawling," notes one reading-and-speech expert, "while five miles away, they're bouncing on a trampoline." The most widely respected programs for treating dyslectics combine both reading and motor retraining.

Cutouts.—At the McGlannan School in Miami, Fla., children learn to discriminate letters by the sense of touch before learning them with their eyes.

"You must first develop the skills that underlie reading," Mrs. Frances McGlannan, the school's founder and director, explains. Youngsters at the school learn to identify shapes by handling triangles, circles and other large geometric cutouts while blindfolded. Later, they learn to identify cutouts of letters the same way, pronouncing them with their lips as they trace their outlines with their fingers. Finally, they receive intensive drill in reading and spelling. To make the drills more interesting, the child may carry them out on a typewriter.

To improve motor coordination, children at the McGlannan School and at the DeWitt Reading Clinic in San Rafael, Calif., learn to walk on a balancing beam. "Reading is an act of coordination," notes the DeWitt Clinic's Dr. Ray H. Barsch, "and we try to bring the child to the highest state of motor, as well as perceptual, coordination." Barsch, in fact, combines reading with exercise, teaching dyslectic children to read while walking or jumping.

Such training is expensive—the McGlannan School charges $187.50 a month and the average dyslectic stays about two years. But the time and cost are worthwhile; most children with the disorder eventually go on to finish their education. "Many," notes Dr. J. Roswell Gallagher, director of the Adolescent Unit at Boston Children's Hospital Medical Center, "become doctors and engineers."

STATE DEPARTMENT OF EDUCATION,
Oklahoma City, Okla., June 14, 1966.

MRS. LOUISE MESIROW.
Gramercy Inn,
Washington, D.C.

DEAR MRS. MESIROW: In regard to your questions concerning programs for handicapped children under the ESEA Act, the records indicate the following divisions of funds:

Title I: Total Projects, 750; Total Funds, $16,622,644.13.

There were 48 projects dealing with handicapped children which were funded to the amount of $365,263.12. This would indicate approximately 2.19 per cent of the funds were used for Special Education Projects under Title I.

Title III: Total Projects, 10; Total Funds, $615,486.14.

One of these projects included some services to handicapped children and was funded for $183,156.00 or approximately 30 percent of the total money funded for Title III Projects.

None of the money from the ESEA Act was used to support classes for children with learning disabilities. Oklahoma City is using $300 of Title I Funds to pay the expenses of three teachers attending an institution on learning disabilities. These teachers will staff three additional classes for these youngsters next year.

From the above figures it is clear that a very small percentage of the ESEA Funds are being used for handicapped children.

Sincerely,

MAURICE P. WALRAVEN,
Supervisor-Psychiatrist, Division of Special Education.

MEMORANDUM TO CONGRESSMAN HUGH CAREY, CHAIRMAN, COMMITTEE FOR HANDICAPPED, HOUSE OF REPRESENTATIVES FROM MRS. GORDON HALLSTROM, MEMBER, BOARD OF DIRECTORS, FUND FOR PERCEPTUALLY HANDICAPPED CHILDREN, LEGISLATIVE CHAIRMAN, ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES, RE EDUCATION OF CHILDREN WITH LEARNING DISABILITIES IN STATE OF ILLINOIS, June 15, 1966

WHAT HAS BEEN DONE

Approximately ten years ago psychologists and educators in Illinois recognized the need to demonstrate that a child with learning disabilities could be successfully taught in a public school program designed to meet his specific educational needs. An appropriation was authorized by the Illinois State Legislature for a three year pilot project to determine the effectiveness of such a specialized program. The demonstration class established in Joliet, Ill. was started with children who performed as retarded but psychologists hesitated to declare

them eligible for the program for Educable Mentally Handicapped because of their obviously intellectual potential. Of the ten children participating in this class, the results were:

1. All ten showed improvement in the area of intellectual control (control of impulsitivity and pyperactivity, also ability to be realistic).
2. Five were recommended for placement in a regular grade on the basis of their academic achievement.
3. Three were recommended for placement in a special class for educable mentally handicapped but two of these appeared to have a potential for subsequent regular grade placement.
4. Two were to be retained in the demonstration class for further training, one of these manifesting a potential for subsequent regular grade placement.

This was the beginning in Illinois of the recognition by school authorities that a child with learning disabilities could profit educationally from special teaching techniques. At this point, the Fund for Perceptually Handicapped Children, Illinois affiliate of the Association for Children with Learning Disabilities, concentrated their efforts to strive for a program in each school district in Illinois for Children with learning disabilities. This included:

1. Making the public and professions aware of the problem.
2. Numerous appearances before school boards.
3. Parent education meetings.
4. Teacher training seminars.
5. Consultations with legislators.
6. Forming professional advisory committees composed of educators, physicians, legislators and school psychologists.

Progress has been made—from one program to approximately one hundred. Despite these efforts, in many areas of Illinois the child demonstrating a discrepancy between ability and achievement was not getting a program in the public schools to meet his needs. Education for handicapped children in Illinois has been permissive. The State Director of Special Education, State Commissions dealing with problems of children, local educators and many voluntary health organizations recognized the necessity of examining the benefits of mandatory legislation for special education to insure a profitable education for all handicapped children in Illinois. Such legislation was introduced in the Illinois House of Representatives April 28, 1965. Mandatory Legislation for Special Education (House Bill 1407) turned out to be a consensus bill and was supported by all elements in the legislature, voluntary health organizations, the Governor's office and the Superintendent of Public Instruction. The bill was passed and signed by Governor Otto Kerner July 21, 1965. Some of the more important features of this Bill should be mentioned.

1. Each county must have an advisory committee appointed by the county superintendent of schools to prepare a comprehensive plan for special education by July 1, 1967.
2. There is a State Advisory Council on Handicapped Children consisting of seven appointed members and with the Director of the Department of Mental Health and the Director of the Department of Children and Family Services ex-officio, to review the plans submitted by the 102 county advisory committees and to, in general, advise the Superintendent of Public Instruction on all aspects of special education.
3. The bill carried an appropriation of $160,000 to provide consultant services to the county advisory committees.
4. There was provision for $450,000 for traineeships and fellowships to help somewhat in the anticipated teacher shortage.
5. An educational materials coordinating unit was authorized with an appropriation of $190,000 to work on the problem of appropriate instructional materials for all handicapped children. (The Educational Materials Center for Handicapped Children has since received a Federal Grant under Title 3 Public Law 88–164 of approximately $750,000 for a three year period.)
6. There was a section in the bill to require high schools to accept their rightful responsibility for handicapped children, beginning July 1, 1966.
7. Special education for all handicapped children is mandatory, effective July 1, 1969.

The child with learning disabilities is included in Article 14 Section 14–1.03 under the Maladjusted. This classification included (a) Socially Maladjusted (b) Learning Disorders (c) The Emotionally Disturbed. Since this law includes every

category now listed in Article 14 of the School Code, school districts *must* provide programs by July 1, 1969 for Children with Learning Disabilities in Illinois.

WHAT NEEDS TO BE DONE

Teacher training.—The foremost obstacle to successfully implementing the Mandatory Legislation for Special Education in Illinois is the shortage of trained personnel.

According to research done by the professional staff assigned through the Office of Public Instruction of the State of Illinois to assist in implementing House Bill 1407, as of January 1966, there is an unmet need of 1,978 teachers of children with learning disabilities in the State. To help meet this unmet need, the Office of Public Instruction, as recommended by the State Advisory Council for the Education of Handicapped Children, called a meeting May 9, 1966. Representatives of twenty teacher training universities in Illinois attended. Dr. James Chalfant, Acting Chief, Handicapped Children and Youth Section, Division of Educational Personnel Training, Department of Health, Education and Welfare, Washington, D.C., planned to attend but was unable to do so. The purpose of the meeting was to alert the universities to the urgent need for their cooperation in training special education personnel if mandatory legislation was to be implemented by July 1, 1969. Recommendations were made, one of which was the need for program development grants for universities to encourage and assist them in setting up needed teacher training programs for the handicapped. The means of financing these program development grants for the universities have not been determined.

It is my feeling as a member of the Association for Children with Learning Disabilities that the educational problems of the child with learning disabilities will be more quickly and efficiently met as the Federal, State and local educational departments work together as a team. This team can help provide the solution to the problem of needed professional personnel through financial assistance and by informing the citizentry both lay and professional of the potentialities of these children who has so much to contribute to society if they receive their rightful opportunity for an education.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC INSTRUCTION,
Harrisburg, Pa., May 29, 1967.

MRS. LOUISE MESIROW,
Tulsa, Okla.

DEAR MRS. MESIROW: First of all let me apologize for being so long in replying to Mrs. Silva's letter of May 4, 1967. For most of the time since Mrs. Silva's letter has been received, I have been out of the office working on state and federal legislative funding of programs for exceptional children. Now that the federal legislation is before Congress, I have a little time in my office to reply to other types of requests.

In her letter to me, Mrs. Silva raised several questions, which I will attempt to answer.

1. What is the up to date information concerning the number of classes in Pennsylvania serving brain injured children? The total number of children being served both in public and private classes as of November, 1966—19 classes enrolling 134 pupils were being conducted by school districts or county boards for brain injured children within the public schools. The State is purchasing services from approved private day schools for an additional 750 and from resident schools for an additional 50 children. The public schools are planning to double the number of classes during the 1967–68 school year. There will also be an increase in the purchase of tuition in private schools, but I do not have the data on this available at this time.

2. What is the status of teacher certification? About two years ago a committee drew up recommended teacher certification criteria. We have been following these criteria in the selection of teachers, but on a permissive basis. We felt that we could not make them mandatory until at least one of our state colleges or universities planned a comprehensive teacher preparation program. Last week a committee met to finalize these criteria for the consideration of the State Board of Education.

3. How much money is allocated in the budget for class development in the past and present? The School Code of Pennsylvania provides that all excess costs for the education of exceptional children are paid by the State from a general appropriation in support of education of the exceptional. If all of the classes projected are organized during 1967–68, "and the only deterrent to their organization is the lack of properly qualified teachers", I estimate that the State will be spending $405,000 in the public schools and $1,300,000 in the purchase of tuition and maintenance in state approved schools.

4. What is the extent and type of survey conducted in the State for census and identification purposes? The School Code provides that an annual census of all school children shall be conducted by all of the districts of the Commonwealth and that all children reported on this census shall be given the proper examinations. Our State Board Regulations require a neurological and psychological examination for brain injured children plus a psychiatric evaluation for children where indicated.

Very truly yours,

KATHRYN DICE REIER,
Director, Bureau of Special Education.

Senator MORSE. We now have the pleasure of having the American Friends Service Committee panel before us: Mr. M. Hayes Mizell and Miss Jean Fairfax and anyone else that you have with you.

PANEL CONSISTING OF MISS JEAN FAIRFAX, NAACP LEGAL DEFENSE FUND, DIVISION OF LEGAL INFORMATION AND COMMUNITY SERVICE; M. HAYES MIZELL, AFSC, SOUTH CAROLINA COMMUNITY RELATIONS; AND MISS WINIFRED GREEN, DIRECTOR, ALABAMA COMMUNITY RELATIONS, ALL OF THE AMERICAN FRIENDS SERVICE COMMITTEE

Senator MORSE. Mr. Mizell, will you introduce all the members of the panel? I only have two.

Mr. MIZELL. Yes, sir.

Miss Jean Fairfax of the NAACP Legal Defense Fund, Division of Legal Information and Community Service.

She will speak first, by the way.

This is Miss Winifred Green, director of the Alabama community relations program of the American Friends Service Committee.

Senator MORSE. I just can't do more than tell you that we welcome you most enthusiastically. If I said more, you would think it was flattery. I am not given to it. I am glad to have you here. I want you to take over the hearing during the time you are on the stand and tell us what you think we ought to do and make the record you want to make.

You may proceed.

STATEMENT OF MISS JEAN FAIRFAX, NAACP LEGAL DEFENSE FUND, DIVISION OF LEGAL INFORMATION AND COMMUNITY SERVICE

Miss FAIRFAX. Senator Morse, my name is Jean Fairfax. I am the director of the Division of Legal Information and Community Service of the NAACP Legal Defense and Educational Fund. Hayes Mizell, director of the South Carolina community relations program of the American Friends Service Committee and I appreciate the opportunity to present testimony based on the experiences of our two

agencies in seeking to secure the right of every child to equal educational opportunity. We are accompanied as Mr. Mizell has told you, by Winifred Green, who is the director of the Alabama community relations program of the American Friends Service Committee.

We are here today because of our conviction about equal education opportunity which we interpret as quality education available to all without discrimination. We are concerned that Federal aid to education should advance the goal of integration.

In our testimony, we address ourselves to three issues:

(1) The urgency of the issue of school integration against the background of the total national crisis in race relations.

(2) The crisis in HEW's civil rights compliance program and the ineffectiveness of efforts so far to abolish the dual school system in the South.

(3) Specific issues which are before you which we believe give the Senate an opportunity to demonstrate the Nation's commitment to integration.

Senator Morse, I am not going to read all of my statement because I do want to leave some time for comments by Mr. Mizell but I will excerpt the statement and call some matters to your attention.

Senator MORSE. Read it all if you care to.

Miss FAIRFAX. Thank you very much.

Senator MORSE. I am going to insert the full document in the record at this point.

(The joint prepared statement of Miss Fairfax and Mr. Mizell follows:)

JOINT PREPARED STATEMENT OF JEAN FAIRFAX, NAACP LEGAL DEFENSE FUND, DIVISION OF LEGAL INFORMATION AND COMMUNITY SERVICE; AND M. HAYES MIZELL, AFSC, SOUTH CAROLINA COMMUNITY RELATIONS PROGRAM

Mr. Chairman, my name is Jean Fairfax. I am the Director of the Division of Legal Information and Community Service of the NAACP Legal Defense and Educational Fund. Hayes Mizell, Director of the South Carolina Community Relations Program of the American Friends Service Committee and I appreciate the opportunity to present testimony based on the experiences of our two agencies in seeking to secure the right of every child to equal educational opportunity. We are accompanied by Winifred Green, Director of the Alabama Community Relations Program of the American Friends Service Committee.

Our experience represents two important aspects of private agency effort to promote equal educational opportunity and covers more than two decades of concern with the legal and community aspects of this problem. For the past two years our two agencies have cosponsored a School Desegregation Task Force in the South, from which much of the experience we will share today is drawn.

The riots of 1967 have unmasked deep anger and despair among Negroes—anger about being humiliated, rejected and denied access to the riches of America's affluent society which are spread before them and despair about the viability of legal processes for securing full membership in that society. The desperation of a growing number of citizens who have abandoned hope compels urgent assessment of the nation's ability to make good its promise of equality. We would like to make some observations about racial isolation in education which are germane to this problem as well as to the matters which are specifically before this Subcommittee.

The school is the first public institution which the minority group child encounters. At his first entry point into the larger community, he perceives how society defines him and communicates its expectations for him as a person, a citizen and a job-holder. As Judge Minor Wisdom has said:

"Denial of access to the dominant culture, lack of opportunity in any meaningful way to participate in political and other public activities, the stigma of

apartheid condemned in the Thirteenth Amendment are concomitants of the dual educational system. The unmalleable fact transcending in importance the harm to individual Negro children is that the separate school system was an integral element in the Southern State's general program to restrict Negroes as a class from participation in the life of the community, the affairs of the State, and the mainstream of American life: Negroes must keep their place. (*United States* v. *Jefferson County Board of Education*, 372 F 2nd 836 (5th Cir. 1966), *aff'd with modifications on rehearing en banc*, Civ. No. 23345, 5th Cir., March 29, 1967."

Equality of educational opportunity is now the law of the land. Yet American education is still largely segregated and unequal. The public school which should be the gateway to dignity, economic opportunity and citizenship is the symbol of apartheid.

Locked into segregated schools and locked out of participation in the mainstream of economic, cultural and civic life, American Negroes have become less inhibited in their expressions of frustration, alienation and despair. Segregated public schools will increasingly become the focus of this despair. While the elimination of segregation in education is no panacea and may, indeed, have more long-run than short-run implications for a racial minority which is overcoming generations of exclusion, resistance by the white majority to equal educational opportunity now, is interpreted as "NEVER!" There is no single path out of the intermeshed web of segregated schools, jobs and housing, but one thing is sure: to deny equal access to opportunities for the education and training needed for entry into our advanced technological society is to exclude persons from meaningful participation in any part of it. Time is running out. Visible evidence that the nation is committed to racial inclusiveness in public education is urgently needed.

The process of school integration in the South, where we have been working, has been a cycle of great expectations and shattered hopes. The excitement following the Supreme Court's school desegregation decision of 1954 waned during the years of massive resistance. The mandate of Title VI of the Civil Rights Act of 1964 to secure nondiscrimination in all Federally-financed programs generated hope that HEW would make real in the lives of American children the rights which a decade of litigation had won but had failed to achieve in fact. However, there are now more Negro children in segregated schools in the South than in 1954. The ringing affirmation in the Fifth Circuit's monumental decision last winter that there is a clear constitutional mandate to tackle all manifestations of *de jure* segregation in education and that this means conversion to an integrated system, "lock, stock and barrel" must be tempered with the fact that new schools will be opening this fall on a completely segregated basis. Resegregation is occurring even before integration has been accomplished.

To effectuate Title VI HEW issued Guidelines for school desegregation which conform in general to standards established by Federal courts and which have been upheld by them. Progress has taken place under the Guidelines, particularly in the border states, but their implementation in the Deep South has not produced significant results in the elimination of the dual school system. Most southern school districts are desegregating under freedom of choice plans. We commend to you the recent report of the U.S. Commission on Civil Rights, *Southern School Desegregation, 1966–67*, which is a thorough documentation of the ineffectiveness of freedom of choice plans as a device to disestablish dual school structures.

HEW requires substantial progress in pupil desegregation and in moves to end the racial identifiability of schools. Yet HEW has predicted that when schools open this fall, 82% of the Negro children in the Deep South will be in schools which are at least 95% Negro.

We are distressed at the dilution of these Guidelines as they are being implemented locally. HEW's minimum expectations for staff desegregation (the equivalent of two teachers per school) will undoubtedly not be met this year and there is evidence that Negro teachers have been fired, demoted or assigned to nonacademic positions. The regulations clearly call for the equalization of facilities and programs and for the closing of inferior schools. Yet segregated Negro schools will be in operation this year which are overcrowded, unaccredited and inferior in curriculum and facilities to white schools in the district. Some of them have no indoor plumbing. In many districts, contrary to the Guide-

lines, bus transportation is duplicative and discriminatory and has not been reorganized into a nonracial system. We are concerned about HEW's apparent reluctance to enforce its regulations in majority-Negro districts in the South.

The fact that HEW has been unable to provide adequate protection for families exercising their rights has been a major deterrent to desegregation. Negro families seeking equal educational opportunities have suffered intimidation, physical violence, economic reprisals, evictions and job loss. Courageous children, who have enrolled, nevertheless in desegregated schools, have met indifference, humiliation, hostility and physical abuse from teachers and fellow students. Even where there has been no overt intimidation, fear of rejection and of academic failure has been a limiting factor.

A nation which is unable to secure for its children the rights to which they are constitutionally entitled and which cannot protect them in the exercise of their rights is breeding discontent. We have observed a growing cynicism among Negroes in the South as they have experienced the gap between the law and its implementation.

On the basis of our experience in the South, we believe that the following are needed to secure equality of educational opportunity across the nation:

1. *A clear national commitment and a high priority to the goal of quality, integrated education.*

2. *A vigorous civil rights compliance program* with understanding and strong support from all branches of government.

3. *An effective technical assistance program.* Title IV of the Civil Rights Act is not before you but we hope you will find ways of encouraging greater coordination between programs funded under that title, which provides technical assistance in the solution of problems incident to desegregation, and programs under other Acts, such as ESEA's Titles III and V.

4. *Incentives* to stimulate comprehensive, long-range solutions for the toughest and most challenging problems. In many school districts genuine efforts to eliminate racial isolation will have to anticipate metropolitan plans, school district reorganizations and even interstate structures.

RECOMMENDATIONS

1. We urge you to delete Section 182 of the Elementary and Secondary Education Act as amended by the House of Representatives in HR 7819. HEW's compliance program must be strengthened. Efforts to weaken it, such as the Fountain amendment, must be resisted. The only sanction available to HEW is the termination of Federal funds. We can assure this Subcommittee that HEW has used this sanction with extreme caution. There are over 23,000 school districts in the nation. Since the beginning of the compliance program, enforcement action has been initiated only against 317 (as of July 1, 1967). As of July 31, 1967, funds had been terminated only against 103 school districts; only 74 were being deferred. Most of the school districts against which enforcement action has been initiated are districts in the South which have either refused completely to file compliance agreements or have demonstrated extremely poor performance in student desegregation (0–3%). The small number of districts which have been subject to sanctions must be compared to the overwhelming majority of southern districts which are not fulfilling their constitutional obligation to abolish their dual school systems. No northern districts have been cited in spite of the many complaints which HEW has received about segregation in the North.

The erosion of constitutional rights which is witnessed not only in the attacks against HEW's modest success but also in HEW's failure to develop a vigorous and effective compliance program must be challenged. We urge this Subcommittee in its report to express its concern for a strengthened Title VI compliance program in HEW.

2. We oppose the transfer of the administrative responsibility for Title III of ESEA from the Federal Government to the states. We have carefully studied the statements of Secretary John W. Gardner and Commissioner Harold Howe II concerning the House of Representative's amendments to Title III and share their concern that such a shift would weaken this program which was designed to foster innovation and constructive educational experimentation. The state departments of education in the South have not demonstrated a capacity for

innovation, imagination and change. With the possible exception of some border states, we see no evidence that these agencies have provided leadership for school desegregation—the most urgent issue which would indeed have tested their ability to create new structures to meet changing times. Furthermore, there is considerable evidence to the contrary—that southern state educational agencies are using their power to preserve segregation. A three-judge Federal court recently ruled that Alabama officials had "flouted every effort to make the Fourteenth Amendment a meaningful reality to Negro school children" but went on to observe that "the most significant action by these defendant state officials, designed to maintain the dual public school system based on race, is found in the day-to-day performance of their duties in the general supervision and operation of the system." (Lee v. Macon County Board of Education, C.A. No. 604–E, M.D. Ala., March 22, 1967). The extremely low desegregation statistics (for 1966–67: Alabama, 2.4%; Georgia, 6.6%; Louisiana, 2.6%; South Carolina, 4.9%; Mississippi, 2.16%) would seem to indicate that state agencies are unable or unwilling to provide leadership for change.

So long as state agencies are contributing to the preservation of segregation, either through aggressive, deliberate acts or by refusing to play an affirmative role in implementing the law of the land, Federally-funded programs over which they have control are not going to promote equal educational opportunity.

3. We urge you to take whatever steps are needed to ensure that programs such as Title I of ESEA are implemented so that they will not conflict with the mandate to disestablish the dual school system. Our experience corroborates the findings of the Commission on Civil Rights in the above-mentioned report that Title I funds in some districts "have been employed in such a manner as to institutionalize and strengthen the dual school structure" and frustrate the constitutional requirement to abolish segregation.

Here are four examples of the kinds of complaints which we hear many times in the South.

North Carolina.—Trailers, purchased with ESEA funds, are used to reduce overcrowding at a Negro school although a formerly all-white school just a half-mile away has unused capacity which could have absorbed pupils from the Negro school.

Mississippi.—ESEA funds are apparently being used in a district to cover teachers' salaries which should have been paid out of state and local funds. A district is apparently using ESEA funds to equalize teachers' salaries.

Georgia.—During the month when freedom of choice is exercised, a Negro school begins to serve free lunches with ESEA funds to 400 out of 975 children when only 40 had received free meals previously. Very few Negro pupils have chosen to attend formerly all-white schools in this county.

Alabama.—Equipment purchased with ESEA funds for a target school which is Negro ends up at the white school. In a Georgia district equipment is turned over to a white private segregated school.

4. We support the *Comprehensive Educational Planning* amendment under Title V and particularly welcome the authorization it would give under Sec. 524 for grants to public and private nonprofit agencies for special projects to foster metropolitan and regional educational planning. In many parts of our land quality integrated education will be achieved only within larger units of school organization and administration. This title offers possibility for stimulating the creation of new alliances of concerned citizens from many walks of life—business, education, civil rights, the foundations, religion—to address themselves to the development of concrete proposals.

5. We support Title II of S. 1125, the Amendments to Vocational Education Act of 1963, "Exemplary and Innovative Programs or Projects in Vocational Education." This program has special relevance to the problems of minority group youth whose needs have not been met by traditional educational curricula and who make up the growing army of the alienated and unemployed in the urban ghettos. Innovative occupational education programs are urgently needed which will not only develop marketable skills but which will also combat the sense of hopelessness which contributes to the social dynamite in our cities. Since the schools have often failed these young people, we believe that the involvement of other public and private agencies which may have more flexibility is important and are pleased that this title enables their participation.

Thank you.

URGENCY OF ISSUE

Miss FAIRFAX. The riots of 1967 have unmasked deep anger and despair among Negroes—anger about being humiliated, rejected, and denied access to the riches of America's affluent society which are spread before them and despair about the viability of legal processes for securing full membership in that society.

The desperation of a growing number of citizens who have abandoned hope compels urgent assessment of the Nation's ability to make good its promise of equality.

We would like to remind the committee that the school is the first public institution which the minority group child encounters. At his first entry point into the larger community he perceives how society defines him and communicates its expectations for him as a person, a citizen, and a job-holder.

Equal educational opportunity is now the law of the land. Yet, American education is still largely segregated and unequal. The public school which should be the gateway to dignity, economic opportunity and citizenship is the symbol of apartheid.

Locked into segregated schools and locked out of participation in the mainstream of economic, cultural, and civic life, American Negroes have become less inhibited in their expressions of frustration, alienation and despair. Segregated public schools will increasingly become the focus of this despair. While the elimination of segregation in education is no panacea and may, indeed, have more long-run than short-run implications for a racial minority which is overcoming generations of exclusion, resistance by the white majority to equal educational opportunity now, is interpreted as "never." There is no single path out of the intermeshed web of segregated schools, jobs, and housing, but one thing is sure: To deny equal access to opportunities for the education and training needed for entry into our advanced technological society is to exclude persons from meaningful participation in any part of it. Time is running out. Visible evidence that the Nation is committed to racial inclusiveness in public education is urgently needed.

The process of school integration in the South, where our joint agencies have been working for the last several years, has been a cycle of great expectations and shattered hopes.

REASONS FOR LACK OF PROGRESS

In our testimony, Mr. Morse, we attribute the lack of progress in school integration to three factors:

(1) Freedom of choice plans, widely used in the South, are ineffective devices for fulfilling the constitutional mandate to abolish the segregated school system.

We are pleased to commend to you the recent report of the U.S. Commission on Civil Rights, Southern School Desegregation, 1966–67, which is a thorough documentation of the ineffectiveness of freedom of choice plans as a device to disestablish dual school structures.

(2) The second factor which we have identified, the HEW title VI Compliance program has not produced significant results in the elimination of the dual school system. It has been very disappointing in its

results, and even the much discussed guidelines are not implemented fully at the local level. We are distressed at the dilution of these guidelines as they are being implemented locally. HEW has required substantial progress in school desegregation and in moves to end the racial identifiability of schools. Yet HEW has predicted that when schools open this fall, 82 percent of the Negro children in the Deep South will be in schools which are at least 95 percent Negro.

HEW's minimum expectations for staff desegregation will undoubtedly not be met this year and there is evidence that Negro teachers have been fired, demoted, or assigned to nonacademic positions. The regulations clearly call for the equalization of facilities and programs and for the closing of inferior schools. Yet, Mr. Morse, segregated Negro schools will be in operation this year with Federal funds, which are overcrowded, unaccredited, and inferior in curriculum and facilities to white schools in the district.

Some of them have no indoor plumbing. In many districts, contrary to the guidelines, bus transportation is duplicative and discriminatory and has not been reorganized into a nonracial system. We are particularly concerned about HEW's apparent reluctance to enforce its regulations in majority-Negro districts in the South.

We would like to call to your attention the report of an investigation by the National Education Association, Wilcox County, Ala. Your staff may want to review it as they make this report. This is a study of social, economic, and educational bankruptcy which will give them some ideas of conditions in a southern school district, which are just appalling for those of us who are concerned about education in the United States.

Senator MORSE. I am glad you are offering that NEA report. I heard about it. I have not read it. It will be made an appendix to this record.

I want counsel to digest it for the benefit of the subcommittee.

Miss FAIRFAX. The third factor that we are concerned about, that HEW has been unable to provide adequate protection for families exercising their rights has been a major deterrent to desegregation. Negro families seeking equal educational opportunities have suffered intimidation, physical violence, economic reprisals, evictions, and job loss. Courageous children who have enrolled, nevertheless, in desegregated schools, have met indifference, humiliation, hostility, and physical abuse from teachers and fellow students. Even where there has been no overt intimidation, fear of rejection and of academic failure has been a limiting factor.

A nation which is unable to secure for its children the right to which they are constitutionally entitled, and which cannot protect them in the exercise of their rights, is breeding discontent. We have observed a growing cynicism among Negroes in the South as they have experienced the gap between the law and its implementation.

Now, I would like to turn your attention, Mr. Chairman, to our recommendations.

FOUNTAIN AMENDMENT

First of all, we urge the subcommittee to delete the Fountain amendment. The HEW compliance program must be strengthened. Efforts to

weaken it, such as the Fountain amendment, must be resisted. The only sanction available to HEW is the termination of Federal funds. We can assure this subcommittee that HEW has used this sanction with extreme caution. There are over 23,000 school districts in the Nation. Since the beginning of the compliance program, enforcement action has been initiated only against 317, as of July 1, 1967. As of the 31st of July 1967, funds have been terminated only against 103 school districts; only 74 were being deferred. Most of the school districts against which enforcement action has been initiated are districts in the South which have either refused completely to file compliance agreements or have demonstrated extremely poor performance in student desegregation—zero to 3 percent. This small number of districts which have been subject to sanctions must be compared to the overwhelming majority of southern districts which are not fulfilling their constitutional obligation to abolish their dual school systems. No northern districts have been cited in spite of the many complaints which HEW has received about segregation in the North.

Mr. Morse, I think this would indicate that HEW has not been harrassing school districts. The Fountain amendment, rather, is a form of harrassment of HEW and is an effort to weaken the compliance program.

The erosion of constitutional rights which is witnessed not only in the attacks against HEW's modest success, but also in HEW's failure to develop a vigorous and effective compliance program must be challenged. We urge this subcommittee in its report to express its concern for a strengthened title VI compliance program in HEW.

TITLE III ESEA

Our second recommendation has to do with title III of the Elementary and Secondary Education Act. We join with Secretary Gardner and Commissioner Howe in being concerned about the transfer of the administrative responsibility for title III from the Federal Government to the States. We oppose this transfer for two reasons.

(1) We have found that State departments in the South have not demonstrated a capacity for innovation, imagination and change with the possible exception of some of the border States. We see no evidence that these agencies have provided leadership for school desegregation, the most urgent issue, which would have indeed tested their ability to create new structures to meet changing times.

(2) There is considerable evidence to the contrary Southern State educational agencies are using their power to preserve segregation. We quote from a recent opinion of a Federal court regarding the action of Alabama officials.

The extremely low desegregation statistics—we give some of them for 1966 and 1967—seem to indicate that State agencies are unable or unwilling to provide leadership for change.

So long as State agencies are contributing to the preservation of segregation, either through aggressive, deliberate acts or by refusing to play an affirmative role in implementing the law of the land, federally funded programs over which they have control are not going to promote equal educational opportunity.

TITLE I ESEA

Our third recommendation, Senator Morse, has to do with title I of ESEA.

We urge you to take whatever steps are needed to insure that programs such as title I of ESEA are implemented so that they will not conflict with the mandate to disestablish the dual school system. Our experience corroborates the findings of the Commission on Civil Rights, that title I funds in some districts "have been employed in such a manner as to institutionalize and strengthen the dual school structure" and frustrate the constitutional requirement to abolish segregation. We have given some examples for the record of the kinds of complaints we hear.

Our fourth recommendation concerns the comprehensive educational planning amendment under title V. We particularly welcome the authorization it would give under section 524 for grants to public and private nonprofit agencies for special projects to foster metropolitan and regional educational planning.

Senator MORSE. Can you go back to where you mention some examples?

Miss FAIRFAX. Yes, sir.

Senator MORSE. If possible, I wish you would supply the record with the names of the school districts and any other identification and information you can give us.

Miss FAIRFAX. Yes, sir. We will be glad to do that.

Commenting again on title V, in many parts of our land quality integrated education will be achieved only within larger units of school organization and administration. This title offers possibility for stimulating the creation of new alliances of concerned citizens from many walks of life to address themselves to the development of concrete proposals.

VOCATIONAL EDUCATION

Finally, Mr. Chairman, we support title II of S. 1125, the amendments to Vocational Education Act of 1963, "exemplary and innovative programs or projects in vocational education." We think this has special relevance to the problems of youth in the urban ghettos, although we would want to call to your attention that some of the very real problems face youth in the rural areas and small towns of our country.

Thank you very much, Mr. Chairman.

Senator MORSE. That is excellent—a very fine statement.

STATEMENT OF M. HAYES MIZELL, SOUTH CAROLINA COMMUNITY RELATIONS PROGRAM, AMERICAN FRIENDS SERVICE COMMITTEE

Mr. MIZELL. Mr. Chairman, the American Friends Service Committee would like to thank you and the members of the subcommittee for inviting it to appear before you today to give its views on the legislation which this body now has under consideration, the Elementary and Secondary Education Amendments of 1967.

SOUTH CAROLINA PROGRAM

Our program in South Carolina is concerned with promoting policies and actions which will facilitate the rapid attainment of a quality integrated education for all of the children of South Carolina. For the past year and a half, we have worked with citizens of the Negro community throughout the State to encourage and assist them to get a desegregated education for their children. At the same time, we have also made an effort to keep members of the Negro community aware of educational developments on the National and State level which affect their children. It has also been our role to communicate with some leaders of the educational community, the white citizenry at large, and the news media in order to keep them informed as to the general lack of progress in the pace of desegregation in the State, and to alert them to other problems regarding school desegregation which deeply disturb the Negro community.

As you know, South Carolina received approximately $21 million during the 1966–67 school year under title I of the Elementary and Secondary Education Act. Since this money was used for programs in schools containing the largest number of children from economically deprived homes, a great many of the ESEA title I funded programs were in schools that were entirely Negro. My remarks today concern the operation of the Elementary and Secondary Education Act as I have observed it through my work in Negro communities in South Carolina.

PRESERVATION OF DUAL SYSTEM

We are concerned that ESEA is indirectly contributing to the preservation of the dual segregated school system in many areas of the South. It is quite natural that with new books, new materials and equipment, and new courses now coming into the Negro schools because of ESEA, many Negro parents feel that their schools are becoming better and better. In fact, of course, these schools have been deprived of adequate resources for so long that the ESEA programs are barely providing for equalization of the schools. These schools continue to graduate a vast number of students each year who have completed 12 grades but who, in reality, have only a ninth- or 10th-grade education and that ninth- or 10th-grade estimate may be generous on my part.

The ESEA-funded programs are new, sometimes dramatic, and the parents of the deprived Negro youngster recognize that the Negro school has programs which the desegregated school might not have. Since the majority of school districts in the South operate under the freedom of choice plan whereby the child, or his parents, chooses which school he wants to attend, many children elect to return to the school because, among other reasons, it seems that the Negro school has significantly improved. I am saying, then, that ESEA is, in effect, and perhaps unintentionally, shoring up the otherwise floundering Negro school and it is having the same effect as did the building of new schools for Negroes after the 1954 Supreme Court decision—that is, it is creating the impression among many people in the Negro community that the education their children will receive in the Negro school has significantly improved.

If ESEA continues to function in this way it will merely give comfort to those who say that school desegregation is irrelevant, and that it is now the duty of the Negro community to stay with the Negro school and make it better. Please do not misunderstand me. I am not saying that there is some conspiracy to utilize the ESEA title I funds to preserve segregation, though that might be the case in some instances. Rather, I am pointing out that the law, as it actually operates, sometimes conflicts with our national commitment to provide equality of educational opportunity for each child.

Pages 130 through 140 of the U.S. Commission on Civil Rights recent study, "Southern School Desegregation, 1966–67," treat this problem in greater detail than I am able to do here.[1] I hope that the members of the subcommittee will study this section of the report carefully and recommend alternatives for dealing with this problem.

IMPLEMENTATION OF OE DIRECTIVE

In February of this year, Commissioner Howe sent a memorandum to State school officials which indicated that ESEA programs must follow the child if he is transferred from a high- to a low-priority school. This, of course, was concerned primarily with Negro children transferring from the Negro to the desegregated school. It is our impression that while children who have transferred have received such title I welfare programs as free school lunches, books, and clothing, they have generally not been able to participate in such courses as remedial reading which must remain in the high-priority Negro school or at some neutral location not connected with either the high- or the low-priority school. There are certain logistical problems to be sure, but it is apparent that this directive of Commissioner Howe has not been adequately implemented and is therefore depriving many eligible Negro youngsters of valuable academic programs.

It has also been brought to our attention that in at least one school district where a merger of a predominantly white and a Negro school was contemplated, the possibility of the creation of a situation where the newly combined school would not be within the high-priority category prevented the merger from taking place. This consideration deterred the school officials from taking action to merge the schools and thereby prevented significant progress in school desegregation. This case certainly presents a serious problem which deserves the attention of this subcommittee and the attention of the ESEA officials in the U.S. Office of Education.

LACK OF COMMUNITY INVOLVEMENT

We are also concerned about the lack of involvement of those affected by ESEA programs in the development of title I programs in the local community. These programs, as I understand them, are developed primarily by school officials in conjunction with principals and teachers. These people, acting as professional educators, determine what programs are needed for the disadvantaged of their area. What concerns me, however, and many members of the Negro community, is that the parents of the children who will participate

[1] The material may be found on p. 2359.

in these programs have no voice in determining what these programs will be.

It is entirely possible in South Carolina, for example, for such programs to be conceived by a white school superintendent who has been appointed by an all white and moderately prosperous school board which in turn has been appointed by the Governor upon the recommendation of the county legislative delegation which is also all white and of the middle-income group. The parents of the children who will benefit from the ESEA title I program have absolutely no representation in the decisionmaking. Perhaps one could argue that this is acceptable because the decisionmakers are acting out of a sense of professional responsibility, objectivity, and integrity. Unfortunately, we have found in the past that this is not always the case and that community and social pressures often distort the sense of professional duty.

Thus, title I might fund a program to construct a masonry shop at the high-priority Negro school and to purchase tools for vocational agriculture, carpentry, brickmasonry, and cosmetology courses at the Negro school—programs which allow for minimum job mobility in the future, which are fostering job skills traditionally associated with the minority group, and which are of limited usefulness in the technological era. It is likely, I believe, that leaders in the Negro community would prefer other vocational programs more relevant to the needs of our society and to the future of the young person.

The lack of community involvement in the creation of ESEA title I programs often results in great misunderstanding, and even hostility, between the Negro community and school authorities. Unfortunately, school officials seem to take little time to fully explain to the community how the ESEA-funded programs work and the extent of their limitations. In one community, for example, a principal received ESEA funds to provide free school lunches for 100 children for each day of the school year. But there were 300 eligible children in the school. In order to distribute the school lunches equally, the principal decided to feed all 300 children once every 3 days rather than feeding 100 children every day. There was considerable concern in the community because the Negro parents could not understand why their children did not get fed every day. This is fairly typical of the lack of communication between the school and the community and it is indeed unfortunate.

PARENTAL ADVISORY COMMITTEE

It would seem that there is a need for local school districts to have an external advisory committee of parents whose children are participating in ESEA programs, or such a committee with representatives of these parents. I am by no means suggesting that such a group preempt the responsibilities or powers of school authorities. Rather, I am merely saying that there needs to be some mechanism, hopefully created voluntarily by local school officials, but if necessary, created by law or required by the U.S. Office of Education, that will allow parents and community leaders to express their ideas and opinions, and to know their rights and responsibilities under ESEA-funded

programs. While the details of ESEA-funded programs are public information, in fact such information is not easy to secure on the district level and even those who seek it on the State level are not free from subtle bureaucratic intimidation.

FOUNTAIN AMENDMENT

Finally, I would like to say that we are strongly supportive of the statement by Secretary Gardner before this subcommittee on July 24 relative to section 183, the Fountain amendment, of the ESEA bill passed by the House. This amendment would prevent HEW from deferring approval of new applications from school districts of new programs until these districts had been through the entire funds termination process. Gentlemen, we are supportive of Secretary Gardner's statement because it is clear that the passage of this amendment would further emasculate the implementation powers of the equal educational opportunities program in their limited efforts to enforce title VI of the 1964 Civil Rights Act.

PACE OF CIVIL RIGHTS TITLE VI ENFORCEMENT

It is difficult for me to communicate to you the sense of despair in the Negro community relative to the pace of school desegregation and the disappointment with the enforcement of title VI by HEW. In South Carolina, only 23 of 105 school districts have been cited for noncompliance with title VI and only one district has had its Federal funds completely terminated. We are making little progress in school desegregation. Last year only 5 percent of the entire Negro student population in the State attended desegregated schools; this year the figure will be only 7 percent.

Do you realize what this means, gentlemen? During the 1967–68 school year in South Carolina, 13 years after the 1954 Supreme Court decision and 3 years after the passage of title VI of the 1964 Civil Rights Act, 93 percent of the Negro children in the State will be attending segregated schools. Contrary to the opinions of certain Southern school officials, political leaders, and newspaper editorialists, the problem is not too much enforcement by HEW but too little; HEW is moving against Southern school districts not too fast but too slowly, and hundreds of thousands of Negro schoolchildren continue to be the victims of segregated schools. Of course, Southern school officials and others say that Negro children are free to attend any school they choose. Aside from the fact that our field experience and the recent Civil Rights Commission study shows this is not the case, these school officials are content to leave it to powerless Negro children to take the initiative to abolish the dual school system which they did not create. They are also content, I might add, to let these children confront alone all of the forces of a hostile or indifferent society which makes the alleged "freedom of choice" so difficult.

Let me share with you some of the comments of Negro South Carolinians who have suffered the wounds of numerous encounters with barricades to equal educational opportunity for their children: "Freedom of choice is just another form of slavery!" "Freedom of choice is

just another grandfather clause!" "Why do they make these laws if they aren't going to enforce them!" "Freedom of choice isn't worth a damn!" Gentlemen, these people are not leaders with extreme political or ideological doctrines, and they are not spellbinding orators or advocates of violence. They are just ordinary folk who want to get a good education for their children. But they are wise enough to see that America's promise of 1954 and 1964 goes unfulfilled to this day. Let me give you an example of the problem.

DORCHESTER COUNTY EXPERIENCE

Last spring I went to Dorchester County School District No. 1 to work with the Negro citizens there in giving them some assistance in their efforts to increase the number of transfers from the Negro to the desegregated schools. The Negro leaders there worked hard and we spent considerable effort in assisting them. When school opened there were 140 Negro children in the desegregated school.

During the year there were numerous incidents of physical harassment of the Negro students by the whites, and the high school principal's abrasive personality made any efforts at conciliation almost impossible. Complaint after complaint went to staff members of the equal educational opportunities program as well as to officials in Secretary Gardner's Civil Rights Office. Detailed letters, telephone calls, telegrams, and personal visits to Washington achieved little results. While EEOP investigators did come in and investigate the district, it was never cited for noncompliance because HEW felt that given the conditions and mores of the county—the county's other two districts were cited and subsequently taken to hearing—the desegregation percentage was good and the harassment would diminish. Such was not the case, however.

As a result of HEW's lack of action there will be only 61 Negro children in the desegregated schools there this year. Many have returned to the Negro school because of consistent harassment. The leaders of the effort to get parents to send their children to the desegregated school have become cynical and this year they made no effort to recruit Negro students for the desegregated school. The Negro leaders in Dorchester County now believe what the principal of the desegregated school told me last year when I told him that one of his actions violated the guidelines. "Well," he said, "the guidelines don't mean anything anyway."

Please do not reaffirm this statement by further weakening the enforcement power of HEW in securing the right of every American child the equality of educational opportunity.

For the past year and a half I have watched the erosion of Federal implementation and the withering of local compliance. As a result, the landscape of our national commitment to equality of educational opportunity is scarred and unproductive. It is clear that in many communities the freedom of choice plan will not produce meaningful school desegregation. HEW apparently has no intention of insisting that this plan be abandoned in those districts where it does not produce significant school desegregation. Local districts will not abandon freedom of choice until they are forced to do so by HEW.

Thus, the Negro child is again victimized by those forces over which neither he nor his parents have any control. The resulting hostility that emerges in so many Negro young people is the source of our national concern today. If we can possibly reclaim the wasteland of our indifference and neglect, now is the time to do so before our efforts are destroyed by the winds of hate.

Thank you.

OPERATIONS OF PROGRAM

Senator MORSE. That is a very, very helpful statement. How long have you worked in South Carolina on this project?

Mr. MIZELL. On this particular project, since last April, sir—a year ago.

Senator MORSE. Would you outline to the subcommittee the procedure that you followed?

Give us a rundown of the typical week of your itinerary or agenda so to speak.

Mr. MIZELL. Well, we may go into a Negro community——

Senator MORSE. What do you mean when you say "we"?

Mr. MIZELL. Me. I am the South Carolina community relations program. I am using that editorially.

Senator MORSE. That is all right.

Mr. MIZELL. I may go into a Negro community and speak, perhaps, to some sort of local improvement league, in a Negro church. I may talk with local community Negro leaders about what they see as the problems in school desegregation.

Well, last year we would attempt to interest them in organizing so that they would actually initiate a door-to-door campaign to urge Negro parents to send their children to the desegregated schools. In other words, as we saw it, we were assuming the responsibility that we felt rightly should be that of either the local school system or the Federal Government. We were the ones who were trying to get the Negro parents to send the children to the desegregated schools.

We were the ones who were trying to explain away the fears that they had.

Unfortunately, our program quite frankly, is in somewhat of a limbo right now because this program was conceived with the assumption that the Federal Government was going to press quite hard in the area of school desegregation, that there would be some basis of leverage whereby people in the local community could effect that change in school desegregation if they sought to do so—if they were interested in education.

However, people in the Negro community have now been sitting there for the last couple of years. They have seen the whole implementation structure deteriorate before their very eyes. We have a lot of people who are, as you can well imagine, relatively unsophisticated about constitutional law guarantees, bureaucratic process, and so forth. I may understand these things because I have to deal with HEW, and you may understand them but there are a great, great many people who have no understanding of what the limitations of our Federal Government are, and yet these people hear President Johnson and they hear other political leaders on television explaining

that we now have equality of educational opportunity. Yet they know that in their community, they don't have such opportunity because it is up to them to desegregate those schools.

Senator MORSE. What about the Negro teachers?

ROLE OF NEGRO TEACHERS

Do you find any hesitancy on their part to enthusiastically cooperate and urge desegregation because of any fear that they don't think they will be allowed to teach in a desegregated school and therefore, they have some teaching interest at stake?

Is there anything to that observation that one sometimes hears?

Mr. MIZELL. Yes, sir; I believe there is. These people, of course, their livelihood is caught up in this whole system and I think the thing that we have to understand is that it does not make any difference whether there is any real intimidation or not. In many places in South Carolina there is none, but it is what the people feel and what they remember—how they see the society acting upon them. So that there may actually be no basis for fear in terms of how the community really would treat them. In other words, there are some communities in South Carolina where desegregation has gone smoothly, but for the average Negro parent or teacher who realizes how it was when he went to school and he sees how the whole society acts on him day by day, and how the day to day relationships work between him and white people, this serves to deter them from taking advantage of their rights and I think that in the same way, the same thing is true of many Negro teachers. And of course, we have had people, Negro teachers and others in the Negro community, who have been brought up; who have gotten an education; who have started to work and started their occupation within the segregated system, and quite frankly, many people are content to stay there because they know nothing else but I think that is a correct observation; yes, sir.

Senator MORSE. We have a serious problem trying to get Negro students in to the desegregated school to learn along with white children, I imagine, in these areas. It is probably even more difficult to get the acceptance of Negro teachers into a desegregated school, where large numbers of white children are going to classrooms with Negro teachers.

There is a discriminatory attitude about that.

Mr. MIZELL. I think that is correct.

CIVIL RIGHTS TITLE IV

What would disturb me however, is that of course, there were provisions in the 1964 Civil Rights Act for resources for dealing with this problem in title IV. South Carolina, until this year, did not have any title IV program of any variety. We now have a State—we are beginning to have a State technical assistance program funded by title IV. We have one title IV summer institute this summer but there are still no title IV programs really in effect on the local district level. No grants have been made to local school boards. So what appalls me is that there has been a great reticenceto even use the available re-

sources which could overcome some of these feelings and could make for better relationships.

Senator MORSE. Miss Fairfax, do you have any comment you want to make on anything Mr. Mizell said or any comments on the chairman's questions to him?

ROLE OF NEGRO TEACHERS

Miss FAIRFAX. Yes, sir. I should like to comment on the question you raised about the role of the Negro teacher. It is one of the ironies that as school desegregation—that is, pupil desegregation—has increased, particularly in such States as Florida and Virginia, the job security of the Negro teachers has been threatened. Therefore, they have often become more resistant to school desegregation because they fear they are going to lose their jobs.

Many Negro principals have been replaced, demoted to nonacademic positions or have even left the system.

We are very much concerned that in another 5 years or so, the teaching profession will no longer attract the highest caliber of Negro young people because they will see no professional future in it. The Federal Government has really not been tough enough in its enforcement procedures to guarantee the rights of Negro teachers. Therefore, we are finding that many are leaving the profession; leaving the State; leaving the area; or getting out of this kind of work altogether.

As you know there are regulations. Commissioner Howe has issued very good regulations on job security but as desegregation proceeds, these regulations are not being effectively implemented.

TITLE V HED DISPLACED TEACHER PROGRAM

Senator MORSE. We made some progress on it in the District of Columbia. We got quite an increase in the number of Negro teachers in classrooms that, heretofore, have been all Negro classrooms, but now have some white students in them, although the total population in the District schools is some 90 percent Negro, but there is some indication that it can be done under wise supervision at the administrative level.

Can either one of you tell me what observations you have been able to make if any, with regard to fellowship provisions of title V—the Higher Education Act—which is in this particular session?

It would be of interest to me. I expressed it to the author of the fellowship provision.

Is a displaced career teacher eligible for academic training leading to the MA, and thus strengthen their further placement?

Have you had any experience with that at all?

Miss FAIRFAX. No sir; I have not.

Are you referring to the program that NEA and some other groups have had to upgrade and relocate the displaced Negro teachers?

Senator MORSE. That, too, but also the assistance to the teacher who is going to be displaced; financial assistance to the teacher to go and take a year's work and work for an MA so that there will be greater demand for their services after they get the MA?

Miss FAIRFAX. I cannot comment on that but I would like to say that I think this reveals a major problem. Often individuals in the minority community—particularly in the South—do not know about programs which are available. One of the responsibilities which we have felt in our joint effort has been to acquaint people with the rights and the programs which are available to them.

Mr. Morse, you may want to direct some questions to Miss Green about the situation.

Senator MORSE. I want to call on her for a statement as soon as we have finished the examination.

Senator Murphy?

Senator MURPHY. I would like to ask Miss Fairfax, do you find that there is a more sensitive area in these matters now than there was 5 years ago?

Miss FAIRFAX. What do you mean by more sensitive?

FEDERAL-STATE RELATIONSHIPS

Senator MURPHY. Well, in the matter of the segregation of schools; the desegregation; the Negro children going to white schools and the problems they have had.

I ask that question because, oh, 50 years ago, I went to a school in Philadelphia. It was about 65 percent Negro. As I grow older, I still wonder if there are not people that are creating problems that heretofore had been gradually taking care of themselves? They seem to have new problems that they are more conscious of.

Mr. MIZELL. Well, for many years, there were those of us in the South who were just trying to fight to get desegregation and now, within the past couple of years, we have been able to go to the community and see how it works and see what is not working and this has certainly made us sensitive to some problems that we were not aware of before.

Senator MURPHY. Now, do you think that it is a thing that can and should be done immediately, by imposition of force, or do you think it is a thing that maybe should be gradually let in, as it was where I lived in Philadelphia, and where there was no reflection of the problem that I was concerned with.

Mr. MIZELL. I am perfectly aware of our Federal/State relationships and the whole problem that we have in many areas that is inherent in the federal system. Certainly, I am not advocating by any means, that someone send troops into a school district or any other such force.

What I am saying however, is that we believe that the 1964 Civil Rights Act is pretty clear. We believe that the 1954 Supreme Court decision is pretty clear. We would like to see this enforced and enforced in a very strong fashion, and the way that this can be done, obviously, is to give those folks over in HEW more money, and more staff so they can do this.

When I go over to HEW and fuss at my friends in the equal education opportunities program, about how slowly we are moving, they say, "Well, we are caught up in lengthy administrative procedures. We have to make reports and send them to the general coun-

sel and go to the hearing examiner and so forth." I am sensitive to all of that but the fact is that I believe that HEW has requested funds in the past for more strength in this area which they have not received. HEW has very little time, I have observed, to really stand back from the problem and see what they can do; perhaps to move faster; perhaps to move in a more sane fashion so that problems that may be created in the future won't be created. They are caught up in just trying to do this work with great limitations.

Now, I think that is really what I am asking for. What we must not forget, it is very easy for us to talk about law; for us to talk about the guidelines; for us to talk about limitations in staff and so forth, but I think that what we just cannot forget is that the studies that we have, the best information that we have, indicate that those children who are coming out of those totally segregated schools, are just falling behind every year.

Then to make these people employable in South Carolina, the State has to come up with a training program they call special training for economic progress which is using MDTA money. Then we have to come to the Department of Labor; we have to come to OEO to try to get a program called training for tomorrow, which is doing nothing more than making up for our educational failures of the past.

We have these kids coming up year after year after year and you know, as far as I am concerned, we have lost one whole generation of Negro kids already since 1954 and I am wondering whether we are going to lose another generation and what gets to me, what makes me impatient and what makes me perhaps somewhat emotional about it, is that I am the one who has to deal with the Negro community. I am the one in many cases who has to explain what is perhaps not being done by HEW and why it is not being done and I am the one to whom they say, "Yes, we are just not making enough progress. We have to move faster."

Senator MURPHY. You say, "I am the one that has to do this."

Do you mean they have no redress to anybody?

Why are you the one?

Mr. MIZELL. Well, first of all——

Senator MURPHY. You chose to do it.

Mr. MIZELL. I chose to do it, yes, sir, and you know, I want to do it right.

Senator MURPHY. Do you mean that unless you get it done, it won't get done?

Mr. MIZELL. No, I am not saying that. I am saying that I think it can be done but I hope that there will be some stronger initiatives.

Senator MURPHY. What I am trying to get at, I have been at many hearings around the country in different areas. I find that sometimes frictions are created that, rather than helping the situation, you find you have a local argument going; everybody gets concerned.

For the last 30 years of my life, I have been saying to people, "Look, do you want to win an argument or do you want to correct a situation?"

I don't believe this is true in your case, but in many cases, I find that there are people who thrive on trouble. They really enjoy it.

I have been, as you may or may not know, an officer of the labor union for many years—two unions—and we used to have one very

small group that by gosh, they were going to fight this thing to the end. I said, "Wait a minute, fellows. Do you want to fight or do you want to get it settled."

I know the background of it much longer than you do because I am much older. I know some of the problems adjacent to it. I am most hopeful that under the leadership of Senator Morse, who has more experience than all of us, we can find the proper way.

For instance in your statement you cited one case where they only had enough money to feed 100 children but they had 300 who were eligible. So they said they would feed each of the 300 once every third day.

LACK OF COMMUNICATION

How would you have done it?

Mr. MIZELL. Well, I don't know. The point I was trying to make was that the reason for this approach was not interpreted adequately to the Negro community—this is how you get these misconceptions. This is how misunderstandings arise.

Senator MURPHY. In other words, there was no communication made?

Mr. MIZELL. That is so.

Senator MURPHY. You said Government leaders go out and make great speeches; then it doesn't happen. Something goes wrong. Maybe everybody expects they are going to have pie for dinner and don't get pie. They only get, maybe, a doughnut or something like that. This has caused resentment. I have noticed that. I have objected to it. I still object to it.

I have one in my State that is driving me crazy. Somebody came up with an idea to send 2,400 youngsters to camp. They got the idea on Monday but they had to have all the different Government regulations agreed to by Friday which is almost impossible—as I am beginning to understand bureaucracy; I am closer to it—and to make a great publicity of the thing and then not to have it happen, to me, is absolutely immoral and shameful. I am not sure the idea was a good one to start with, but just as I am sure you will agree with me just to go out and make a big speech for publicity—I think these things should be researched properly and then once we know that they are operative, then they should be put to work.

Mr. MIZELL. I think that once we decide to do them, also, we have to make sure we provide adequate resources for it.

Senator MURPHY. This is continual. There is not a committee that I sit on that would not be just fine if we had plenty of money. That is not good logic. You know it. I know it. I never heard of a program in Washington yet that failed because it was a bad program. It always failed because there was not enough money or if it was a partial success, it would have been better with more money.

That doesn't follow. Sometimes you must have proper programing to start with; but I was interested in your remark about it. They don't know about the programs. This is the thing that I find in all of my experiences here; that at the local level or at the community level, people just don't know about programs and I wonder if there is not some way that this might be remedied.

We have had it in the farm labor, Senator Kennedy, I think will agree, when migrants come into California. Would it be too much to have just a big billboard as they cross the State line from Arizona that says, "Here is where the jobs are. Here is where the crops are being picked."

They cannot do that. You have to go to the office; get forms and find out.

DISSEMINATION OF INFORMATION

Why couldn't they knock on some farmer's door and get a job?

Mr. MIZELL. This has been, really, a large part of our work in letting people know what the guidelines say.

As I said, that puts us in a rather difficult position. We let them know what it says, and when they start writing letters to Washington and HEW as we tell them to do, they see very little happening, that creates disillusionment.

I might say on another subject entirely that of course, in my State of South Carolina, not only do the people need to know about the programs but they have to have some cooperation from the local official in getting the programs in the first place.

South Carolina has the lowest participation of any Southern State in the Federal food and stamp programs, for instance, which I know you have been interested in.

We are the only Southern State which does not utilize Federal surplus food commodities.

So that I think people on the local level—those who are charged with responsibilities for leadership, have to be willing to try to get these programs; they have to put them into effect before we can even let the people know they are there.

Senator MURPHY. I have no more questions. Thank you very much. I thought your testimony was interesting. I am sorry I missed yours, Miss Fairfax. I will read it.

Senator MORSE. I think it has been a good dialogue.

I want to say, Mr. Mizell, as to your dissemination of information, the Senate Appropriations Committee, through work done by Senator Yarborough, proposed $500,000. We don't all end up with it, by the time you get through with the House bill. It does bear relationship to what you are saying. We recognize that it does not do very much good to pass legislation unless you get understanding and information about it in the community.

That bears on one of the points you were making.

Senator Kennedy?

BASIS OF DISCOURAGEMENT

Senator KENNEDY of New York. Well, maybe just to carry on with the dialog which you were having with Senator Murphy about what the basis of the discouragement or despair or disagreement or concern or dissatisfaction—what is the basis for it?

Has it just been created by people coming in from the outside trying to stir people up?

Mr. MIZELL. No, sir. I don't think it has been created just by that. If we want to consider that stirring up people is giving them informa-

tion as to what their rights are, then perhaps, that has been the case. I don't see that as stirring up folks myself.

Senator MORSE. May I interrupt to say, I think they ought to be stirred up.

Mr. MIZELL. I think these people have been around since 1954. As I say again, they see how the whole society brings itself to bear on them and as they see it, to prevent them from getting what they think are their rights.

Senator KENNEDY of New York. Isn't that really the problem? The fact that now there is more knowledge about what their rights are?

Mr. MIZELL. Yes.

Senator KENNEDY of New York. And what they have been promised under our society? What they have been expected to achieve, and the fact that that has not been approved, and they have not those things; those results have not been forthcoming for them?

Isn't that the cause of some of the frustration and the anger, rather than the fact that somebody in a sympathetic way, has come in to try to stir them up?

It seems to me people have just finally decided they should be treated like everybody else.

Miss FAIRFAX. Senator Kennedy, I think it is also true that Negroes and other minority groups across the land are more aware of the meaning of the gap.

For example, all three of us spend a lot of time in the South. We see new plants and industries going up and we know that the South is going to benefit economically because of this new industrialization. But these are more sophisticated industries, many of which will not be employing unskilled persons who cannot handle the more complicated jobs. Therefore, when the Negro parent looks at his child and he knows that this child cannot possibly get the training at the seggregated Negro school which would make it possible for him to qualify for the job at the industry, he knows what this means. Television of course raises desires and expectations.

So the greater awareness of the gap between what is required by law and what is actually happening, I would say, contributes to this frustration.

Senator KENNEDY of New York. I just wanted to bring that out. The record, I thought, was left as if the people were angry that should not be angry and people were discouraged that should not be discouraged.

I think the Negro would not have had this feeling of frustration if we could have dropped a curtain around them so they did not know what the possibilities were. I think that is true. You talk about the possibility of jobs; the possibility of raising your family to high standards of living; giving your children a better education; possibly sending them to college so they can have a better life themselves. If they were not aware of that fact, then I think you would not have nearly the number of problems that you have, but the fact that they are aware of it, it does, without any question, contribute to the tensions in the country at the moment.

It seems to me what we need to do is not try to draw the curtain back down again but to do something about the conditions that cause these problems.

Mr. MIZELL. Could I just say that I think the frustration is intensified when the method whereby these people are supposed to get their rights is not effective in the form of freedom of choice. As I have already mentioned, in the South, we can go into a Negro community and we can tell people to get out there, and knock on doors and we can ask the Negro leadership to do this. They may do it. They may hold mass meetings, at which we or somebody else can speak and as I said, try to explain away all of the many, many subtle reasons as to why folks don't want to transfer their children under freedom of choice.

Then we come up with very, very little progress over the preceding year in school desegregation. This does nothing more than make the Negro leadership, which is pretty scarce, in many, many local communities even more discouraged and more cynical about the system and about the methods for change.

I don't think anybody is going to be tossing Molotov cocktails, that I talk to, because many of them are sort of middle-aged people who may merely talk that game occasionally. But what really worries me is when you are in a group of young people, of the young Negro kids, who go through the segregated system; who are becoming more aware of their rights and what society says they are supposed to have, and yet, they are not getting, this is where you can literally feel the hostility when you are in their presence, and I have been working in one community, and these folks were doing nothing more than just trying to improve the Negro school. I mean, they were not much concerned about school desegregation. They were just trying to get what they already had improved. We were back pre- and post-1954; and there was language, like, you know, if things just don't move we are just going to blow the school up. Something like this.

Now, I am not saying that is widespread but I think that is indicative of the hostility that this whole ineffective process of change engenders in many people in the Negro community.

Senator KENNEDY of New York. I think it is unfortunate that we started down that road to try to bring about some of the changes. It seems to me we have come to a halt which is going to have very serious implications for the next generation of Americans. I think part of it—a good deal, I think, is the fact of our involvement in Vietnam both financially, the fact that the mental resources are focused on that problem of the world rather than what we are doing in the United States.

I think we are going not only to pay the price of those who are killed in that part of the world. We are going to pay a very serious price here.

I understand, Mr. Chairman, you covered most all of the questions in connection with the statement. It was a very good statement.

(Material from the U.S. Commission on Civil Rights (pps. 130–140) report alluded to in testimony follows:)

X. EFFECT OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 AND ITS ADMINISTRATION

Title I of the Elementary and Secondary Education Act (ESEA) is designed to provide financial assistance to local educational agencies for the education of

children of low income families.[349] Title I has provided eligible school districts with sufficient resources to widen considerably the scope of their efforts to meet the needs of poor children.

As indicated at the outset of this report, Federal aid to the States for education is constituting an increasingly significant portion of school budgets, in many cases higher than 20 percent and in some cases higher than 30 percent.[350] A large portion of this Federal aid isaccounted for by Title I. For example, of $48.3 million in Federal financial assistance given to South Carolina in fiscal 1966 by the Office of Education, Title I accounted for $21.3 million. The comparable figures for other States, in fiscal 1966, were: *Georgia:* $33.8 million of $78.1 million; *Alabama:* $30.7 million of $67.9 million; *Louisiana:* $23.1 million of $55.1 million; *Mississippi:* $19.5 million of $44.5 million.[351]

Under Title I, the Commissioner of Education pays to each State "in advance or otherwise, the amount which the local educational agencies of that State are eligible to receive," pursuant to a complex formula.[352] The local educational agencies in turn may receive these funds from the appropriate State educational agency upon application therefor approved by the State agency.[353]

A State desiring to participate in the Title I program must submit an application to the United States Commissioner of Education. The application must declare that payments will be made under Title I only for program and projects which have been approved by the State educational agency;[354] that appropriate accounting procedures will be adopted to assure proper disbursement of and accounting for Federal funds paid to the State (including funds paid by the State to local educational agencies);[355] and that the State educational agency will submit to the Commissioner of Education (a) periodic reports evaluating the effectiveness of payments made and (b) such other reports as may be "reasonably necessary to enable the Commissioner to perform his duties" under Title I.[356]

Section 241e(a)(1) provides that a local educational agency may receive a "basic" or "special incentive" grant for "programs" and "projects" when its application is approved by the State educational agency upon the state agency's determination ("consistent with such basic criteria as the Commissioner of Education may establish") that such programs and projects (a) are designed to meet the "special educational needs" of "educationally deprived" children in "school attendance areas having high concentrations of children from low-income families," and (b) are of "sufficient size, scope, and quality to give reasonable promise of substantial progress" toward meeting such needs.

A local educational agency applying for a basic grant or a special incentive grant must set forth a project for an area composed of one or more school attendance areas having high concentrations of children from low income families.[357] The project area must be sufficiently restricted in size in relation to the nature of the applicable project as to avoid jeopardizing its effectiveness.[358] As a result, Title I money is channeled into "target schools" with concentrations of children from low-income families. In the South, such target schools typically are the Negro schools.[359]

Thus, Title I funds have been used to provide Southern Negro schools with library space and books, free food and clothing programs, free textbooks, remedial teachers and supplementary aids, services and equipment. While such aid is educationally beneficial, it has pointed up another weakness in the free choice method of desegregation. The upgrading of the Negro schools encourages Negro

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[349] 20 U.S.C. 241a (Supp. 1966).

[350] See note 6 *supra*.

[351] Figures obtained from U.S. Office of Education, Budget Branch, Office of Administration (Dept. HEW), April 1967.

[352] 20 U.S.C. at 241c, 241d, 241g (a)(1). Each State agency may withdraw its allotted funds monthly, by letter of credit, to fund the programs administered by the participating local educational agencies. Staff interview with John F. Staehle, Assistant Director for Policy and Procedures, Division of Compensatory Education (Office of Education), May 15, 1967.

[353] *Id.* at 241e(a)(1)–(8) and 241g(a)(2).

[354] *Id.* at 241f(a)(1).

[355] *Id.* at 241f(a)(2).

[356] *Id.* at 241f(a)(3).

[357] 45 C.F.R. 116.17(a).

[358] *Id.* at 116.17(b).

[359] In some places in the South, *e.g.*, Columbia, South Carolina, both white and Negro schools receive Title I funds.

families to remain in such schools instead of exercising their option to choose formerly all-white schools. Under free choice, therefore, improvement of substandard Negro schools itself inhibits desegregation. As a result, the objectives of improving the quality of education and achieving desegregation conflict with, instead of complementing, each other.

A letter from a Georgia school superintendent illustrates the point. His school system opened an all-Negro elementary school in January 1966. Title I funds enabled the superintendent to stock the school with audiovisual aids, library books and playground equipment; provide it with a social worker and medical and dental services; give the students free lunches; pay the salaries of two additional teachers, and purchase $15,000 worth of miscellaneous school supplies, including water coolers and stage equipment. Writing to EEOP about his spring choice period, the superintendent noted that all the children in the "new modern" Negro elementary school chose to attend that school in 1966–67 (the district remained totally segregated). Factors "which had some bearing on this decision", he wrote, "are the new plant, additional teachers, 100 percent free lunch programs, and many additional services, materials, and supplies which are made available under Title I." [360]

In August 1966, the Commissioner of Education sent a letter to all Chief State School Officers (but not to individual school districts) in which he stressed that "it is not necessary * * * that the children selected for participation in Title I activities receive these services in schools in the low-income areas in which they reside" and encouraged the development of special educational assistance for them at locations outside their immediate attendance areas "provided such assistance is specifically designed to meet their special educational needs and the location offers special advantages, such as opportunities for learning in a widely representative social environment." [361]

Most local school superintendents interviewed by Commission staff subsequent to this letter, however, had not been notified of the new policy by their Chief State School Officer, and remained under the impression that a Title I project *had* to be located in a school having concentrations of students from low-income families. These school officials therefore continued to believe, for example, that free lunches paid for at a Negro school under Title I could not be provided to its former students if they transferred to a previously all-white school.

The Commissioner's August letter, moreover, though designed to encourage school authorities to make Title I service and benefits available to poor Negro children who attend predominantly white schools, did not *require* school officials to do so. On March 10, 1967, the Commissioner of Education did impose such a requirement. In a memorandum to the heads of all State educational agencies (but again, not to individual school districts), he emphasized the Office of Education policy that under Title I "the money follows the child." The Commissioner said: "No child who would otherwise participate in a Title I activity or service is to be denied such participation because of his exercise of the right to enroll in another school." Title I services, the memorandum said, may be offered in schools where most of the children are not included in designated poverty "target populations". Specific reference was made to special health, nutritional and social services; guidance and counseling, and remedial programs. "In applying such services," the Commissioner stated, "consideration should be given to the special needs of the children in their new environment." The Commissioner urged the State authorities to disseminate the information to the local educational agencies in their States and to establish appropriate procedures for them to follow with respect to future Title I applications and amendments to applications so that the conditions in the memorandum are met.

Thereafter, on April 17, 1967, Mr. John F. Hughes, Director of the Division of Compensatory Education, circularized all Chief State School Officers and Title I (ESEA) Coordinators with a memorandum entitled "Criteria for the Appraisal of Applications for Grants under Title I, ESEA—Effective for all programs to be initiated after July 1, 1967." [362] The purpose of the memo-

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[360] Letter dated April 9, 1966, from Superintendent of Bleckley County, Ga., to Commissioner Howe.

[361] Letter dated August 9, 1966. Policy memoranda and letters relating to Title I assistance are sent to the State educational agencies, rather than to participating local agencies. Staehle interview. There is no limitation, however, on the authority of the Office of Education to require, or itself make, distribution of such memoranda to the individual participating agencies. This is purely a matter of policy. *Ibid.*

[362] Program Guide 36, approved by Associate Commissioner Nolan Estes.

randum is to "provide specific statements of the criteria which every Title I application is required to meet and to set forth the bases for determining whether those criteria have been met." [363] Criterion V states that Title I activities or services "will be offered at locations where the children can best be served in such a way as to foster integration." The explanatory comments state that "no child who would otherwise receive Title I services is to be denied such services because of his exercise of his right to enroll in another school" and "projects should be conducted in ways which will foster integration and avoid and eliminate racial, social, or linguistic isolation of children." The March 10 letter and April 17 memorandum, if successfully implemented, would reduce—but not eliminate—the conflict between Title I and school desegregation in free-choice districts. Negro schools will continue to receive library space, books, and other equipment which formerly all-white schools will not receive.

That Title I funds have been employed in such a manner as to institutionalize and strengthen the dual school structure is apparent when the use of such funds in the construction of new school facilities is examined. In at least one district, for example, school authorities used Title I funds to purchase portable classrooms for overcrowded Negro schools.[364] In another district, Title I funds were used to build a vocational training shop midway between a white and a Negro school to be used separately by the children at each school.[365] In still another district, Title I funds supplied one-third of the money to add separate gymnasiums to white and Negro schools which were 1,000 yards apart.[366]

These examples were discovered by Title VI staff in the course of their field investigations.[367] These investigations, however, are planned primarily on the basis of known progress by the school district in pupil and professional staff desegregation.[368] The construction of "separate-but-equal" facilities with the use of Title I funds normally would not be detected by Title VI compliance staff in districts not visited.

Although the Commissioner is empowered under Title I to establish basic criteria to insure that projects are designed to meet the needs of educationally deprived children,[369] and to enforce those criteria by withholding Title I funds from a defaulting State after a hearing,[370] the Commissioner has not established criteria expressly forbidding the use of Title I projects for the construction of racially separate facilities. Even if such a criterion were promulgated, or the April 17, 1967, policy memorandum were construed to forbid such projects, at present there is no adequate program of monitoring compliance with the Commissioner's Title I criteria.

Within the last year, some Title I personnel have been shifted to the field (three to Atlanta, one to Charlottesville, and one to Dallas).[371] Title I field personnel, however, are not considered program auditors. They are essentially supportive, and do not provide an independent Federal review of Title I programs. Program (as distinguished from fiscal) auditing is left entirely to the States. Even when responding to complaints about the operation of a program, Federal Title I field staff work through the State agency.[372]

Nor is the information submitted to Washington by the participating States sufficient to permit Federal officials to determine if the money is being used in such a way as to institutionalize and strengthen school segregation. The financial audit undertaken in Washington requires submission of statistical information showing the number of Negro, white, and other children participating in local educational agency projects, but the information required is

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[363] *Ibid.* See 20 U.S.C. 241e(a) for the Commissioner's authority to set up basic criteria which all programs must meet. See also 45 C.F.R. 116.16–116.25.

[364] *E.g.*, Drew Municipal Separate School District, Miss. Compliance Review Report (EEOP document), pp. 2, 3.

[365] Laurel Municipal Separate School District, Miss. (Interview with Miss Sylvia Drew, summer employee, Aug. 31, 1966).

[366] Wheeler County, Ga. (Corrigan interview). For regulations regarding the use of Title I funds for construction purposes, see 45 C.F.R. 116.21.

[367] The maintenance by a school district of "separate-but-equal" school facilities, of course, violates the guidelines. See 1966 guidelines at 181.12 and 181.14.

[368] See *supra*, p. 63.

[369] 20 U.S.C. 241e(a).

[370] *Id.* at 241j.

[371] The Charlottesville and Dallas representatives did not arrive at their posts until the Fall of 1966. Staff interview with David G. Phillips, Program Specialist, Policy and Procedure Staff, Division of Compensatory Education (Office of Education), May 19, 1967 (Phillips interview). Phillips is deputy to John F. Staehle, Assistant Director for Policy and Procedures, Division of Compensatory Education.

[372] *Ibid.*

projected from a sample, and the sample shows only the gross figures applicable to all the projects within a school district, not the figures applicable to each project. The figures, moreover, are not geared to a determination of whether the project is being used on an integrated basis.[373]

Each State also submits an evaluation report at the end of each year based on reports submitted to it by each of the participating local educational agencies.[374] But these reports, which are supposed to set out the progress of funded programs in meeting the special educational needs of educationally deprived children,[375] do not provide information which would show whether Title I funds are being used with the effect of strengthening school segregation.

Copies of the applications of local educational agencies for funding (which are made to the State educational agency for its approval) are sent to Washington, but these applications are not subjected to any review by Washington staff. In any case, they do not, as now drafted, provide information which would aid an administrator in determining whether a project funded by Title I has the effect of bolstering racially separate school facilities.

Senator MORSE. I have not called on Miss Green yet. I want Miss Green to make some comments, and I will have a question or two.

STATEMENT OF MISS WINIFRED GREEN, DIRECTOR, ALABAMA COMMUNITY RELATIONS

Miss GREEN. Thank you, Senator. I do not have a prepared statement. However, I will be glad to answer any questions that you might have.

My job in Alabama is similar to what Mr. Mizell has described as his program in South Carolina. However, I would like to say that I completely agree with the things that Mr. Mizell and Miss Fairfax have said about the lack of progress in eliminating the dual school system in the South and I am speaking particularly of Alabama.

When a Negro child attends a three-room school that has grades 1 through 9 and has three teachers; that has no plumbing and no water on the campus; that has bare light bulbs hanging down from the ceiling; that has no library; that has the whole junior high school department in one room; that has no cafeteria; then there is no doubt that this child's constitutional rights are being denied.

Now, if this child in this county decides to go to a desegregated school, then he must face constant harassment. He must ride a bus, a segregated school bus, to the Negro school and then walk over to the white school because he is not even allowed to ride on an integrated bus.

Then this child and his parents, go to a conference and hear someone like myself say that there is a clear mandate from the Federal Government to abolish the dual school system. Then, as Mr. Mizell says, this parent and this child know it is not true. It is not true for them and for thousands of other Negro children in Alabama. I think that is the problem that we are facing.

Senator MORSE. Thank you. That is very helpful.

What do you say from your own personal experience—what kind of a reception do you get?

Miss GREEN. Well, I might ask you, from whom? Because you certainly get a different kind of reception from the two communities,

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[373] *Ibid.*
[374] 20 U.S.C. 241f(3)(a); Phillips interview.
[375] 20 U.S.C. 241f(3)(a); see also 20 U.S.C. 241e(a)(5).

and in all of Alabama, there are two communities in every town—the white and the black.

Senator MORSE. What does the superintendent of schools think of you in Alabama? What does he give you by way of reception?

Miss GREEN. Sometimes they are very polite. Most of the time, they either will not see me or are very hostile and would like for me to leave. If I would go away and not cause trouble in their community, then there would be no problems.

Senator MORSE. What about the principals of the desegregated schools?

Miss GREEN. Senator Morse, Alabama communities have a rule that you are not allowed on a school campus without the permission of the superintendent and therefore, I have very little access to schools or to principals. You can be arrested and fined $50 for it.

Senator KENNEDY of New York. You can what?

Miss GREEN. You can be arrested and fined $50 for being on a campus without permission.

Mr. MIZELL. I might say in a Negro community, where Winifred or myself would go in to a mass meeting in some church; that we just sort of get—we are put on the defensive because we kind of get into debates almost with people in the audience who say, "Yes, you were here last year. You said just write Mr. X up there in HEW and everything would be swell."

Well, we may not have really said that everything would be swell. We have may have said, "Write Mr. X", and they did; and not much has been happening since then.

So that we almost assume there the role of some Federal compliance officer sometimes because we have to explain why the Federal Government has not done something, and I don't really object to that except in those cases where it is pretty clear that perhaps something could have been done and it just has not been.

FOUNTAIN AMENDMENT

Senator MORSE. I want to have you discuss with us a minute or two, your comments about the Fountain amendment.

I happen to be one that opposed it in the Civil Rights Act and it got support and was put in the law.

If there is any project in any field in which Federal money goes, that that project in the State is so administered that it is based upon racial discriminatory policy, then funds shall not be made available.

Let's take it in connection with the school situation in which there is a finding that they don't spend to desegregate so HEW, carrying out the other mandate in the section of the civil rights law, does not give them the money. Of course, the claim is by those that support the Fountain amendment principle, they ought to be required to turn over the money and then proceed with various legal procedures to prove that that school administration is wrong.

Isn't it true that in those cases, the money would have been spent long before the procedures for the determination of the issue are completed and as a practical matter, there is no chance of getting the money back?

Mr. MIZELL. We had some hearings in South Carolina. These were actually held in South Carolina for a week last March. The hearing examiner has rendered a decision in those, and at this point no decision has been made about the termination of funds.

We have one school district in South Carolina which has had its funds terminated. That was left over from 1965–66. So that we have considerable violations if you consider lack of adequate performance a violation as HEW does, and yet, we just are not seeing much money terminated.

I believe that most superintendents and most school officials and school boards are wise enough to see that it is just an empty threat to them. Sure, the investigators may come in and they talk with the school board; they write a report; it may go to the General Counsel's office; eventually a hearing may be held, et cetera. But until that money goes, I don't think that they are really convinced that something is going to happen.

Senator MORSE. Are you saying even with the procedures that we now have, under the guideline system, it is not very effective in those areas that have a strong antiracial feeling?

Mr. MIZELL. Yes, sir. And I would like say that I recognize the need for giving the school systems every opportunity to prove that they are trying to do the right thing; our constitutional guarantees et cetera. But at the same time, I think we even need to have some new procedures, or we need to speed up the ones we have considerably. This business of Secretary Gardner releasing, the names of, say, 25 districts in the whole South once every 3 months or so who have had their funds terminated, that is just too little progress as far as I am concerned.

Now, the other day I was over at HEW and I heard of the school district that submitted a plan whereby they will have most of their schools completely desegregated by 1971. This is the best we can hope for. This is the best that is forthcoming.

In my home in Columbia, S.C., which is Richland District I, one of the largest systems in the State, they have 1,000 more kids transferred this year than last year and yet, if they continue at that pace—let's forget about new school construction and what that might do, and shifting housing patterns and what that might do—if they just continue at that pace, it will take them 15 years to desegregate the school system under the freedom of choice.

The problem I think HEW and we run into, is that the local school officials say, "There is no dual school system in our community. We have a completely integrated school system."

What they mean is they have freedom of choice, whereby anyone can attend any school they want to but they say they have dismantled the dual structure.

OPERATING PROBLEMS OF HEW

Senator KENNEDY of New York. Why doesn't HEW do more?

Mr. MIZELL. Well, I can give you what I think, though it may not be true. I can give you what the people at the local community level think.

They think that political pressures are being brought to bear on

HEW by their Congressmen because, as you know, there are many South Carolina Congressmen with a good bit of power. They believe that HEW also just gets kind of hung up in a system of priorities.

What do they do first?

They have so much to do, they have an inadequate staff to do it with, they have inadequate funds to do it with, so what do they do?

And I think that this is certainly part of the problem all the the time. Then I talk with folks in HEW. The story that we get is, "Look, we are just moving as fast as we can and you may think it is gradualism but we are doing all we can do."

But it also kind of gets to me that in the past some of the officials in HEW and EEOP have actually said, "We are pursuing a gradualist policy," which I find extremely distasteful because this seems to be a capitulation to the desires of local school officials.

Senator MORSE. Miss Fairfax and Miss Green, I am going to ask you a question of exploration because I think with your experience right down in the community level, the question might have some sense, although I don't expect you to be able to answer it in any great detail.

I happen to believe that we already have a lot of evidence before us that, sorely as educational funds are needed all over the country, the paradox is developing that there is availability in some areas which is worsening the problem rather than helping the problem as far as the elimination of racial discrimination in the school system of the area is concerned.

Now, you are sitting where I am sitting.

CHANGES NEEDED

Would each one of you tell me what you would propose, affirmatively, by way of legislative change in our existing law, to give greater assurance that Federal money would help the cause of desegregation rather than hinder it? It takes you way beyond the Fountain amendment. It takes you way behind the guidelines that are now on the statute books. What would you do legislatively to improve the situation in Alabama and South Carolina and other areas where the problem exists in the South, and unfortunately, in some of our de facto, segregated, gerrymandered school districts in the North?

What would you advise Senator Kennedy and me, by way of legislative reform, if you were to take this bill, rewrite any section of it or insert in it any provision not now there that would help you solve your problem.

After all, you are the ones on the battleline. We are not. As I sit here and listen to you, you fill me with a great deal of humility because you are the ones out there, day in and day out, that have to meet the pressures and the criticisms and the abuse.

What would you do with this, Miss Fairfax?

Miss FAIRFAX. Senator Morse, I have had a growing concern in the last year about the role of the State educational agencies.

As you know, these agencies play a key role because most Federal programs are grant-in-aid programs to the State agency.

STATE AGENCY GUIDELINES

One of the major weaknesses in HEW's compliance program now is that there are no guidelines dealing with State agencies. The State agencies sign a straight 441 compliance agreement, and so far as I have been able to find out, there has been very little surveillance by HEW of what the State agencies are actually doing.

My agency has recently been involved in litigation, affecting the entire State of Alabama, and in the course of these court hearings, a considerable amount of evidence was presented which indicates that the State of Alabama has been affirmatively preserving segregation in the way it operates as a State agency.

Now, it would seem to me that this is one area to which you might give some consideration. As a matter of fact, I think this could be handled at the administrative level. It may not require additional legislation, although your jacking HEW up might be very important here. I am saying that we must look at the structures and at the channels through which Federal money flows. We have to insure that these channels are able to produce the results that we want. This is a major deterrent to the fulfilling of constitutional rights, you know, the role the State agencies play.

I think stricter regulations affecting the State agencies would be required.

Now, there is another area which is, again, not legislative but administrative.

REPORTS ON USES OF FUNDS

It has been our experience that HEW often does not know what happens to its funds, particularly since the funds are administered at the State level. We have tried for almost a year to get information from the Office of Education about how title I funds in ESEA are used and the degree to which these funds may be supporting segregation. It has been exceedingly difficult here in Washington to get an overall picture of what is going on. The whole reporting process which of course, involves the Bureau of the Budget and the total administrations, which is an area of executive responsibility is an important factor here.

One area where there would be an opportunity for legislative role is in the whole matter of incentives.

INCENTIVES

As we indicated in our testimony, many of the toughest problems in segregation or in achieving integration are going to be solved only if we conceive new structures and new organizations. That is, we are going to have to do some major school district reorganization in some States, or we may have to come up with some new metropolitan school districts that cross State lines.

I don't think that we are going to get this unless school districts have the incentive to do the planning and the exploring and the creation of models. There is a lot that the Senate can do in the area of incentive programing—money available to do studies and plans and to come up with new models which effectively create integrated systems.

TECHNICAL ASSISTANCE

Furthermore, the whole role of technical assistance in title IV of the Civil Rights Act needs to be strengthened.

We have found, too, Mr. Morse is that often the school districts would be willing to make a change but they don't have the money to do it. We used to say that integration is going to be cheaper because you are eliminating the dual school system. But if you are talking about not only integration but quality education and if you are trying to do away with all vestiges of the dual systems in the South, or de facto segregation in the North, inevitably you are thinking in terms of new construction and higher paid faculty to deal with the more heterogenous classroom. The Congress can play a role in underwriting school districts that will in fact, come up with new ways of tackling the school integration problem and make moneys available for construction and the higher salaries and better teachers and so forth. This whole area of incentive I think, is a role that can be accomplished at the legislative level.

Senator MORSE. Thank you very much.

Senator KENNEDY of New York. Thank you.

Senator MORSE. Miss Green?

Miss GREEN. Senator, I don't know that I really have anything to add to what Miss Fairfax has said. Administratively though, I would like to again say, as both the others have, that we cannot expect to continue using freedom of choice and make any progress, in the near future.

I was looking at a map of Alabama, at the number of systems whose pupil desegregation is still under 2 percent. They know that as long as they can keep freedom of choice and keep doing just a little bit more, the Federal money will keep flowing. They will never have to do anything.

It is like telling a child you are going to spank him time and time again but never do it; the child soon learns that he doesn't have to do what you want him to.

Miss FAIRFAX. You could pass a law saying that if freedom of choice plans or any other plans do not accomplish the constitutional mandate, they should not be accepted.

Mr. MIZELL. Senator, I think we are at somewhat of a disadvantage because we are not legislators and we are not really professional educators, either. So that we are speaking as laymen who may not really know what the limitations are or what could be done. I think there are going to be many, many problems in school desegregation ahead of us. I think after we achieve school desegregation, we are going to have probably, a long rugged road if what we have seen already is any forecast of the future.

INCENTIVES

I would agree most heartily with what Miss Fairfax said about financial incentives and program incentives. As you know, many areas of the South, where most of the Negroes are, are the counties that are absolutely the poorest and these school men are really strapped for Federal funds or any kind of funds to try to deal with any kind of

educational problem. In fact, a great deal of the ESEA money coming into South Carolina really is not being used for the educational program. It is being used for school lunches and clothing and welfare programs and so forth just because the folks are so poor that the school people, I suppose, kind of seize upon this initially saying, "Well, we will sort of get these people ready. We will get them ready in terms of help and clothing and so forth, to come in to our school system." I am afraid that is the way it was approached many times but we have not really scratched the surface on what needs to be done. If we are going to have desegregated schools, we really need to have a terrific compensatory program in terms of education for those Negro kids who are coming in to that school because they have an educational deficit which is absolutely appalling. Now, those people in the low country of South Carolina, you might say, many of those white folks—forget about the races and the prejudice and everything else, if we can, and how much of that is due to this attitude—but many of them have a genuine concern about what is going to happen to their children educationally and in these counties that I am talking about by the way, the white people are the minority. We are talking about where the Negro population is 60 or 65 percent in a county. These people have fears of what is going to happen to their children educationally when significant desegregation occurs.

Well, a good bit of that is justified because they know they have failed in the past in providing an adequate education for those Negro children and I think that there is going to be a real need for resources to be forthcoming to try to deal with this.

I think that, as far as I know, HEW really has not figured out how to desegregate those schools in those counties and in those kinds of school districts.

On reason, as I said before, is they are caught up in all this busy work. There needs to be some sort of subcommittee, task force or somebody created with people who really have savvy about what is going on at the local level as well as having a great deal of sophistication about educational psychology; new teaching techniques; some of these things that you have seen here during this hearing in terms of teaching aids and this sort of business. So that these people could perhaps look at these areas and say, "How can we deal with these very real educational problems within an integrated setting?"

PRIORITIES

I don't even know that we really have our priorities correct. I don't know that when we talk about education that we really think that school desegregation is essential to a good education.

You know, I heard the chief state school official in my State say that, "Well, school desegregation and education are two different things," and I am afraid that this is the way that many people feel. They see absolutely no relationship between the two and until they begin to see that, I think that school desegregation is going to be mishandled. I think that the education of these children is going to be mishandled. I really would think that somewhere, somehow, somebody needs to conceive or create some body which will look at these

problems and look at how Federal programs which go to schools affect school desegregation. I think that really what is being done now for the most part is that folks in charge of federally funded education programs get a title VI form; they sign it; and that is about it. They are not really thinking about what their program does for or against school desegregation. I think there are some such problems with some facets of ESEA and there really does need to be either within each division or somehow, people who are looking at this, people who are conscious of what impact this Federal money, this Federal program, is going to have on school desegregation.

Is it going to speed it up or slow it down.

If it appears to be slowing it down, such a body could look into it; make recommendations about, perhaps, how it could be changed. On this body, I think there would be people who are professional educators; who are legislators; who would know what the real possibilities are.

This is our problem, that we just sort of are ordinary, common citizens, who don't know very much about the real techniques and the nitty-gritty of all this sort of thing. I really hope that somehow, a group could really study what our priorities are and how to apply them to every phase of the program and money that is going to education.

"OUTSIDER" ROLE

Senator MORSE. One other general question, that I would like the comments of the three of you on, then I will close the hearing.

In these hearings, of course, the same point of view has been expressed in the press and many other places, but the thrust of it is if these people who go there from the outside, into those areas where you have racial problems—we are talking about racial problems that are connected with education this morning but you know the line—if these people from the outside would stay away, we would solve our problems.

I am very impressed this morning. I judge that you were born and raised in South Carolina?

Mr. MIZELL. I was born in North Carolina but raised in Alabama, Mississippi, and South Carolina, yes, sir.

Senator MORSE. Your life has been spent in the South?

Mr. MIZELL. I am a victim of the southern public school system.

Senator MORSE. Miss Green, do you come from Alabama?

Miss GREEN. No, sir. I was born and raised in Mississippi.

Senator MORSE. You come from the southern culture?

Miss GREEN. Yes, sir.

Senator MORSE. Miss Fairfax?

Miss FAIRFAX. I am a Yankee, Mr. Morse. I was born and brought up in Cleveland, Ohio.

Senator MORSE. Well, now, I would like to have your views on an expression of hope, as to whether or not you think there is available from within the areas which seem to have this situation, young people such as you, that you can get the encouragement and the help that you need; so that you can offset this argument that some of the problem comes from outsiders coming in, trying to create problems rather than have people from within the environment solve the problem.

Is there anything to this argument?

Miss FAIRFAX. Well, Mr. Morse, I don't think that it is correct to speak of outsiders when you think of our Nation as a whole, and as a unit. As a matter of fact, many of the problems which we have here in the North are very closely related to the problems in the South. There were a number of articles recently about the outmigration of poor people from rural areas in the South seeking greater opportunities in the North and the problems that these people have brought to northern communities as they have migrated in large numbers. No one in his right mind can really talk about sections or outsiders. We have a national problem. Those of us who have been brought up in the North and who live in the North now know that we have problems in school segregation; in housing segregation; in employment discrimination, which may not be so dramatic but they are certainly as serious as the problems in the South. I think we would welcome any southerners coming into the North to bring resources to help us deal with our problems. So that I don't think we should feel called upon to answer the question of outsiders if we think of our Nation as one country.

Senator MORSE. I share your point of view, but I have to answer the question.

Miss FAIRFAX. But the other thing I would like to say, as a northerner who has been working in the South for the past 10 years, I have been deeply grateful for the number of southern-born citizens, both white and Negro, who have been concerned about the problem and have dedicated themselves to working for integration. The South has a lot of resources. There are human relations groups, there are church groups, there are women's organizations, there are youth groups, and there are many unorganized people. One of the most moving experiences I had was an assignment that I had in Mississippi in 1964. I spent 6 months in Mississippi working on problems of school desegregation in Jackson and in the rural counties, and even the humblest people in that State have resources that can contribute to the solution of this problem. So that I think the question is getting resources and technical assistance and ideas into areas that need them and wherever the resources can come from, whether the Federal Government or private agencies, they should be welcome.

Senator MORSE. That is very helpful.

Miss Green?

Miss GREEN. Senator, I remember once when I was living in Mississippi, a mayor of a small town there was asked what he was going to do about civil rights demonstrations that were taking place in his city. He said that they were being caused by outsiders. He was just going to close his eyes and pretend they were not there, and maybe they would go away. Now, I think the problems are there. If there is no one calling attention to them, then the attitude of the southern school officials is just to close their eyes and pretend they are not there. That it is not caused by the outsiders. That may be pointed out by the outsiders.

RESOURCES

Mr. MIZELL. I think I would agree with Miss Fairfax. I think there are resources in the South, if we chose to utilize them in the correct way. I think that the growing industrialization and the urban situa-

tion in the South is due in some respects to these creative individuals who have chosen to put their energies in matters of economics; economic self interest, most of them.

One change that I see coming about, for instance, in South Carolina—and a great deal of it is due to a changing attitude in terms of how people see race relations, which has of course, really come about since about 1960 and also, a lot of it due to just plain old economic self-interest—is that we realize that it is no longer profitable to be an open racist and to shout epithets in public. However, this does not mean that the racism is still not there, because I think it is. I think we have to constantly be on guard and alert for any vestiges of the old system. In other words, in my state I am very concerned because we have these training programs; we have considerable vocational education programs; and I think we are going to see a lot more of them because, frankly, the State leadership knows that those folks who had some skills of the agrarian society, those skills are no longer useful in the South we have today. My concern is, Are we just making people over for the new society in the old slot? In other words, do we still want to keep them on a lower level, but where they can run a machine instead of a tractor or a mule as the case may be. I think this is something we have to look out for.

I think many southerners really, you know, we might term them southern moderates or southern liberals; they would like to kind of do the right thing but the fact of the matter is, that their society is still very oppressive and it still rejects those people who want to really move out and do things. So that the argument I get over and over again is, "We don't want to ruin our effectiveness. We cannot speak out because we don't want to ruin our effectiveness."

I understand that. I am very sympathetic with those people because they are really in a great dilemma themselves but I think the resources are there. It is a matter of marshaling them; it is a matter of really calling a spade a spade. Frankly, I see that as kind of my role in South Carolina, because I just sort of tell things as I see them and some people think that I am liberal or radical or something else but I think it serves some function just for someone to be telling the truth about what is really happening.

Many people are so caught up in trying to improve the system in their own gradual way, that they cannot do that. All of that working behind scenes—it is very crowded back there, as you heard before. This is certainly the case in many, many areas of the South. I think that people on the Federal level have to be extremely careful about how they approach these people because I think there is an element and a great potential for good there but many times these people are approached in a very threatening way. In other words, they see 1861 and Reconstruction all over again in their minds. This is just another form of Yankee oppression, and so forth. I am glad to say that when HEW folks come down now, that many of them stop in to see us; and while our suggestions are completely advisory, we just sort of give them the benefit of our experience of having been raised in the South. So I think that we can do it if we want to. I don't really see us in many places, though, doing it, unless we still have a little bit of push and a prod from the Federal Government, and I recognize this is a

very great problem. I recognize that this gets us in all kinds of political problems; partisanship problems in terms of people thinking, as they do in my State, that somebody is really oppressing them. One party is seen as perhaps pushing too fast in one direction; the other party is seen as wanting to slow down but I think that people are beginning to see that we just are not going to make it unless we have educated citizens, and so there is a growing realization that we have to come around.

OPERATIONAL PROBLEMS

Senator MORSE. I just sit up here, and I marvel at the operative problems that people such as you three must be confronted with.

Do you get invited for example, to educational group meetings?

Do you get invited to church group meetings?

Are you asked to come and appear before race community organizations such as service clubs; municipal groups or do you have to seek for an opportunity to appear before them?

How are you able to get your message across?

Mr. MIZELL. This is really a difficult part of my job that I am sure Winifred has, too. You know, some of our "friends", Mr. Carmichael and others, may talk about our responsibilities in the white community which most of us have been fulfilling all of our lives and many southerners, I might add, at the risk of exclusion from family. I have not had that problem but some do. Ours is the problem of how do you get before the decisionmakers, the people who hold the power in the South, who are of course, white, and how do you try to communicate with them and how do you do that and be honest with yourself at the same time? This is the problem that I face—that it is very difficult for me not to tell it as I see it. When I tell it as I see it, I usually may get befor a group one time but I don't get back very often. For instance, I did have a very unfortunate experience at this title IV institute in South Carolina. I was on a panel with the State school superintendent. He interpreted the remarks that I made then, which are just the remarks that I made today, as being emotional and saying that he came to view the problem objectively and not emotionally.

I think many people think anybody who came out of this system, out of this society, and is talking like I do, they think that I really must have picked up some alien ideology somewhere along the line. I think what they don't understand is that really, for instance Winifred and myself, we are all part of the culture. We would not, you know—I would not go north for anything. As I tell my audiences sometimes, I would just as soon cut off the North and throw it out to sea. I think the South has a great deal to contribute to this country, but many of our fellow southerners don't understand that is the way we feel. It is because of our affection and sense of responsibility for the people in the region that we feel we have to say these things but I don't get invited to the Rotary Club; the Kiwanis and so forth. They might invite a very good director of the State department of corrections who is pretty outspoken, who says the right things, but that is something else. That fits within the old paternalistic framework. What we are talking about is no longer paternalism because, as I see it, there is just not room enough for that today in terms of what is happening in

the cities of this country. If I even suggest that such a thing could happen in our State, then I am attacked editorially in one of our State newspapers as being a "wrecker" and "shouting demogogic words of hate."

ROLE OF CHURCHES

Senator MORSE. But the churches, are they showing a different attitude in regard to the type of problem?

Mr. MIZELL. Churches, I find, are beginning to come around. Many clergymen are beginning to come around. Again, it is a question of how you bring that flock along with you. There are many folks who are sort of disaffected clergymen in the South. I guess this is a national problem in terms of the clergy—how you really can speak prophetically to the problems of today, and try to tell the people how the Word speaks to these problems and yet not completely alienate them. You go into a community and learn that Reverend So-and-So is a good guy. You see him, and he is very interested in talking with you; very interested, really, in finding out what is going on, but when it comes right down to it he says, "Well, I am sorry. I am doing just about all I can."

In the area of school desegregation, one of our greatest problems is that, I guess, southern moderates and southern liberals in the past, people who just cared about people, kind of set their goals all wrong. We thought that when you had desegregation that you would want it. That was victory; and so now that you have freedom of choice, many people that everything is going along okay. Many of the people who would be our allies, think that things are really moving along; we are making great progress; but that is because they, you know, really don't have the problem of communication even with those feelings, with the Negro community and know how they feel.

Senator MORSE. Thank you very, very much. That is a fine record that you have made.

Are there any other comments from anybody?

Miss FAIRFAX. None, except we would like to thank you, Mr. Morse, for your generosity and particularly, for your comments yesterday. We are grateful for them.

Senator MORSE. Thank you very much.

In accordance with the ruling that the Chair made, at the end of the hearing today the public hearings on S. 1125 and H.R. 7819 are now closed except for the one additional hearing on Tuesday, August 29, at which time Mr. Howe and anyone else from the Department of Health, Education, and Welfare will be called upon to give such testimony as they may care to.

We stand adjourned now.

At this point in the record I order printed all information and other pertinent material subsequently supplied for the record.

(The material referred to above follows:)

NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC.,
New York, N.Y., August 21, 1967.

HON. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: In response to your request for the names of the school districts which I mentioned in my testimony on August 16 and in which ESEA's

Title I funds are either being misused or are contributing to the perpetuation of segregation, I am submitting herewith the following information:

Warren County (North Carolina).—Trailers purchased with ESEA Title I funds were placed at the South Warren School (Negro) to relieve overcrowding although Afton-Elberon, a formerly all-white school a half-mile away, had unused space. For 1967–68 Afton-Elberon is being reorganized with two other formerly all-white schools. The Negro school, which is still overcrowded, is not included in this grade reorganization.

Western Line Consolidated School District (Mississippi).—School officials admitted to a Federal Court the use of Title I funds in 1966 to equalize teachers' salaries. In *West Tallahatchie School District (Mississippi)* local funds pay the salaries of white teachers while Title I funds are used to pay the Negro teachers. Officials justify this by stating that the Negro teachers are participating in an in-service training program.

Lincoln County (Georgia).—The 12-grade all Negro school began to serve free lunches to about half its enrollment of 975 pupils in April, 1966, at the same time that free choice was being exercised. Prior to this time, the school had been able to provide only 40 free lunches daily. In 1966–67 only 4 out of the 1000 Negro pupils in the county chose to attend formerly all-white schools. A staff visit revealed that parents were concerned that their children would not continue to get free lunches. HEW has recently cited this district for poor performance. School officials have indicated that they will operate without Federal funds since Negro pupils have been the main beneficiaries.

Western Line Consolidated School District (Mississippi): A disproportionate amount of equipment has been purchased with ESEA Title I funds for the predominantly white Riverside School into which most of the District's white pupils transferred when schools were desegregated. Riverside's inventory of ESEA-purchased equipment includes: 6 electric typewriters, 7 sewing machines, an automatic washer, a dryer, a refrigerator, overhead projectors, 4 mobile trailers, a Suzette Learning Center which cost $11,185, a stencil cutter which cost $1,215, etc. In *Lamar County (Mississippi)* equipment delivered to a target school which is Negro was reallocated to other schools. In Talliaferro County (Georgia) equipment was turned over to a white private segregated school.

In *Lawrence County (Alabama)*, where it has also been alleged that funds for the Negro school were diverted to make purchases for white schools, summer school was scheduled to operate this year with ESEA funds on a segregated basis.

We have called these reports to your attention because they are not unusual—they are typical of the kinds of complaints which we have heard about the operation of Title I of ESEA in school districts in the South.

Sincerely,

JEAN FAIRFAX,
Director, Division of Legal Information & Community Service.

NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC.,
New York, N.Y., August 21, 1967.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I should like to take this opportunity to extend the remarks which I made in response to your question concerning new legislation which might be introduced to deal with the problem of segregation in education which Hayes Mizell, Winifred Green and I discussed during our testimony before the Subcommittee on Education on August 16, 1967.

Equal educational opportunity for all Americans has been declared by Federal Courts to be required by the Constitution, but it has never been enacted by Congress as an affirmative national policy. I believe that legislation is urgently needed which would:

1. Declare equal educational opportunity to be national policy;
2. Define racial imbalance;
3. Establishment uniform national standards to eliminate racial isolation in the public schools;
4. Require solutions which will effectuate this national policy;

5. Ensure that Federal programs and the channels through which they flow to the states and localities will affirmatively promote the national goal of integration;

6. Authorize a generous program of technical assistance;

7. Provide financial incentives for planning, for the reorganization by states of their school districts, for the creation of metropolitan and interstate structures to maximize integration, etc.;

8. Provide for the safety and protection of families and children seeking to exercise their rights to attend integrated schools;

9. Give to the Attorney General broad authority to initiate suits to end racial isolation and racial imbalance in public schools.

In its report, *Racial Isolation in the Public Schools*, which was published in February, 1967, the United States Commission on Civil Rights addressed itself to the role of the Congress. May we especially call to your attention the Commission's recommendations on pages 209–212 and Section IV of the Legal Appendix on pages 239–263 which discusses very thoroughly "The Need for a Congressional Remedy."

Thank you.

Sincerely yours,

JEAN FAIRFAX,
Director, Division of Legal Information & Community Service.

(Whereupon, at 12:30 p.m., the hearing was adjourned subject to the call of the Chair.)

EDUCATION LEGISLATION, 1967

MONDAY, SEPTEMBER 18, 1967

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to recess and subsequent postponement, at 10 a.m., in room 4232, New Senate Office Building, Senator Wayne Morse (chairman of the subcommittee) presiding.

Members present: Senators Morse (presiding), Yarborough, Randolph, Kennedy of New York, and Murphy.

Also present: Representative Sam Gibbons.

Committee staff members present: John S. Forsythe, general counsel; Charles Lee, professional staff member; and Roy H. Millenson, minority staff member.

Senator MORSE. The hearing will come to order.

We are delighted to have Congressman Gibbons here as our first witness this morning.

I would like to make a very brief statement, if I may, Congressman.

It is fitting that this final open hearing on the legislation to amend our elementary and secondary education statutes should provide the subcommittee with an opportunity to receive from, and engage in colloquy with, distinguished witnesses from the legislative branch, the executive branch, and from the State government components of our federal system. With the permission of my colleagues, I shall introduce each of them.

Earlier we had the privilege of counseling with a spokesman for the minority on the House Education and Labor Committee. This morning our first witness will be a distinguished legislator from Florida, a gentleman who is an old friend and a colleague in these matters who will, I know, share with us his views on the language of the bill upon which we shortly will be working. It is a pleasure to have his testimony on the legislation. May I present for the record, the Honorable Sam Gibbons, a U.S. Representative from the Sixth Congressional District of the State of Florida.

You may proceed in your own way, Congressman.

STATEMENT OF HON. SAM GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

TITLE I FORMULA

Mr. GIBBONS. Senator Morse, and Senators of the subcommittee, my remarks will be limited to observations on the title I formula. As you

remember, there has been a difference between the title I formula as proposed by the House in the past and the title I formula that is proposed by the Senate as it has been in the past, that title I funds should be supplied to local education or agencies, based upon one-half of the national average or the State average, whichever is higher. In the House, it has generally taken the position that title I funds should be distributed on one-half of the State average.

I do not need to elaborate on that to show you that in my opinion the Senate position is fairer and is also a better educational policy for the United States.

As you recall, Senator Morse, this bill that we are now talking about, this act that we are now talking about, provides that beginning with the fiscal year 1968 the funds supplied to the local educational agencies shall be matched or shall be supplied by the Federal Government on one-half of the national average or the State average, whichever average is higher. This is the proposal that originated in your committee, and I am here to urge you to stick to that proposal in the legislation that you now have before you today.

HOUSE ACTION

We have had quite a scrap in the House Committee on Education and Labor and quite a scrap on the floor of the House on this particular formula, but on a rollcall vote in this session of Congress, the House bill's draft of the formula is one-half of the State average or the National average, whichever is higher.

In connection with this formula several misconceptions have been developed. The first misconception is that some States that are going to get less money than they got last year, and that is not so.

I have supplied for each member of this committee a letter using the Department of Education's figures; that is, the Office of Education figures, showing that the House amendment as later modified by the House Appropriations Committee amendment, no State in the Union will get less money than it had last year for this particular formula, for next year, for fiscal year 1968. In fact, some States, of course, primarily the poorer States, will get considerable more money, but actually all of us realize that the title I formula money does not go to the State, it goes to the local educational agency—although I have said the State. It seems to me that the title I formula as now in the House bill and in support of the Senate position gives the money where the greatest need exists.

I know that Senator Yarborough is particularly familiar with this, because I think he was the sponsor of this amendment in the Senate last year.

FISCAL YEAR 1968 FORMULA INEQUITABLE

Senator YARBOROUGH. If you will pardon me. We put that amendment in the law which passed, but it was stricken out in the House

this year, until your amendment restored it. I think that even after the law was enacted as it exists, this Congress cannot leave it in this situation, where some States get three times as much per child as do the children in other States. It is an incredible injustice to the child in the poverty bracket, and I intend to work with every resource at my command to try to get some recognition of that fact. I proposed the very minimal that the States in the Union ought to accept. I think it is gross hypocrisy for the Federal Government, when they speak about an impoverished State, to enact a law which gives three times as much money to a child in a rich State than it does to one in a poor State.

Mr. GIBBONS. I came here to agree with you and to echo your sentiments, but let us go back.

No State gets less money than it got last year.

Then, we are sometimes helping those in the poorer areas at the expense of those in the big cities.

Senator YARBOROUGH. Will you pardon me? You said that no State will get less than it did last year.

Have you seen the table circulated by the Office of Education which purports that under this formula you are advocating that a majority of the States would lose money?

Mr. GIBBONS. Well, that is when they are compared against the amount of money that was authorized in the past, but, of course, has never been funded. And, secondly, it takes into consideration the amount of money they expected to get.

APPROPRIATIONS FLOOR

Now, a lot of us have lived with these expectations, but I am talking about realities. No State will get less money than it got in the year 1967. It will not get less money in 1968 than it got in 1967, and that is when you take into consideration the amendments adopted in the House in the House bill and the effect of the modification that took place the next day on the floor in the House Appropriations Committee's bill.

There were about 10 States, I believe, that would have gotten less money had not the amendment that I sponsored been modified the next day by the House Appropriations Committee. The modification put on by the House Appropriations Committee provided that, in the allocation of funds, no State would get less money than it had gotten in 1967, if that amendment was adopted. And, as I say, it only affected about 10 States. The amount of money was relatively small. I had prepared and distributed to the House members and to the Senate members of this committee a table that I checked pretty closely with the Office of Education, and I am sure that my statement is correct. No State or community in those States will receive less money than they got in 1967.

Senator YARBOROUGH. Would you put that table in the record here?

Mr. GIBBONS. I will be glad to put such a table into the record at this point.

Senator MORSE. The table will be printed in the record at this point.

(The chart referred to follows:)

Chart showing comparison of title I elementary and secondary education funds under bill passed by the House May 25, 1967

	Fiscal year 1967 allotments	Gibbons' amendment as modified by House Appropriations Committee
United States and outlying areas	$1,053,410,000	$1,191,000,000
50 States and the District of Columbia	1,027,906,650	1,170,761,356
Alabama	31,013,087	42,538,942
Alaska	1,883,190	2,094,205
Arizona	8,971,597	9,263,707
Arkansas	20,861,373	26,302,440
California	74,360,293	79,536,194
Colorado	8,566,375	9,440,765
Connecticut	8,567,812	9,045,188
Delaware	2,145,235	2,452,853
Florida	28,452,341	29,220,877
Georgia	35,072,317	42,408,278
Hawaii	2,301,425	2,475,567
Idaho	2,725,898	3,194,678
Illinois	47,180,934	48,798,876
Indiana	15,377,019	16,073,263
Iowa	15,568,711	15,568,711
Kansas	10,092,438	10,142,513
Kentucky	27,607,634	34,144,276
Louisiana	29,300,680	36,140,033
Maine	3,573,204	4,175,186
Maryland	14,667,876	15,294,927
Massachusetts	14,916,771	15,468,989
Michigan	32,407,534	32,675,721
Minnesota	19,651,289	20,341,220
Mississippi	23,562,737	44,563,962
50 States, etc.—Con.		
Missouri	$23,919,082	$25,761,840
Montana	3,291,805	3,664,411
Nebraska	5,522,165	6,813,178
Nevada	985,902	1,213,650
New Hampshire	1,392,513	1,728,724
New Jersey	24,213,383	25,445,266
New Mexico	10,027,182	10,077,903
New York	114,811,439	118,879,375
North Carolina	46,184,079	58,847,882
North Dakota	4,146,397	5,121,328
Ohio	35,126,949	35,126,949
Oklahoma	17,288,784	18,068,231
Oregon	7,527,202	7,766,714
Pennsylvania	48,634,003	48,634,003
Rhode Island	3,655,835	3,915,433
South Carolina	21,514,677	36,435,733
South Dakota	5,482,447	6,229,774
Tennessee	29,786,366	38,893,688
Texas	68,886,571	77,282,259
Utah	3,042,185	3,157,134
Vermont	1,664,962	1,882,990
Virginia	24,226,749	31,493,064
Washington	10,709,524	10,753,489
West Virginia	14,923,368	18,965,255
Wisconsin	14,931,330	15,588,809
Wyoming	1,466,944	1,860,866
District of Columbia	5,717,037	5,792,037
Outlying areas	25,503,350	20,238,644

Source: Office of Education.

NEEDS OF RURAL SCHOOLS

Mr. GIBBONS. The statement is often made that the poorer areas of the country are taking advantage of the great needs of the city areas. Let us contrast the schools in the poorer areas. Let us take one in the mountains of Kentucky, one schoolroom housing many grades in one room, a pot-bellied stove. And that is Breathitt County, Ky. Under a formula that has been disposed of in the House, thank goodness, the average expenditure in that county in Kentucky is only $236 per year. There is no plumbing in this schoolhouse—in this schoolroom. The heat is from the very ancient source. It took and contrasted that with a school like New Rochelle, N.Y., where the average per pupil expenditure is $826 per year, a school having auditoriums, libraries, staffs for remedial education, and psychiatrist and psychologist assigned to the school. A poor child in Kentucky would receive only $118 per year from the Federal Government upon his education, and a child, a poor child, in the rich area of New Rochelle, N.Y., would receive $413 per year per child.

Senator YARBOROUGH. These are the actual payments that you are talking about?

Mr. GIBBONS. The actual payments.

Senator YARBOROUGH. The formula does not show that much disparity, does it?

Mr. GIBBONS. No, it does not.

Senator YARBOROUGH. The Office of Education figures will not show you that great disparity that you can find from actual figures.

QUIE HOUSE STATEMENT

Mr. GIBBONS. That is right. I am quoting now from a statement placed in the Congressional Record by Congressman Quie, who also supports this particular formula that we finally adopted in the House.

While I admit that there is more money for poor children everywhere, I do not think that we should prefer poor children in the richer areas over poor children in the poorer areas.

And that is the effect of using the old, and I think now discouraged House formula.

As I said, I intend to restrict my remarks to this one particular section of the bill.

And if there are any further questions, I will be glad to answer them.

Senator MORSE. May I say the record shows that I have placed great weight on the position that you have taken, as you have sat across the table from me in conferences on educational matters. The record should show that and it should show the appreciation that I, as chairman of this subcommittee, have for the cooperation that has been extended to this subcommittee always, whenever our members met with the House either as witnesses or as conferees. It does not mean that there has been unanimity of opinion, but certainly there has been evidence of an honest intent to iron out differences between the House and the Senate. I am sure that it will be done in this case, too, with your assistance and my cooperation.

I want to thank you, on my behalf, for your testimony.

I will call upon Senator Yarborough for any comments he may have.

PRESENT FORMULA INEQUITABLE

Senator YARBOROUGH. And if there is any compromise, I hope that it will be for the poorer and not for the others. If this injustice is to be perpetuated, I think it will kill the elementary and secondary education bill. It is so gross an injustice between the various areas, I think many will revolt on this. I think that those who sponsored the legislation ought to recognize that now and be prepared. I do not think that this is just the beginning, but that we will come back for real justice in this law.

We have heard the argument here from some of our colleagues on our committee, from some of the large rich counties of the North, that it costs more to live there. I have walked down the streets in New York and have looked in the store windows and I have seen Arrow shirts that a lot of teachers wear and a lot of lawyers wear, as they did when I was practicing law in Texas, name brands, one-third off the list price, and I never saw those shirts for one-third off the list price in my home State of Texas in my life. You pay there the brand prices for brand goods.

Mr. GIBBONS. And for books.

Senator YARBOROUGH. And for books, yes.

Mr. GIBBONS. And the better teachers tend to migrate to where they can get better pay. And we see that every day, and that is the real injustice of this House-proposed title I formula that has now been discarded.

STARR COUNTY, TEX., PROBLEMS

Senator YARBOROUGH. I was with the Migratory Subcommittee which held hearings in Starr County, Tex., this year, where the migratory labor problem is a low-wage problem. The superintendent of schools of Rio Grande City, the county seat of Starr County, enriching his political position, came in to testify for labor legislation. He told us of his problems there. He lost a third of his teacher corps each year and that the only people that he could get were people who would remain there temporarily. They could not get the money out there. That is one of the counties where many of the families have incomes of not over $300 a year for the entire family. That is the kind of county that this bill is supposed to help, but when you are putting three or four times as much money per child into the school system in New Rochelle and into Westchester County, N.Y., than you are putting into Starr County, Tex., in this antipoverty bill, they seemed to have before them a passage out of the Bible which stated that he who haths shall be given and he who has little, even that little shall be taken away from him. That seems to be the theory of the formula in this bill. That is what I say.

"COURAGE AMENDMENT"

Mr. GIBBONS. Let me say this, that there are Members of the House who agree with you. When we proposed this amendment on the House floor we could not think what to call it. We knew that we had to get votes from places that were voting against their own self-interest, so we called it "The Courage Amendment." It took courage to vote for the amendment. Many Members of the House, even though their States would get less money than they had gotten in the past, voted for this amendment. Florida is one of those break-even States, where it did not take too much courage on my part. We did not gain or lose enough dollars to make any difference, but I see, in Florida, people coming from all over the United States, particularly from the wealthier areas recruiting teachers now. This went on last year; it goes on this year. If you can recruit teachers in Florida to go to these wealthier, better-paid States and get better college graduates, then, certainly, you can go to the poorer areas and recruit them very easily, and, unless we do something to stop this brain and talent flow from these poorer areas, they are going to be intolerably poor, because it is going to take the brains that America has in order to overcome some of the inequalities that we have. It should take brains, and patience, and understanding that comes with a talented teacher to overcome this great flow of migration of brains and people from one area to another area, the same flow that has created such tragic problems in some of our big cities.

Senator YARBOROUGH. I think this is a point that is well taken. I appreciate that fact that you are making it. I think that if we had had this bill for, say, 20 years, it would have sharpened the differences between the States, the poorer, impoverished States, vis-a-vis the

richer States. Look at the advance we have made; it would have, maybe, been half of that.

TEACHER RECRUITMENT

You mentioned the recruitment of teachers in Florida.

A few years ago, I was talking with the president of the Southwest Texas Teachers College that is at San Marcos, Tex., which was attended by the then Vice President and later President. That is the President's alma mater. But agents of the State of California went to San Marcos, Tex., and employed 90 percent of the graduting school in education in 1 year. They paid them so much more than they received in their home areas of Texas, the salaries were so much higher in California, that 90 percent of the entire senior graduating class signed up to go to California.

Now, with this disparity in the bill, the House bill, this brain drain from the poorer States will become extentuated.

Thank you.

Senator MORSE. Congressman Gibbons, under date of June 6, you wrote me a letter in which you described some problems you have described this morning.

I will insert in the record at this point that letter. Attached to it was the table or chart showing the comparison of title I on secondary education under the bill passed by the House May 5, 1967. That is the same chart you have placed in the record?

Mr. GIBBONS. That is the same chart.

Senator MORSE. I will not insert that then into the record, but I will insert the letter.

I want to thank you very, very much for your statement.

Mr. GIBBONS. Thank you.

(The letter referred to follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1967.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: In 1966 when we passed the Elementary and Secondary Education Act we provided that beginning with FY 1968 the funds for Title I would be apportioned among the states on the basis of one-half of the national average or one-half of the state average per pupil expenditure, whichever was the greater.

When the Administration bill came to us this year this distribution of funds was not disturbed, however, the House Education and Labor Committee in considering the bill decided by a very close vote to revert to a formula that we had discarded a year ago and to allocate funds to local educational agencies on the basis of one-half of the state average expenditure.

When H.R. 7819 was before the House this year, by a roll call vote with a 26-vote margin, the House agreed to stick to the formula that provides for matching of one-half of the state or national average, whichever is higher, and rejected the position of the House Education and Labor Committee. It was my privilege to be identified with the amendment that retained one-half of the national average feature.

I hope that when you are considering H.R. 7819 that you will decide to stick to the formula that we adopted in 1966 to become effective in fiscal 1968, for it seems to me that this is the fairest way to help solve the problem of the poor

child living in the poor area and still preserve an incentive for states and local educational agencies to continue to do more in supporting all elementary and secondary education.

For your information, I am attaching to this letter a chart showing the amount of funds received by each State in FY 1967 and the amount they would receive in FY 1968. This comparison takes into consideration my amendment that was adopted by the House and the appropriation bill as passed by the House. You will note that in no case does any state receive less money than it received in FY 1967.

I shall be glad to answer any questions that you might have about this matter.

Sincerely yours,

SAM M. GIBBONS.

INTRODUCTION OF STATEMENTS

Senator MORSE. The subcommittee is privileged to receive for our record the counsel of two distinguished Senators who have contributed greatly to our educational legislation over the years.

Senator Metcalf, of Montana, during his service in the House of Representatives, and since he joined our ranks in the Senate and particularly during the period he served on the committee, has demonstrated his commitment to the cause of developing sound support for all levels of American education. I can assure him that we will listen carefully to the proposals he presents.

Senator Claiborne Pell, of Rhode Island, certainly needs no introduction to this record. His accomplishments in the area of education legislation speak loudly in his behalf. His work on arts and humanities legislation, and his leadership in the sea-grant college bill, now law, will be long remembered. I can assure him that his views will receive most careful attention in our subcommittee executive sessions.

The third statement for our record is that of a dedicated public servant who has appeared before us in the past. While his views on education legislation have not been accorded universal support, they have earned him a careful and detailed study of the substance of his argument and I am, therefore, confident that, as always, the testimony of Vice Admiral Rickover will be challenging and a stimulus to our consideration of the bills before us.

STATEMENT OF HON. LEE METCALF, A U.S. SENATOR FROM THE STATE OF MONTANA

Senator METCALF. Mr. Chairman, I greatly appreciate your courtesy in permitting me to present a statement of my views with respect to the two bills now before your committee, S. 1125 and H.R. 7819, Elementary and Secondary Education Act Amendments of 1967. I am grateful, too, for the opportunity to discuss with you two proposals introduced by Senator Mansfield and myself, S. 1253 and S. 1374, to amend Public Laws 815 and 874, to provide assistance not now available to school districts which have suffered "pinpoint" disasters.

The texts of the bills and of Senator Mansfield's and my remarks appear at pages 222–228 of the Hearings on Education Legislation, 1967. With your permission, I should like briefly to summarize the foregoing and make a few additional comments.

S. 1253 would provide loan assistance for the replacement of public elementary and secondary school facilities destroyed as a result of fire, flood, hurricane, earthquake, storm, malicious action of any person known or unknown, or other catastrophe. The other bill, S. 1374, would provide assistance for current school expenditures in like circumstance. In either case, application for assistance may be made by the school district upon a finding by the Commissioner, certified by the Governor of the State, that "public elementary or secondary school facilities of such agency have been destroyed or seriously damaged * * *." The bills do not require a declaration of disaster by the President.

The need for this legislation is very clear. Since 1962 in my own State of Montana, there have been seven serious school fires. The Office of Education informs me that in the last year for which records were kept (1963) there were 4,500 fires, and losses to schools amounted to almost $33 million. The National Fire Protection Association prepared a list of fires in 1966 (in which the losses exceeded $250,000 each); there was a total of 17 fires, while losses amounted to more than $8 million and caused the dislocation of in excess of 8,000 pupils. Unfortunately, the Office of Education was unable to supply adequate statistics and I have noted with satisfaction that Associate Commissioner Estes' letter indicates a willingness to undertake the collection of data that is not available elsewhere. With your permission, Mr. Chairman, I should like to have printed at this point in the hearing record copies of letters from which I have quoted the foregoing statistics.

Mr. Chairman, now I should like to turn to provisions of the Elementary and Secondary Education Act Amendments which are before the committee, to comment briefly and, if I may have permission, to place some documents in the hearing record.

To the sparsely populated States (and the committee will recall Senator Mansfield's and my previous statements in this matter) one of the most critical needs is for administrative funds. Senator Mansfield and I are delighted that both the House and Senate bills would raise authorization in title I from $75,000 to $150,000 and would like to reiterate our support of this provision.

On the other hand, we want to be very sure that the deletion of the $100,000 floor from title V, section 502(a)(1), and revision of the formula for allocation among the States will, as the House report says, "correct this inequitability." I am assured by the Office of Education that the proposed authorization which would allocate 40 percent to be divided equally among the States and 60 percent on the basis of public school pupil population will protect States like Montana.

But, I have noted that underlying the adminstration's proposals for title V, Elementary and Secondary Education Act, the dollar amounts suggested for authorization represent only a slight increase of new money, since their argument is predicated in part upon the phase-out of programs such as the supervisory services of title III and title X of the National Defense Education Act. Since I know the committee will at a later date be giving further consideration to the question in its hearings on Higher Education Act and National Defense Education Act amendments, I will withhold further comment at this time

except to say that my attention was called to the study that the chairman had the Office of Education make on title III, NDEA. The conclusions were:

(1) That, at the State level, efforts are being made to correlate the resources available under Federal laws.

(2) That the States have used the NDEA III subject specialists as key agents in attempting to correlate such resources.

(3) That the NDEA III support program, particularly the consultant services which it provides, represents an important force in linking together other Federal support programs.

(4) That further study is required to ascertain the degree to which correlation of programs funded under Federal laws exists.

I think we are all familiar with the action of our own Senate Appropriations Committee colleagues who went above the budget estimates for title III, NDEA in the recently passed HEW appropriation bill. This in my judgment is a persuasive argument for the support this program command.

It might be well, therefore, for the committee to assure itself, before these programs which seem to have been successful are terminated, that in fact the replacement mechanisms suggested are adequate to do the job. Because we are not interested basically in the problems of the office—we are interested in the problems of children.

With the permission of the chairman, I should like to insert at this point in my remarks a copy of two letters and a telegram I have received from Miss Harriet Miller, superintendent of public instruction in the State of Montana, concerning the administration's proposal to combine title V of the Elementary and Secondary Education Act with titles III and X of the National Defense Education Act.

(The material referred to above follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington D.C., July 13, 1967.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of June 21 to Commissioner Howe requesting comments on issues raised by Miss Harriet Miller, Montana State Superintendent of Public Instruction.

The maximum allocation for the migrant program is based on statistics furnished by the U.S. Department of Labor representing full-time equivalency rather than numbers of children. To arrive at this full-time equivalent for 3 months during the summer would mean that the number of children eligible for service would be 69.16. Thus the amount per child under the migrant program is the same as for other children served.

The amount available for the migrant, neglected and delinquent programs for 1967 was 24 percent of the maximum authorization, or 12 million and was earmarked in the appropriation act. The appropriation language for 1968 does not set aside a specific amount for these programs so that the provisions of Public Law 89–10, as amended, apply with respect to a ratable reduction when the amount appropriated is less than the authorization. Each program, therefore, receives the same percentage of its maximum authorization.

In the case of the migrant program the amount available in 1968 is increased to 68.5 of the authorization at the $2,000 income level. For the programs of the disadvantaged and the handicapped children, the percentage drops from 75 percent in 1967 to 68 percent in 1968.

Although all the data for completing the allocations for Fiscal Year 1968 are not yet available, the following represents our best estimates under the legisla-

tion as currently enacted ($3,000 low-income factor) and the amendments passed by the House in H.R. 7819 ($2,000 low-income factor). These estimates are based on the amount included in the appropriation bill as passed by the House.

Program	Agency	1968 estimated allocation	
		H.R. 7819	Public Law 89-10
Disadvantaged children	School districts	$3,065,700	$3,262,269
Handicapped children	State institutions	102,444	71,791
Juvenile delinquents	do	29,764	20,858
Dependent and neglected	do	17,305	12,127
Migrant children	State program	299,198	209,675
Total		3,514,411	3,576,720

You will note that the amounts estimated to be available to local school districts under either formula are greater than the amount that was available in 1967.

If the Office of Legislation can be of further assistance, please let us know.

Sincerely yours,

ALBERT L. ALFORD,
Assistant Commissioner for Legislation.

STATE OF MONTANA,
SUPERINTENDENT OF PUBLIC INSTRUCTION,
Helena, Mont., March 7, 1967.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: As you know, June 30, 1968 is the expiration date of the National Defense Education Act of 1958, as amended.

In the opinion of most Montana school people, the National Defense Education Act programs have functioned efficiently to improve classroom instruction in a number of subject areas. Regulations governing the program have been reasonably easy to interpret and administer, and simple application procedures have allowed schools to obtain the equipment and material actually needed in their classrooms with a minimum of paper work.

We will appreciate your efforts in this Congress to extend the National Defense Education Act before the expiration date of June 30, 1968, and would respectfully request that if the Act is extended, every effort be made to provide sufficient fiscal authorization to finance the many subject areas currently included under this Act.

Thank you again for your continuing interest and assistance in support of more adequate education programs.

Sincerely,

HARRIET MILLER,
State Superintendent.

HELENA, MONT., *June 10, 1967.*

Hon. LEE METCALF,
Washington, D.C.:

Would appreciate information and help with problems re: ESEA title V and NDE titles II and X. (1) Office of Education has requested that we include in FY 68 application for ESEA V those State education agency functions formerly supported under NDEA III and X. OE instructs us to base this combined application on $176,790 for FY 68. In FY 67 Montana received $152,336 for ESEA V plus $50,000 for NDEA X plus $50,000 for NDEA III supervision and administration, totaling $252,336. These services cannot be continued if support is cut to $176,790 respectfully urge your assistance in preventing this cut. (2) OE personnel informally advise that there will be no appropriation for NDEA III and

NDEA X, except one $2 million amount for NDEA III administration (excluding State supervision). As I have advised you earlier in reply to inquiry, NDEA programs have been valuable to Montana, easily administered, and paperwork has been held to a minimum. Believe it is in best interest of Montana education to continue NDEA and not to lose these valuable programs through combination with ESEA. Conversations with OE acquaintances indicate NDEA X may have been saved, as of this week Would appreciate information of status of legislation and appropriations affecting NDEA. (3) Amendment to ESEA V distribution formula to provide more support for sparsely populated States if of great importance to Montana. Present formula for FY 68 would provide $176,790, whereas amendment would provide $252,336. Additional amount would be most helpful in carrying out essential duties under ESEA. However, if additional amount is required to replace funds formerly available under NDEA III and NDEA X, as OE now indicates, there will be no assistance for growing responsibilities for administering the Federal programs, much less aid for "strengthening State education agency" as ESEA V is intended to do.

HARRIET MILLER,
State Superintendent.

STATEMENT OF HON. CLAIBORNE PELL, A U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator PELL. Mr. Chairman, I am most appreciative of your according to me this opportunity to make a statement in support of S. 367, the Quality in Education Act of 1967, introduced by Senator Cooper, of Kentucky, and myself.

This bill, a copy of which is attached to my remarks, would provide the local school authorities with a means of insuring that the education they provide is of the highest level in curriculums, scholarship, and effectiveness of teaching. This objective would be achieved by a two-pronged attack.

The U.S. Commissioner of Education would make available a test of academic excellence. This test would be given at the local level by local authorities to students who volunteered to take it. Again, just to be clear, the test would only be administered to students who asked to take it. Any administrative costs incurred by the local school authorities would be reimbursed. Those students who passed the exam would be issued some type of certificate by the Commissioner of Education.

Passage of the bill would also establish the "President's Advisory Council on Education." This Council, to be composed of eight members, will both make studies on the educational needs of our country and provide an advisory and consultive service to State and local educational groups on methods to improve and maintain the quality of education.

It was our original hope that a full scale hearing could be conducted on S. 367. I believe that if they were held, a clear need for, and also the desirability of, some form of merit testing would have been demonstrated. However, as the committee may be aware, the Carnegie Foundation, under a grant from the Department of Health, Education, and Welfare, is presently conducting a study of testing in secondary schools throughout the Nation. In truth, it would be somewhat premature to hold hearings on the bill before that report is received.

Since the announcement of a study of national testing was made, there has been much sound and fury. Indeed, it at times appeared that the Carnegie Foundation would be frustrated in its efforts, by the reluctance of certain school officials to cooperate in the project. This

opposition did not come from only one segment of the educational community, but was heard from teachers, principals, State and local administrators, school board members, and private citizens as well. A discussion was held on the objectives of the study, and as soon as the emotional reactions were allowed to ebb, a more cooperative attitude seemed to be manifested. However, I am advised that the study is progressing at an all too slow pace.

To my mind, it is somewhat shortsighted to view the concept of merit testing as a threat to the local school. On the contrary, S. 367 should be seen as an aid, another tool provided by the Federal Government to improve the general level of education. It should always be kept in mind that this bill has, as one of its main provisions, the bolstering of the local body by means of voluntary participation in a national program.

Participation would advise the various school authorities as to the effectiveness of its teachers as compared with a national norm. Would it not be helpful to know that your students were achieving at a higher level than the rest of the country? And inversely, if underachievement were demonstrated, the local authorities, utilizing the services of the President's Advisory Council on Education, could seek to bolster those segments of its curriculums which showed a certain weakness.

Mr. Chairman, merely providing funds for more education will not insure that all our students receive a good education. Events in the past have demonstrated that quality in education does not go along with mere quantity. Adoption of S. 367, as a complement to this year's amendments to the Elementary and Secondary Education Act would go a long way down the road toward providing the best possible education for all students. We would not only be making available material assistance, but would also express the belief that said assistance has as its objectives the attaining of intellectual excellence through quality in instruction.

[S. 367, 90th Cong., first sess.]

A BILL To promote excellence in education, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Quality in Education Act of 1967".

SEC. 2. The Congress declares that education of the highest quality is essential to the security and economic strength of the Nation, as well as to the full realization of the individual capacities of its citizens.

The Congress recognizes that the quality and extent of education must keep pace with the needs of the future.

The Congress finds that public and private studies since World War II have established the need for improving the quality of education in the United States. These studies have shown that greater emphasis should be placed on the quality and content of curriculums, on higher standards of scholarship, and on the effectiveness of teaching.

The Congress reaffirms the principle that the States and local communities have the primary responsibility for public education. It is consistent with this principle to provide means for the States to draw upon the experience and abilities of a distinguished body of educators, and to authorize a nationally recognized certificate for academic excellence.

Therefore, it is the purpose of this Act to promote excellence in education by establishing the President's Advisory Council on Education and by authorizing the award of a national certificate for passing a test of academic excellence.

SEC. 3. (a) The United States Commissioner of Education (hereinafter referred to as the "Commissioner") is authorized and directed, after consultation with the President's Advisory Council on Education, to prepare or approve a

comprehensive test of academic excellence designed to identify students with outstanding aptitude and ability who are in the twelfth grade of secondary schools. The Commissioner shall prescribe a passing grade for such test.

(b) The Commissioner shall establish a program through arrangements with appropriate State educational agencies, local educational agencies, or secondary schools throughout the Nation, whereby the test of academic excellence prepared or approved by him may be given by such agencies or schools, on a voluntary basis, to students described in section 3 of this Act who have filed applications therefor by such time and in such manner as the Commissioner may prescribe. Upon application by any appropriate agency or school by such time and in such manner as the Commissioner may determine, the Commissioner shall pay to such agency or school the cost of the administrative expenses it has incurred pursuant to an arrangement made under this section.

(c) The Commissioner is authorized and directed to prepare a certificate, of such appropriate design as he shall prescribe, and in such numbers as are necessary, for issuance to students who have successfully passed the test of academic excellence prepared or approved by him and given in accordance with arrangements made under this Act. Each student who has so passed such test shall be awarded such a certificate within sixty days following the date on which he was given the test. Each certificate awarded pursuant to this Act shall be signed by the Commissioner.

SEC. 4. (a) In order to provide a permanent advisory body of distinguished educators which will be regularly available for consultation with the President of the United States and with State and local educational agencies on means of improving the quality of education in the United States, and in order to bring continuing public attention to the importance of academic excellence and higher standards of education, there is hereby established the President's Advisory Council on Education (hereinafter referred to as the "Council").

(b) The Council shall be composed of eight members appointed by the President, by and with the advice and consent of the Senate, who are leaders in the field of education. The President shall designate the chairman from among such members. The Commissioner shall be an ex officio member of the Council.

(c) Each member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of members first taking office after the date of the enactment of the Quality in Education Act of 1967 shall expire as follows: Two shall expire with the close of the first calendar year which begins after such date of enactment, two shall expire with the close of the second such calendar year, two shall expire with the close of the third such calendar year, and two shall expire with the close of the fourth such calendar year, as designated by the President at the time of appointment.

(d) Members of the Council shall receive no compensation for their services, but while away from their homes or regular places of business while attending conferences or meetings of the Council, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(e) The Council may appoint, without regard to the civil service laws, consultants and such other personnel as may be necessary to carry out its duties under the provisions of this Act.

(f) The Council shall meet at the call of the President or the chairman, but not less than three times each calendar year.

(g) The Council shall transmit to the President and the Congress annually a report of its activities under the provisions of this Act.

SEC. 5. For the purpose of assisting State and local efforts to improve the quality of education in the United States, the Council shall—

(1) be available for consultation with Governors, the chief officials of State or local educational agencies or institutions, and appropriate groups of other interested citizens, on—

(A) means of improving the quality and content of curriculums,

(B) means of raising the standards of scholarship expected of and attained by students,

(C) means of improving the quality and effectiveness of teaching,

(D) determination of areas of priority in education, and

(E) other means of raising levels and increasing the extent of educational achievement;

(2) encourage meetings of, and upon request consult with, regional educational associations and organizations of State education officials held to exchange and disseminate information on means of improving the quality of education;

(3) advise and consult with the Commissioner on the initial preparation or approval and subsequent revision of the comprehensive test of academic excellence authorized in this Act;

(4) examine the results of the comprehensive test of academic excellence in order to identify areas of national concern in the field of education.

SEC. 6. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

SEC. 7. The Act entitled "An Act to establish a National Advisory Committee on Education", approved July 26, 1954 (68 Stat. 533), is hereby repealed.

STATEMENT OF VICE ADM. H. G. RICKOVER, U.S. NAVY, DIRECTOR, DIVISION OF NAVAL REACTORS, U.S. ATOMIC ENERGY COMMISSION, AND DEPUTY COMMANDER, NAVAL SHIP SYSTEMS COMMAND, DEPARTMENT OF THE NAVY

Vice Admiral RICKOVER. I would like to say a few words explaining my concern for education.

I am a critic of American education. I am a critic because in my work I constantly come across serious educational deficiencies. A complex new technology is a good touchstone for the educational system. If those who must develop it are hampered by a lack of properly educated people, the system clearly is at fault.

The function of criticism is to make sure that the men who run organizations—in this case the American educational establishment—are aware that all is not well with the products of the organization. Administrators tend to be satisfied with things as they are. Someone has to confront them with evidence that there is need for reform. They do not always admire men who say what the right policy should be. Their frequent need is for men who will find persuasive reasons for the status quo. And almost everyone, faced with the choice of changing his mind and proving there is no need to do so, wants the latter.

Someone has to be a "locus of discontent"; dispel the administered optimism; show up the protected irresponsibility. This is most important in education. It was Bismarck who said: "The nation that has the schools rules the world." I completely agree with this.

I got involved in education because, to me, it is the plain duty of every citizen who has the good fortune to live in a democracy to concern himself with public issues. In fact, since we the people rule this Nation, public problems are also private problems—they are our own private problems which we are dutybound to try to understand and if possible solve. But more specifically, when I was charged with designing and building atomic powerplants for our Navy I discovered that industry was not good at the kind of precision work necessitated by the character of nuclear power. Nor were Government agencies good at dealing with it. Engineering schools were not preparing young engineers adequately to handle the complex problems we had to solve to build reliable atomic powerplants. I found myself being forced into taking on all sorts of responsibilities that I had expected others

to assume—industry, Government agencies, educational establishments. For instance, the Navy and the Atomic Energy Commission had to set up an entire school system for the engineers designing nuclear reactors and for the officers and men operating them. Basic subjects had to be taught in these schools that ought to have been taught in the regular school system—subjects that were being taught in school systems abroad. This sorry state of affairs led me to examine and criticize our system of education. The educationists—like all administrators of large organizations—dislike criticism, especially criticism by persons outside their establishment over whom they can exert no control.

The primary function of educational institutions is to pass on to our children the intellectual heritage of the past, and in so doing to develop their mental capacities. Institutions at the university level—that is in graduate studies—have the additional responsibility to reinterpret and expand existing knowledge—to engage in what is properly speaking academic research. Such research does not interfere with, indeed it enhances, the education of students who have completed their general education and are specializing in a particular professional field. But the student gains nothing and loses much when his professor goes off consulting for Government or industry, leaving him to be tended by a substitute, all too often a graduate student working while he writes his doctoral thesis.

It is general recognized that we have a shortage of first-rate liberal arts colleges and graduate universities; the shortage springs basically from a lack of qualified professors. We shortchange our youth when we exacerbate the already existing deficit by deflecting college and university professors from their proper task. We adults have been complacent, but the students feel bitterly about this. Much of the research being done for the Government is of dubious value to the student, possibly also to the Government, while the practice of using professors as consultants is wholly detrimental to the students for whom the college and the university exist.

We have the situation where the Senate Subcommitee on Education as part of the Congress is trying to improve education, while at the same time various Government agencies are enticing the people who are indispensable to good education—the teachers—away from their job and into consultation. Most of these consultants come from a few large universities. Being a consultant is both prestigious and remunerative. Professors in good small colleges, therefore, often transfer to these large universities, creating an even greater imbalance in higher education.

The Government ought rather to contribute toward better salaries for teachers—all teachers, not just college and university professors. If one argues that consultation fees are a most welcome addition to relatively low salaries, my answer is that it would be better if the Federal Government paid subsidies to increase salaries directly instead of paying consultation fees. We should be clear in our minds why we maintain an expensive educational establishment. Our limited teacher supply limits the amount of education we can generate. It is the teacher who creates the opportunity.

We now have many competent persons in Government. I see no reason why these could not be consulted in their special fields of ex-

pertise. I do not believe all the brains in the United States are concentrated in a small number of colleges and universities. Personally, I am not particularly impressed by the concrete achievements that so far have flown from all these journeys back and forth of academic consultants.

You could possibly get some hold on this problem by requiring all Federal agencies to report annually the sums they pay out to educational institutions for consulting work; to list the names of the professors and the money they received from consultations. This should include the money professors receive when they do research work or consult for laboratories and institutions run by industry but paid for by the Government.

I believe that if this is done, if light is shed on the financial aspects of the issue, much of this research and consulting will stop, and the professors will go back to doing the job they are being paid for—to teach the students.

The academic community itself has become concerned about this problem. It is believed that some of the unrest in colleges and universities is due to the frequent absence of faculty members engaged in activities which are not the primary function of education.

From my own experience, I know there are highly competent people one can ask for advice in Government, in Government laboratories, and in laboratories financed by the Government but run by industry. The scientists and engineers in Government and industry are not quite as articulate as those in the universities and they don't publish as much, therefore, they are not known as well.

In connection with development of university extension programs which would utilize the resources of universities to assist the people of the United States in the solution of community problems such as housing, poverty, government, recreation, employment, youth opportunity, transportation, health, and land use—I wonder whether there isn't any other problem before the Congress that might not be added to this list of tasks for the schools.

It seems to me that far too many problems are being handed over to our colleges and universities—problems which are the responsibility of adult Americans, which they ought to solve themselves. To shift this responsibility onto the schools shortchanges our youth. None of our educational institutions have spare time. Whatever time they are asked to take off to serve adults will be taken from serving our youth. At that, they are barely able to meet the tremendous task of educating oncoming waves of new students of whom there will be 1 extra million each year from now on as far as we can see.

I think it is wrong to saddle schools with problems we adults find difficult to solve. The schools have a very special and crucially important task: to eradicate ignorance in our youth; to prepare them to meet their personal and our social and political problems when they reach maturity. If we divert the resources of colleges and universities to adult problems, who will then do the proper work of these institutions?

Surely, no one denies that it is the duty of parents to educate their children, and that it is also the most important thing society must do. No more important task faces the community, the Government, and the legislature. Let us do nothing that would divert educational institu-

tions from their primary purpose. It doesn't make sense to spend much money—tax money—for the education of young people, and then to turn around and burden the schools with so many extracurricular tasks that their ability to educate the young people entrusted to them is diminished. Whenever an organization tries to do too many diverse things it is apt to do none of them well. What schools can do best is to develop the mind and pass on knowledge to the younger generation, thus equipping them to become adults who will be competent to deal with the personal and social problems they meet in life.

I would like to say that extension work should be limited to such instruction as colleges and universities are able to give without, in the process, neglecting the needs of their full-time students. Remedial reading and vocational training, for instance, are not proper subjects for higher educational institutions. As an example, 70 percent of our colleges and universities find it necessary to set up remedial courses in English; 150,000 freshmen fail college entrance tests in English.

What I want to stress is that if you want to help education you must first distinguish clearly between education and social welfare or community work.

I have discussed the matter of the university extension program on the telephone with several prominent university professors. There were two schools of thought. Those who represented technical schools or technical university departments were, in general, not opposed to the idea of engaging in what you might call extracurricular extension and community activities; those from liberal arts colleges, as well as from graduate universities, that is universities admitting students only on completion of a full liberal arts course, were against the idea. The latter took the view that a university by definition is or ought to be engaged in learning at the highest level, this being its particular task. No society has more than a relatively small minority capable of learning at the intellectual level of a true university, capable of being admitted to the "community of scholars" that a true university is or ought to be. In all the United States, we graduate only about 16,000 doctorates a year. If we add first professional degrees in medicine and law, the number still remains very small. Few as they are, these professionals are essential in a modern society. A place must be made in our educational system where this vitally important minority can receive their proper education. Of such truly graduate institutions we do not have an abundance. They ought, therefore, not to be induced to deflect the time of their faculty to tasks that others are able to perform. That is the point I'd like to make.

I talked with one famous educator who has had much experience with university extension courses. His idea was that if a university is to get extensively into such courses, it ought to be set up, then, as a separate department, so they will not interfere with the primary responsibility of the university toward its full-time graduate students. This would seem to be a feasible solution.

I agree that there should be extension courses, but I would urge that already overloaded universities not be made to extend themselves too thinly over too many purposes. They should concentrate on preparing qualified young people so that these will then become competent enough to deal with the problems besetting adult society, rather than having the faculty involve themselves personally in these problems.

Technical schools and technical university departments are or tend to be trade school oriented and this makes them receptive to the idea of going out and helping solve community problems. They feel responsible for industry, for urban life, for agriculture, for virtually all of human life. Representatives of the liberal arts schools and universities I spoke with felt that this very attitude has tended to downgrade technical schools. Many of their professors do not attend sufficiently to teaching—surely their primary duty—but are frequently on the go consulting here and there. As I said before, it seems to me wrong for our Government with one hand to support education and with the other to tempt qualified college and university teachers to neglect their students and act as consultants.

One of the reasons why our costly educational system does not function as effectively as it should is that we expect our educational institutions to do too many different things. Our elementary and high schools are supposed to be both educational institutions and social-leveling agencies. This make it difficult for them to do justice to the different educational needs of children of below-average, average, and above-average ability—needs which call for quite different educational programs. Because we wish the schools to be social levelers, we cannot bring ourselves to give priority to the educational necessity of providing differentiated education. Given the fact that by and large academic ability tends to be more frequent among children of successful parents, we deprecate appropriate education for the talented as undemocratic. Yet today no country can afford to neglect the education of able children, for our society cannot do without educated brainpower.

I think it quite possible for professors to take a sabbatical year and go and do something practical, which doubtless would enhance their theoretical expertise. Provision could be made for paying their salaries during a period of absence from the university, devoting this time to social welfare activities—provided, of course, it is on a voluntary basis. To order a teacher to take on such activities seems to me indefensible. He isn't a slave of society, to be used as society sees fit.

But I feel strongly that mixing social welfare activities with college and university teaching is impractical and has deleterious effects on the student at whose expense the professor's time is being diluted.

We should be clear in our minds what we want our schools to do: pursue social or political objectives—or their more important technical task of developing the mental capacities of students.

No society has the kind of affluence in education that technologically advanced countries have in material consumer goods. It would be better to tax away all income above that of average than to take away all proper educational progress suited to children of above-average ability and motivation.

Not to provide properly for the nurture of talented children is a breach of the democratic ideal.

I also discussed at length with a number of eminent university professors the possibility of a high-level university helping a less-developed institution. There was general agreement that to work at all, the institutions concerned must not be too far apart scholastically. It would be difficult for, let us say, an Ivy League university to be helpful in this manner to a college with low academic standards. For one

thing, it would be almost impossible to persuade first-rate Ivy League professors to go to a college having low standards. Their special talent would, moreover, not be put to full use there, for it is predicated on working with a highly gifted and well-educated student body. Human beings are not all that interchangeable. As one leading educator told me, if there is too great a difference in the kind of courses taught, the viewpoint from which they are discussed, the methods used, et cetera, an exchange is not feasible. I should clarify that when I speak of a college having lower standards I mean this in the academic sense, not in terms of wealth or facilities which may actually be greater in the low- than in the high-standard college. Intellectual preeminence in many areas does not require much in the way of material resources. Of course, where expensive laboratories are needed, this is not the case.

There are certain areas where mutual help could be fruitful. The better institutions could offer more summer courses where the faculty of poorer institutions might upgrade themselves. They could encourage their own able students to become teachers for a while in the poorer institutions—a man is more likely to do this at the start of his academic career, where it counts as a valuable experience, rather than at midpoint. One leading educator told me that when he was president of a large first-class university, he took under his wing a small liberal arts college which had some excellent professors. The association proved helpful largely because difference in size here did not mean difference in academic quality. In this case it was possible to persuade some members of the faculty of the large and famous university to teach for a while at the small college. Student exchanges also proved feasible.

But I cannot stress too much that if one institution is to take a proprietory or paternal interest in another, the two must not be too far apart scholastically—they must have more in common than the same educational label.

There are many reasons why our schools are less effective educators of the young than schools elsewhere, and I have spoken and written of them at length. Underlying them all and perpetuating them is our commitment to standardless comprehensive schooling.

Five years ago, I testified on English education before the House Appropriations Committee. The late Chairman Clarence Cannon asked by what means I thought Congress might help speed educational progress. My reply was: By establishing a National Standards Committee, and I outlined what kind of committee I thought it should be and what specific functions it should perform. In the preface he wrote to the published hearings, Mr. Cannon expressed the hope that they would "stimulate a national debate on the question of whether there shall be set up an agency of some kind to provide permissive national standards."

About a year before President Kennedy died I talked about this with him. He was interested. I know he communicated that same day with the Commissioner of Education to try to work up something. Twice I received what the President called progress reports to Admiral Rickover on this subject. With the President's death, the idea died too.

It should be said first off that we are the only civilized country where

public education operates without a national academic standard, where neither the names of educational institutions, nor their curricula, nor their diplomas or degrees represent a definitive and known standard of intellectual accomplishment. In Europe—the only area we need to be concerned with since the Europeans (including the Russians) are our only true competitors in public education—in Europe it is taken for granted that children must be tested against an objective standard before they are promoted. Otherwise, there might be gaps in knowledge, or repetition of subjects already studied, or children might embark on new programs before they are ready for them.

The National Standards Committee should be charged specifically with helping to raise the quality of American education. It should be entirely independent of the existing educational establishment.

Perhaps I should define what I mean by "educational establishment." I use this term as a catchall to cover the whole network of top educational administrators—school administrators, superintendents, State board of education staffs—and of professors teaching education courses in teacher training institutions, the people who set the qualifications of our teachers by specifying certification requirements; who hire and fire and, in general, boss our teachers. Few of them qualify as experienced teachers; most have been trained in administration rather than in subject mastery and pedagogy. Quite a number are ex-athletic coaches. These are the people whose views, in large measure, determine the quality of American education. They run the National Educational Association, even though the majority of NEA members are working classroom teachers.

Parenthetically, let me say that we are the only advanced country to entrust the direction of education to persons of this kind; the only country where teachers are placed under nonteacher administrators, thus denying them full professional status. A profession is not a profession unless it governs itself.

The NEA being an organization dominated by administrators, the chief function of its teacher members is to pay dues. The administrators cannot be expected to do much else than run the schools as business enterprises. Yet in the end we always come back to the teacher and his students.

I note that the recently organized American Federation of Teachers is dominated by teachers, not administrators. This is a healthy sign. The Teachers Federation has announced it will use the influence of its members to improve teaching, to limit the number of children in a classroom, and to do as much as possible for the individual child, instead of being concerned with buildings and plumbing as administrators generally are.

It may be that educational improvement will, in this way, come from the teachers themselves—from the men and women who are the true professionals in our school system.

Abroad, education is under experienced teachers who often as not continue, despite their administrative duties, to teach a few classes. It seems to me obvious that theirs is a better way to organize an educational system, as is evident in the better results obtained abroad as measured by tax dollars spent and years invested by students in formal schooling.

I would urge that the committee be set up entirely apart from the Office of Education. There has unfortunately been so much interchanging of personnel between the Office and NEA, the mouthpiece of the educational establishment, that the Office came to be almost a house organ for the establishment. This situation is now improving. The NEA's influence is fortunately decreasing.

It is only commonsense to keep the proposed committee apart from those whose educational performance is in need of qualitative improvement. As is natural, the establishment has a vested interest in the educational status quo. Any genuine improvement in American education would need to shift leadership in education from pure administrators to experienced teachers. It, therefore, would thin the ranks of present incumbents in the establishment.

As I see it, the proposed committee will have to critically evaluate American education, both as regards the needs of our society and in comparison with school systems in other advanced countries—surely we wish to be competitive internationally. It will have to have some means of bringing its evaluation before government and the American public. It should be authorized to make recommendations to the educational establishment.

We have a private national standard for the college bound—the college boards. My idea would be to extend it to other educational levels. Abroad they have innumerable nationally set examinations and diplomas for every type of manual skill, technical skill, intellectual achievement, and so on. The certainty that good work will be recognized acts as a good spur. Parents, students, the community—everyone benefits when there is a recognized standard—just as everyone benefits when poor quality meat isn't allowed to masquerade under false labels as "Choice," "Prime," et cetera. All I advocate is honest labeling.

By not setting standards, we have brought our so-called higher education down to what Dr. Robert B. Davis, of Syracuse University, so aptly terms "creeping lowest denominatorism." All our diplomas and degrees have suffered the fate of paper money that is not backed by gold bullion. They have no intrinsic value. Their value can be ascertained only by checking on the institution that has issued them and the study course for which they were granted. The process of down leveling must somehow be stopped. This is what my proposal for a National Standards Committee is intended to do.

The committee—composed of men of national stature and eminence; trustworthy, intelligent, scholarly, and devoted to the ideal of an American education second to none—would have two tasks:

The first would be purely informational; it would act as an educational watchtower announcing danger when it saw it approaching. The members would keep under continuous scrutiny, and periodically report on the state of American education. Does it meet the needs of our times? Is it scholastically as good as education in countries at similar levels of culture and technology with whom we compete economically, politically, or militarily? How do American children compare in academic knowledge with children in Europe or Russia, say at age 12, or 16, or 18; taking, of course, into consideration different ability levels?

The committee's second task would be to formulate a national scholastic standard on the basis of its findings; a standard which would make us internationally competitive and would also respond to our specific domestic needs. The committee would do this by means of examinations set at different ability levels. No one would have to take them, but those who passed would receive national accreditation. The committee would in no way interfere with established institutions now granting diplomas or degrees. It would simply set up a higher standard, offer it to anyone who wished to meet it, and certify those who had successfully done so.

Neither the committee's informational nor its standard setting function would represent a radical departure from established practice. Many Federal agencies collect and distribute information. We need a disinterested agency to tell us the unvarnished truth about the true state of American education. The committee would help prevent complacency and illusions of superiority, and thus save us from such painful shocks as Sputnik and other evidence of Russian scientific proficiency have given us in the past few years. There is precedent, too, for the committee's setting of permissive national standards. We have something very like it in the 1965 Water Pollution Act.

Great care should be taken to appoint members to the committee who have both a deep interest in better education and are not identified with the educational status quo. I would think some members should be college and university professors. Theirs would be a professional viewpoint but it would be the viewpoint of the higher institution which receives the products of the educational system and has an interest in their being well prepared for studies at the higher level. There ought also to be eminent laymen who understand the kind of educated manpower our society needs and who are familiar with the achievements of foreign school systems.

The position of the proposed committee would, therefore, resemble that of a regulatory commission toward an industry that is to be made to conform to certain specified standards. Experience with these regulatory commissions has shown that when their members come from the industry that is to be regulated or when, after their term of office, they expect to obtain a position in the industry, they tend to favor industry interest, sometimes to the detriment of the public interest they were set up to serve.

I would suggest that the committee report directly to the Congress. I would use the General Accounting Office—rather than the usual regulatory commissions—as the model. Assuredly, the committee ought not to report to the Office of Education, for the Office is too closely allied to the educational establishment—the very organization the committee would be expected to change for the better. It is a fundamental of inspection of any kind, whether it be the performance of people, or the quality of goods or of machinery, that you do not report to those whose products you are expected to evaluate.

The U.S. Commissioner of Education should neither head this committee nor even be represented on it. He performs a different function. How he performs it, how well he does it qualitatively, would be for the committee to determine. He should be reported on by a body entirely external to himself. This is simply in accord with one of the most

fundamental and one of the wisest of our political principles: separation of powers and checks and balances. Separate the agency from both the Office of Education and the educational establishment and it will then be able to act as a check that will, one hopes, enhance the performance of American education.

I firmly believe that the committee should report to Congress in an analogous manner as does the General Accounting Office. If you turn this function over, even partly, to the Office of Education, you lose control. And that same argument holds about establishing the Office of Education as a Cabinet post. The minute you do that, Congress loses control as you have essentially lost control of every agency which is under a Cabinet officer.

There could be an annual report as is the case with every Federal agency, but I think the situation should be avoided where members come from the very industries the agencies are supposed to supervise. I am concerned that there will be many, many pressures from all over the United States, particularly from those interested in maintaining the status quo.

To summarize: I would have a small committee—perhaps six or seven members. There should be representation from the colleges and universities, because this will insure professional judgment of a kind that is disinterested, in that these people will have no vested interest in the status quo in public education. In fact, their interest will be in improving school standards for they have to deal with the graduates of the public school system. There should be lay representation on the council. I would try to get men of national stature, with proven interest in education, knowledgeable about the educational needs of our society, and about educational achievements in other countries.

I would pay these men well and expect them to give their full-time attention to work on the committee. You don't want to set up another committee consisting of "consultants" drawn from education and other full-time occupations, meeting only intermittently. Their staff should deliberately be kept small. You do not want to start another gigantic bureaucracy. They ought to have enough funds to be able to contract out specific jobs—for example, comparisons with some foreign school system, or evaluation of examinations showing educational levels attained at a given age in other advanced countries, or the drafting of examinations to be taken voluntarily by American youth wishing to qualify for committee accreditation.

And, speaking of comparisons with foreign school systems, great care should be taken by the committee to entrust this only to persons who speak the language, who already are familiar with the foreign school system in question, and who have an open mind and are willing to learn. When I was in Switzerland, at the invitation of the American-Swiss Scientific Foundation, I had the privilege of talking to the leading men in Swiss education. I was told by them that of several American educators who had visited there—at U.S. Government expense in many cases—none had ever talked with these leading people. When one reads reports of American educationists returning from tours abroad, one has the distinct feeling that they never really got at the fundamentals of foreign school systems. I find the country-by-country reports of the Office of Education singularly unenlightening.

Without exception, they underestimate the true nature of what is achieved abroad. What they see is a reflection of what they want to see—what they have already made up their minds to see.

American education statistics put out by the Office entirely disregard the difference in the quality of schools here and abroad and simply equate them by the age of their students. This creates a gigantic illusion that more American youth are in higher education than youth anywhere in the world—an illusion which I have tried in vain to combat with official data on achievement levels here and abroad at given ages. It is dangerous illusion for it leads to complacency, and prevents us from profiting from the much longer experience with public education most European countries have had.

Consider that we have had facilities for obtaining a doctorate for about a hundred years against 700 abroad; the last American State to pass a law requiring compulsory elementary education acted in 1920, two centuries after Prussia passed such a law. Anyone who is genuinely interested in good education recognizes that something can be learned from other advanced countries.

The German Empire which in the last century was educationally ahead of everyone else was as much a federal union as we are, and education was one of the matters left to the constituent states. Switzerland, with a first-rate public school system, is a federal union. In fact her 1848 Constitution was closely patterned after ours. Education there is a cantonal affair. England, though a unitary country, leaves a great deal to the local education authorities. France, of course, is a highly centralized country, educationally, as well as otherwise. But whether or not they are politically unified or federated states, the European countries in some manner or other establish national education standards which safeguard the excellence of their schools.

In the past we were quite willing to discover how other countries educated their children and, what we found good, we did not hesitate to emulate. This is an area where learning from others does not demean a great country—quite the opposite.

The NEA has consistently opposed the setting of even voluntary national scholastic standards by a public agency. They are, however, setting standards privately—as for teacher certification. The college boards which in a way set a national standard are private and very good. There is nothing radically new or un-American about the task you would give the committee.

I think it would be well to keep this new committee small. It could, for example, ask help of the Princeton Educational Testing Service in devising examinations; it could use the Civil Service Commission to supervise the actual examinations. It could designate someone to evaluate the results. It could use a college or anyone else for this purpose. I would not allow the committee more than some 10 to 12 permanent staff members. I would do everything possible to keep it from growing into a huge bureaucracy like the Department of Health, Education, and Welfare which, I believe, now has about 300 committees.

I would like to make the point that overadministration tends to lower quality. When Khrushchev took over from Stalin the ratio of people having administrative jobs as compared to the rest of the Russian working force was one to seven. After he got through firing about

600,000 administrators, it went down to one in 10, and things started perking up. I think this is a lesson we might take to heart.

What the committee would do is set a high standard and offer it to whoever wishes to attain it, certifying in some way his having done so. This would introduce into our anarchy of colleges and universities, with standards varying from excellent to incredibly bad, a yardstick that shows who has reached a high level and what that level is. I consider this all to the good. The committee would not interfere with scholastically average and below average colleges and universities. These could still hand out diplomas for minimum achievements. But at least we would know who has really achieved what all over the world as a sort of international standard for admission to true, for example, graduate universities.

What we now have is the most irresponsible mislabeling existing in any advanced country. There are actually colleges that proudly declare they will accept average students, even down to IQ 90. Now what such students acquire is something like a fancied-up elementary or vocational education at very high cost and with a sheepskin that signifies literally nothing. Mislabeling schools, colleges, universities, and academic rewards is supposed to be democratic because it makes it possible for even very dull students to have the college experience and to parade around with college degrees. We wouldn't tolerate such fraud in any consumer product. We have laws to protect the consumer when he buys meat or clothes or drugs—but none when he buys so-called higher education for his children.

If Congress passes a bill for national scholastic standards I think this will do more than any other piece of legislation to break through the impasse in American education. For the first time it will give the American public and American parents a means of finding out how their local schools stack up against others in this country and abroad. It will be a yardstick to measure school performance. It will permit every community to judge the quality of the teachers and of the people who run their school system.

Let me just reiterate once more that the examinations set by the agency must be given by an impartial body divorced from the educational system—I suggest the Civil Service Commission. These examinations serve in a sense as an alternative to individual inspection of schools. And, as I said before, it is a fundamental of inspection of any kind that the inspector must be independent of and separate from the inspected.

Experience has also shown that not only in our country but elsewhere too, laymen are more likely to be alert to challenging developments in other school systems than educators. With us it was scientists, engineers, and men like Senator Benton who first became aware of the Soviet challenge. In England, in the last century, it was physicians, poets, and a royal prince—Queen Victoria's German-born husband—who first called attention to the German challenge.

Our own educationalists have been extremely slow to recognize that Russia's educational reforms starting in the late 1920's were bound to result in a tremendous increase in Soviet educated manpower. Long after others had made public the evidence, and drawn attention to the parallelism between improved education and Russia's space suc-

cesses, our educationalists persisted in denying any connection between superior scientific achievement and high educational standards. To this day, visiting American educators—usually of the administrative rather than the teaching kind—are more interested in proving that our schools are still the best, than in actually making relevant comparisons. What strikes me as odd is their complex about buildings and plumbing. They really seem to believe that the quality of an educational system is determined by the newness and elegance of buildings and the smooth working of the plumbing rather than by what goes on inside the school.

We have now had a decade of public discussion on the need for improved education. Vast sums of money have been appropriated for this purpose. Yet Senator Benton, after extensively touring Russia, came back with disturbing facts showing that we are still lagging behind.

He showed conclusively that the graduate of the Russian 10-year school will have had much more instruction in chemistry, physics, biology, and mathematics than most American high school graduates with their 12 years of schooling. And let us not forget that we have and always have had a serious dropout problem. It wasn't until 1960 that we got barely half the children entering school at age 6 through the whole 12-year course culminating in the high school diploma.

Worse still, Senator Benton stated that even the graduate of the Russian 7-year school will have had more straight academic instruction than a very high percentage of American high school graduates. To which one might add, that they will also have had more intensive training in mastery of the mother tongue; they will have learned more about Russian and even foreign literature, and they will have studied at least one foreign language from grade five to the end of secondary school. Much the same is true of children in Western Europe.

Now this is worth pondering. A study prepared by a committee of the National Academy of Sciences reported that—

> The Soviet Union already has as many scientists and engineers as the United States * * * and the number it (USSR) adds each year is roughly twice the number added in this country.

Even if there were no cold war, this situation should give us pause. We are in competition with the Soviet Union for political, economic, and cultural preeminence, for we are the leader of the free world. Should not then the Congress heed Aristotle's remark that the primary function of any legislature is to educate the youth of the nation? Certainly, there is ample evidence that the American people want educational improvement.

A Gallup poll listing 10 domestic problems, asked each person "which three of these national problems would you like to see the Government devote most of its attention to in the next year or two." The subject receiving most votes was "improving public education"—47 percent; it ran ahead of "reducing the amount of crime"—41 percent; and "conquering killer diseases"—37 percent. The beautification of America, incidentally, got only 3 percent of the vote. It would seem then that the people of this country are far more interested in beautifying the minds of their children than in beautifying the landscape. Of

course, both should be done, but I think the children should come first.

As you know, our educationists are opposed to what they call undue competitiveness in education—it injures the young psyche, they say, to find others doing better. This attitude leads to rejection of any objective standard in education for, unless it is set at the moron level, some children will not be able to meet the standard. But a Harris survey has indicated that here also the educationists are at odds with the American people. Asked whether they approved of competition to get into a good college, whether they thought it was a good or bad thing as far as the children are concerned, 62 percent approved. Only 21 percent disapproved. I suspect a goodly number of these disapprovers were members of the educational establishment. Competition always shows up bad teaching. Could this be why in this country so much testing is of the IQ type which measures only "raw" intelligence, while comparatively very little testing is of the achievement type which measures "developed," that is, educated intelligence?

There is a vast and deleterious influence of the nonteacher experts, so-called, who infest American education—the pseudopsychologists, the researchers into every trivia of the learning process, the guidance counselors who are not teachers but who presume to advise children whose classroom performance they have not personally observed as regards their further education and their career choices. No child in the world is as "researched" as the American child; yet he is not well taught. If we are not careful the American educational system can well become a haven for many college graduates with marginal competence who would otherwise remain unemployed. What with the huge sums of money being pumped into education and the lack of control over its spending this should be of concern to Congress and to the people.

I firmly believe we must do everything possible to alleviate unemployment, to make opportunities available to every man and woman in our society. But education is not the place for this; our educational establishment should not be used for this purpose. It is too important for the future of our country and for the well-being of all of our people.

One of the major boners of the experts has been their readiness notion; they have been constantly postponing the moment when children get a chance at real, at basic subjects. Under the impact of Sputnik, college professors started taking an interest in textbooks and curriculums and there is now evidence everywhere that children ought to start academic subjects much earlier than has been customary in our country—sophisticated mathematics and foreign languages around 9 or 10 instead of high school, and so on. And for those educationists who sentimentally plead that children should not have to study hard, I would paraphrase Talleyrand and say, "We no longer have the privilege of ignorance."

There is an interesting new study which shows that the cortex of the human brain has, as it were, an empty area specially suitable for storing language experience which, if it is not filled up early in life with foreign languages, will be taken over by other matters so that the late starter with foreign languages must do without the use of this particularly well-suited part of his brain. All of these new discoveries

have been known for centuries to European teachers and education ministries. If the American educational establishment had not been so insular, so self-righteous, and so convinced of its own superiority, it could have benefited from the experience of others at no research cost at all.

Our educationists are only now and most reluctantly accepting the fact that languages are more easily learned early in life—easiest of all in the very first years of schooling, even in kindergarten. That as a people we are illiterate in foreign languages ought to be obvious. I often wonder whether it does not strike Americans as significant when, as tourists, they find quite ordinary foreigners speaking English while they speak no foreign language; or to observe foreign visitors on TV, nearly all of them expressing themselves surprisingly well in English. That several foreign languages can be learned by children who are not in the genius class is observable in such countries as Holland and Switzerland where this proficiency is widespread.

Now, in view of all this, would it not have made sense for American educators to examine how European schools go about developing this linguistic skill. They would have found that in all of them languages are started early—anywhere from age 8 to 11—and taught sequentially over the entire span of formal schooling. Moreover, over there no one is allowed to teach a foreign language who cannot demonstrate ability to speak it. Here, not one of our 50 States has such a requirement! How can anyone teach a language he does not speak? The fragmented way in which our children are allowed to pick up a language one year, drop it the next, pick it up again the third and so on would never have been allowed if those who manage the school system had themselves achieved mastery of even as much as a single foreign language.

Poor language teaching in our schools reflects linguistic illiteracy in the educational leadership. This illiteracy accounts for the reason they do not understand the magnitude of the achievement of mastering a language. If they do compare our schools with foreign schools, the educationists casually disregard the whole achievement in foreign languages abroad. This is beyond me to comprehend.

Even in our own language, English, we do not do well. You can be certified to teach in elementary schools in two-fifths of our States without meeting any requirements in English. One-half our high school English teachers have not majored in English at college.

In the United States, on the whole, you can be certified to teach secondary school English on the strength of no more than two semester courses in beginning English. Ninety thousand of our teachers do not meet even these modest requirements for English.

The scholastic level of our public schools is much lower than it need be, given the amount of ability our children possess. By any measuring stick one might use, the caliber of our teachers is below that of teachers in other advanced countries. This is what holds the level down, for on the teacher pivots the whole educational enterprise.

Setting up a national standard for secondary schools is most important in trying to improve the quality of education. By setting a standard genuine reform is made possible. I think you will find, if you examine the history of education in the West that no country has been able significantly to improve its schools without the setting of

some scholastic standard—a yardstick to measure the quality of schools and of the work done by students.

Take England, which in the 19th century was educationally backward. It had no tax-supported school system at a time when such systems either had already been established—for centuries in the case of many German states—or were in process of being established—in France and Russia, for instance. England had private schools and charity-supported denominational schools, but nowhere enough of them or qualitatively as good as her competitors on the Continent.

The first step England took to improve her educational situation was for Parliament in 1833 to make an educational grant of about $100,000 to two voluntary school bodies conducting charity schools for poor children. Out of this modest grant there developed in time the entire English state educational system.

From the start, the quality of education was safeguarded by the principle that any school accepting tax money—paid by all of the people of England—had to meet certain standards designed to insure that it would dispense good, quality education. An inspectorate was set up to check on compliance of the schools with this standard.

It seems to me only fair to make certain that public moneys are spent for the purpose for which they were collected, and this in education must involve the setting of standards. In one form or another, all European school systems have scholastic standards and methods for insuring that they are met. Only we lack this. The educationists have somehow managed to convince us that any national standard would be the worst possible intellectual tyranny. As if going to school could never be tied to some definitive objective, some proven achievement.

The English inspectorate is worth studying. It is composed of experienced teachers who have a gift of making suggestions diplomatically, thereby winning voluntary acceptance of standards. Officially, they report to the Queen; their title is H.M. Inspectors. Practically, they act as the eyes and ears of the Minister of Education—the political head of the ministry—a layman, not a career educationist. The Minister himself is of course a member of the majority party in Parliament.

Now let me say something about IQ tests. They are currently being attacked by those who dislike their results and try to argue them away by saying that tests are useless. The IQ test measures exactly the kind of mental ability a student needs to tackle academic subjects. It measures raw intelligence, the innate or inborn capacity a child has. It does not accurately predict whether he will live up to his potential, whether he will fulfill the promise of his IQ; for all sorts of other qualities enter the picture—perseverance, willpower, industry, motivation, and so on. Also, the quality of the home background, the encouragement a child receives, and similar factors.

Where you have to deal with millions and millions of children as in any mass education system, the IQ test is useful for rough sorting purposes. It becomes quite accurate if combined with class marks and teacher reports. We know now that for particular types of above-elementary-school education certain minimum IQ's are virtually indispensable. Very rarely, a tremendously motivated person may outstrip his potential quite surprisingly. But mass education cannot be set

up for a one in a hundred or one in a thousand exception. It must try to do justice to large categories of mental abilities.

By definition half our children have an IQ below 100. With that IQ, it is not possible to do the kind of work that a proper college would require or that the selective European secondary schools expect. There is pretty general agreement that such work can seldom be done by anyone with an IQ below 120. As I said, there are strongly motivated persons who succeed with IQ's around 115 or so. But when you get to 110 and lower, there is little hope for success in college. At any rate, as of this moment we do not know how to offset such low IQ's by strengthened motivation. Much of the talk one hears of vast treasures of giftedness currently being lost because of slum environments is quite exaggerated. I think we can take pride in that we have just about scraped the bottom of the barrel with our current college population.

Let me invite your attention to a most valuable booklet called Problems of Youth: A Fact Book. It was prepared in 1964 at the request of Senator Pell by the Legislative Reference Service of the Library of Congress. On page 40 you will find an instructive chart showing relation of intelligence to college attendance. Three categories are given: below 90 IQ, 90 to 109 IQ, and about 109 IQ.

Now an IQ 109 to 115 is rather low for college work in this country and would never get a European child through their academic secondary school, though it might admit him at age 11 or so. Rarely would he get through more than 4 or 5 years in such a school. By including IQ's as low as 109 in the top intelligence category, this chart takes in everyone with even the smallest chance of succeeding in college.

Only 4 percent of those who do not enter college have an IQ of 109 or over; this group is made up 59 percent by 90 to 109 IQ's and 37 percent of below 90 IQ's. I do not believe the children in this group would profit by more formal schooling. Among those completing no more than 1 year of college only 15 percent have 109 IQ or over, the rest being average or below average. As they go on in college, you see the below 90 IQ's diminishing, and the 109 IQ pluses increasing. Of those completing more than 2 years of college, 83 percent have an IQ 109 or over.

What this chart shows is that in this country very modest intellectual capacity will get you into some colleges—much lower capacity than would earn you the European baccalaureate which is attained at the end of secondary school. This is one reason why we have more BA's than Europe has. Many of our colleges taking people with average and below average intelligence are scholastically not much above a good high school; some of them are in reality vocational training institutions.

Now, when you begin to say that every child is entitled to a college education, you simply do for the college what the last 50 years has done for the high school. You lower it toward the level of elementary educaiton. That is the only way to make it so democratic that everyone can get in. Mr. Gardner in his book, "Excellence," remarked that college can be downgraded, if one wishes this, to a point where it is on the intellectual level of a summer camp.

What the committee would do is to set apart from this undifferenti-

ated mass those who had achieved something that one can truly call secondary education or college education, as the case may be.

I have been accused by the educationist establishment of advocating educating the best and shooting the rest. I never thought or said that or anything like that. In fact I think that each one of us owes a great responsibility to every human being because each of us is heir to everything that every human being who has ever lived has done. We have that responsibility.

We have a conflict in this country—a conflict between best man should win and everybody is equal.

We have now eliminated ability to pay as a requirement for educational opportunity, but we cannot eliminate ability to learn. We must recognize that education is not a consumer good that can be passed out in equal doses; education must be earned. Academic awards are not a democratic right. The society that manages to balance ideology and reality will have the better education.

And that for each of us the need to struggle is the chance to grow.

OE RESPONSE TO SENATORIAL QUESTIONS

Senator MORSE. I direct that at this point in the record there be inserted replies received to earlier senatorial inquiries.

(The questions and replies follow:)

QUESTIONS BY SENATOR JAVITS OF HAROLD HOWE II, U.S. COMMISSIONER OF EDUCATION

1. In the light of recent White House requests to the executive departments to curb expenditures, what are the plans of HEW in this regard—

(a) with respect to on-going programs already in law;

(b) with respect to programs presently pending in Congress;

(c) with respect to programs under consideration in the Department?

2. School districts are very much disadvantaged still by the late notification of funds available under ESEA and the lateness of appropriations. Do you have any suggestions as how this situation might be ameliorated?

3. What are the Department's view on the Gibbons amendment formula for Title I allocations, as approved by the House?

Please submit charts showing how, under present appropriations, the States and the nation's ten principal cities will be affected by this amendment as compared to the formula under present law.

4. In your August, 1966 testimony before the Government Operations Committee [p. 316 of hearing record] you indicated that: "Often the services provided by communities, by States, and by the Federal Government do not reach those in the greatest need." I agree. What is the Department doing in this connection and what further action do you suggest?

5. The Civil Rights Commission, in its February report, "Racial Isolation in the Public Schools", recommended that "Congress should establish a uniform standard providing for the elimination of racial isolation in the schools."

(a) What is your view on this recommendation?

(b) How effective is school desegregation and integration progressing in the States and in the cities?

6. Early this year, I spoke in the Senate and also wrote you suggesting one-stop service centers for school officials both here in Washington and in the OE regional offices to furnish information and make appropriate references not only on OE programs but also on education programs administered elsewhere in HEW and other agencies, such as NSF. Are such facilities being made available for school officials?

7. Approval of bond issues for schools by the voters has decreased, although dollar volume of public school bond sales are up; interest rates are also up. What is the present situation with respect to the ability of local school districts to finance needed school construction?

8. Secretary of Labor Wirtz wrote me on July 5 regarding pilot training programs for inmates of correctional institutions which Labor and HEW are about to undertake. One recent study he referred to found that "vocational

training for young jail inmates, coupled with counseling and follow-up services, reduces their chances of returning to jail and increases their chances of finding a job that offers a career." How can our vocational education laws, which we are amending in the legislation before us, best be utilized for jail inmates and what changes, if any, are required?

9. Some of the principal national education organizations have indicated their opposition to the regionalization plan of the Office of Education. What is your response to these criticisms?

10. What proportion of Title III ESEA funds do you think should be administered by the States and by the U.S. Office of Education?

11. Do you feel as presently constituted and administered at all levels, there has been an equitable distribution of ESEA benefits to public and non-public school pupils? How will this be affected by amendments recently passed by the House?

12. What was the rationale for setting aside 15% of the funds, transferred from Titles III and X NDEA, for U.S. Office of Education administration, thus depriving the States of monies which they had previously received directly for personnel and program purposes? Is it not true, despite the fact that States will no longer have to match such funds, that some States will have to reduce by 15% their Titles III and X NDEA programs of supervision and administration?

13. It is reported that the Vocational Education Work-Study program is among the most important aspects of the Vocational Education Act? Will the proposed transfer of this program to the Neighborhood Youth Corps program reach exactly the same children? Is it not true that it will not, and, more importantly, that there is less opportunity to bridge the formal educational system with employment opportunities?

14. In the consolidation of Titles III and X of the National Defense Education Act and Title V of the Elementary and Secondary Education Act, will any state receive less in fiscal year 1968 than it received in fiscal year 1967? If yes, is there any way in which this situation can be avoided?

15. Is it not true that the Advisory Committee for Title V ESEA recommended the adoption of the new formula for distribution of funds *only* if the States would be saved harmless from any reduction in the level of funds received in FY 1967?

16. The proposed Title III of the Vocational Education Act for establishing exemplary and innovative projects in vocational education is largely patterned after Title III of ESEA. Why are the States completely by-passed in the administration of the program?

17. Will you explain the effects of the "Gibbons" amendment to Title I of the Elementary and Secondary Education Act on states which have a relatively high per-pupil expenditure. Would you explain the effect of this same amendment on those states with an extremely low per-pupil expenditure? Will the imposition of such a formula result in a decrease to states from what they are presently receiving under Title I of the Elementary and Secondary Act?

RESPONSE OF HAROLD HOWE II, U.S. COMMISSIONER OF EDUCATION, TO QUESTIONS OF SENATOR JACOB K. JAVITS

Question 1. In the light of recent White House requests to the executive departments to curb expenditures, what are the plans of HEW in this regard—

(a) with respect to on-going programs already in law;
(b) with respect to programs presently pending in Congress;
(c) with respect to programs under consideration in the Department?

Answer

1968 EXPENDITURE REDUCTIONS—SUMMARY

1. The President has not *directed* agencies to make reductions. He has asked them to *identify* what the the effect of a reduction might be.

2. He is concerned with controlling expenditures—outlays from the Treasury. This does not necessarily call for cutbacks in obligations or appropriations.

3. The President did mention a 15 percent reduction in expenditures, but this would apply only to *controllable* expenditures—*not total* expenditures..

4. In the case of HEW, because so many of the grant programs (such as Public Assistance grants) involve mandatory allotments, only a relatively small share of 1968 HEW expenditures are controllable.

5. Based on a 15 percent limitation on controllable expenditures. HEW anticipates no elimination or cutback of programs per se except in the relatively few instances where requirements have changed since the budget was prepared. Instead, HEW anticipates that the objective can be reached through delays and deferrals of expenditures.

6. A 15 percent cutback in controllable expenditures achieved through expenditure deferrals does not reduce 1968 appropriations or obligational authority in the 1968 budget now under consideration by the Senate.

1968 EXPENDITURE REDUCTIONS

President's Request

The President has asked agency heads to report to him what they did to reduce expenditures in fiscal 1967, how they plan to reduce expenditures in 1968, and where they would make cuts if they had to reduce 1968 expenditures in controllable programs by 15 percent. It is important to keep in mind that the President has not *directed* the agencies to make reductions, but has asked them to *identify* for him what the *effects* of a reduction would be.

Controllable Expenditures

The President did not mention a 15 percent reduction against *total* expenditures, but only against expenditures in controllable programs. A very large proportion of Health, Education, and Welfare expenditures in any given fiscal year (roughly 85 percent) are relatively uncontrollable. Included in the uncontrollable category are expenditures to pay obligations which have been incurred in previous fiscal years, expenditures in programs like public assistance, vocational rehabilitation or social security, where the Federal Government is obligated by law to match payments made by States, localities, or individuals, and programs like Hill-Burton or the Elementary and Secondary Education Act, where the Secretary is required by law to allot to the States the amounts appropriated by Congress. When these programs are excluded, the *controllable* expenditures which are left in the 1968 budget amount to some $1.5 billion, 15 percent of which would be about $227 million.

Ways of Making Expenditure Reductions

The President's concern is with *expenditures—actual payments* from the Treasury—not *obligations*, which are *commitments* to spend. There are many ways to influence expenditures without seriously affecting the achievement of program objectives. In recent years Health, Education, and Welfare has expanded the use of the letter of credit to limit actual cash disbursements to grant recipients to the amounts they require for current operations. The Department intends to take further steps to assure that the letter of credit is being properly and effectively used. There are other means for deliberately slowing down the rate of expenditures without actually cutting programs. At the present time, all invitations to bid on grant supported construction projects must be released by the Office of the Secretary. This procedure permits bid invitations to be delayed if the state of the economy indicates this to be desirable. Since a very large amount of the HEW budget involves construction grants or direct Federal construction, deferring the start of projects by even a few weeks may have the effect of pushing substantial expenditures into the next fiscal year. It is possible to make expenditure reductions by introducing similar delays into the award of research and demonstration projects. All of these measures do help to reduce the deficit, and to curb inflationary pressures, but they *delay* rather than *climinate* programs and projects.

Relation to Appropriations

Although expenditure deferrals may be planned, the need for the appropriations requested in the budget is not diminished. Many of these appropriations do not affect expenditures until later fiscal years. The funds requested will be obligated in the 1968 fiscal year, except in cases where circumstances prevailing at the time the budget was prepared have changed in such a way as to reduce funding requirements. *Deferral* of a grant simply means that a project will be started later than planned. However, without appropriations, grants cannot be made at all, and planned projects must be eliminated altogether.

Question 2. School districts are very much disadvantaged still by the late notification of funds available under ESEA and the lateness of appropriations. Do you have any suggestions as to how this situation might be ameliorated?

Answer: Following the experience during first full year of administering programs under the Elementary and Secondary Education Act, there is general awareness and concern about the timing of Federal appropriations in relation to the State and local educational programs supported by these funds. The President in his February 27 message on education refers to the problem of incompatibility of Federal appropriations and the academic calendar. The Secretary of HEW was directed to work with the Congress toward solving this problem. A report of findings and recommendations is now being reviewed within the Department and in consultation with the academic community.

The Department has taken the following administrative action to accelerate the notification of funds available under the various education assistance programs:

(1) For the Title I program, State school officials are notified in April or early May of anticipated State allocations for the succeeding fiscal year. Usually the amount for each State represents the minimum allocation predicted on the basis of estimated appropriations and authorizing legislation.

(2) Since appropriations usually are not enacted until the fiscal year has begun State school officials are notified on or about the first of July of the amounts available under the continuing resolution for the various school assistance programs.

(3) All State and local educational agencies have been advised that beginning in fiscal year 1968, the project period will cover the 12 month period September 1 through August 31. This project period coincides more closely with the academic year. It also permits school districts to plan ahead for summer projects on a much firmer basis than in the past. The uniform project period will help to eliminate year to year fluctuations in the availability of funds, and will encourage more orderly planning. Also it facilitates the Congress' annual review of the budget by providing for year to year comparability of program levels.

Question 3. What are the Department's views on the Gibbons amendment formula for Title I allocations, as approved by the House?

Please submit charts showing how, under present appropriation the States and the nation's ten principal cities will be affected by this amendment as compared to the formula under present law.

Answer: As recently as last November, when it extended the Elementary and Secondary Education Act, Congress gave extended consideration to the most equitable distribution formula for Title I. Under S. 1125, this formula (based on a low-income factor for FY 1968 of $3,000 and a Federal contribution rate of 50 percent of the State or national average per pupil expenditure, whichever is greater), would operate in fiscal year 1968. We have not recommended any change in this formula or taken a position on the formula contained in H.R. 7819, as passed by the House.

The following table gives estimated allocations for Title I for the 10 largest cities under existing language and under the proposed House language for an appropriation level of $1.2 billion.

Estimated ratably reduced allotments for the 10 largest cities at income levels of $2,000 per year and $3,000 per year for fiscal year 1968 with floor provisions, 50 percent State or National average expenditure per pupil in 1965–66 and with $150,000 minimum State administration

City	Allotment fiscal year 1967	Fiscal year 1968	
		$2,000 (House proposal)	$3,000 (existing)
New York City	$70,874,805	$73,145,711	$66,126,920
Chicago	23,515,414	24,368,549	20,124,001
Los Angeles	14,745,945	15,211,922	13,967,703
Philadelphia	11,848,056	11,898,489	9,912,969
Detroit	10,199,141	9,983,985	8,826,758
Baltimore	7,213,627	7,477,046	5,750,211
Houston	3,413,431	3,622,662	4,143,074
Cleveland	4,890,683	4,852,887	3,968,263
Washington, D.C	5,397,367	5,792,037	5,792,037
St. Louis	4,363,337	4,693,998	3,938,672

Question 4. In your August, 1966 testimony before the Government Operations Committee [p. 316 of hearing record] you indicated that: "Often the services provided by communities, by States, and by the Federal Government do not reach those in the greatest need." I agree. What is the Department doing in this connection and what further action do you suggest?

Answer: In my testimony before the Government Operations Committee I indicated that "the move to establish neighborhood service centers is a very large part of this effort."

We have gone forward with plans to establish centers in fourteen cities. Plans for the centers are expected to be submitted in September or October and full operation of the centers should be effective during the second half of FY 1968. A summary of the Pilot Neighborhood Service Program follows:

Purpose

To create a more effective means of serving people. This means developing at the Federal, State, local and neighborhood levels the capability of carrying out a service delivery system which involves:

(a) Integration of services which are now fragmented by specialization and by categorical administrative and funding lines.

(b) Enrichment and extension of existing services, and development of new programs to fill the gaps.

(c) Making services more flexible and responsive to the needs and desires of neighborhood residents, and assuring that the residents will have a significant influence upon the programs.

(d) Outreach to persons who need services but have not used them heretofore.

Target Areas

Poverty neighborhoods, ranging in size from 16,000 to about 80,000.

The cities in which target neighborhoods have been selected are Boston, New York, Philadelphia, Washington, Louisville, Chattanooga, Jacksonville, Cincinnati, Detroit, Chicago, Minneapolis, St. Louis, Dallas, and Oakland. With the exception of Detroit, the neighborhoods are ones in which riots have occurred this year or are comparable to such neighborhoods.

Structure of the Project

Interagency committee in Washington consisting of HUD, HEW, OEO, Dept. of Labor, and BOB, with a regional counterpart interagency committee for each city.

Efforts are underway to develop comparable interagency planning at the State level and to strengthen intergovernmental planning.

Local sponsorship varies, but in most cases is the Community Action Agency, in cooperation with the City Government. Special arrangements are required to assure the involvement of neighborhood residents in the planning and policy making. In at least seven cities, the sponshorship will be transferred to neighborhood corporations within a few months. Involvement of key service-giving agencies in the planning is also required.

Kinds of Service

Core services will include supervision of the coordinated program, common outreach and intake, common records, integrated handling and follow-up of individual cases, and neighborhood community organization.

Specialized services will vary. They will typically include employment and training, welfare and social services, health and mental health, vocational rehabilitation, as well as pre-school and adult education, group work and recreation, legal aid, homemaker service and education, and a wide variety of other possible programs, as needed and desired. Many will be provided through the linkage of existing programs. Others will be administered directly by the sponsor of the Neighborhood Service Program.

Question 5. The Civil Rights Commission, in its February report, "Racial Isolation in the Public Schools", recommended that "Congress should establish a uniform standard providing for the elimination of racial isolation in the schools." (a) What is your view on this recommendation? (b) How effective is school desegregation and integration progressing in the States and cities?

Answer: (a) As Commissioner Howe noted in his statement on the Civil Rights Commission Report and in testimony before the House Committee on Education and labor, the Commission Report is valuable in that it identified an issue which

must be faced—that to provide quality education, we will have to provide desegregated education. The Commisisoner did not, however, endorse the Commission's proposed legislation. Rather, he pointed out the probability of many practical problems if racial balance were required by Federal statute. Any legislated standard would fail to take into account the varying and highly complex problems facing school systems across the country. In jurisdictions such as the District of Columbia it might be impossible to meet the Commission's recommended 50 percent standard without involving a multi-State area.

Local efforts to overcome the adverse effects of de facto segregation should receive support. As the Commissioner said in testimony before the House Committee:

"* * * if the Federal Government is going to get into that kind of activity [encouraging racial balancing], it probably ought to do so by creating the incentives so that people in local school districts can make their decisions about this sort of thing, rather than by actually legislating required percentages of change."

(b) The report, Equality of Educational Opportunity, sponsored by the Office of Education pursuant to title IV of the Civil Rights Act of 1964, states that "the great majority of American children attend schools that are largely segregated * * *" More than 65 percent of all Negro pupils in the first grade attend schools that are between 90 and 100 percent Negro; almost 80 percent of all white pupils in the first grade attend schools that are from 90 to 100 percent white. The Civil Rights Commission Report, *Racial Isolation in the Public Schools*, reinforced this finding, noting the increase in Negro elementary school enrollment in city school systems in the past 15 years and the concomitant increase in the number of Negro students in majority-Negro and nearly all-Negro schools. In Southern and border States, the Commission found, the proportion of Negroes in totally Negro schools has decreased since the 1954 Supreme Court decision, but the number of Negro children attending all-Negro or nearly all-Negro schools has risen sharply.

We are attaching a copy of a report issued in December 1966 which provides data on the "Enrollment of Negro Pupils in Southern and Border States," which gives some indication of the progress in school desegregation.

ENROLLMENT OF NEGRO PUPILS IN SOUTHERN AND BORDER STATES

Measuring progress in school desegregation involves a judgment as to whether to include in the count the Negro students in virtually all-Negro schools (over 95% Negro), since these schools have few white or other non-Negro students.

The following figures show two different breakdowns: one includes the Negro students in the schools with 95% or more Negroes; the other excludes these students.

Percentage of Negro students in school with whites

	95-percent-or-more Negro schools included		1966 (95-percent-or-more Negro schools excluded)
	1965	1966	
17 Southern and border States	15.1	24.4	17.3
11 Southern States	7.5	16.9	[1] 12.5
6 border States	65.6	67.8	45.1

[1] The comparable figure for this in 1965 was about 6 percent according to other surveys.

The 1965 U.S. Office of Education data were based on a sample survey. The 1966 percentages are based on data collected this fall from approximately 80 percent of the 5,000 school districts in the border and Southern States. The Southern States are: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The Border States are: Delaware, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia.

Data also were gathered on faculty desegregation. While an analysis of this data has not been completed, it indicates that a large majority of southern school districts have made at least a start in desegregation of faculty.

The States showing the smallest percentage of Negro students attending predominantly white schools in the current school year are Alabama, Georgia, Louisiana, Mississippi, and South Carolina. In Alabama, 2.4 percent of Negro students go to schools where they make up less than 95 percent of the student body. The comparable percentage is 2.6 in Mississippi, 2.6 in Louisiana, 4.9 in South Carolina, 6.6 in Georgia, 12.8 in North Carolina, 14.7 in Florida, and 14.5 in Arkansas.

The southern States with the largest percentage of Negro pupils going to school with whites are Texas, Tennessee, and Virginia. Texas has 34.6 percent of its Negro students attending schools where they make up less than 95 percent of the emrollment. In Tennessee, the comparable percentage is 21.9 and in Virginia 20.

Among the border States, Kentucky has 88.5 percent of its Negro students in this category, Delaware 84.8 percent, West Virginia 83.4 percent, Maryland 40.5 percent, Oklahoma 40.5 percent, and Missouri 26.7 percent.

	Negro pupils attending schools less than 95 percent Negro		Negro pupils attending schools 95 to 99.9 percent Negro		Negro pupils attending schools 100 percent Negro	
	Percent	Number	Percent	Number	Percent	Number
Total, 17 States	17.3	589,620	7.1	239,770	75.6	2,571,540
Southern States	12.5	363,290	4.4	126,160	83.1	2,410,000
Alabama	2.4	6,570	2.3	6,300	95.3	260,900
Arkansas	14.5	17,140	2.1	2,480	83.4	98,650
Florida	14.7	41,120	6.1	17,060	79.2	221,550
Georgia	6.6	22,610	3.3	11,300	90.1	308,450
Louisiana	2.6	6,850	.9	2,370	96.5	254,050
Mississippi	2.6	6,840	.6	1,580	96.8	254,700
North Carolina	12.8	44,850	2.8	9,810	84.4	295,650
South Carolina	4.9	12,120	1.1	2,720	94.0	232,550
Tennessee	21.9	40,600	9.8	18,170	68.3	126,550
Texas	34.6	117,050	12.7	42,960	52.7	178,250
Virginia	20.0	47,540	4.8	11,410	75.2	178,700
Border States	45.1	226,330	22.7	113,610	32.2	161,540
Delaware	84.8	20,440	15.2	3,660	0	0
Kentucky	88.5	38,230	0	0	11.5	4,980
Maryland	40.5	88,980	23.5	51,630	36.0	79,150
Missouri	26.7	34,710	37.5	48,750	35.8	46,540
Oklahoma	40.5	24,950	15.2	9,360	44.3	27,290
West Virginia	83.4	19,020	.9	210	15.7	3,580

TABLE 1.—*Enrollment in all schools and Negro enrollment in schools by percentage of Negroes in student body, 17 Southern and Border States, fall 1966*

State	Enrollment in all schools			Negroes, (percent of total)	Negro enrollment in schools by percent of Negro student body							
	Total	White	Negroes		0 to 20 percent		20 to 80 percent		80 to 99.9 percent		100 percent	
					Number	Percent	Number	Percent	Number	Percent	Number	Percent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Grand total	14,847,000	11,445,700	3,401,300	2[illegible].9	318,820	9.4	219,020	6.4	291,920	8.6	2,571,540	75.6
Southern States, total	11,285,800	8,385,900	2,899,900	25.7	241,350	8.3	108,900	3.8	[1] 139,650	4.8	2,410,000	83.1
Alabama	845,000	571,200	273,800	32.4	6,350	2.3	300	.1	6,250	2.3	260,900	95.3
Arkansas	434,700	316,500	118,200	27.2	13,150	11.1	5,650	4.8	750	.7	98,650	83.4
Florida	1,260,100	980,400	279,700	22.2	31,650	11.3	8,950	3.2	17,550	6.3	221,550	79.2
Georgia	1,073,700	731,200	342,500	31.9	17,150	5.0	5,200	1.5	11,700	3.4	308,450	90.1
Louisiana	820,700	557,300	263,400	32.1	4,550	1.7	2,350	.9	2,450	.9	254,050	96.5
Mississippi	585,000	321,800	263,200	45.0	6,100	2.3	800	.3	1,600	.6	254,700	96.8
North Carolina	1,183,700	833,300	350,400	29.6	33,450	9.5	10,900	3.1	10,400	3.0	295,650	84.4
South Carolina	642,400	395,100	247,300	38.5	10,400	4.2	1,400	.6	2,950	1.2	232,550	94.0
Tennessee	874,300	688,900	185,400	21.2	22,900	12.3	15,950	8.6	20,000	10.8	126,550	68.3
Texas	2,563,100	2,224,800	338,300	13.2	64,400	19.0	43,900	13.0	51,750	15.3	178,250	52.7
Virginia	1,003,100	765,400	237,700	23.7	31,250	13.1	13,500	5.7	14,250	6.0	178,700	75.2
Border States, total	3,561,200	3,059,800	501,400	16.4	77,470	15.4	110,120	22.0	152,270	30.4	161,540	32.2
Delaware	112,600	88,500	24,100	21.4	3,450,	14.3	13,690	56.8	6,960	28.9	0	0
Kentucky	674,500	631,300	43,200	6.4	24,360	56.4	11,790	27.3	2,070	4.8	4,980	11.5
Maryland	790,900	571,200	219,700	27.8	19,150	8.7	47,400	21.6	74,000	33.7	79,150	36.0
Missouri	963,800	833,800	130,000	13.5	10,140	7.8	17,940	13.8	55,380	42.6	46,540	35.8
Oklahoma	598,400	536,800	61,600	10.3	12,870	20.9	7,760	12.6	13,680	22.2	27,290	44.3
West Virginia	421,000	398,200	22,800	5.4	7,500	32.9	11,540	50.6	180	.8	3,580	15.7

[1] About 117,000 of these pupils (or 84 percent) are in schools which are over 95 percent Negro.

TABLE 2.—*Enrollment, by race in all schools, and enrollment of Negro students in schools with both white and Negro students in Southern and Border States, by State: Fall 1965 and fall 1966*

[1965 figures exclude districts with total enrollment under 300, while 1966 figures include these numbers]

State	Enrollment in all schools								Number of Negro pupils in schools which are not 100 percent Negro		Negro pupils in schools which are not 100 percent Negro as a percentage of all Negro pupils	
	Total		Not Negro		Negro		Negro as percent of total					
	Fall 1965	Fall 1966	Fall 1965	Fall 1966	Fall 1965	Fall 1966	Fall 1965	Fall 1966	Fall 1965	Fall 1966	Fall 1965	Fall 1966
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Grand total	14,269,500	14,847,000	10,938,800	11,445,700	3,330,700	3,401,300	23.3	22.9	503,600	829,760	15.1	24.4
Southern States, total	10,891,700	11,285,800	7,998,200	8,385,900	2,893,500	2,899,900	26.6	25.7	216,600	489,900	7.5	16.9
Alabama	827,700	845,000	541,100	571,200	286,600	273,800	34.6	32.4	15,300	12,900	5.3	4.7
Arkansas	438,800	434,700	341,600	316,500	97,200	118,200	22.2	27.2	6,100	19,550	6.3	16.6
Florida	1,214,000	1,260,100	929,300	980,400	284,700	279,700	23.5	22.2	23,800	58,150	8.4	20.8
Georgia	1,057,300	1,073,700	737,000	731,200	320,300	342,500	30.3	31.9	7,600	34,050	2.4	9.9
Louisiana	780,300	820,700	507,600	557,300	272,700	263,400	34.9	32.1	1,600	9,350	.6	3.5
Mississippi	567,400	585,000	292,500	321,800	274,900	263,200	48.4	45.0	1,000	8,500	.4	3.2
North Carolina	1,168,900	1,183,700	789,300	833,300	379,600	350,400	32.5	29.6	24,500	54,750	6.5	15.6
South Carolina	633,900	642,400	400,500	395,100	233,400	247,300	36.8	38.5	3,500	14,750	1.5	6.0
Tennessee	863,000	874,300	682,900	688,900	180,100	185,400	20.9	21.2	25,300	58,850	14.0	31.7
Texas	2,358,300	2,563,100	1,981,300	2,224,800	377,000	338,300	16.0	13.2	81,700	160,050	21.7	47.3
Virginia	982,100	1,003,100	795,100	765,400	187,000	237,700	19.0	23.7	26,300	59,000	14.1	24.8
Border States, total	3,377,800	3,561,200	2,940,600	3,059,800	437,200	501,400	12.9	16.4	287,000	339,860	65.6	67.8
Delaware	106,500	112,600	86,100	88,500	20,400	24,100	19.2	21.4	15,900	24,100	77.9	100.0
Kentucky	661,500	674,500	599,000	631,300	62,500	43,200	9.4	6.4	50,900	38,220	81.4	88.5
Maryland	758,700	790,900	585,700	571,200	173,000	219,700	22.8	27.8	96,400	140,550	55.7	64.0
Missouri	892,200	963,800	777,300	833,800	114,900	130,000	12.9	13.5	85,500	83,460	74.4	64.2
Oklahoma	529,300	598,400	480,700	536,800	48,600	61,600	9.2	10.3	24,800	34,310	51.0	55.7
West Virginia	429,600	421,000	411,800	398,200	17,800	22,800	4.1	5.4	13,500	19,220	75.8	84.3

Question 6. Early this year, I spoke in the Senate and also wrote you suggesting one-stop service centers for school officials both here in Washington and in the OE regional offices to furnish information and make appropriate references not only on OE programs but also on education programs administered elsewhere in HEW and other agencies, such as NSF. Are such facilities being made available for school officials?

Answer: We have made a beginning toward providing "one-stop" services for the department. Construction will begin this fall on a combined information and visitors center on the main floor of the main HEW building at 330 Independence Avenue. In order to implement the Freedom of Information Act which became effective on July 4 of this year each of the constituent agencies within HEW including the Office of Education is establishing a headquarters information center where the public can immediately obtain the most commonly sought information and be directed to the other sources.

Action has already begun to establish centers at the HEW regional offices to provide information. We expect that it will be some time, however, before we have what might be described as a complete "one-stop" arrangement. Funding and training sufficiently informed personnel and developing techniques to insure currency in information are large problems not easily overcome for an agency as diverse in activities as the Department of Health, Education, and Welfare.

Question 7. Approval of bond issues for schools by the voters has decreased, although dollar volume of public school bond sales are up; interest rates are also up. What is the present situation with respect to the ability of local school districts to finance needed school construction?

Answer: We have never had good data on the ability of local school districts to finance needed school construction. Bonding capacity which is the immediate source of funds for construction purposes is a variable item. We know that some school districts at any particular time are bonded to legal capacity but that this is not a primary limitation on most districts. It is in the few States and school districts with exceptionally low bonding limitations where this becomes a problem. This kind of limitation is frequently unrelated to the real resources to support construction.

The most pertinent factors related to construction of classrooms are locally taxable resources and the willingness of the district population to support bond elections. Voter approval of bond elections in FY 1967 was down both in dollar volume and percentage of elections over FY 1966. Voter approvals were 70 percent in FY 1967 as opposed to 74.5 percent in FY 1966. Dollar volume in FY 1967 was down $.6 billion from $2.7 billion in FY 1966. Three States do not require voter approval for school bonds and fifteen States do not require voter approval for all school systems.

In spite of the decline in voter approval of bonds, bond sales for FY 1967 were up $300 million for a total of over $3.2 billion. As you have indicated, the interest costs have risen to an average of 4.01 percent which is .34 percent above FY 1966.

We do not have any indication of a decline in schoolroom construction and the level of bond sales would seem, in fact, to indicate a continued high level of construction on the average. As in the past, the impact on school districts will vary though we may expect some decline in future construction if the downward trend in voter approval were to continue over an extended period. The population trends for school age groups over the next several years, however, will be down so that many districts may find some relief.

In summary, we have no conclusive factual data to indicate the ability of school districts to construct classrooms nor can we predict a decline in the construction itself.

Question 8. Secretary of Labor Wirtz wrote me on July 5 regarding pilot training programs for inmates of correctional institutions which labor and HEW are about to undertake. One recent study he referred to found that "vocational training for young jail inmates, coupled with counseling and follow-up services, reduces their chances of returning to jail and increases their chances of finding a job that offers a career." How can our vocational education laws, which we are amending in the legislation before us, best be utilized for jail inmates and what changes, if any, are required?

Answer: Most programs of Federally-assisted vocational education—Smith-Hughes Act, George-Barden Act, and Vocational Education Act of 1963—are administered by local educational agencies according to a State plan submitted

to the Office of Education by the State vocational education agency. In very few cases do local school systems possess the authority to train inmates in prisons located within the school district. Since a school district's authority derives from the powers conferred upon it by its State legislature, no amendment to Federal law could empower a local educational agency to conduct such vocational training.

Training of jail inmates could be conducted under the amendments to the Vocational Education Act of 1963 now pending before the Committee in S. 1125. These amendments would authorize the Commissioner of Education to make grants to public or nonprofit agencies and to make contracts with public and private agencies for the purpose of stimulating the development and operation of exemplary and innovative occupational programs. These programs could easily include vocational training for jail inmates, coupled with counseling and follow-up services.

A report on programs related to the concern expressed in this question, though confined to delinquents, is attached. This publication, *Opening Doors through Educational Programs for Institutionalized Delinquents*, deals with programs possible under the 1966 amendments to Title I of the Elementary and Secondary Education Act and does include a section on Vocational Training and Work-Study Programs, pp. 15–21.

Question 9. Some of the principal national education organizations have indicated their opposition to the regionalization plan of the Office of Education. What is your response to these criticisms?

Answer: The Office of Education's present and proposed decentralization of selected program operations to regional offices is a carefully studied decision undertaken in the hopes of providing better services. Some decentralization already exists. Office programs which have been in operation for many years are so well known now that their routine administration has been located in the Department's regional offices for some time. We have received no complaints about the functional operation of these long-established programs.

We believe that there are other OE programs which are now operating so routinely that decentralization of operations would result in economies of time, effort, and travel expenses in Washington and in State departments of education. There are other Office of Education activities in which the relationships between the Chief State School Officer and the Commissioner of Education are so close as to preclude transfer to regional offices.

Fundamentally, the Department of Health, Education, and Welfare plans a decentralization of operations and management responsibilities, with coordinated policy development and control at headquarters. The concept of decentralized operations gives the Department the flexibility essential to help meet the diverse requirements in education as they exist in the fifty States. At the same time, this provides an environment which enables the State or region to develop its fullest potential. We believe that decentralization will stimulate greater freedom for States to develop their educational programs according to their special needs and will simultaneously stimulate the Office of Education to be more responsive to these needs.

Question 10. What proportion of Title III ESEA funds do you think should be administered by the States and by the U.S. Office of Education?

Answer. We are not at this time prepared to indicate a particular proportion of Title III funds which should be administered by the States. We believe that the existing provisions of the *Act* allow for an administrative transition to greater State participation as they are willing to staff and plan for the function. We have indicated our willingness to accommodate such a transfer and have already started in a few States. We would expect the number of States willing to take over an increased role would rise during this and subsequent fiscal years.

The purposes of Title III are best served, we believe, by continuing the application of a national perspective through Office of Education participation in the approval process for all projects rather than using a set-aside for the exclusive approval of the States and the Office of Education separately. If the Congress feels the set-aside arrangement is preferable then we will be happy to indicate what proportion we feel should be reserved to the States and to the Office for approval purposes.

Question 11. Do you feel as presently constituted and administered at all levels, there has been an equitable distribution of ESEA benefits to public and nonpublic school pupils? How will this be affected by amendments recently passed by the House?

Answer. We have received no complaints from nonpublic educators or from parents of students in nonpublic schools which would indicate that the benefits of ESEA have been inequitably distributed among public and nonpublic school pupils. Reports from State departments of education indicate that 526,000 (or approximately 6 percent) of the children participating in Title I programs were enrolled in nonpublic schools. In addition, it is estimated that more than one million nonpublic school children benefited from Title III supplementary centers and services last year.

There are many unanswered questions concerning the extent nonpublic school pupils would be allowed to participate in ESEA programs if the amendments adopted by the House became law. Secretary Gardner, in his testimony before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare expressed his deep concern over "the danger involved in altering a program which has so successfully avoided the historic Church-State controversy." Nonpublic school educators have expressed similar concern that restrictive State constitutional provisions would preclude nonpublic student participation in Title III programs in a number of States. Msgr. James C. Donohue, Director of the Department of Education of the U.S. Catholic Conference, adamantly opposed the proposed change:

"We are firmly convinced that changing Title III as suggested by Mrs. Green would result in the diminution, and in some States possibly the termination of services for children in private schools."

This view has been reflected by other organizations. Agudath Israel of America stated on April 20, 1967 that:

"By giving the local State educational agencies complete discretion over the use of these funds, the intent of ESEA to equally help underprivileged nonpublic school children would probably be thwarted * * *"

A staff report from the Office of the Baptist Joint Committee on Public Affairs, dated May 16, 1967, also reflected concern for the equitable treatment of nonpublic school children if the amendment were adopted. Although the report saw the shift of the operation of Federal educational programs from Washington to the States as a desirable one, it added "we are not sure it can be done without causing major problems in matters of Church-State relations."

Question 12. What was the rationale for setting aside 15 percent of the funds, transferred from Titles III and X NDEA, for U.S. Office of Education administration, thus depriving the States of monies which they had previously received directly for personnel and program purposes? Is it not true, despite the fact that States will no longer have to match such funds, that some States will have to reduce by 15 percent their Titles III and X NDEA programs of supervision and administration?

Answer: The proposal to include Titles III (Sec. 303(a)(5)(A)) and X of the NDEA in Title V was a budgetary action which has not been accepted by the Congress in the appropriation process. The functions included in these two NDEA provisions are also authorized under Title V of the Elementary and Secondary Education Act and this proposal was an attempt to combine similar programs. If adopted the procedure would result in a 15-percent reduction in the two NDEA programs unless the State chose to add funding from the regular Title V program.

Question 13. It is reported that the Vocational Education Work-Study program is among the most important aspects of the Vocational Educational Act. Will the proposed transfer of this program to the Neighborhood Youth Corps program reach exactly the same children? Is it not true that it will not, and, more importantly, that there is less opportunity to bridge the formal educational system with employment opportunities?

Answer: We have been pleased with the operation of the Vocational Work-Study program. Once again, however, we have a situation where there is a similarity of purpose with another larger program—the Neighborhood Youth Corps. In making the proposal to phase out Vocational Work-Study it was felt that there would be definite administrative advantages in having the two programs combined into one.

While it is true that there have been differences in the orientation of the two programs with the Vocational Work-Study program having a closer tie to the formal educational system than the Neighborhood Youth Corps, we expect that if the two programs are combined, the Neighborhood Youth Corps will be able to reorient sufficiently to meet the objectives of the Vocational Work-Study Program.

Question 14. In the consolidation of Titles III and X of the National Defense Education Act and Title V of the Elementary and Secondary Education Act, will any State receive less in fiscal year 1968 than it received in fiscal year 1967? If yes, is there any way in which this situation can be avoided?

Answer: If Title X and a portion of Title III of the National Defense Education Act were combined with Title V of the Elementary and Secondary Education Act in FY 1968 all States would receive less money than in FY 1967 since the amounts requested are the same but would be reduced by 15 percent in the case of the NDEA titles because of the set-aside provision of Title V.

The only effective way to assure no loss would be to increase the total amount available or to provide appropriation language which would insure no loss. The latter language, if adopted, would contravene the 15 percent set-aside provided in the basic legislation.

Question 15. Is it not true that the Advisory Committee for Title V ESEA recommended the adoption of the new formula for distribution of funds *only* if the States would be saved harmless from any reduction in the level of funds received in FY 1967?

Answer: Yes, the Advisory Council did recommend the formula change, with the assurance that no State should receive less under the revised allotment formula than it had received in fiscal year 1966.

Question 16. The proposed Title III of the Vocational Education Act for establishing exemplary and innovative projects in vocational education is largely patterned after Title III of ESEA. Why are the States completely by-passed in the administration of the program?

Answer: Unlike Title III of the Elementary and Secondary Education Act, the projects funded under this proposal would be for a limited period not to exceed three years. After that time the project would have to be included by the State in its regular vocational education plan if it were to be funded. The State would be the sole authority for determining this.

Although the States are not included in the prescribed legislative process for approval, Dr. Grant Venn, Associate Commissioner, Bureau of Adult, Vocational and Library Programs, who would be in charge of administering the program, testified before the House Committee on Education and Labor that he would expect to consult closely with the States in the approval process and would, in effect, assure the States a veto power.

Question 17. Will you explain the effects of the "Gibbons" amendment to Title I of the Elementary and Secondary Education Act on States which have a relatively high per-pupil expenditure. Would you explain the effect of this same amendment on those States with an extremely low-per-pupil expenditure? Will the imposition of such a formula result in a decrease to States from what they are presently receiving under Title I of the Elementary and Secondary Education Act?

Answer: The House-adopted amendment to Title I ("Gibbons" amendment) would tend to favor the high-expenditure States over the low-expenditure States under the pro-rata allocations at less than full authorization and specifically at the $1.2 billion proposed appropriation level, though the differences are not great.

Since language is included in the appropriation bill to prevent a loss, no State will receive less than it is currently receiving unless the provision is deleted. Such a provision was also included in the 1967 appriation act.

INTRODUCTION OF COMMISSIONER HOWE

Senator MORSE. Our next witness must at times feel that an honest job description of the position of U.S. Commissioner of Education should read, "The incumbent is expected for 95 percent of the time to engage in colloquy with Representatives of the Legislative branch, upon past, present, and future legislative proposals and their funding."

The Honorable Harold Howe occupies a crucially important position in the executive branch, for he must faithfully execute the authorities vested in his office by the people of the United States through the Congress. He will counsel with us this morning about the course we should take with respect to the legislative program, both as set

forth in the administration proposals and in the House-passed modifications of those proposals.

I am delighted to have you with us, Commissioner.

You may proceed in your own way.

STATEMENT OF HAROLD HOWE II, U.S. COMMISSIONER OF EDUCATION; ACCOMPANIED BY NOLAN ESTES, ASSOCIATE COMMISSIONER FOR ELEMENTARY AND SECONDARY EDUCATION; AND ALBERT L. ALFORD, ASSISTANT COMMISSIONER FOR LEGISLATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. HOWE. Thank you, Mr. Chairman.

I want to thank you for your footnote to my job description. I would say that at the present time my activity with the legislative branch is the most interesting and the most enjoyable and, I hope, the most purposeful of all of my assignments.

Senator MORSE. I can tell you that it has been very helpful to me.

Mr. HOWE. I want to thank you for the time you gave earlier this morning to meeting in the rotunda of the other Senate Office Building to inaugurate a new exhibit on the "School House in the City." We are grateful for your presence and for your remarks, and I would commend to your associates the possibility of their taking a look at that very interesting exhibit which shows something about the present-day school house.

Senator MORSE. I can tell you that the members of my committee have received a written invitation to attend the exhibit, but let me give a word to those present at the hearing: I hope you will find time today to go to the rotunda of the Old Senate Office Building to take a look at the exhibit entitled "The School House in the City."

It will inspire your thinking; it will show you what is being done already in some of our cities to meet an entirely new era, so far as school construction is concerned. I commend the Commissioner and the Secretary of Health, Education, and Welfare and their associates for the contribution they are making to this exhibit. The exhibit has already been shown in several of the metropolitan areas of the Nation, and it will be shown in other areas. It is worth your time. There is a film that goes along with it that will be played periodically, I understand, during the 2 days. The exhibit will be held which deals with some of the problems that we have in meeting the great and revolutionary changes that are bound to take place in this age of automation and concentration of population in the metropolitan areas of the country. I am so glad, Mr. Commissioner, that you made it possible for us to see this exhibit.

Now, you may proceed with your testimony.

Mr. HOWE. Because I have appeared once already for extensive testimony before your committee, Mr. Chairman, on this bill, I am going to restrict my comments this morning to three aspects of the bill, to the matter that Congressman Gibbons was discussing, title I of the Elementary and Secondary Act, and its formula; secondly, to title III of that act; and, thirdly, to title V.

I do not want to have anyone feel that I am uninterested in the other aspects, but I have given considerable formal testimony as to our new

proposal for handicapped children, and on the proposal for improving the vocational education, and should you wish to question us about these, of course, we are happy to answer questions about them, but my testimony will now focus on these three items, and I will now proceed with it.

TITLE I COMMENT

Title I was amended by the Elementary and Secondary Education Amendments of 1966 to substitute, in fiscal year 1968, $3,000 for the low-income factor and to use one-half the State or National average per pupil expenditure, whichever is greater, as an allocation formula factor. This is the existing law.

H.R. 7819

H.R. 7819, the version passed by the House in May of 1967 and also being considered by the subcommittee at this time, retains the $2,000 income factor while applying one-half the State or National average expenditure to the formula. This formula would, according to House action, apply until full appropriations for operation under the $3,000 low-income factor become available.

OE FUNDING LETTER TO STATES ON AUTHORIZATIONS

While awaiting a decision by the Congress on the title I formula, the Office of Education has sent a letter to the congressional committee chairmen explaining the procedures for dealing with the difficult situation under the continuing resolution which now controls title I expenditures. For the convenience of school districts and States, we urge immediate action to determine whether the title I formula will be continued as it is now enacted, changed to conform to the action of the House, or put into some new context. The continued uncertainty both as to appropriations and the distribution basis for title I has kept it from approaching full effectiveness. It is surprising to me and a credit to the educators in our schools that we have accomplished as much as we have under this program. Weeks after the school year has started, there is no school superintendent or board of education in the United States with a firm knowledge of what funds will be available for this school year. To give the schools the chance to use these funds effectively, it is important that the Congress act on them.

APPROPRIATIONS COMMITTEE ACTION

I would add to my formal statement here so that it may clarify the situation with regard to title I if we think of it in the following way, the action of the Appropriations Committee which, essentially, says that no State shall receive less than what it did the preceding year and means that the larger proportion of funds under the appropriations for fiscal year 1968 will go to the States in exactly the same way it did last year. The appropriation for fiscal 1967 was $1,053 million and $1,053 million will be distributed under that appropriation action, exactly as it was in fiscal 1967 for fiscal 1968. There remains under the appropriations which we expect from the Congress, $1.2 billion, an

amount of $147 million, and the settlement of this matter of what the formula shall be for fiscal 1968 will involve the distribution of that $147 million, since the Appropriations Committee's action, as I understand it, leaves the State in the position of having an equal distribution of the major basic amount. I think we should keep that picture in mind as we think about the title I formula.

TITLE III COMMENT—FEDERAL-STATE ROLES

The second issue that I would like to raise is that of the House-proposed change in administration of title III of the Elementary and Secondary Education Act of 1965. I believe it is essential to continue the public discussion of this program. I have become greatly concerned about the seeming polarization of positions on the most effective means of administering title III. Some interpretations of the positions taken seem to suggest a growing antagonism between the roles of the Federal Government and the State governments—between the U.S. Office of Education and the State departments of education—in the education of the Nation's school children.

TITLE III—FEDERAL CONTROL

There are those who express a fear of centralized control of the Nation's diverse educational system by pointing to the present administration of title III as an example of what they believe is encroaching Federal control.

If this were the case, I, too, would share their fears. I cannot, however, accept these interpretations of a dramatic conflict—a conflict which is unfounded in fact and spurred on by rhetoric quite disproportionate to reality.

STRENGTHENING STATE LEADERSHIP ROLE

The U.S. Office of Education and the State department of education share the same goal; that is, to assure every American youth the opportunity for the best education our human and financial resources can command. The U.S. Office of Education and the State departments of education, similarly, share another most important objective—they both seek to strengthen the State leadership role in the educational system.

LOCAL RESPONSIBILITY FOR EDUCATIONAL POLICY

Historically, the State departments have been engaged in distributing State funds for education and in establishing certain educational standards, such as criteria for teacher certification and for high school graduation. The hiring of personnel, the development of programs, and the operation of schools have been carried out largely by local school officials who draw their authority from State legislative delegation of the responsibility for the schools. The major direction of education in the several States has, therefore, been determined by the policies of local school boards. Although this has proven to be a successful administrative arrangement, in view of the fact that the American system is rivaled by none, it has become increasingly appar-

ent that the demands resulting from our changing society require a more comprehensive approach to the administration of our educational system. There are programs that must be developed with statewide solutions to problems in mind. There are regional and national needs for which model programs must also be developed.

As I have said in my earlier statement before this subcommittee, the Office of Education, at the direction of the Congress, provides funds to strengthen State educational leadership. The provisions of title V of the Elementary and Secondary Education Act which have been in operation for 2 years and the new proposal for comprehensive planning which is designed to contribute further Federal resources to the strengthening of State leadership both have this purpose. So do the administrative moneys set aside in a number of other programs for which the Office of Education is responsible.

VARYING CAPACITIES OF STATE AGENCIES

At the same time, we must deal in realities. State educational agencies differ markedly in terms of both staff and legal authority over educational programs. They, like local school districts, derive their authority from State legislatures. State educational laws vary greatly from State to State. Therefore, a program with the purposes of title III, requires careful planning and implementation. The State departments of education must work to develop the necessary strengths for a major participatory role in the implementation of title III. There is a definite need for a State level overview to insure quality of projects and fulfillment of purposes under the program.

NATIONAL PERSPECTIVE

Of equal importance, however, is the definite need for a national perspective on education which has nothing to do with the operation or control of schools by the Federal Government but which gives the Office of Education a legitimate role in carrying out programs which the Congress has decided will serve national needs in education. We have been striving to develop our capacity for such efforts since the inception of the Elementary and Secondary Education Act. We consider this a primary aim of the legislation—to demonstrate the means by which the educational quality of our Nation's schools may be raised continually.

COMMENTS OF STATE EDUCATIONAL OFFICIALS

We do not have differences of view with the States about their potential capacity to assume a more active responsibility in title III program operations. Yet, you have received testimony to the effect that at least some States feel they are not presently well equipped to take on such a responsibility. One State department of education official said:

> We have one person . . . who spends half time on Title III proposals. We could not begin to take over the responsibility for this title. As I pointed out, if a change is made, we ought to tool up for it because we presently are not equipped to carry out the responsibility that the U.S. Office has at the present time in handling Title III proposals.

ORIGINAL THRUST OF TITLE III

Title III was originally conceived as a program of support for projects to demonstrate innovative solutions to unique national and regional educational needs. It has given a host of local school systems the first "venture capital" they have ever had. It has decentralized the point at which innovation can take place. While in no way representing Federal control, it holds promise of helping to free local school systems from methods and procedures designed for another day. It has allowed local educators dealing with complex problems to try out new answers. It has dramatically awakened the development of a high quality local perspective and responsibility for new routes to excellence.

BALANCE OF THREE LEVELS OF EDUCATION AND RESPONSIBILITY

Title III may, therefore, be viewed as a program which involves local, State, and Federal shared responsibility working to produce quality in American education.

In fact, the entire Elementary and Secondary Education Act may be thought of as an endeavor to achieve an ideal balance in responsibility among the three levels of government. As Dr. James E. Allen, Jr., commissioner of education of the State of New York, has so aptly put it:

> ESEA represents a national commitment to raising the quality of our educational enterprise. The emergence of the Federal government in a clearly strengthened role in financing education creates a new concept of shared responsibility for education involving a Federal-State-local partnership. The separate roles in this family of governments still need clearer definition and interpretation. We are prepared to live with ambiguity yet awhile in what we regard in any case as a creative relationship which enlarges our powers, not diminishes them.

TITLE III PROJECTS FUNDED

May I add that we also are prepared to continue working out responsibilities and living with vagaries if we can continue to sponsor the forward strides inherent in a program such as title III. In the short period of less than 2 years, 907 planning grants and 1,097 operational projects have been approved. This number of operational projects hardly gives us sufficient evidence upon which to support any major administrative changes in the program. Most of the projects have operated 1 school year. Many for less than that. What they do give us, however, is sufficient evidence to understand that a worthwhile program has been started and will develop, given the proper support from all levels of government.

Our present operations do support the proposition that responsibility in the administration of title III is not similar to responsibility for any other program. It is not a "more of the same" program. Rather, it requires building a qualified staff in every State which can, in fact, participate in a highly innovative program.

EXAMPLES OF SUCCESSFUL STATE PROJECTS (1)

Some States already have this capacity and we are already doing business with them under the present legislative authority in a way

which gives State responsibility equivalent to a State plan program. They have drafted and presented broad plans for assuming a major role in the administration of title III. Let me give you examples of what has been accomplished in two States in order to demonstrate the kind of effort and planning this program demands.

In one State, eight full-time professionals were assigned to administer the title III program. The plan of this State also called for four full-time consultants and two administrative assistants. A total of $148,500 goes to administrative expenses for title III in the State. Further, the plan established a project review system involving about 18 readings for each application prior to the final State recommendation. Eight people, representing educational and cultural institutions, industry, and nonpublic schools, serve on the State review panel. The title III administrative plan in this State requires that full-time staff members spend approximately 30 percent of their time in the field, assisting in the development of proposals, evaluating existing projects, and assessing projects eligible for continuation grants. In addition, the State department of education requires a letter of intent from all prospective applicants 90 days prior to a title III deadline. Staff members write recommendations on the letters of intent and assist school systems in developing worthy ideas into proposal form.

These procedures illustrate the high degree of organization and efficiency required in planning for State responsibility in the administration of this unique program. This particular State department of education has been able to make the commitment, in terms of personnel and financial resources, necessary to assure that its role will lead to the effective operation of title III. We, in turn, have worked out an agreement with this State to turn over to the State authorities complete responsibility for a major portion of the funds.

EXAMPLES OF SUCCESSFUL STATE PROJECTS (2)

In another State, nine professional and clerical employees are currently assigned to the division at the State education department that handles title III. This division is also responsible for table V and is assigned title IV coordinators as well. For the coming fiscal year, the staffing of the division has been increased; five professional and five clerical personnel will serve the title III program, and their administrative expenses will be provided by title V. In addition to these personnel, recommendations on project approval are made by 22 to 25 outside readers during a weeklong conference. The costs of title III administration in this State were $160,000 in fiscal 1967 and for fiscal year 1968, $260,000 has been allocated. It has been estimated that $300,000 or $325,000 would be required for quality administration of title III under the present law.

Although this second State has committed specific personnel resources for administering its title III program, the plan states that more adequate provision for project monitoring, centralized data processing, improved review procedures (including consultant services to strengthen projects before funding), increased evaluation and more effective operation of the title III program.

These programs and plans, initiated and developed by two States might very well serve as models for other States. They reinforce our

belief that all the States, ultimately, will develop the administrative capabilities necessary for significant title III responsibility. Such examples of State initiative encourage us to believe that, in a short period of time, other States will develop similar plans for including title III programs in their overall plans for meeting statewide educational needs. Other States requesting responsible administrative roles should develop plans reflecting criteria similar to those of the two States I have discussed.

EXAMPLES OF LESS SUCCESSFUL STATE PROJECT OPERATION

As a practical aspect of passing national legislation, we have to take into account the total spectrum of ability of the States. We cannot, or at least, should not, base our action on either the most capable or the least capable. In order to illustrate the problem, let me review the operation of title III in States which have a long way to go before they are ready to take full responsibility in the administrative operation of the program.

One State approved projects by local districts for an amount 2½ times greater than the State's allotment under title III. Another State disapproved less than 2 percent of the submitted project applications; it was left to the Office of Education to make the difficult decisions as to which projects should be funded. Only a little more than half of the projects could be approved, given the funds available.

LESS THAN RESPONSIBLE ADMINISTRATION

There have also been instances in which some State departments displayed a "less than responsible" attitude toward administration of title III. The following are examples of practices in such instances:

Funds are distributed on the basis of an equalization formula, rather than concentrating funds in demonstration projects or a per capita allocation may be used. Innovative projects are thus discouraged if they cost more than the equitable distribution formula allocates to the local district. Rather than $100,000 concentrated in a well-planned project, $100,000 is spent on the basis of $5 a child for every student enrolled.

The State coordinator is the only person that reviews and makes recommendations to the superintendent on project approval. There is no provision for the effective use of consultants competent to judge a wide variety of proposals.

A narrative evaluation of projects is never submitted to the Office of Education.

States recommend all projects submitted to them, acting as a rubber-stamp for all and sundry local desires.

COMPETENCY OF PERSONNEL

These illustrations point out that time is needed to afford State departments the chance to acquire the staff and to develop the procedures for an effective role in the administration of the title III program. Effective administration can be accomplished only by departments which have developed personnel competent in handling a program which demands high quality in projects if it is to prove anything.

We believe that the present language of title III allows sufficient flexibility for accommodating a timely development of State administrative roles, while retaining national and local perspectives which we believe are essential to full implementation of the purposes of title III.

OFFICE OF EDUCATION APPROVAL ROLE—PROVIDES NATIONAL PERSPECTIVE

I maintain particularly that the national perspective can be most effectively provided by continuing the role of the Office of Education in the approval process. This is not because the staff of the Office is more capable than that of the States or the local communities—I doubt that there is any significant difference on the average. What is important is the matter of perspective. A local agency is naturally more concerned with local problems, a State agency with State problems and, logically, a national agency with national problems. If the Congress wants a national perspective on the improvement of education so that there is some focus on the country's most pressing educational issues, then it seems to me that the Congress has to look to persons who do not have as their primary job the caring for specific State or local special-interest problems. What the Office of Education does for the title III decisionmaking process is to bring to it the views of consultants from all over the Nation who help to impose standards of quality and significance in the project approval process. These are not employees of the Office of Education but leaders from our schools and colleges. In addition, the Office tempers the judgment of such persons by insisting that there be attention to the views of the States.

I do not find any invidious distinction in this situation. All of these elements are equally important—local, State, and Federal. The local agencies propose and administer the programs, the State and the Federal agencies apply their perspectives in the approval process.

SUMMARY

In summary, let me say that I believe that the educators in this country at all levels are working toward a common goal—the development of the full intellectual capacity of each individual. The Office of Education certainly has no quarrel with the present system of education and its only interest is in strengthening the various elements—local, State, and Federal. I believe that there is a role for the Office; and it goes beyond the writing of checks—which is really a function of the Treasury Department. That role is changing and is certainly different from the role in 1867 when this Office was started. The role of the States and the local educational agencies is also different from that of 100 years ago.

I am not one who views change with alarm, and I expect that the roles of the several layers of government will continue to change in the future. Indeed, I take the view that, since change will occur anyway, we may as well seek to plan it rather than just let it happen to us. While I cannot predict the details of any future change, I am certain that the Office of Education will not become involved in the operation of educational programs—a role which is properly fulfilled by local and State educational agencies at present and one which should continue in the future.

EDUCATION AN OPEN SYSTEM

In essence, I hope that we can continue to develop a national perspective and not to view every change in the Office of Education's role as a threat or encroachment upon someone else's territory or prerogatives. Education is not a closed system in which new responsibilities and roles for one participant automatically reduce the role and status and responsibility of another. It is instead a wide-open and expanding system which calls for new roles to be played by new participants and for growing responsibility for all. The effect of Federal involvement in elementary and secondary education is to increase the capacity of State and local school boards to serve children. They have new alternatives and options because of what the Congress has done for education. Like anyone who has new options, they also have new problems, since Congress has called on them to face the difficult crises of the disadvantaged child by giving them the means to do so. We should not confuse the difficulties which schools face because of their new options with the mistaken notion of growing Federal control.

SECTION 505 COMMENT

The final issue that I would like to discuss with you today is the authorization for section 505 of the Elementary and Secondary Education Act and the administration proposal for comprehensive planning. As I have mentioned before, the various States widely endorse the section 505 concept as the means for providing the necessary authority for interstate project funding and for regional projects. Through the special projects and conferences approved to date, the willingness and desire of State education agencies to cross their territorial boundaries in pursuing solutions to pressing education problems has been unmistakably clear.

The special projects, funded on the basis of a 15-percent set-aside, have launched significant interstate approaches to common educational problems, including personnel administration; comprehensive planning; and urban education. Such projects will encourage the States to gain strength and to learn from each other rather than to exist in isolation.

COMPREHENSIVE PLANNING AMENDMENT

The comprehensive planning amendment is another vital proposal submitted to the Congress this year. There has never been a greater need for educational planning at all levels—local, State, and Federal. This amendment would enable States, local school districts, and metropolitan areas to strengthen their educational planning capabilities.

The comprehensive planning proposal would authorize $15 million, the major portion of which would be allotted to State educational planning agencies. Since the States have proved willing and able to tackle common educational problems under section 505, the new proposal for comprehensive planning includes a set-aside to authorize discretionary support for interstate groupings and interstate projects solely in the areas of planning.

REGIONAL ACTION

The comprehensive planning proposal could support projects on a regional basis similar to the following one funded under section 505:

A project to be administered by the New York State Department of Education will survey the 50 States to identify those interested in, and legally able to, participate in a reciprocity compact for teacher certification. The goal is to have States with appropriate statutory power come to an agreement on common standards for approving teacher education programs. This would establish a new basis for reciprocity whereby a teacher who graduated from any State-approved educational institution could be immediately certified in any one of the cooperating States.

We think that there is a great need for more projects similar to this one. It would be impossible for the States to encourage an increased number of such projects under the House version of title V which eliminates both section 505 and the proposal for comprehensive planning. This deletion of programs would require voluntary and simultaneous agreements and contracts between all participating States if they wish to continue similar projects—at best, a complicated and slow procedure.

Here again, I believe there is an important role for the U.S. Office of Education in utilizing scarce resources to the greatest advantage by application of a national perspective through a simple administrative mechanism. I would, therefore, encourage you to retain the present authority of section 505 and to adopt the comprehensive planning proposals included in S. 1125.

Thank you for the opportunity to reopen the discussion of amendments to the Elementary and Secondary Education Act of 1965. I will be happy to answer any questions that you may have.

I have with me here Mr. Estes and Mr. Alford.

Senator MORSE. I want to thank you very much, Commissioner Howe, for your statement and the views you have expressed. You may be sure that they will be weighed very, very carefully by this subcommittee, as we seek to work out in our markup session a bill that we will report to the full committee.

Senator Yarborough?

Senator YARBOROUGH. Commissioner Howe, you were here while Congressman Gibbons was testifying and when I stated my views at that time. You heard that colloquy?

Mr. HOWE. Yes, sir; I did. I did not grasp all of it, but I was trying to get as much as I could, on the different views.

Senator YARBOROUGH. There were some Senators who were not here at the time, but in the interest of time I will not ask any questions about that.

Senator MORSE. We have time for all of your questions.

I think that you should ask every question that comes to mind. The questions are very helpful.

YARBOROUGH DISSEMINATION OF INFORMATION AMENDMENT OF 1966

Senator YARBOROUGH. I was successful in placing in the bill last year the Elementary and Secondary Education Act, which required that

consultants be furnished to the rural districts to aid them in evaluating these programs, to understand what money they could apply for, and the fact that the small rural districts do not have the personnel to search out these Federal formulas, to search out these Federal programs, and to apply for the money. Many of the most impoverished districts do not know how to apply for this money. That amendment was put in the law, authorizing $2,500,000 to be used for that purpose, and I understand that nothing was requested, no money was requested, by the Bureau of the Budget of the Appropriations Committee to implement this section of the law.

My question is, Why was not consultant care sought for; that is, money for that purpose? There are the districts I think that need help the worst.

Mr. HOWE. My understanding was that the amendment last year was regarding dissemination of information about programs.

Senator YARBOROUGH. That is right—the dissemination of information.

Mr. HOWE. My understanding was also that you were not suggesting or perhaps that you did not plan to suggest an idea of technical assistance.

Senator YARBOROUGH. That was in the amendment last year; that was the technical assistance, to go out and to tell them how to file these applications for what is available, because they did not have the resources to find out. That is what I am asking about. That was in the law, but when the Office of Education asked Congress for money to carry out this provision, they asked for nothing to carry that out, which is in the law now, that $2,500,000. The Office of Education did not ask for any money to implement that, to furnish these districts any help, this technical assistance.

Mr. HOWE. That is correct, Senator Yarborough.

Senator YARBOROUGH. My question is, Why did not the Office of Education request appropriations—ask for the money to implement that section of the law, to help the impoverished districts?

Mr. HOWE. We, as you are aware I am sure, face many difficult budgetary decisions, and if we had our druthers perhaps we would have asked for more than we did. We do have to make the decisions. It seemed to us that we might provide some help to such school districts through other sources available to us, and the school year has worked out that way.

I would call to your attention that we have made arrangements during this past school year or the past calendar year for small grants under title III of the Elementary and Secondary School Act which have been used exactly in this fashion, to stimulate school districts in the making of proposals, and I think that these have been more widely used, actually, in the southern part of the country than in the northern part for that particular purpose; is that not correct?

Mr. ESTES. That is correct.

Mr. HOWE. So, I think we are putting some energy in the direction in which you have an interest and we have an interest that agrees with your interest about the importance of helping school districts to make such applications.

TEXT OF SECTION 706(a) ADDED TO PUBLIC LAW 89-10 IN 1966

Senator YARBOROUGH. This is a provision of the law, and I will read it. We put it in the law last year. It was not an optional thing. I am reading section 706(a):

For the purpose of carrying out more effectively the provisions of this Act and Title II of Public Law 874, 81st Congress, the Commissioner—

(1) shall prepare and disseminate to State and local educational agencies and other appropriate agencies and institutions catalogues, reviews, bibliographies, abstracts, analyses of research and experimentation, and such other materials as are generally useful for such purpose;

(2) may upon request provide advice, counsel, technical assistance, and demonstrations to State or local educational agencies or institutions of higher education undertaking to initiate or expand programs under this Act or such title in order to increase the quality or depth or broaden the scope of such programs, and shall inform such agencies and institutions of the availability of assistance pursuant to this clause;

(3) shall prepare and disseminate to State and local educational agencies and other appropriate agencies and institutions an annual report setting forth developments in the utilization and adaptation of projects carried out pursuant to this Act and such title; and

(4) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

REASON FOR SECTION 706(a) ADDITION

The point I make is that this bill was to help the poor children and the poor districts. They are not rich enough to come to Washington to find out. You can send them a thick mimeographed bulletin, and they do not have the personnel to analyze it and do not know how to fill those forms out. So that this was put in this act for the purpose of seeing that the act was used for the purpose for which the Congress intended it; that is, to help the poor districts get the money to carry it out.

Mr. HOWE. We have exactly the same purpose you have in mind. We felt that funds available under title III might be just as flexible and are being used to accomplish this kind of purpose. I think you will find that many of the supplementary education centers in the State of Texas are providing very direct assistance of a good kind to do exactly the kind of thing that you describe for the school districts. And we are encouraging them to do so. I do not know what the dollar amount would be, but my guess would be that it is very close to the same amount of money being spent in Texas for this purpose right now under title III as is suggested for the entire country in that provision that you cite.

So, we have a very real interest in trying to pursue this objective and are in no disagreement with you.

I will reexamine our appropriations suggested for 1969, with your suggestion in mind, and I am very grateful to you for making it.

FUNDING AUTHORIZATION OF SECTION 706(a)

Senator YARBOROUGH. I do realize that with the war in Vietnam it is difficult to get appropriations for any domestic program. There is great pressure on all of the agencies of government to scale down their requests on domestic programs, but my interest is, assuming you have

to scale your requests 10 or 20 or 25 or 5 percent, or whatever percent you have to scale it down, it seems to me that this is very important as a provision, and the authorization is modest, $1,500,000 for the year ending June 30, 1967, and not to exceed $2 million for the year ending June 30, 1968, but when the request for money was made, absolutely nothing was requested under this. I know from some inquiries I have had, some of these poorer districts have great difficulty in getting the technical assistance to learn what they are entitled to apply for under the act. The law was written with this in mind, for these people who are dealing with this problem, to provide technical assistance or demonstrations. And that is the place where some of the needy districts suffer. This need of advice and counsel on how to fill these forms out, and how to apply and for what they are entitled to apply for. And the request was for the Commissioner to seek moneys to implement this, so that we would get some of this money to the poorer districts in this country.

PERCENTAGE COMPARISONS OF STATE SUPPORT OF EDUCATION

I think that we all agree or feel that the richer areas do not require this. It has been proven at former hearings upon this bill. For example, one gentleman from New York testified that 20 percent of the moneys that the city raised for the city government—20 percent of the money in New York City goes to support education. In my home State, Austin, Tex., over 50 percent of all of the city taxes are devoted to education—over 50 percent, while the city of New York has 20 percent. I do not cite Austin, my home city, as one of the better cities. I am speaking of the small districts, not the large cities of 200,000 to 250,000. They are rich enough to do it. I am speaking of the small, poor districts now.

Mr. HOWE. I would agree thoroughly with your purpose here, and I would say that we have accomplished much of the subject through investments from another source, and we will take your suggestion in hand, and examine the possibility of funding this particular provision, because it does seem to me that it is important to accomplish exactly what this provision intends, in a much higher degree than the provision allows for, and we have been accomplishing it under title III in very important ways, and I do want to call your attention to that.

Senator YARBOROUGH. And this is a very small amount of money.

Mr. HOWE. A very small amount of money, yes.

Senator YARBOROUGH. For these poor districts of the country.

We have the problem here of getting authorizations through, just as you do in getting your request through the Congress for appropriations.

So we took that modest amount of money rather than losing the whole thing.

I agree that $2 million is not too much for these poor districts.

Mr. HOWE. We agree with that, too. We are hopeful that as much can be done as possible.

Senator YARBOROUGH. Thank you for telling us that you are doing some of this under the other means available. That is all, Mr. Chairman.

Senator MORSE. Thank you.

Senator Murphy?

TITLE III CONSULTANTS

Senator MURPHY. I thank you for the privilege of hearing your statement, Mr. Howe. In some of the testimony made before the committee, some of it was by the superintendent of education from Oregon, Dr. Minear, who made a statement which I wish you would comment on. It had to do with the origin of title III projects. He said that he examined the mechanism and that he found a panel of groups there which were employed apparently as research consultants, and some were from the State of Colorado, but he thought that as an elected official in Oregon that it was a competence to do so under this law; that is, as to the competency to judge for his own areas.

TITLE III PROJECT REVIEW PROCEDURES

Mr. HOWE. Let me comment on that. First of all, I would say that the process that we use for passing on title III grants has three major inputs to the process.

One is from the State department of education in the State concerned. This is by law. This must be. The State department of education makes it on every title III project, whether it is to be funded or not, and has a chance to make a considerably expanded recommendation. If it wants to suggest alterations in the project which will make it a better one, it may do so.

Secondly, we have, again, by law, a title III advisory committee composed of a cross section of citizens from all over the country, many of them within higher education, who make the final review, who are responsible for the final decision on title III projects.

In between those two we have these panels of consultants to which the gentleman from Oregon is referring, and we invite a great variety of people to serve as consultants for this purpose, because there is such a variety of title III projects. Some of them relate to problems of mental health; some of them will relate to the arts and the theaters; some will relate to remedial instruction, and some to outdoor education, and some to educational enterprises—a great variety of things that the schools decide is important for them to improve the basic school education system of which they are a part, and, therefore, a man like Dr. Minear, superintendent of a State system of education, would be a very valuable consultant on certain portions of the process, the kind of project that we receive under title III. We will have artists and scientists, professors and teachers, a fairly broad mix of people who read these projects, who rate them, and who submit those ratings to us for final consideration by that committee.

I think that this is a fair and impartial process, and it does not say at all that the superintendent of public instruction in the State has no part in approving the project for his State. What it says is that he has an appropriate role defined in the law, and along with others he will contribute to these judgments. The law states that the title III committee must have the final say in this matter. It seems to me it is a very reasonable kind of multilevel process that is used to make these decisions, and it gives representations to the local school district which

makes the original proposal—it gives representation to the States concerned by having the recommendation of the State in the picture, and it gives representation to the national concern, not so much by having the Office of Education in the picture as by having these panels of consultants and the national advisory committee of people not employed by the Office of Education available to give their input.

So, I would defend the procedures we use, although in any grant-making process there are always people who do not get grants who will then criticize the procedure. We do all we can to perfect them.

Senator MURPHY. Thank you very much. I have no further questions.

SUMMARY OF HEARINGS ON TITLE III

Senator MORSE. I only have one or two questions, Commissioner Howe.

During our hearings previously held, as you know from the record, there are criticisms of the authority that title III now vests in you and your department in respect to title III projects.

We had the testimony of State department of education representatives and boards of education suggesting that we adopt some of the suggestions that have been made in the House bill with regard to title III. We had superintendents from large metropolitan school areas of the country who urged us not to change title III. We also had testimony from representatives of the NEA, from the American Federation of Teachers, the National Association for the Advancement of Colored People, and many other groups, who felt that, in carrying out the recommendation of the House bill, it could tend to create some very serious problems in some of the States where the witnesses felt discriminatory practices exist, north and south, with one type of segregation in the North and another in the South, the one termed de facto segregation and the other de jure.

RURAL VERSUS URBAN

We had testimony from both sides of the argument—one group claiming that the metropolitan areas under title III were given an advantage over rural areas, so that the rural areas suffered, while other groups testified that in too many of the States the rural areas still dominate the State boards of education and that, therefore, the metropolitan areas suffered from a parsimonious attitude.

I am not saying this for your benefit. You know the record. I am only saying it so that the record will show the basis for the questions that I am about to ask.

My responsibility as the chairman of this subcommittee is the responsibility of mediation. I have to try to find if there is an area that can be compromised, providing that compromise is desirable and is necessary. Let the record be perfectly clear, the chairman of this subcommittee has reached no finality of opinion as to what should be done in regard to the provisions of the bill on title III that we finally report to the Senate through the full committee.

STATE PLAN—SELECTIVE VETO

As I listened to the witnesses, I thought that I ought to make a suggestion for an area of compromise, and for want of a better term I described it as a proposal for a selective veto.

I will do my best to answer questions that you may wish to ask me about it, as we discuss it, for, as you know, I happen to be one who believes that questions should not be in a one-flow direction in this subcommittee. They should flow not only from the Senators to the witnesses but also from the witnesses to the Senators, too.

I will give the best explanation I can as to my thoughts about the procedure that has been outlined to us. As you have testified here this morning, upon the present procedure followed, it is to the effect that various educational groups, including the State departments of education, make suggestions and recommendations to the department. The State agency comments upon the suggestions made. The Office of Education after it finishes reviewing the comments of all of the experts whose minds are brought to bear upon the plan—some of which you referred to in your testimony this morning—reaches a decision. The Commissioner has the authority under title III to accept or to reject the plan, or to insist upon modifications of it.

And some of the testimony about State plan operations seemed to indicate that it is pretty much all or none that all of the State plan was accepted or none of the plan was accepted. Therefore, I have been thinking about a selective veto whereby there will be retained by the Office the authority to say to the State board of education, "We are sorry, this part of your plan does not stand up, so far as our experts are concerned. They have analyzed it and have recommended not to make funds available for that program, but parts A, B, C, M, N, and X we are going to approve."

The first clarification I need from you is whether or not there is any basis to the impression that was left with me, and I think with my colleagues, that, in the administration of title III if a State plan operation becomes law, there will be an all-or-none approach on the part of the agency? Will you clarify that for the record?

Mr. HOWE. Well, let me make several comments on that, Mr. Chairman.

And as I come to understand better, perhaps we could submit further statements to the subcommittee later on, if we do not fully explore it today.

OFFICE OF EDUCATION—STATE AGENCY COOPERATION ARRANGEMENTS

First of all, I stated that I do not believe that there has been adequate recognition of the kind of activity on the part of the Office of Education that I described in my testimony this morning. A very real effort on our part to more deeply involve the States—for example, the gentleman who will testify after me, from Georgia—it is just a coincidence. It happens that we are engaged in negotiations with the State superintendent of Georgia at the present time to develop a State plan under existing legislative arrangements.

And in all likelihood, what will emerge from that conversation will be patterned on the two proposals or the two arrangements that I cited in my testimony this morning.

What I am saying is that there already exists under title III an arrangement for the Office of Education to reach in the directions that are of interest to the States and of equal interest to us, and there already exists a good deal of that reaching that I believe is going unrecognized.

PHASING OF AUTHORITY TRANSFER

Secondly, I say that with the House amendment the difficulty is one of going through that process so rapidly and all at once, in a very quick operation of developing these State capabilities and State plans, I do not believe the public interest is going to be served by it.

I believe that the phasing of this kind of State involvement in participation in this unique program is going to have to be a longer run of phasing than those House amendments provide, and I think that one of the very great weaknesses of those House amendments is the fact that they provide relatively little criteria, if any at all, as to what shall be the nature of a State responsibility for title III, in order to carry out the intent of the Congress with regard to these funds. We are talking about a program in which the appropriations action by the Congress—the appropriations for this program has moved, and indicates confidence, some $75 million in the first year up to $135 million in the second year, and it looks like it will be about $140 million in the current fiscal year.

It shows great confidence at a time of restricted funding and difficult financial pressure.

I am concerned lest the kind of confidence expressed in that appropriation act finds itself denied, through some moves to change the administrative arrangements where there is evidence of good faith for effective moves by the Office of Education in cooperation with the States toward constructive changes.

STATE PLAN—SELECTIVE VETO

I say this as background, because I would want to explore in greater detail, before trying to give you a definitive comment, how this selective veto arrangement works, but if I get it correctly: In effect, your suggestion is that there are going to be State plans and that maybe there ought to be some kind of criteria. There are going to be State plans, and then an examination of the plans by the Office and not the approval of them unless the criteria are in effect lived up to.

Would this be the direction in which you are reaching?

Senator MORSE. Yes—but also for you to take a look at the State plan proposal, and when you do, if you find certain parts of it meet the criteria and that there are several parts that do not meet the criteria, than you say: "Sorry, we are not going to make funds available for those parts, but we will make a proportionate share of funds available for the parts that meet the criteria."

You see, Mr. Commissioner, as I have listened to the discussion before the subcommittee, I find once again, as I have so often in my service in the Senate, that people use a common term, a symbol, they keep addressing themselves to that symbol although they are as far apart as possible in their interpretations of the meaning of the symbol.

In this instance, let me give you an example that may apply. I have always thought that you must not let the Federal Government determine educational policy.

You know of my advocacy of that principle, and I gather, as I have listened to you, and I have studied your position, that our views on this are paralleled.

I am not asking to have the Federal Government dictate education standards and policies to the States, but when there is talk about States being free from dictation in educational policies, we must not forget that the Federal Government, through the Congress, has the responsibility of carrying out the surveillance obligation over the expenditures of the taxpayers' dollars. We have oversight responsibilities for funds which have been contributed by the taxpayers, by the people, to the Treasury. It is from the Treasury that the funds are going to be drawn for the implementation of title III. The Federal Government has not only the right, but I happen to think that we do need to see to it, that those funds are not to be used for a policy inconsistent with the congressional intent.

This takes us into some very ticklish issues, which, I think, are part of the background and the backdrop of the dispute on title III.

I mentioned in my preliminary remarks the question of de jure segregation in the South and de facto segregation in the North.

STATES RIGHTS

Let us face it. I have been heard to say, and I repeat it this morning only because of its application to the selective veto proposal. To make my point as well as I can it is that the State should have a right to determine State educational policy. It is a policy with which I agree, unless the State seeks to develop a policy which contravenes constitutional guarantees. In that field there are no "States rights."

That is a difficult finding for many people to recognize. It is a position I have taken consistently over the years in the Senate.

When there have been the most vehement speeches in the Senate about the contravening of States rights, there is one simple question I have always asked: "Will the Senator who is speaking so eloquently about States rights tell me what is unconstitutional about the bill that he is protesting as violating States rights?"

Of course, if it is not unconstitutional, it could not possibly contravene States rights.

It is impossible unless it is unconstitutional.

What the Senator alleging States rights means is that he thinks the bill is unsound public policy. That is an entirely different matter.

FUNDING OF UNCONSTITUTIONAL PURPOSES

Let us take title III, however, and assume a hypothetical. Let us assume that the legislation would grant State departments of education blanket authority for program approval, without the Federal Government, through the Office of Education exercising a review. Where OE has no procedural avenue to assure that requirements

regarding equality of educational opportunities under other provisions of existing law are met. Where the State demand is to get the money, receive it, and where afterward the Office might go to court to obtain redress. It does not do much good, after the money is spent, to seek to resolve a problem of violation of the constitutional guarantees and equality of educational opportunities. This brings up the segregation issue.

The funding of our hypothetical title III grant is money that was contributed by Federal citizens and citizens of States A, B, C, and all of the rest of the other 49 States.

Here is raised another concept of federalism that many of our people do not seem to understand or like to ignore when we get into this kind of a discussion. It is, that each one of us has a dual citizenship: we are citizens of our State but we are also citizens of our Republic. We have a right as citizens of the Republic to see to it that the citizens of the State in which we are not resident—or even if we are—do not seek to do something that contravenes the rights of all of the people who are citizens of the Republic.

One of the things that worries me is that we must have safeguards, it seems to me, in the final bill that we take to the Senate and, also, to conference with the House. We need safeguards that make it perfectly clear that the money provided will not be spent in pursuance of an unconstitutional design, and wait for months or years later to have the issue finally adjudicated in the courts.

The damage will have been done by then. So that raises another legal right on the part of the Congress, as I see it. It is the right to impose in the legislation those guarantees or—to use a word that is not appreciated in some quarters—guidelines for the expenditure of the funds which cannot be disturbed or denied or postponed in their application by any State department of education or any State administration acting through the governship—whether it is in the North or in the South.

Let me make it very clear.

I completely agree with the viewpoint over in the House that when it comes to the protection of these constitutional rights, they should not be allowed to be circumvented in the North by de facto segregation.

And, so, I would not now consider any finality of judgment as to the merits of a selective veto, as I have described it. We will certainly need to prepare language that I am not prepared to specify now, because I need to see how the whole series of problems that you and others can raise to the operation of my suggestion may apply, but let me suggest how it could to this one area that I have raised on segregation.

In the legislation, I certainly would retain in the Department of Health, Education and Welfare, which, after all, serves as the trustee of the Congress, so far as the handling of the funds is concerned, the authority to say, "I am sorry, we are not going to make the funds available in furtherance of an unconstitutional objective."

That is one of the illustrations that I can give you. I can give some other illustrations that deal with another semantic term.

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INNOVATION

Title III is supposed to deal with innovative projects.

As I understand it—You correct me if I am wrong, or amplify it, if I do not have the comprehensive understanding of it.

We are talking about innovative programs that meet needs of individual school districts in given States where we are seeking to provide funds. This is to meet the congressional intent that some of the funds be used for innovative projects. We have been educated to understand here in the Congress that we are moving into a whole new revolutionary era in American education.

We are entering an era where we have to experiment. Where we have to try to meet national needs and we must try to meet some of the special problems that may be atypical so far as the country as a whole is concerned. To use a hypothetical fact I do not know whether it is to be found in actuality or not, let us say that they need a special innovative project in the Chicago school system to meet a problem of population concentration in a certain district of that city, where the school dropouts after grade school are 85 percent as soon as students get beyond the compulsory school age limit. If this problem is not resolved then thousands of these individuals, when they get to the age of employment, will be unemployable, because they cannot adjust to an automated age.

A proposal under title III is submitted.

You can go in. A person can take a look at that particular proposal for that area of Chicago and say: "This has great possibilities. This experiment ought to be conducted. Educational experts that we have assigned to this from across the country think that this is a phenomenal proposal, that it ought to be allowed."

Query: "Is that determining educational policy on the part of the Federal Government in the city of Chicago?"

Unless somebody can educate me to the contrary, my answer is, obviously, "No."

This is only carrying out a congressional intent.

We ought to make the U.S. Treasury money available to those educators in Chicago who, themselves, are asking for it. This is not being imposed by the Federal Government upon Chicago. It is being requested from Chicago, of the Federal Government.

But let us assume—this is highly hypothetical—let us assume that the Illinois Department of Education says: "We want none of this."

Well, are you interfering with the educational policy if you say that the school board in the city of Chicago thinks this is an emergency need in Chicago and we want the Department to be able to say to the department of education in Illinois: "This much of your plan we are going to approve, but here we think it is good for the whole country to have this experiment conducted in Chicago, and we are going to make the funds available for innovation?"

I am going to say no more. I have just outlined two types of problems to bear upon this subject.

There are other matters which came up in this debate about what I call verbal symbols. People think they are talking about a common meaning and understanding, and they are as far apart as possible. They are using the same words that mean poles-apart differences.

You know me, and if you think I am wrong in my interpretation, in the interpretation I am making, tell me so and straighten me out.

If you think there is any merit in what I say, I wish that you would amplify and correct it.

Let us face it. We have a legislative problem here.

We have to work it out. We have to work out, in my judgment, a sound bill that will give me on the floor of the Senate the necessary votes, and that in the legislative process will give me in conference a basis whereby the House and the Senate can get together.

If you take the two bills as they are presently worded, it seems to me that all we are doing is buying a conflict, much of which we could avoid if we could get our heads together before we get into conference.

I am all through.

Mr. HOWE. Well, Mr. Chairman, let me say that I think that this has been an extremely useful statement of yours and adds to this discussion when many statements and discussions do not add to the subject, but this one certainly does.

Let me make one comment, one or two comments.

I am unable to give as effective a review as you have just done, but I will say one or two things.

FUNDS RECAPTURE DIFFICULT

One: In regard to State plans, I quite agree with the implication of your observation about State plans, that where they can be a workable device, they can result in injustices which can never be gotten back, because although the relationship set up under State plans represent commitments and legal followthrough, the only redress that a person has, as you suggest, when his interests are not met under the State plan, after the money has been spent or improperly spent in a way he had a right to expect, I cite as an example here a difficulty that we confront right now in the administration of a State plan program, the Vocational Education Act under which we make funds available to State plans, to the States.

VOCATIONAL EDUCATION ACT ANALOGUE

The Congress has expressed certain purposes that shall be carried out by the States in the Vocational Education Act.

I have forgotten the number of the listings of these, but there are a considerable number of purposes expressed by the Congress. I believe there are six of them.

PUBLIC POLICY PROBLEMS

The State plans when we receive them reflect those purposes, but as I observe the performances of those States under those purposes, I do not think that the performance, really, lives up to the premises which are named, and the problem of redress is really, therefore, before us. I specifically cite to you, for example, purpose No. 4 of the Vocational Education Act which addresses itself to a person having academic, social, economic or other handicaps that prevents them from proceeding in regular educational programs. I do not think that the State plans as stated—that the States have carried out their obliga-

tions to meet that particular purpose under vocational education as well as they might.

And I will say that we in the Office have not done as well as we should to follow up on that to bring through administrative process good attention to that aspect of the vocational education program, and I intend to see that we do more.

I cite it as an example of the kind of problems that develop on public policy, on the administrative side.

CONSTITUTIONAL RIGHTS PROBLEM

You cite quite correctly, I think, the kind of problem developing on the other side which had to do with the rights of citizens of the United States and raises a constitutional issue.

And I would add to your concern about it, the rights of the people who come from the minority groups, the additional issue that gets into educational legislation about the rights of people who attend private schools, because there are constitutional questions there also.

And whatever we come up with, in working out this legislative arrangement for title III, must pay adequate attention to that.

I know that your subcommittee has heard a good deal of testimony, or at least adequate testimony, on that subject.

Finally, I would observe, in relation to the paradox in the hypothetical situation in Chicago, that, regardless of what curriculum we finally take in operation for title III, I think that we are going to confront that paradox. We confront it now under the existing system.

What we try to do is work out relationships with States in such a way that we will confront it as infrequently as possible; yet, occasionally, we do come to a situation—and when I say "occasionally," I mean in a very small percentage of the cases; less than 5 percent—come to a situation in which our advisers and consultants say: "There is an important program advised by a local school or district that either for national reasons or for the important purposes of this district ought to be funded," and they recommend it.

STATE RECOMMENDATIONS RARELY OVERRULED

Right now when that occasional instance occurs we do have the authority to make a ruling contrary to the recommendations of the State, but I would emphasize that our experiences over 2½ years are one of having fewer and fewer such instances, because of the kinds of relationships that we conduct with the States and because of our efforts to develop in the States, staffs to do the job of really recommending outstanding projects, we are frequently successful with this.

I would expect instances of the kind that you cite an example, a hypothetical example, would continue to diminish and that they would be less of a problem under whatever arrangement is set into being for title III of the Elementary and Secondary Education Act by the Congress.

I might just add one final thought. It may be pertinent, because of the example you gave.

PLANNING COMMENTS

A number of the projects that you saw this morning in that interesting exhibit that we looked at together result from title III.

They come from planning grants made under title III to large cities, to solve their problems, and particularly that very interesting linear education park in New York City; that results from a title III grant.

So, we have good examples right here of the sort of the innovative projects in cities which need to be encouraged.

Senator MORSE. Before we close the record, which will be open for a few days, if you want to file a memorandum dealing further with the issue I have raised, I will be glad to receive it.

I want the record to show that Dr. Alford is here, and Mr. Estes.

You are welcome to file any statement that you wish to file.

Before I call on Senator Kennedy, I have one final question.

BLIND-DEAF FACILITY

I understand, Commissioner, that the Department of Health, Education, and Welfare has been giving considerable thought to a program suggested for blind-deaf children and the like.

Can you give any information to us as to how this program is progressing?

Mr. HOWE. To my knowledge, the plans for it are being arranged so that it will bring into focus services to the deaf and the blind children of the other agencies in the Department of Health, Education, and Welfare which might contribute to the education of such youngsters, and I believe that the suggested proposals are about to come to you.

Senator MORSE. That is my understanding; that is why I raised the question.

I want you to know that Senator Prouty could not be here this morning. I am sorry that he could not be here. He has been very, very active on this committee in regard to the handicapped children problem.

BUREAU OF EDUCATION FOR THE HANDICAPPED

As you know, I have stood shoulder to shoulder with him on this subject. We have had a lot of help from other gentlemen on the subcommittee, including Senator Murphy and Senator Kennedy. It was from this committee that there came my proposal, along with that of Senator Prouty, for the creation of the Bureau of Education for the Handicapped.

May I supplement my first question with this one:

Is it planned that the program that you have in mind will be administered by the Office of Education through the Bureau of Education for the Handicapped, if it is enacted into law?

Mr. HOWE. That is the plan, Senator; yes.

The program that will be suggested to you will be centered in the Secretary's Office, because there may be multiagencies involved in it, but I believe it is the contention to have the major portion of this handled through our new Bureau for the Handicapped.

NEED FOR ADDITIONAL SUPPORT FOR SPECIAL EDUCATION

Senator MORSE. I raised this question because, as you know, rumors do a lot of damage unless they are stopped.

There was a rumor abroad that although we have many outstanding experts in the field of education of handicapped children in the Bureau, that it was planned to have the program for the deaf and blind children administered by others in the Department than those experts in the Bureau.

When I was told that, my first words were that I did not believe the Department would make that mistake, particularly in view of the fact that, as you know, there is a rather strong feeling existing on this subcommittee that we will have to do more than we are doing for the handicapped children. That is why in our debates this year and next in regard to appropriations we will hear much about the views of some of us at least that we do not think that the budgetary plans of the administration are high enough for the benefit of the handicapped.

I feel that I am performing—what should I say—a tremendous service this morning for the benefit of the Department by making this a matter of record.

SUBCOMMITTEE PROCEDURE

Now, I am going to call upon Senator Kennedy to ask the questions that he has but, before I do, I want to say to Mr. Acree, executive secretary of the Georgia School Boards Association, that I am going to have to leave the hearing. I have been called to the floor to be ready to make a report to the Senate concerning the settlement over the weekend by the special presidential board dealing with the railway case. I have been invited to take the floor immediately when the bell rings, and, therefore, I have to do a little mediating with Senator Kennedy and Senator Murphy.

Will it be possible for you, after you have examined the Commissioner, to remain here?

Our last witness is Mr. Acree.

Senator KENNEDY of New York. Could I check with my office first?

Senator MORSE. Yes, sir.

Senator MURPHY. I have to leave at 12 o'clock.

Senator MORSE. I hope that your office will permit it. May the staff get busy immediately and find someone else to come over, because I want to formally close these hearings today.

Mr. Acree comes all the way from Georgia, and he should be heard. His testimony is not long.

I thank you very much.

EVALUATION REQUIREMENT OF TITLE I

Senator KENNEDY of New York (presiding). Mr. Commissioner, may I refer to paragraph 6 of section 105 which states:

> That effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of educationally-deprived children.

You are familiar with that section?

Mr. HOWE. Yes. This is in title I.

Senator KENNEDY of New York. Yes. Could you tell me what progress we are making under that?

Mr. HOWE. I can comment on it, generally.

I would like Mr. Estes to add to my comments.

We have been letting some outside contracts to a number of organizations to go about the business of the evaluation as to objective measurements.

We have also brought together the reports of local school districts and also the reports of the State districts which address themselves to the objective-measurement procedure.

The State of California has done some of this.

Some other States have used similar procedures.

But I would say that our major effort in this regard is with outside contracts that we have arranged or are arranging with such organizations as certain colleges and universities that will help us to provide objective measurements.

I think that to give hard evidence on the effect of the Elementary and Secondary Education Act is going to probably take more time than up to the present. I think everybody wants this sort of hard evidence, some objective measurement as rapidly as possible.

We want it, but putting into being the process of the followthrough with the children so that you get, year after year, clear evidence of change with them, and to have this over a long enough period of time, to make the responsible evidence for the evaluation of a billion-dollar program, possibly, means that it will be some time next winter before we will have some hints for you on this, and into the next year before we have something definite.

ANNUAL EVALUATION REPORT OF 1966

I would like Mr. Estes to say something more about it.

Mr. ESTES. As you know, in our annual evaluation report for 1966, one of the real problems pointed out by the local cities was the evaluation.

The annual report, I think you will agree, that we produced in 1966 leaves much to be desired.

Senator KENNEDY of New York. Yes.

Mr. ESTES. On the other hand, I think that given the fact that we only had 4 months on the average for the operation of the program——

Senator KENNEDY of New York. Only 6 months.

Mr. ESTES (continuing). It was descriptive at best.

And we are in hopes, and we feel from the results of the annual report that have come in thus far from the States, that the 1967 evaluation report will be much improved. We will have much more hard data to provide you as to the evaluating of the programs.

Let me point out that any long-range improvement, really any adequate job that can be done, depends upon our ability to improve the personnel at the local and the State levels to deal effectively with the quality aspects of the evaluation.

Senator KENNEDY of New York. You have people in your office who go around and evaluate the programs that exist in the various States?

Mr. ESTES. We have personnel in our regional offices, as well as in the headquarters office here, that assist the local and State agencies personnel in approving their techniques for doing this job.

Senator KENNEDY of New York. Do you have your own people who evaluate the program?

Mr. ESTES. We have, as the Commissioner pointed out, let contracts with several agencies to assist us with this project.

Mr. HOWE. We do not have an in-house operation, nor do we have a staff, an in-house controlled operation, that would use directly our full-time employees for evaluation purposes.

Senator KENNEDY of New York. You and I discussed this before, Commissioner Howe. But what concerns me is that we put in 10, 15 percent, if we increase the budget of a particular community—and I think that Senator Murphy has talked about this at one of our previous hearings. When we put in 10 or 15 percent more, make that much more money available to any particular community, and in the particular community they just continue the practices that have existed for the last several decades, we are not really improving the education of our children, and we are not really making the kind of progress envisioned by the Congress in passing this bill.

In hearing, Mr. Commissioner, from the various cities, being familiar with the problems somewhat as an individual—and I know other members of the committee are the same way—we have the feeling that if we do just what we have done in the past we will continue to retrogress and not progress very much.

And the only way, it seems to me, in which a parent will learn that his child is receiving the best education or that the community is going to know that the educational system is as good as it might be, is by this provision that we have in the legislation that is going to give some comparison tests, and the only group that can do that is the Commissioner of Education.

Mr. HOWE. Again, that is why we are engaged. I am trying to push this——

Senator KENNEDY of New York. Do you have people who are doing it?

If you are just leaving it up to the States to do it, how can the group in New York that is doing all of the things that have been found to be effective, and successful, all across the country, know about that?

How are they going to know that the Commissioner of Education, in the city of New York or the State of New York, or the State of Illinois, or whatever State it might be, or whatever community it might be, how is he going to know, and how are others going to know, that they are producing an effective education?

Mr. HOWE. We have some special funds from the Congress to do this centrally, as well as in the States and these localities. We have it in the current year's budget. We originally asked for $2 million, and both the House and the Senate have approved $1 million for evaluation purposes.

A significant part of that will be used through contractual arrangements with organizations interested in national evaluation. They are not simply in a local school district.

STATES WITH EFFECTIVE PROGRAMS

Senator KENNEDY of New York. What State, so far, have you found that has a very effective program?

Mr. HOWE. Very few, I will have to say, have effective programs in terms of their evaluation programs. I think that, from what we know now about the effect of the Elementary and Secondary Education Act, in terms of additional services provided to the children, I do not think that you can identify a State that does not have a useful program.

Senator KENNEDY of New York. Which program is the most useful? I mean, is it better to spend the money on television or on teacher aides, school on Saturday, work with the parents?

Has there been any sort of cross analysis of the money, the financial assistance, which is not unlimited—what are the best programs to be put into effect to help the child?

Mr. HOWE. There is no comprehensive cross-analysis picture yet that will answer that question for you or for us.

Senator KENNEDY of New York. Do you have one underway?

PARENTAL INVOLVEMENT

Mr. HOWE. Yes, we have made the judgment that programs which have the characteristic of connecting the schools with the homes more effectively seem to be producing more, and, therefore, we are encouraging the States and the local school districts through the States to invest more heavily in programs of that kind.

We have a new program that has that characteristic built into it, because of the judgment that we made. This judgment has been made by us jointly with the OEO, actually partly as a result of their experience with what seemed to be successful programs in the Headstart operation, where you are able to enlist the parents in the schools, to get them interested in participating in the affairs of the school, and in that you enlist them in their youngster's education, and you get support in the home of what the schools are trying to do. This is one of the directions for which we have reached. I am sure we do not have the authority, nor do we want it, to tell the local school districts exactly what to do. What authority we do have is to let the districts know what seem to be productive procedures..

And on this particular point of connecting the programs particularly for the younger children with the homes and getting the homes involved in the school, we have begun to push on this through dissemination activities that are available to us.

Senator KENNEDY of New York. You also have the authority—really the responsibility—to tell the Congress and, therefore, the people, what programs are effective and what programs are not effective; what areas of the country have an effective education and that which does not.

It seems to me that when you look at the city of New York with some 240,000 Puerto Ricans, and 37 percent went to college last year, you increase the money, the funds that are being spent, you are not going to get very far, even if you increase it 10 or 15 percent, if you are doing the same thing that you have been doing the last decade.

This indicates quite clearly it is not just a question of money, but also a question of the techniques being used.

And there is the fact that only three out of 10 children in the ghetto area graduate from the high school, and they have a 50–50 chance of getting an eighth grade education. Just increasing the money that is spent in those schools is not enough.

That is what concerns me. I think that we can increase the money and that we can put $1 billion or $2 billion into the school program, but unless we know that we have the right kind of program, unless we know that they are the programs that are needed, the money, I think, is wasted.

And the only way that we are going to know that is by enforcement of this section of legislation.

NEW PROCEDURES NEEDED

Mr. HOWE. You and I are in agreement on this, certainly on the point that we need new procedures and not just investments in what we have been doing before, but I would say that you examine the new additions to the school programs that have been made available by this money, you will find a heavy investment in additional services through new personnel in the schools—additional counseling services; additional social workers; additional teacher-aide services resulting, in many cases, in the youngster being in a smaller group and getting more individual attention.

You will find a certain amount of new and different curriculums, particularly in the realm of teaching reading, which is the key area in this whole problem of making the Puerto Rican a better offer.

Senator KENNEDY of New York. When we went around to Rochester, or Los Angeles, or New York, into these various cities, when we traveled around with the poverty hearings, every time you mentioned the educational system the audience booed. There are two things that are really unpopular in the ghetto: one is the welfare system and the other is the education system.

Mr. HOWE. I think that the educational system in the ghettoes has to change, and I think that the program you are putting into being here is in the process of changing it. We can give you information on any city you want to ask about—detailed changes that have taken place as the result of this program which would not have occurred if it had not been for this.

And many represent the newer and better thinking about education.

This does not explain away the fact that the people in the central city are discontented with their schools; that they are frustrated by their schools.

My guess is that over the next 5 years those same discontents and frustrations are going to continue to exist.

In fact, one of the things we are all aware of is the phenomenon, that those frustrations and discontents grow as there is possibility of change, and this is the phenomenon that we see in the cities and have seen during the past summer.

Senator KENNEDY of New York. What I am concerned about is the fact that if we just continue with what we have had in the past, that we just increase the amount of money, that nobody in the city of New York or in the city of Los Angeles or in the city of Chicago or in the city of Atlanta or in the city of Jackson, Miss., will know that their educational system is as good as it might be.

There is no possible way for a parent to know that at the moment. And the only way, it seems to me, that we can learn that and to know that we have an effective educational system is this system of evaluation, and that, really, requires, I think, your own department to go around to the States and to the cities to evaluate this with objective tests and then to report to the Congress that such and such a city is doing a good job, that such and such a State is doing a good job. These are the kinds of programs that are effective. I have not seen anything like that.

Mr. HOWE. There were some questions about my Department entering into the local school system.

Senator KENNEDY of New York. I am not suggesting that. You have the responsibility, under this provision of the bill, to make an evaluation—it is not a question of administering, but you do have the responsibility under the legislation which was passed by the Senate and the House of Representatives to make this kind of report back.

Mr. HOWE. I agree with you, Senator Kennedy. And we are pursuing it.

REQUEST FOR EVALUATION REPORT

Senator KENNEDY of New York. Can we have some tentative report as to what communities from the overall point of view in the educational area have programs that are effective—what States have programs that are effective—and what you have found to be the most effective programs?

Mr. HOWE. Whether we can compare States with each other, I am not sure, because the problems in the States are different. It is a complex business of comparing highly industrialized areas with a rural-area State, not to create a misapprehension.

Senator KENNEDY of New York. It does not have to be that. I would not suggest that you compare them. You would not compare an educational school system within a city with a school system out in the suburbs or in the rural areas, but where there are schools which have, basically, the same kind of problems, which are deemed to be the same kind, you can give an evaluation as to whether the school systems are moving in the right direction.

Mr. HOWE. Yes.

Senator KENNEDY of New York. It says here that is what you are required to do under the law—"that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effec-

tiveness of the programs in meeting the special educational needs of educationally deprived children."

If you look at the legislative intent of that, it is quite clear that is what the Congress intended.

Mr. HOWE. Yes. This is essentially, in the law, the responsibility of the States with the criteria that the Commissioner establishes, and what we have tried to do——

Senator KENNEDY of New York. If you will look at the debate on this thing, at the debate on the floor of the Senate and on the floor of the House, this is not left to the States. This is all left to the Commissioner of Education, and the Department of Education, and they are to report back to the Congress. It is not a report by the States. They can evaluate it themselves. We went into this in great detail. There is no question about it. There is no question about it, that it is the intent.

Mr. HOWE. We have launched national views as the States have given the State's view on evaluation. We will endeavor to do that as rapidly as we can to give you some hard evidence of the kind you are seeking. It is a great mistake, however, to put superficial——

Senator KENNEDY of New York. We are not suggesting that you do that. I am not suggesting that. I do not want to suggest that—that you put out a superficial report. I am suggesting that you give us the information that you have been called upon by the Congress to give. I am not asking you to do that. I did make it clear that it may come from the States. I do think that we are entitled—the people of the country are entitled—the Congress is entitled to determine whether our money is being effectively utilized. That is what I am interested in.

Mr. HOWE. I could not agree with you more about it.

Senator KENNEDY of New York. Whether our children are getting the best possible education. I am not convinced at the moment that they are. You are the one who really can make that evaluation—you are the one who can tell us. Why come in here and have us appropriate all of this money, year after year, and not know whether it is utilized properly? There have been appropriations of millions and millions of dollars. And we do not know whether it is wasted or usefully used. I think that we are entitled to know that.

The legislation specifically authorizes that.

Mr. HOWE. We will have a more sophisticated report as the time goes on. The next one will be better, and the ones after that will still be better. It will have an increasingly hard content of the kind about educational principles related to that.

Senator KENNEDY of New York. I would be interested. I am looking forward to the next report that comes in so that we can make that judgment. Thank you.

Senator Yarborough requested permission to insert figures into the record which came about in his colloquy with Commissioner Howe that he had before.

Senator RANDOLPH (presiding). That will be placed in the record. Thank you, Senator Kennedy.

(The information referred to follows:)

Approved projects, 1st, 2d, and 3d periods, 1966

States	Approved projects					
	Total		Planning projects		Operational projects	
	Number	Amount	Number	Amount	Number	Amount
U.S. total	839	$53,132,458	545	$26,939,146	294	$26,193,312
Alabama	9	824,148	2	68,659	7	755,489
Alaska	3	383,411	1	21,800	2	361,611
Arizona	9	633,808	5	267,060	4	366,748
Arkansas	14	547,609	13	479,209	1	68,400
California	73	5,914,421	46	4,589,689	27	1,324,732
Colorado	16	644,546	14	484,188	2	160,358
Connecticut	12	844,154	8	540,626	4	303,528
Delaware	6	231,762	4	186,580	2	45,182
District of Columbia	1	12,000	1	12,000	0	0
Florida	21	1,560,292	13	425,414	8	1,134,878
Georgia	13	887,945	7	240,244	6	647,701
Hawaii	1	438,234	1	438,234	0	0
Idaho	11	562,184	9	280,755	2	281,429
Illinois	25	2,106,156	17	994,834	8	1,111,322
Indiana	24	1,220,161	13	467,355	11	752,806
Iowa	4	335,200	1	97,000	3	238,200
Kansas	16	962,758	12	352,555	4	610,203
Kentucky	11	512,786	6	154,048	5	358,738
Louisiana	12	1,142,014	5	275,440	7	866,574
Maine	14	385,146	7	109,005	7	276,141
Maryland	12	642,138	12	642,138	0	0
Massachusetts	27	1,297,870	16	609,585	11	688,285
Michigan	30	2,398,650	25	1,311,750	5	1,086,900
Minnesota	29	1,040,277	24	647,707	5	392,570
Mississippi	4	94,255	1	20,540	3	73,715
Missouri	13	1,175,674	8	674,658	5	501,016
Montana	18	426,460	12	309,207	6	117,253
Nebraska	8	870,464	4	364,564	4	505,900
Nevada	2	344,800	1	327,900	1	16,900
New Hampshire	10	439,595	6	181,063	4	258,532
New Jersey	32	2,184,357	13	619,630	19	1,564,727
New Mexico	5	237,922	1	11,600	4	226,322
New York	57	4,543,667	35	2,211,504	22	2,332,163
North Carolina	15	573,878	10	383,977	5	189,901
North Dakota	7	226,407	6	105,407	1	121,000
Ohio	36	2,322,609	24	809,810	12	1,512,799
Oklahoma	16	817,898	11	284,500	5	533,398
Oregon	22	858,696	10	237,801	12	620,895
Pennsylvania	52	3,154,584	40	2,486,078	12	668,506
Rhode Island	12	338,352	7	133,673	5	204,679
South Carolina	11	387,069	5	118,434	6	268,635
South Dakota	0	0	0	0	0	0
Tennessee	6	238,358	6	238,358	0	0
Texas	37	3,960,843	26	1,905,598	11	2,055,245
Utah	15	628,875	10	315,596	5	313,279
Vermont	6	448,568	2	120,648	4	327,920
Virginia	6	464,485	4	190,602	2	273,883
Washington	27	1,281,957	22	708,372	5	573,585
West Virginia	8	562,383	4	48,210	4	514,173
Wisconsin	12	691,780	9	232,380	3	459,400
Wyoming	8	287,154	5	159,463	3	127,691
American Samoa						
Guam						
Puerto Rico						
Trust Territory of the Pacific Islands						
Virgin Islands	1	43,698	1	43,698	0	0

Hold projects, 2d and 3d periods, 1966

States	Hold projects					
	Total		Planning projects		Operational projects	
	Number	Amount	Number	Amount	Number	Amount
U.S. total	285	$37,198,580	137	$10,787,776	148	$26,410,804
Alabama	8	839,000	6	665,000	2	174,000
Alaska	0	0	0	0	0	0
Arizona	1	442,400	0	0	1	442,400
Arkansas	7	2,159,300	5	335,300	2	1,824,000
California	17	2,282,600	5	810,000	12	2,477,600
Colorado	6	827,700	3	219,900	3	607,800
Connecticut	2	100,150	2	100,150	0	0
Delaware	4	198,710	3	163,260	1	34,198
District of Columbia	1	372,000	0	0	1	372,000
Florida	8	734,600	6	385,600	2	349,000
Georgia	7	2,299,800	2	935,000	5	1,314,800
Hawaii	1	1,102,000	0	0	1	1,102,000
Idaho	1	34,000	1	34,000	0	0
Illinois	10	2,030,600	3	184,300	7	1,846,300
Indiana	8	1,073,000	4	264,600	4	807,400
Iowa	4	829,000	0	0	4	829,000
Kansas	3	73,100	3	73,100	0	0
Kentucky	4	835,300	1	15,500	3	819,800
Louisiana	2	293,000	2	293,000	0	0
Maine	1	28,077	0	0	1	28,077
Maryland	5	437,200	3	183,200	2	254,000
Massachusetts	11	528,248	6	295,015	5	233,233
Michigan	15	640,000	15	640,000	0	0
Minnesota	9	308,300	5	150,100	4	158,200
Mississippi	3	178,500	3	178,500	0	0
Missouri	7	339,000	3	115,700	4	223,300
Montana	4	56,800	2	31,800	2	25,000
Nebraska	5	679,500	2	29,600	3	649,900
Nevada	1	35,600	0	0	1	35,600
New Hampshire	5	238,704	3	129,710	2	108,994
New Jersey	9	653,229	3	117,318	6	535,911
New Mexico	5	220,700	1	19,000	4	201,700
New York	19	3,046,559	2	127,260	17	2,919,299
North Carolina	5	474,800	3	109,300	2	365,500
North Dakota	3	372,200	1	69,300	2	302,900
Ohio	10	1,157,600	6	288,300	4	869,300
Oklahoma	5	1,005,300	2	542,500	3	462,800
Oregon	7	634,200	1	23,400	6	610,800
Pennsylvania	10	1,215,128	6	833,688	9	381,440
Rhode Island	3	499,300	2	199,300	1	300,000
South Carolina	5	358,200	2	54,300	3	303,900
South Dakota	5	729,100	3	603,800	2	125,300
Tennessee	4	1,291,900	2	173,900	2	1,118,000
Texas	7	1,536,000	4	611,000	3	925,000
Utah	5	129,800	1	32,100	4	97,700
Vermont	3	114,075	3	114,075	0	0
Virginia	2	521,700	0	0	2	521,700
Washington	4	442,500	1	28,500	3	414,000
West Virginia	5	904,200	2	186,200	3	718,000
Wisconsin	7	851,300	4	422,200	3	429,100
Wyoming	1	22,000	0	0	1	22,000
Trust Territory of the Pacific Islands	1	69,100	0	0	1	69,100
Guam						
Puerto Rico						
American Samoa						
Virgin Islands						

PACE projects approved, 1st and 2d periods, fiscal year 1967

[Dollar amounts in thousands]

State	Total		Planning		Operational	
	Number	Amount	Number	Amount	Number	Amount
Total	212	$16,717.3	66	$3,188.4	146	$13,528.9
Alabama	1	211.7	0	0	1	211.7
Alaska	1	200.0	0	0	1	200.0
Arizona	3	636.2	1	35.0	2	601.2
Arkansas	0	0	0	0	0	0
California	20	1,596.7	3	189.7	17	1,407.0
Colorado	8	520.7	3	89.3	5	431.4
Connecticut	2	32.3	1	22.5	1	9.8
Delaware	0	0	0	0	0	0
District of Columbia	2	52.6	2	52.6	0	0
Florida	3	150.0	0	0	3	150.0
Georgia	0	0	0	0	0	0
Hawaii	0	0	0	0	0	0
Idaho	3	521.6	0	0	3	521.6
Illinois	2	211.0	0	0	2	211.0
Indiana	3	348.0	1	105.8	2	242.2
Iowa	1	83.4	0	0	1	83.4
Kansas	1	19.5	1	19.5	0	0
Kentucky	1	228.6	0	0	1	228.6
Louisiana	3	455.5	1	48.2	2	407.3
Maine	2	51.2	0	0	2	51.2
Maryland	3	146.2	1	44.5	2	101.7
Massachusetts	8	338.6	1	28.7	7	309.9
Michigan	16	2,110.6	1	38.5	15	2,072.1
Minnesota	5	355.6	1	77.6	4	278.0
Mississippi	1	4.3	1	4.3	0	0
Missouri	5	410.3	2	168.0	3	242.3
Montana	3	123.1	1	36.3	2	86.8
Nebraska	1	40.5	0	0	1	40.5
Nevada	4	178.5	1	69.7	3	108.8
New Hampshire	1	23.3	1	23.3	0	0
New Jersey	2	78.2	0	0	2	78.2
New Mexico	2	91.7	0	0	2	91.7
New York	5	262.0	2	88.6	3	173.4
North Carolina	3	345.4	1	21.4	2	324.0
North Dakota	1	28.9	0	0	1	28.9
Ohio	20	2,134.4	7	436.8	13	1,697.6
Oklahoma	5	518.1	0	0	5	518.1
Oregon	6	356.0	3	58.9	3	297.1
Pennsylvania	8	276.1	4	136.2	4	139.9
Rhode Island	2	66.9	0	0	2	66.9
South Carolina	0	0	0	0	0	0
South Dakota	0	0	0	0	0	0
Tennessee	0	0	0	0	0	0
Texas	19	1,173.2	18	1,079.4	1	93.8
Utah	5	492.2	0	0	5	492.2
Vermont	1	11.7	0	0	1	11.7
Virginia	2	58.9	2	58.9	0	0
Washington	9	345.9	2	32.9	7	313.0
West Virginia	0	0	0	0	0	0
Wisconsin	9	640.7	2	42.6	7	598.1
Wyoming	1	34.5	0	0	1	34.5
Virgin Islands	0	0	0	0	0	0
Guam	1	124.2	0	0	1	124.2
Puerto Rico	0	0	0	0	0	0
American Samoa	0	0	0	0	0	0
Trust Territory of the Pacific Islands	1	122.8	1	122.8	0	0
Bureau of Indian Affairs	3	70.5	0	0	3	70.5
Department of Defense	4	435.0	1	56.4	3	378.6

PACE projects on hold, 1st and 2d periods, fiscal year 1967

[Dollar amounts in thousands]

States	Total		Planning		Operational	
	Number	Amount	Number	Amount	Number	Amount
Total	740	$138,079.1	178	$14,004.0	562	$124,075.1
Alabama	16	1,315.1	8	415.2	8	899.9
Alaska	2	153.8	1	22.9	1	130.9
Arizona	5	810.1	1	24.5	4	785.6
Arkansas	7	2,743.2	2	211.2	5	2,532.0
California	62	9,057.3	32	3,895.4	30	5,161.9
Colorado	10	844.4	4	330.4	6	514.0
Connecticut	15	3,259.7	2	147.2	13	3,112.5
Delaware	5	497.5	1	158.0	4	339.5
District of Columbia	5	283.0	4	183.0	1	100.0
Florida	20	4,481.9	4	136.3	16	4,345.6
Georgia	10	3,163.7	3	188.9	7	2,974.8
Hawaii	0	0	0	0	0	0
Idaho	3	169.3	0	0	3	169.3
Illinois	29	5,481.6	6	514.4	23	4,967.2
Indiana	12	3,433.3	1	159.9	11	3,273.4
Iowa	8	1,830.3	0	0	8	1,830.3
Kansas	9	1,499.8	2	42.8	7	1,457.0
Kentucky	5	1,341.7	1	37.7	4	1,304.0
Louisiana	8	1,762.6	1	16.4	7	1,746.2
Maine	11	2,593.1	1	15.0	10	2,578.1
Maryland	12	2,166.3	1	28.1	11	2,138.2
Massachusetts	38	4,519.6	13	507.4	25	4,012.2
Michigan	31	6,977.2	10	734.5	21	6,242.7
Minnesota	19	3,678.6	5	235.7	14	3,442.9
Mississippi	10	844.8	5	188.2	5	656.6
Missouri	16	4,624.3	5	693.2	11	3,931.1
Montana	5	431.5	0	0	5	431.5
Nebraska	4	533.9	0	0	4	533.9
Nevada	5	264.1	2	150.8	3	113.3
New Hampshire	6	692.4	0	0	6	692.4
New Jersey	25	3,032.0	3	128.1	22	2,903.9
New Mexico	8	885.6	1	153.3	7	732.3
New York	40	11,705.3	7	1,509.8	33	10,195.5
North Carolina	20	3,692.2	3	193.2	17	3,499.0
North Dakota	7	671.7	1	21.5	6	650.2
Ohio	26	3,908.4	10	445.6	16	3,462.8
Oklahoma	12	2,138.3	3	121.9	9	2,016.4
Oregon	4	566.3	0	0	4	566.3
Pennsylvania	68	10,402.5	9	533.9	59	9,868.6
Rhode Island	7	487.9	0	0	7	487.9
South Carolina	12	1,423.9	4	476.2	8	947.7
South Dakota	4	499.1	3	295.2	1	203.9
Tennessee	5	2,441.5	1	66.3	4	2,375.2
Texas	28	9,763.1	5	582.3	23	9,180.8
Utah	3	719.2	0	0	3	719.2
Vermont	7	696.8	0	0	7	696.8
Virginia	20	3,676.7	4	168.6	16	3,508.1
Washington	18	3,603.9	3	57.7	15	3,546.2
West Virginia	7	872.7	1	18.5	6	854.2
Wisconsin	18	2,184.0	2	82.4	16	2,101.6
Wyoming	4	409.0	1	10.6	3	398.4
Virgin Islands	1	95.8	0	0	1	95.8
Guam	0	0	0	0	0	0
Puerto Rico	1	4,527.5	0	0	1	4,527.5
American Samoa	0	0	0	0	0	0
Trust Territory of the Pacific Islands	0	0	0	0	0	0
Bureau of Indian Affairs	6	136.5	1	16.7	5	119.8
Department of Defense	1	85.1	1	85.1	0	0

Senator RANDOLPH. I have not had the privilege of being with you during your presentation, and those of your colleagues from the Office of Education, Commissioner Howe. I have not read your statement that has been presented. I will not detain you, except that I want to go back to a subject that, perhaps, you recall my discussing with you several weeks ago.

TEACHERS' STRIKES

You will remember when I asked you what you thought about the teachers striking or leaving their classrooms in our public school system. I asked for your opinion on that subject several weeks ago.

Mr. HOWE. I remember that, Senator.

In response to that question, we submitted for the record—and I believe it was introduced in the record—a response, and I sent along with that just for added interpretation a copy of the speech that I had made to the American Federation of Teachers in Chicago a year ago, expressing some viewpoints about the relationship of the teacher profession to that subject.

Senator RANDOLPH. Commissioner Howe, when I questioned you, we did not at that time have the strikes which we have today among the public school teachers; is that correct?

Mr. HOWE. Yes, sir.

Senator RANDOLPH. Today we have upward of 2 million schoolchildren in our public school system who are not in their classrooms. Do you have any further to add on the subject of the breakdown of the school system?

Mr. HOWE. I think that the only point that I would make is that this is clearly a matter that is going to have to be worked out at the local and, perhaps, the State level. The Federal Government—at least the Office of Education—has no appropriate role in the immediate issues of the teachers' strike. This is a matter of local control of education. The parties engaged in it are local parties, with local concerns.

PROHIBITION OF FEDERAL CONTROL

So, although I have been asked by many people and by the press to take some position which might lead to a resolution of these problems, I think that the position of Congress, already taken for me, is in the Elementary and Secondary Education Act, which says that the Commissioner of Education shall not be engaged in problems relating to the employment of people or the administration of organizations of the public schools. That is a free enterpretation of what it says there, but essentially that is it, so that we have no role in the immediate issues involved in the strikes.

It may be that as you look at the problem that these strikes raise in the long haul, that we can provide some services which will be helpful to the resolution of the kind of issues raised by the strikes, and to a better handling of these issues at the local level.

EDUCATIONAL PROFESSIONS DEVELOPMENT ACT

I would cite, for instance, the fact that the Congress has just given us a new authority to help train people who serve education very broadly in the Educational, Professional Development Act. It is possible that that act might lead to some training activities for procedures and administrators and even, perhaps, for school board members which would help them to handle the policy issues connected to strikes more effectively and with less loss to the schools and, particularly, with less loss to the pupils in the schools.

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So I think that that kind of relationship of ours may be a constructive one which will become a part of the picture in the next year or so, but in terms of the immediate issues in the cities or in the States were these matters are now causing difficulties, we have no immediate responsibility.

Senator RANDOLPH. Now, Commissioner Howe, I thought that perhaps you, personally, might wish to state your feelings today in view of the question that I asked several weeks ago, before the strikes began, and also before you responded to my question, and this response came to me at my office rather than to the committee, and it will be made a part of the record at this hearing. You do prefer teaching as a profession. You do say that; is that right?

Mr. HOWE. Yes, sir.

Senator RANDOLPH. And you have a copy of your speech before the American Federation of Teachers attached.

I appreciate, Commissioner Howe, your response. It is well considered and well reasoned, and I am grateful for it and, also, I am sure that I will be finding material within your speech of approximately a year ago in Pittsburgh as having thoughts that will bear on this subject.

(The material referred to above follows:)

TEACHING AS BUSINESS AND DESIRE,* AN ADDRESS BY HAROLD HOWE II, U.S. COMMISSIONER OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PITTSBURGH, PA.

Honored and flattered though I was to receive the invitation to address you this evening, I do wish it had been extended last year or delayed until next. For our Arabic numbering system confers an almost mystical significance on units of five or ten. Thus the 50th anniversary of anything acquires a more profound meaning than the 49th or 51st, and calls for a greater effort from those assisting in the celebration. For 1965 or 1967, I could have employed this platform to talk about the immediate interests of the U.S. Office of Education. But by the margin of 12 months, I feel called upon to produce some more general sort of wisdom on a subject that directly concerns an organization with your distinctive purposes.

Everyone likes to feel himself qualified to inflict wisdom on his fellows, of course, and I am not immune from this human tendency to regard oneself with awe. But I am inhibited by the conviction that among us tonight sits the genial, gentle, but nonetheless critical shade of John Dewey, one of your first and most ardent members. I must assume that 14 years' residence in that section of Valhalla reserved for teachers has made him lenient in assigning grades.

The great question, of course, is what to be wise about. I take as my theme a term that comes up sooner or later in any gathering of teachers.

That term is "professionalism". Teachers talk a great deal about it, and when they do so, they usually pronounce the word in a yearning, rather wistful way . . . somewhat in the tone used by that gentle giant in Steinbeck's *Of Mice and Men* who was continually asking his eloquent companion to "tell me how it's going to be". In the same way, teachers speak of professionalism as of a condition they will achieve in the future, not of a status accorded them in the here and now.

Two questions come to my mind in regard to professionalism. First, what is it? Second, why do teachers desire it? What I would like to do this evening is offer my own answers to these questions and then suggest how school teachers might achieve this lofty station.

What is professionalism? In my attempts to define this word and determine what distinguishes a profession from a dozen endeavors which employ the term to lend a real or imagined dignity to their advertising, I have settled on four characteristics.

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*Before the 50th annual convention of the American Federation of Teachers at the Edgewater Beach Hotel in Chicago, Thursday, August 25, 1966, 8:30 p.m.

First, a profession must be self-policing. That is, it controls the admission of candidates to its ranks, and it establishes standards by which their subsequent performance is judged. Further, whether directly or indirectly, it helps shape the process by which aspirants to the profession are trained.

The most obvious illustrations of this self-policing aspect are to be found in the medical and legal professions. Doctors and lawyers have a great deal to do with deciding how many years and in what branches of their respective disciplines candidates shall be trained. By accrediting or refusing to accredit law and medical schools, they ensure a high level of instruction and hence of competence on the part of the graduates.

Nor does this self-policing stop when the candidate is admitted to the profession. It continues throughout his career as a doctor or lawyer. Either professional can lose his right to practice if his peers decide that he has seriously violated the canons of their calling.

The central points here are two: first, that admission to the profession depends on the candidate's ability, not his desire; second, that a candidate's eligibility is determined by the practicing members of that profession, not by administrators or managers of any description.

A second attribute of any profession is that it has within and without its ranks a kind of hierarchy by which special competence is rewarded. We can see this in the organization of the typical university faculty, with its ranks of instructors, assistant professors, associate professors, and—at the top—that select group of full professors on tenure.

Here again, it is not the administrators who regulate this hierarchy, but the senior professors themselves. Even though the administration or board of trustees may announce promotions in their own name, their action is based on a faculty evaluation.

Further, a true profession has a hierarchy of service specialists outside its own ranks: the doctor, for example, depends on nurses, medical technicians of various sorts, and student doctors to handle less complex aspects of the healing enterprise so that he can make more efficient use of his professional time.

Third, every true profession has a service aspect. By this I mean a willingness to sacrifice personal reward when necessary to meet human needs. This service aspect is exemplified in the doctor's Hippocratic oath, and in the attorney's self-imposed obligation to provide a defense to the man who can afford it. Without this tradition of service, the very lives of the clergy lose their meaning, even if they fulfill the other requirements of professionalism.

Fourth and most important, every professional is an expert in a distinct body of knowledge which is essential to his work; he understands its fundamentals, perceives its relation to other disciplines, and keeps abreast of advancements in his field of expertise. Usually this professional knowledge is rooted in one or more of the major academic disciplines, to which it returns for support and renewal.

Thus the doctor is a scientist with interests in biology and chemistry; the lawyer lives in a half-way house between the humanities and the social sciences, continually seeking new viewpoints from the historian, the economist, the psychologist, and the political scientist; and the architect dwells in an uncertain world somewhere between science and art, seeking to harmonize the undefinable demands of proportion and form on the one hand with the strict requirements of mathematics and engineering on the other.

I have tried to sketch these four characteristics of professionalism quickly, without filling in the many qualifications and subtleties that should be included. Certainly some members of every profession abuse these qualities which ought to characterize their lives. Yet even they owe much of the respect which society accords them to past and present colleagues who have invested lifetimes of dedication in a common calling.

I admit then, that these characteristics do not inform the life of every self-designated professional. Nevertheless, they seem to me to offer a worthwhile index to the essence of professionalism, and I would like to measure teaching against this four-point standard.

First, do teachers police themselves? Do they decide who shall be admitted to the profession and establish standards of performance?

My answer is no. Admission to teaching requires the approval of administrators of various categories, but rarely that of any members of the profession. Teachers are hired and fired during their non-tenure years by administrators;

experienced teachers make relatively little effort to take the responsibility for deciding what will happen to a novice. The schools delegate these matters to those who have graduated from teaching into administration, and who are somehow thought to have—perhaps because they once did have—a special insight into the abilities of teachers.

It is typical in the United States for new teachers to spend two or three years in probationary status; but is rare for any group of experienced teachers to decide whether the new teachers move from probation to tenure. If teaching is to be a profession, it must define fair and reasonable standards for those who wish to continue as teachers. Further, teachers themselves must enforce these standards.

Next, let us consider the notion of a hierarchy and see to what degree current arrangements in teaching reflect the varying abilities of the people in our schools.

The typical organization of elementary and secondary school teachers opposes the development of a hierarchy. Instead, people move on in lock-step to higher status and rewards. Promotion depends first of all on length of service and—to a considerably smaller degree—on the teacher's level of achievement, performance, or training. After 20 years of teaching, the teacher is likely to be doing the same kinds of things as when he started . . . and often in an identical daily routine that must inevitably stamp out enthusiasm or any hankering to be original. Often enough, in consequence, the teacher does not really have 20 years of experience; he has simply had one year of experience 20 times. In all likelihood, he has been promoted in salary every year or two or three, but such promotions bear little relation to his performance. In a sense, salary raises for teachers resemble birthday presents: they are awarded not because the recipient is necessarily a year better, but mainly because he is a year older.

It seems to me that elementary and secondary school teachers should—as have their counterparts in higher education—grasp from administrators the responsibility for deciding which of their fellows shall be promoted and which shall not. Not only would the possibility for promotion based on ability offer an incentive to the individual of superior abilities; it would also refresh the quality of instruction in a school or school system by maintaining a constant upward flow of the best teachers.

A number of merit-salary arrangements have been proposed in recent years. Almost without exception, they have been rejected by teacher organizations, thus preventing the recognition of what everybody knows is true: that some of our teachers are extremely able, some are good workers doing a solid, creditable job, and others—happily few in number but nevertheless paid at the same level as the best in the profession—are unconstructive time-servers whose fellows have so far declined to pass judgment on them.

Further, the teaching profession has been slow to develop beneath it the layers of supporting service activities it ought to have. Our schools generally employ three types of people: teachers, administrators, and janitors; we have not sought the secretaries, the library specialists, the laboratory assistants, the theme correctors, the audio-visual operators, and all those other auxiliaries who could help the teacher spend more time on teaching and less on paper-shuffling or button-pushing.

Our schools as organized today offer neither place nor opportunity for such specialists, nor do our school budgets provide for their services. I believe this is partly the fault of teachers, for in many cases they have insisted that the only people qualified to associate with children are those with a teacher's training. They have done so, moreover, in the face of a variety of experiments which demonstrate the contrary.

I don't have a great deal to say about the service aspect beyond the fact that teaching has a great tradition in this realm. Indeed, the Nation has abused this tradition; since the days of Thomas Jefferson, it has paid lip-service to the importance of universal education . . . but without demonstrating a corresponding readiness to pay adequately for this service which it proclaims essential. Not only has the teacher sacrificed material rewards, but he has also yielded such other and more important rights as independence and individuality.

Today the American teacher has started comparing society's statements about him with the ways it treats him. As a result, the teacher has begun combining with his fellows to seek economic gains. We all need to understand the reasons for this new militancy, and to appreciate the pressures to which the teacher has been subject in the past.

But we must question the extent to which this valid assertion of teacher's rights can obscure the teacher's tradition of service and foster a neglect of the jobs that most need doing in our schools.

I think, for example, of the seniority arrangements that permit veteran teachers to choose the schools in which they will serve. Such arrangements, though reflecting the maxim that rank has its privileges, almost invariably have the effect of transferring the most experienced teachers from those schools which most sorely need them. The children who are most difficult to serve—those whose readiness for school has been impaired by family background—are regularly confronted by new teachers who have no experience in dealing with learning problems.

Here, it seems to me, teachers must strike some balance between the obligations society has to them, and those they owe society by virtue of the calling they have chosen.

The last question is the most difficult of all: what is the proper relationship of teaching to those central disciplines which will enable members of the profession to demonstrate that their work is rooted in responsible, intellectual concerns?

Too high a proportion of what our colleges and universities have done in the name of teacher preparation or teacher-upgrading is relatively shallow. Frequently it bears little relation to significant elements of the sciences, the social sciences, and the humanities. Somehow we must connect the academic phase of teacher preparation with history, psychology, sociology, economics, law, and a whole variety of other disciplines . . . not because graduates may be teaching one subject or the other, but because any good teacher must broaden and deepen his appreciation of the human condition in today's world.

It is obvious that a teacher working in a specific subject field must have a solid grounding in that subject, and the last 10 years have brought major improvements in this direction. But there has not yet been a similar move to deepen the general education of teachers.

Any person with the courage to enter a classroom—and it takes courage—must have enough personal maturity, emotional balance, and depth of understanding about the world and its human residents to contend with the vast array of differences in every group of 30 young people. In part, these personal qualities can be developed by a breadth of education and experience which present teacher-preparation programs do not provide. Consequently, I believe we must continue to examine the process by which people become teachers.

As we do so, I hope we will recognize that there are a variety of routes to that high responsibility, not just one. Somehow it seems to me that of its nature, teaching requires a less prescriptive background preparation than architecture, medicine, and law. A good many people who do it well never studied how to teach. They started simply as sensitive human beings, and achieved success through the encouragement of a few associates and the instructive process of making mistakes. On the other hand, many teachers need vigorous and regular practice just to achieve a minimal competence; the majority fall somewhere between these two extremes. The requirements which the teaching profession sets for candidates must be revised to reflect the fact that there are several ways to become a teacher.

I come at last to the second of the two questions I posed at the start. Assuming for the moment that the preceding remarks say something pertinent about the nature of professionalism, they still do not explain why so many humans regard it as a desirable condition of their work. Presumably there is something more to professionalism than a simple desire for status; but if so, what?

The answer, I believe, lies in the merit of the work being done by the professional. To a degree, the work is its own reward, quite apart from any that society may confer on him. Thus a fine doctor draws his satisfaction from healing, a fine attorney from seeking justice, and a fine professor from seeking truth and passing on to succeeding generations the knowledge of his kind.

I speak of ideals, and in an age when so many absolute and high-minded notions are tumbling, idealism must always smack of naivete. Yet it is good to speak of ideals now and then.

"Every man has business and desire," Shakespeare wrote. It is the good fortune of the genuine professional to be able to unite his business and his desire in a single, integrated way of life. The genuine professional does not separate the work he must do from the living he wants to do; he does not put up with one to indulge the other. He asserts his identity *through* his work, not in spite of it.

Thus the genuine doctor says, "I heal; that is who I am." The attorney says, "I seek justice; this is who I am." The professor says, "I seek truth; this is who I am."

The rather sudden emergence of teacher militancy on the American educational scene has alarmed some citizens who have in the past viewed the teacher as little more than a passive public servant. Because no teacher can teach others to be citizens unless he is one himself, I view this militancy as one of the most hopeful developments in education today.

Like any other form of power, of course, this one can be abused. In fact I suspect that, like almost every other form of power, this one *will* be abused.

Yet the possibility does not strike me as cause for alarm. The growth of our democracy has been a story of contending powers, and it is time that our schools participated in this splendid quarrel. Until recently, administrators, school boards, and politicians have held all the power; I believe our schools will gain from having this imbalance redressed.

Because of past abuses, economic gain has been the first order of business for teacher organizations. I sympathize completely with the teacher's drive for a larger share of our society's affluence.

But as the AFT moves into its second half-century, I would urge you to seek the professional's habits of life as well as his rewards: a willingness to appraise his fellows and to be judged by them; a personal alliance with significant areas of man's knowledge; and finally, an intelligent dedication to the concept of service.

Such a program will, I believe, move teaching into the ranks of the genuine professionals. It will make teachers members of a faculty, not merely names on a payroll. And it will, finally, give the teacher that personal fulfillment which so many in our society seek and so few find: a unity between the man and his work, between business and desire, that will enable him to say, "I teach; that is who I am."

Mr. HOWE. I might ask, Mr. Chairman, that in response to the request for statements about this matter, I put out a release the other day on the subject which I will be happy to make available to you, if you would like to have it.

Senator RANDOLPH. I would like for it to be made a part of our record at the appropriate place here, and if you will submit it to the clerk of the subcommittee, we will be happy to have it included.

(The release referred to above follows:)

RESPONSE TO SENATOR RANDOLPH'S QUESTION ON THE REACTION OF COMMISSIONER HOWE TO TEACHER STRIKES

Let me say first of all that any commentary on recent teacher strikes by the the Commissioner of Education may tend to put him in the position of catching the cross-fire between the major teacher organizations. While I do not feel it appropriate in my role either to approve or to condemn a particular strike without a full investigation into the causes, I do have a concern that strikes may represent a breakdown in the process of professionalization of teaching. I am not at all certain that the isolated strikes that have occurred have had serious effects upon this process, but I certainly believe that extensive strikes would indicate such a breakdown.

I prefer to view teaching as a profession, and I have explained on another occasion the elements of professionalism as I see them. A copy of my speech before the American Federation of Teachers in Chicago last year is attached. While I recognize that the conditions of teaching in our elementary and secondary schools do not meet the criteria suggested in my remarks, I believe that we should be striving toward them.

On the other hand, I can fully understand the extreme dissatisfaction of many of our teachers with the salaries and the working conditions they confront. As a consequence, I can understand the development of a more militant attitude on the part of teachers toward finding solutions to these conditions. It is also understandable that one of the techniques being tried in achieving solutions is the strike, an instrument commonly employed by labor organizations.

Too often, persons responsible for the support of our schools, both in professional and lay capacity, have provided lip service to the needs of our schools and our teachers instead of showing an effective concern and mustering resources necessary to meet educational problems. While I expect that strikes may occur in the future, I hope and believe that our responsible teacher organizations and equally responsible boards of education will attempt to find solutions which require minimal use of this disruptive technique.

SIDNEY LEVY COMMENT

Senator RANDOLPH. I was reading in the New York Times a comment of Sidney Levy with a principal of a public school in the Bronx, and he said in effect, "Children should be coming to school with ignorance and the feeling of excitement."

Those were his words. "But now those that do come are bewildered and apprehensive."

That concerns you, does it not?

Mr. HOWE. Yes, it does.

Senator RANDOLPH. Then a young man in high school in New York City—I am sorry I cannot recall his name—but he was 17 years of age. He was questioned about the strike, how it affected his school, and he said, in effect, almost these words: "I am neutral about this whole mess," but he did recognize it as a mess. And he said further, "I am interested in graduating on time," so that sort of a statement would concern you, would it not, Commissioner Howe? Both of these statements from the principal and from the student?

Mr. HOWE. Anyone involved in education is going to have some concern about issues that can be raised on both sides of this contention—about the concern of pupils who may be short changed in the immediate present, because of problems connected with the work stoppage, because of the strike, and the concern of teachers who have had inadequate compensation over a long period of time and who have concerns that are in conflict with other interests.

Senator RANDOLPH. We recognize these concerns of the teachers, and properly so. And the Congress in its role has been discharging, I think, an obligation, you would agree, over at least a period of the last 2 years in a very, let us say, affirmative way; is that correct?

GENERAL TEACHERS COMPENSATION NOT ESCA PURPOSE

Mr. HOWE. The action of the Congress in the last 2 years, in bringing about new legislation for the support of education, has done a tremendous amount to give teachers added resources in doing their job, to get teachers in some cases a more manageable classroom situation, and all of that. It has been particularly of help to pupils in certain categories and to certain teachers teaching certain categories of children, but the actions of the Congress in the last 2 years by both appropriations and legislation, have had very little effect, if any, upon basic teacher compensation, because funds made available by the Federal Government are not used for that purpose and may not be legally used for that purpose.

Senator RANDOLPH. May be used for school facilities.

Mr. HOWE. That is what I was indicating in terms of added services and resources available to the teachers, but in terms of compensation

to teachers, teachers' salaries, the Federal Government has not entered into that picture at all, to my knowledge, except in a very minor way in programs in federally affected areas, and that kind of thing, but there has been no program by the Federal Government to contribute to the salaries of teachers, generally.

Senator RANDOLPH. But there have been Members of the Congress who so desired; is that correct? You followed the debate in this matter?

Mr. HOWE. There have been suggestions about this, yes. The present situation is that we largely support the public schools of the United States by the States, and the local school districts, and not by the Federal Government. The Federal Government provides about 8 percent of the annual operating funding of the elementary and secondary schools of the country. The remaining 92 percent comes from State and local sources. And the 8 percent that the Federal Government provides is used for very important, but particular purposes, to accomplish particular ends that are of national interest to the Congress.

Senator Kennedy and I were having a discussion about that previously.

S. 1021 OF 87TH CONGRESS

Senator RANDOLPH. Commissioner Howe, I will stop this line of colloquy now. I do want to remind you that I want the record to reflect that in the first year of the Kennedy administration, in S. 1021, the Senate put its stamp of approval, as you will recall on aid to teachers' salaries. Do you recall that, sir? It was not passed in the House, but that was passed in the Senate. And I would like for the record to reflect that at this time.

I think that parents, all of us—certainly Members of the Congress, are concerned about the closing up of schools. We are very concerned. I have voiced this in many speeches and on many occasions. I do not want to belabor it longer this morning, but there will have to be answers to that. I hope that they will come sooner than later.

I thank you for your attention to my query and discussion this morning.

Senator KENNEDY of New York. I have just a followup on what you were asking, Mr. Chairman. Maybe it will be an answer to a question already presented.

FEDERAL GOVERNMENT ROLE IN TEACHERS STRIKE

Do you feel that there is not anything that the Federal Government can do or that your Department can do in connection with the teachers' strikes in New York City and in other places?

Mr. HOWE. Only in the long-range sense that I mentioned a moment ago, Senator Kennedy, in which certain legislation that we now administer might make sources available which would help the parties on that side, or to other possible issues in the future, to be better prepared and more skillful in reaching solutions to these sorts of things before they become a crisis.

It is possible that the resources in the Educational Development Act

might be used for such purposes. In the immediate crisis at issue, we have no legal role. I would think that questions of opinion on my part, or any other administrative official of the Federal Government would be inappropriate, because they might tend to be viewed in a local controversy, which is not our business as the law is now set up.

Senator KENNEDY of New York. We have involved the Federal Government, as the chairman and all members realize, in strikes around the country. Some of them, I think, are probably a good deal less damaging than this teachers' strike. Would you feel that was, therefore, an appropriate reason for us to become involved in this?

Mr. HOWE. Those strikes to which you refer, did not have any similar complex hierarchy of governmental agencies with which to deal and a clear understanding about constitutional and legal responsibilities for the operation of that hierarchy. In the case of education, you have a clearer assumption and it relates in this provision to the schools only, and it is a local school district's business to operate the schools under that provision.

And the kind of strikes that may occur in industry simply do not participate in the series of assumptions of that kind. So you have a more complex issue in education and more hurdles to get over before you might conceivably have the Federal Government have any role in this situation. I am not questioning that there is a national problem here. There probably is. And it seems to me it might become a subject for a congressional inquiry in the House or in the Senate at some time, to determine whether there is any national action that ought to be taken in regard to it, but at the present time, with the laws that we have and with the understanding that we have, there is no appropriate action by administration officials.

Senator KENNEDY of New York. Thank you.

Senator RANDOLPH. Thank you, Senator Kennedy.

Before we leave this subject, Commissioner Howe, I am sorry to keep so long on it, because I know that there is another witness to come, but Senator Kennedy had indicated the depth of this problem, and I would emphasize the scope of the problem.

EDUCATIONAL MEDIATION SERVICE

I am going to ask you directly, have you given any thought, as the highest school official in our Federal Government—have you given any thought to recommending to the President of the United States, or to the administration, the establishment of a mediation service, under the Office of Education, to be knowledgeable, and perhaps to be helpful in the problem that we are discussing this morning?

Mr. HOWE. Well, I could say that I have thought of that matter, because I have thought of all of the complexities that are involved and I have reached no resolution of it. Were this to become something that would become an issue on this that we would make recommendations on, I think that there would be prior issues about the role of the Labor Department versus the Office of Education and other similar complexities, although I have thought about, I cannot give you any organized result of that thought at the present time.

Senator RANDOLPH. I thank you for your candor, and I think that we are faced with a real crisis here in our educational proceed. I think

it is very real. I do not think that we can lightly consider it, or lightly discuss it. I think it goes to the very heart of our system, because we have been dedicated to the education of our children. I think it is basic in America. And the disruption of the teaching process for weeks at a time, I think, strikes not only at our educational system, but to the body politic of this country.

I am grateful, of course, for this opportunity to discuss it here today, which is not clearly on the subject at issue, but something that is very vital. I am sure that you will have a continuing interest in it, and that also you will provide, I believe, leaderhip in the matter. And the suggestion is simply to further your thinking, as I think you are already thinking on this situation.

I have no further questions. Thank you, Commissioner Howe.

Mr. HOWE. Thank you.

Senator RANDOLPH. Our next witness is Mr. Acree. We are very happy to have you before us this morning. Before you identify yourself, for the record—and the organization that you represent—may I quote from Senator Morse's prepared materials the welcome he would have given you. The chairman intended to say (reading):

> Our wind-up witness, quite properly speaks to us from the standpoint of the citizen who serves his State on the State agency which is charged with the responsibility of determining policy for the schools under its jurisdiction. He will, I know help to make the balanced record that we need to have, particularly in an area of great interest to my colleagues on the Subcommittee, for I understand that he proposes to address himself to the need for certain of the House proposals, concerning the equal applicability of guidelines for the administration of programs throughout the nation. On behalf of my subcommittee I am most pleased to welcome Mr. Jack Acree, Executive Secretary of the Georgia State School Board. He is commended to us by our very distinguished colleague in the Senate, the Senior Senator from Georgia, the Honorable Richard Russell, who, as long ago as last February, urged that we avail ourselves of the point of view he will present.

Please proceed, Mr. Acree.

STATEMENT OF JACK K. ACREE, EXECUTIVE SECRETARY, GEORGIA SCHOOL BOARDS ASSOCIATION, ATLANTA, GA.

Mr. ACREE. Mr. Chairman, I am Jack K. Acree, executive secretary of the Georgia School Boards Association of Atlanta, Ga. I wish to say to you, Mr. Chairman, and each of the distinguished members of this subcommittee that I and those whom I represent, are very appreciative of this opportunity to appear before you in behalf of the biggest, most vital, and most important business in America; yes, the most vital and most important busines in Georgia or in any community in this Nation.

I would have the record show that we are most mindful of your concern for education, whereas in the past we possibly might have appeared to be coming before you to harass you, to make special requests or ask for special favors, which is indeed not the case today. And it will not be the case in the future, I am certain.

You gentlemen of the Congress have, indeed focused the attention of the Nation upon this vitally important business. We come today to exchange ideas and to seek counsel and to report to you as best we can.

I have a profound interest in the Elementary and Secondary Education Act in its entirety, but due to the late hour, and the limited time allotted me, I shall not attemp to make a detailed statement concerning the entire bill. I would like, however, to make two or three observations concerning this bill.

One of the greatest concerns of all of us is that with which you distinguished members of this committee are quite familiar. On the one hand is the fact that some years ago you expressed your concern for and interest in the education of all of the girls and boys in America by appropriating funds to the respective States for the upgrading of educational opportunities for all boys and girls.

Now, in the second instance, we have reached a new level—a new plateau—because you have recognized a very critical need throughout the Nation, which is the handicapped situation that many of our youth have been experiencing. And here, again, you have taken action to try to resolve this problem which I refer to as segregated circumstances, whether they be in the North, South, East, or West.

My concern, and I am sure your concern, is this: that in pursuing the principle of financial assistance for all of our youth which you distinguished Members of the Congress recognized and propose to continue to pursue, on the one hand, and secondly, as you consider the more current issue, we do not lose sight of either but, that we remain consistent, by first upgrading educational opportunities for all of the youth of America; and that, secondly, of course, we take special action where we have special problems—not a preferential basis—nor on any other basis except on the basis of practicality and need.

Another observation that I would make concerning this act is that those whom I represent, along with myself, believe that your efforts—and they are monumental—to assist public school educational systems, should be directed through duly established educational agencies and not agencies foreign to the educational process.

Senator RANDOLPH. Are you referring, let us say, to the Office of Economic Opportunity as against the board of education, or the educational groups that are constituted through elective situations?

Mr. ACREE. Yes, sir. When the Office of Economic Opportunity administers a program designed for educational improvement through any agency other than local boards of education and State educational agencies.

My last general observation has to do with the damaging lag with which I am quite sure you are familiar and which has existed and still continues to exist between the time any one of these fine programs is approved by the Congress and the time that funds are made available for the actual implementation of the program. This lag has caused a state of consternation and has, actually, resulted in irreparable damage to the programs which you have conceived and passed into law, and which you have funded; but I shall not elaborate on that particular point.

I likewise have a very special interest in each of the several amendments. Here, again, I shall not go into details. I do want the record to show that I endorse the essence of the testimony which was made before this committee on August 10, by a delegation from the National School Board Association. I shall address most of my remarks to one

of these amendments. Before so doing, however, I would like to clarify the thinking and the position of many of us with regard to the area of activity to which this particular amendment relates.

SECTION 2 AMENDMENT

I refer, for the record, to the Green amendment in section 2 of the act.

In the first place, Mr. Chairman, I want to assure you that I have not come here today asking for preferential treatment for Georgia or for any other Southern State. It is true that we have been accused of receiving preferential treatment, or to state it differently, it has been said that Georgia and other Southern States have been receiving preferential treatment during the past year. We do not believe this is so. If this is true, we do not ask such for the future. Our problems are a part of the national problem. We want to be treated as a part of the Nation.

Senator RANDOLPH. Do you believe, Mr. Acree, that the guidelines, the criteria, should be the same for all States—is that what you are saying?

Mr. ACREE. I believe that the guidelines and the rules and regulations for all of the States, yes, sir, should be the same. They will vary in application and I have a point to make on the reason why they should vary in a moment.

Secondly, I would stress the fact that those of us who have been outspoken about some of the guidelines and administrative personnel have at no time failed to recognize and respect the law of the land, this law or any other law. Our position has been positive. It has been constructive. Yet our complaints have been legion. We feel, though, that we have been justified in raising questions which indicated complaints. As a matter of fact, I believe that this position of ours, that is, of raising such questions, which have been labeled complaints, has been recognized and accepted by one of our top Department of Health, Education, and Welfare officials, because he said in the September 1967 issue of Southern Education Report that "last year there was a lot of calculated uncertainty. There were different State standards. This year we are using fixed criteria. There's a great deal more uniformity of treatment. We want to be fair."

So now we feel that we are not put in the position of having to substantiate our concerns and our complaints, if you so express them.

There have been problems in opening up the lines of communication. And we appreciate this official's recognizing our position as he did.

I recognize the fact that progress has been made. However, I would be remiss if I did not state very emphatically that we recognize very serious problem areas remaining. Here, again, I can only point the finger at a few of these areas.

POPULATION SHIFT

I refer, in the first instance, to the continuing problems, both in the South and in the North, and in the East and in the West, caused by the shifting of population. Where there was a segregated school, for example, which may be today an acceptably integrated school, tomorrow it likely will be a segregated school. I submit that this continuing shift

in population is a matter over which the local school boards and school officials have no control because we in Georgia must accept the fact, and we feel this is a constitutional fact, that you cannot any more tell people where to live than you can tell them what to buy at a store or whether or not they should vote.

That is their privilege. And, they have an inalienable right to exercise this privilege.

Another problem area, of course, is an area about which we are greatly concerned with and is going to continue to face us. I refer to any effort on the part of anyone to forcefully transfer teachers or pupils into given schools for the sole purpose of meeting arbitrary criteria or established quotas. I do not refer to the transfer of teachers and pupils within the framework of educational programs which are characterized by freedom and a respect for the rights of all concerned and a high resolve on the part of educational officials to provide every boy and girl with educational opportunities of a quality nature. I wish to emphasize the fact, Mr. Chairman, that we have had our complaints—the complaints referred to herein—and we have channeled them through established sources. We have referred them to the officials of the Office of Education.

I have also been personally involved in this experience many times. We have channeled our concerns and complaints to our respective Congressmen. Likewise, we have channeled our concerns and complaints to the National School Board Association. As a matter of fact, just last April we of Georgia, along with a number of other Southern State school board associations, prepared and were successful in having introduced into the Delegate Assembly of the National School Board Association meeting in Portland, Oreg., a resolution which did two things, specifically:

First, we requested that all guidelines, rules and regulations, and criteria be strictly in keeping with the law established by this Congress, or other laws substantiated by legal authorities.

UNIFORMITY OF GUIDELINES

Secondly, we requested that such guidelines, rules, and regulations for school desegregation be applied uniformly throughout the Nation. We were pleased and encouraged by the thinking of the people from throughout America when the delegate assembly approved this resolution by a vote of 87 to 3—only 3 dissenting votes. This leads me directly back to the one amendment to which I want to address myself very briefly, and that is, the Green amendment. It is section 2 of this act.

You are familiar with this amendment, so I shall not take the time to read it.

Senator RANDOLPH. At this point, we will place the substance of the language of the amendment on section 2, as included in H.R. 7819, as passed by the House, and at this point in comments upon the Green amendment, I would like to indicate that the administration comment on it is:

Legislative history indicates that the provision is not intended to affect the substance of regulations or guidelines, and that legal authority means statute, court decisions, and the Constitution, but not administrative rulings or opinions.

I place that language and the administration comments on the language from the House bill in the hearings record as preliminary to what you may wish to say.

Mr. ACREE. I am very happy to have you do so, because I am familiar with that language and accept the full essence of it, because it was not our intent—it is not our intent today to request the National School Board Association, the House of Representatives, or the Senate, to do anything that would detract from the achievement of those high purposes and principles which you gentlemen set forth in the 1964 Civil Rights Act. We are simply continuing our efforts in behalf of the proper interpretation of the provisions of this act and the expected administration of those provisions.

It is hard for us to understand, for example—and I cite this example for the record—how anyone, even with a minimum of education, formal education, or other educational experiences, could misinterprete the crystal-clear language found in title IV, section 401, paragraph B, where desegregation is defined.

So we submit—and I speak for those of us from Georgia—that we find it very difficult to understand how so much confusion could be raised on this one crystal-clear provision.

But at the same time I want to say to you again that we are familiar with and fully agree with the intent of the language of the House as it gave consideration to this particular amendment. The amendment in question embraces the full essence of the resolution which was passed by the National School Board Delegate Assembly. We would simply ask you and the distinguished members of your committee and your colleagues in the Senate to embrace the full import of this particular amendment as you report the bill to the full committee and to the Senate.

I am confident of the fact that there is nothing that would do so much to stabilize and improve the cooperative efforts by all of us throughout the Nation who are dedicated to the improvement of educational opportunities for all of the boys and girls, as to encat into law the provisions of this particular amendment, and that these enactments to be put into practice as they are designed.

In conclusion, I want to say this.

Senator RANDOLPH. At this point, Mr. Acree, I would like to say this. As you know, S. 1125 had no provision on this subject. The House bill, as we know, as passed, does have the amendment which was offered by Representative Green and incorporated in the action of the House. And I can speak only as one member of the subcommittee, but I am sure that other members would so indicate if they were present, that we would give very careful consideration to the substance of the House action, and also we will keep in mind your comments here this morning in reference to this matter.

Mr. ACREE. We respectfully request you to do that, and we are certain that you will do no less. And we are most hopeful that this amendment will become a part of the Elementary and Secondary Educational Act.

FEDERAL CONTROL

I do want to say for the record that many of my colleagues and myself are aware of, and terribly concerned about, our American

public school system as we have known it. We do not stand alone with regard to this concern. The distinguished chairman of this particular subcommittee, in addressing the annual convention of the National School Boards Association in Portland, Oreg., last April referred to this, and I quote:

> I mention these concerns, because I feel that there is a challenge directed against the public schools as we have known them. I am confident that with adequate funding, however, of the new legislation, we will arm you best to meet whatever challenge is given. Let me also reassure you on one point. There will never be Federal control over local schools so long as the Congress is elected by the people who believe, as we do, that educational decisions should be made at the local level, can be made at the local level, and will be made effectively at the local level.

So we have a similar degree of concern about our public school system, and at the same time we have a high degree of confidence in you distinguished gentlemen of this subcommittee and in our Congress, that you will establish whatever safeguards as necessary to defend, preserve, and perpetuate our public school system.

I must also say for the record that we are terribly concerned; as a matter of fact, we are terribly frightened, by the decisions made within walking distance of where I sit, just a few weeks ago.

WRIGHT DECISION

I refer to Judge Wright's decision in Washington, D.C. I submit that Judge Wright has indeed opened some doors which cause tremendous concern and which if these doors are passed through and actions are taken, will indeed, threaten our American public school system as we have known it. Judge Wright of his own admission becomes involved in areas in which he had, nor should have, any concern. He admits that these are areas for educators, sociologists, and politicians. I make particular reference to the area of policymaking. I do hope that every consideration is given by the proper authorities to this particular decision, because I feel if it is not repudiated it will continue to build resentment, confusion, bewilderment, and subsequently distract from the splendid programs which are being devised, for the improvement of educational opportunities for the boys and girls, while at the same time preserving the fundamental principles and precepts of our American public school system with major emphasis upon the local control.

Our schools today, have two particular responsibilities such as they have never had before. It is hard for me to understand how the public school system which has done such a tremendous job in providing the basic elements for the development of our society and this Nation of people, the lack of which history does not recall—how such a public school system can be so attached—how it can be so castigated, and what can be so terribly wrong with it?

Some of the things which we are talking about are typical of our American society—our American way of doing things—and we must be patient with it. I do not want to see it thrown overboard, because it does not overnight comply in a completely satisfactory manner with all of the immediate needs and demands produced by this highly complex society in which we are living. But the American school system which we appreciate and which has brought us to where we are——

Senator RANDOLPH. Where are we?

Mr. ACREE. If I may just state this, we are enjoying the greatest prosperity, the greatest respect, the greatest status than any people ever experienced in the history of man.

CRIME RATE

Senator RANDOLPH. And the greatest crime rate.

Mr. ACREE. That is another characteristic of our American way of life, but one which we should resolve. And if you should eliminate that, you would take all of the people off the streets.

Senator RANDOLPH. You recognize, Mr. Acree, that crime is running at the rate of 18 percent more in the first 6 months of 1967 than in the like period of 1966 in the United States of America?

Mr. ACREE. May I, by way of contrast, call attention to an article in Reader's Digest. I cannot cite the exact issue. I believe this reference was to one of the European countries, possibly Sweden—a country that is possibly one of the most highly regimented. This particular article points out the delinquent crime rate, the equivalent of which there is no record, certainly, in the democratic world as such. So I do not know what the solution is. I do believe, though, that——

Senator RANDOLPH. Do you think that education can answer this?

Mr. ACREE. I think that education is, basically, the approach, and can be the solution to most of our national problems. But this on a democratic basis, retaining and preserving the public school system as we have know it. I believe that no one except the public school system throughout America has the responsibility of preserving and perpetuating the principles, the precepts, the ideals, which have made us a great nation.

And, lastly, our public school system has a solemn responsibility for nurturing and cultivating the boys and the girls of America who, indeed, are the only real national resource we have.

I want to thank you, Senator Randolph, for this opportunity to appear before this subcommittee. I am not going to presume upon you, sir, to continue my remarks, as much as I would like to. I am going to stop at this point. And if there are any questions that I can attempt to respond to, I will be happy to do so. Thank you very much.

Senator RANDOLPH. Your entire, complete statement will be made a part of the record at this point.

(The prepared statement of Mr. Acree follows:)

PREPARED STATEMENT OF JACK K. ACREE, EXECUTIVE SECRETARY, GEORGIA SCHOOL BOARDS ASSOCIATION, ATLANTA, GA., ON BEHALF OF THE GEORGIA SCHOOL BOARDS ASSOCIATION

I am Jack K. Acree, Executive Secretary of the Georgia School Boards Association.

Mr. Chairman and distinguished members of the Committee, I want to thank you for providing me with the opportunity of appearing before you today.

I want the record to show that I and those whom I represent are vitally interested in each and every provision of the Elementary and Secondary Education Act for 1967. If time permitted, I would comment in detail on these provisions. I do want to make a few specific observations concerning the nature and purpose of the bill.

First, I would urge you to so perfect the bill as to provide the maximum assistance possible to all the boys and girls of America. To continue the practice of

allotting huge sums to 'segregated' groups for *any reason* is inconsistent with the spirit and practical approaches to upgrading educational opportunities for all our youth.

Secondly, I want to underscore the necessity of appropriating funds called for by the several provisions of the bill in such a manner as to avoid the frustrating and damaging lag between the time the programs are authorized and the time when funds actually become available for the full implementation of each program.

My last observation is not intended to detract from the merits of the bill under consideration and the necessity of expediting its passage by Congress. I do want the record to show, however, that I and all of those with whom I am associated fully endorse and look forward to the day when general aid to education will supplant the complexity of categorical aid—categorical aid, I might add, which has been hastily provided to meet crisis after crisis during recent years. I am firmly convinced that the time has arrived for you and your fellow Senators to consolidate the present fragmented program of financial assistance to states and local school systems. This fragmentation—based largely, it would seem, upon ad hoc decisions made under the pressure of the moment—has served to scatter moneys broadcast. This experience ought to be basis for establishing a complete financial assistance program that will be streamlined so as to be effective today as well as tomorrow in providing general aid to every school system in America.

I am keenly interested in several of the amendments to the original bill which are currently receiving your careful consideration. Specifically, I want to be recorded as endorsing the testimony before your Committee by a delegation from the National School Boards Association on August 10, 1967, concerning the following amendments: Comprehensive Planning and Evaluation Grants; Title III of ESEA; Public Housing Amendment to the Federally Impacted Areas Program; Late Funding of Title I of ESEA; Five-Year Extension and Full Funding of ESEA; and Uniform Administration of Guidelines and Regulations. Of particular concern to me and those whom I represent is the Green Amendment concerning Administration which is Section 2 of the Act. Before addressing myself to this particular amendment, I wish to clarify the attitude and position of those of us who have been forthright in our expression concerning the widely publicized area of activity to which this amendment relates. We have been misunderstood and subjected to considerable criticism because of our honest reactions.

In the first place, I want to assure each of you that I am not here today to ask for "preferential treatment" for the school people of Georgia and other Southern states. And I must insist that we have not been receiving preferential treatment in the area of school desegregation, despite the fact that one top HEW official is quoted in the September 1967 issue of "Southern Education Report" as saying that we have been receiving this type of treatment in Georgia and throughout the South.

It is quite true that we have had and still have problems which require special attention. These problems, however, are not exclusive to the South. Our problems are national problems. They have been inherited from generations of Americans who have furnished the dedicated leadership for making the United States the most proud and prosperous nation in the world.

It should be evident that these national problems demand much further thought and probably will take many generations into the future to completely resolve. All states throughout America ought to receive equal treatment from Federal officials as they attempt to resolve these problems.

We haven't tried to cover up or gloss over our part of the national problems in Georgia as some would allege. We have furnished all requested data and attempted to keep all lines of communication open between ourselves and the Federal Government. This does not appear to be true in other parts of the country, however. The HEW official referred to above is quoted in the same publication as having said that thirty-three states apparently refused to cooperate in a recent survey conducted for the purpose of finding out the extent of school desegregation. These states have not been afflicted by the desegregation guidelines. They should have nothing to hide. The survey was conducted by a reputable national firm. Yet the desegregation "census" came up with nothing. The results were meaningless. Our dedicated board members and school officials in Georgia have provided all the facts—freely—no matter what the personal consequences or the distortion of Georgia's image throughout the nation.

I repeat, we do not want or request preferential treatment. We merely continue our plea for understanding, realistic assistance, and the elimination of those practices which would undermine or otherwise weaken our public school systems and thus deprive our youth of the very benefits you dedicated gentlemen have so laboriously striven to provide them.

In the second place, my personal position and that of the Association I represent is and always has been one of respect for the Civil Rights Act of 1964. We have never suggested or advocated non-compliance with a single provision of this or any other law. We have and shall continue to seek out, however, the exact intent of the Congress which enacted the law. Furthermore, we have and will continue to object strenuously to interpretations, unrealistic policies, administrative acts, and rules and regulations which are obviously in conflict with the provisions of the law and with the spirit of those Americans who structured this historic piece of legislation.

We find it impossible to understand how anyone with a fair degree of literacy can misinterpret the clear language found in Title IV, Section 401, paragraph B, of this law which reads as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Yet we find this paragraph interpreted to mean this and this and this. We feel the same way about the wording found in Title VI, Section 604. The explicit and implicit meanings seem clear, but many readers obviously see all sorts of ambiguities while others see statements there which do not in fact exist.

We resent being criticized and chastized for our position with regard to such specific provisions of the Civil Rights Act—particularly so in view of the fact that our circuit courts, top HEW officials, and our knowledgeable and respected Congressmen cannot in many instance agree on interpretations of the provisions.

Yes, gentlemen, our complaints have been legion where interpretations, policy statements, and administrative acts relating to or stemming from these two provisions have been involved. We have resisted arbitrary interpretations of the legal provisions; we have resisted unrealistic policy and guideline statements; we have resisted the use of woefully incompetent personnel in administering the process of desegregation; and we have strongly protested the utter confusion and detrimental effects all of these elements have wreaked upon our several school systems.

And yet, as I speak to you this morning, school board members and responsible school officials throughout the nation are asking themselves what future confusion and detrimental effects are to come as a result of a recent court case decided within walking distance of this building. I refer to Judge Skelly Wright's decision of June 19, 1967, in which he has added a completely new spectrum of issues to the already bewildering process of school desegregation. You can find the full text of this decision and newspaper articles interpreting it in the Congressional Record for June 21, 1967, at page H7655 through H7701. Judge Wright in that decision dealt not only with the subjects of non-discriminatory student and faculty assignment—subjects with which a court might properly be concerned—but he went far beyond these subjects and far beyond even the HEW Guidelines, and actually interfered with the educational process itself, by outlawing any grouping of students according to intelligence and/or achievement levels. In other words, Judge Wright deliberately substituted his judgment for that of professional educators and school officials on a purely educational matter—although admitting that this was an area alien to (his) expertise.

While Judge Wright states that his decision is not binding outside his court's jurisdiction, it very clearly posed fundamental questions about *who* establishes goals and policies for our schools. The question of "broader educational goals" referred to by Judge Wright suggests that local boards of education are not capable of establishing policies and programs for their own systems. And while he is quick to point out—apologetically, I might add—that he really did not wish to be involved in matters that educators, social scientists, and politicians ought to resolve, Judge Wright has nevertheless rendered a decision with far reaching and adverse-educational consequences for us all unless it is repudiated.

Let the record show that I and my co-workers have and shall continue to take strong issue with anyone and everyone who even suggests that schools will be built for the primary purpose of social and economic integration.

Fortunately, I do not have the burden of substantiating many of our concerns and justifiable complaints. Responsible officials have acknowledged and presumably accepted the responsibility for many damaging practices. Mr. Peter Libassi, Secretary Gardner's special assistant for civil rights, is quoted in the September 1967 issue of Southern Education Report as saying:

> Last year there was a lot of calculated uncertainty . . . There were different state standards. This year we're using fixed criteria. There's a great deal more uniformity of treatment. We want to be fair.

Mr. Libassi is further quoted as saying ". . . that it was a mistake to unleash 100 Northern law students upon Southern school districts during the summer of 1966." And quite significantly, Mr. Libassi says that the Federal government won't order busing. Possibly the most pertinent statement credited to Mr. Libassi in this particular publication, however, is the one wherein he recognizes ". . . a mandate that Congress wants something done in the North."

The indication of a more reasonable attitude on the part of HEW officials regarding guidelines for school desegregation and their application is certainly based upon bitter past experience. If however, the reasonable approach includes—as Mr. Libassi suggests—equal application of the guidelines in the North as well as in the South—then things will have improved considerably from what they have been in the past.

There are other evidences that improvements are being made in several of the areas of concern referred to above. However, we in Georgia and elsewhere throughout the South have many related problems yet to be resolved. The maximum degree of patience, understanding, and realistic action by both Federal, State, and local officials—working together—is essential for the orderly and constructive resolution of these problems. It is with this point of view that we welcome the fifty members of Mr. Libassi's civil rights compliance staff to Atlanta on October 1. I wish to cite a few of the more crucial problems which they should study carefully and on which they might prove to be of invaluable assistance:

1. The failure by responsible officials to recognize the fact that every school system differs socially, economically, and politically. Common sense dictates that the arbitrary application of percentages or quotas to all systems alike is folly and will continue to cause irreparable harm to the educational process.

2. The difficulties involved in attempting to achieve acceptable compliance in areas, particularly urban centers where the population is shifting in such a manner as to create *de facto* segregation, in spite of anything local school boards might realistically do to stop such movements. Obviously, gentlemen, you cannot dictate to people where they will live anymore than you can tell them where to work.

   In one large Georgia city, for example, there is the prospect of having a completely Negro school population within twenty years. Similar situations have faced many Northern cities during the past several years.

3. The forceful transfer of both pupils and teachers from one school to another for the sole purpose of meeting arbitrary percentage figures or quotas. Such ill-advised transfers cannot help but have traumatic consequences for the students and teachers involved. Sociologists and psychologists are presently conducting studies on the impact of these forceful transfers. Their findings should be very pertinent. Let the record show that I do not make reference to assignments and/or transfers made within a professional framework characterized by a respect for the rights and welfare of everyone involved and a resolve by responsible school officials to provide quality educational experiences for all children in keeping with the provisions of the Civil Rights Act.

These, gentlemen, are but three of the many administrative problem areas before us today. These areas of concern face school boards throughout the United States. As civil rights compliance teams go out across our nation, they are not finding any easy solutions. What is to be feared as a result of a continuation of short-view enforcement procedures, however, is the loss of local school board autonomy. In this connection I would like to share with you some pertinent remarks made by your distinguished chairman to some 10,000 school board members attending the annual convention of the National School Boards Association in Portland, Oregon, in April of this year as he referred to education bill brought to the floor of the Senate:

> In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or state agency, or require the assignment or transportation of students or teachers in order to overcome racial imbalance.

We of Georgia and the other Southern states have directed our complaints through well-established and highly respected channels. We have consistently communicated with officials of the Office of Health, Education and Welfare. Many of these officials have been invited into our states to discuss these problem areas with responsible officials. We have kept in close touch with our Congressmen and provided them with objective and well-documented information. We processed a resolution embracing some of our major problem areas through the National School Boards Association annual convention in Portland, Oregon, in April, 1967. The following resolution was adopted by the delegate assembly of this outstanding national organization by a vote of 87–3:

> The National School Boards Association believes guideline statements for school desegregation should be in keeping with the intent and provisions of the Civil Rights Act of 1964 and should be uniformly applicable throughout the nation.

We were greatly encouraged when Congresswoman Edith Green proposed an amendment to the Elementary and Secondary Education Act as it was being considered by the House of Representatives which embodied the full essence of our resolution. We were highly pleased when the House approved this amendment by an overwhelming vote. The amendment found in Section 2 of the Act is a follows:

> Rules, regulations, guidelines, or other published interpretations or orders issued by the Department of Health, Education, and Welfare or the United States Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of programs authorized by this Act or by any Act amended by this Act shall contain immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

I respectfully request you, the distinguished members of this Committee, to include this amendment as part and parcel of the Elementary and Secondary Education Act bill as you report it out of your Committee.

There is near unanimity among local board members throughout the nation that all policy statements and rules and regulations devised for use in implementing the desegregation of schools should and must be in strict adherence to the provisions of the Civil Rights Act of 1964. It must be obvious to everyone that this accomplishment will contribute more to an orderly and effective achievement of the basic objectives of the Civil Rights Act than any other one thing. Furthermore, there is similarly strong sentiment among school board members throughout the nation that the uniform application of all guidelines and regulations concerning school desegregation is in keeping with the intent of the members of the Congress which formulated and adopted the Civil Rights Act of 1964. This uniformity of application will indeed be a long step toward stabilizing and strengthening our combined efforts of guaranteeing every boy and girl in America quality educational experiences.

I feel that I would be remiss if I did not say that those of us burdened with the day-to-day implementation of the several pertinent provisions of this particular law expect and have full confidence that you and your fellow Congressmen will take such action as is necessary to clarify and emphasize its objectives for the courts, HEW officials, and State and local school officials throughout the nation.

In conclusion, again I want to quote your distinguished chairman as I reemphasize our profound concern about our uniquely American public school system. Senator Morse stated during his address in Portland last April:

> I mention these concerns because I feel that there is a challenge directed against the public schools as we have known them. I am confident that with adequate funding, however, of the new legislation, we will arm you best to meet whatever challenge is given. Let me also reassure you on one point. There will never be Federal control over local schools so long as the Congress

is elected by the people who believe, as we do, that educational decisions should be made at the local level, can be made at the local level, and will be made effectively at the local level.

I submit to you that a public school system which has in such a short time provided the essential elements for the development of the greatest nation in the history of man cannot be so terribly bad as to justify the castigation and threatened destruction to which it has been subjected in recent years. Furthermore, I submit that each of us has the responsibility of making it possible for this unique school system to preserve and perpetuate the principles, precepts, and ideals of our great nation. This can be done as, and only as, our only real national resource, our boys and girls, is nurtured and developed to the highest possible degree.

I close by respectfully requesting you and your fellow Senators to establish every possible safeguard to insure the continuing improvement of our public school system with emphasis on the principle and practice of local control of the respective school systems. You may rest assured that you will have the full support of your constituency throughout the length and breadth of our nation as you do so. I have full confidence that you will do no less.

Thank you!

Senator RANDOLPH. You have been very forthright. We are interested in your comments. As stated, your statement will be included in full in the record.

You have stressed many points that we will find of interest as we close the hearings of the subcommittee on S. 1125 and H.R. 7819.

We will adjourn these hearings today. We are going to continue to have the record available for insertions that might properly be made. I presume that the staff has received certain material that we have asked for, or certain material to supplement statements that have been given. There are also colloquies that have taken place that are partially completed, and we will allow for those to be brought into context. I think that I will say that we will continue to have the record open until the close of Senate business on Monday, September 25, 1967.

Thank you, Mr. Acree, for your very helpful testimony. With this, we stand adjourned.

At this point in the record, I order printed prepared statements and pertinent material subsequently supplied for the record.

(The material referred to above follows:)

RELIGIOUS ACTION CENTER,
UNION OF AMERICAN HEBREW CONGREGATIONS,
Washington, D.C., August 15, 1967.

Re S. 1125, Elementary and Secondary Education Amendments of 1967.

Hon. WAYNE MORSE,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SIR: In connection with Hearings presently taking place on the above bill, enclosed is a statement of the Commission on Social Action of Reform Judaism, dealing with aspects of federal aid to non-public schools.

We should appreciate it if you would incorporate this statement into the Record of the Hearings of the Education Subcommittee.

Thank you for your attention to this matter.

Very truly yours,

MARVIN BRAITERMAN.

PREPARED STATEMENT OF MARVIN BRAITERMAN, COUNSEL, COMMISSION ON SOCIAL ACTION OF REFORM JUDAISM

This statement is being submitted on behalf of the Commission on Social Action of Reform Judaism, a joint instrumentality of the Central Conference of

American Rabbis and the Union of American Hebrew Congregations. Other national agencies which are members of the Commission on Social Action are the National Federation of Temple Sisterhoods, the National Federation of Temple Brotherhoods, and the National Federation of Temple Youth.

We submit this statement so that the record may clearly reflect the position of our organizations on federal aid to education:

(1) That we favor federal aid to public education, and, insofar as the Elementary and Secondary Education Act of 1965 has made contribution to that cause, we support its continuation and strengthening;

(2) We continue to have grave reservations about federal aid to sectarian private schools and, to the extent that the 1965 Act has involved public funding of such schools, we are concerned that traditional values have been harmed and pressing social problems have been exacerbated by the operation of the Elementary and Secondary Education Act.

In previous testimony on the 1965 Act before both the House and Senate committees concerned with this legislation, we expressed similar positions, and the record of this Committee should reflect the continuation of problems arising out of the granting of public funds to church-related schools. We expressed earlier, and now reaffirm, our belief that such programs violate the separation of church and state. The administration of Titles I, and II, and III of the 1965 Act are such that *de facto* violations of the First Amendment are commonplace. Public funds are being spent in such a way—for so-called remedial assistance under Title I, for libraries and instructional materials under Title II, and in supplemental educational programs under Title III—as to increase our conviction that this is a program of questionable constitutionality and unsound as a matter of public and social policy.

We continue to be troubled by the failure and refusal of some proponents of private school federal aid, both in the Congress and outside, to take the bona fide and necessary steps to insure the constitutionality of this legislation, both as to its words and its application. We have in mind the absence of judicial review of the constitutionality of federal aid to sectarian schools. In this respect, it should be pointed out that the Senate, both in the 89th and in this 90th Congress, passed judicial review legislation. (The current bill on that subject is S. 3.) However, judicial review legislation has not been enacted at this writing, because of failure of the House of Representatives to take up the matter. In the meantime, cases have been filed by taxpayers, in which the government defends the federal programs, not on their merits, but merely on the jurisdictional basis that the plaintiffs have no standing to sue to call into question the constitutionality of federal expenditures. We continue to be puzzled by this. If the Congress is certain that the existing legislation is constitutional, why has the House resisted assuring judicial review? If the executive departments of the government are so sanguine as to the constitutionality of particular programs, why has the government consistently defended these cases other than on their constitutional merits? If our fellow citizens who favor parochial school aid are sincere in their insistence on maintaining the separation of church and state in spite of such aid, why have they not supported judicial review as an appropriate safeguard for constitutionality?

Fortunately, amendments and extensions of the Elementary and Secondary Education Act are before Congress now, well in advance of the time when action is required. Therefore, it is our suggestion that passage of the current bill be linked in some way with action in the House on judicial review legislation. Or, at the very least, judicial review provisions should be written into the current bill with reference to aid to education as such.

In addition to the failure to conform this legislation to the separation of church and state, we also continue to be concerned with the impact on public schools of private school support with public funds. There is increasing evidence that the public financing of private school systems has had a deleterious effect on public schools. This negative impact on public schools was one of the arguments presented in opposition to private school aid, both by persons speaking out of concern for church-state separation and by persons speaking out of concern for the public school as such. Our own testimony in 1965 expressed both concerns. We are now confirmed in our views with reference to the impact on public schools by the 1967 report of the U.S. Commission on Civil Rights, entitled "Racial Isolation in the Public Schools" (sometimes referred to as the Coleman Report). That report ascribes stratification and racial isolation in the public

schools of central cities to two factors: residential segregation, which, incidentally, we also oppose; and "private and parochial school enrollment which is overwhelmingly white . . . a significant factor in the increasing separation of white and Negro school children." (Report, p. 31, note 50, which points out that in 1960 non-white pupils in non-public schools numbered only 140,529 out of over 4 million on the elementary level, and only 44,308 out of more than 1 million pupils in secondary schools.)

The report therefore is clearly correct in its conclusions with reference to non-public schools: (Report, pp. 38–39)

"Private and parochial school enrollment also is an important factor in the increasing concentration of Negroes in city school systems. Non-public school enrollment constitutes a major segment of the Nation's elementary and secondary school population. Nationally, about one-sixth of the total 1960 school enrollment (Grades 1 to 12) was in private schools. In metropolitan areas the proportion is slightly higher, and divided unevenly between city and suburb. Nearly one-third more elementary school students in the cities attend non-public schools than in the suburbs. Almost all of them are white. In the larger metropolitan areas, the trend is even more pronounced. As Table 8 shows, a much higher proportion of white city students than white suburban students attend private and parochial elementary schools. Nonwhites in these metropolitan areas, whether in cities or suburbs, attend public schools almost exclusively.

"Thus nonpublic schools absorb a disproportionately large segment of white school-age population in central cities, particularly in the larger ones. This poses serious problems for city school systems. In St. Louis, for example, 40 percent of the total white elementary school population attended nonpublic schools in 1965; in Boston, 41 percent; in Philadelphia, more than 60 percent."

This causes us to recall our own testimony in 1965 on this subject, wherein we then said:

"Another factor largely overlooked in the consideration of this legislation is the relationship between segregation of a racial and economic character—and private education. America is now striving to achieve two great objectives—equal rights and opportunities for racial minorities, and higher quality of living for the economically and culturally deprived. It should be frankly stated that many of the parents who now send their children to private and parochial schools do so in order to remove the children from the neighborhood public schools which have heavy concentrations of nonwhite minority groups.

"Since Title VI of the Civil Rights Act of 1964 does not preclude religious discrimination, there would be a great temptation for parents in the South and in the major urban areas of the North to send their children to already existing or newly established sectarian schools—and thereby to avoid the integrated schools, or schools with large numbers of economically and culturally deprived children. Under present conditions, parents have the right, if they so desire, to provide a private education for their children at their own expense; but they should not have the right to a private education in a segregated school at public expense. How ironic it would be if Federal aid to education became an instrument for subverting the purposes of the Civil Rights and Economic Opportunity Acts."

We recognize the good faith in the area of civil rights and integration on the part of most private schools and parochial school systems which are not intentionally segregated. However, the facts have to be looked squarely in the face. A large part of the reason for *de facto* segregation in metropolitan school systems resides in the exercise of the option that parents have to put their child in non-public schools with few or no non-white children. This is not to say that parents should not have that option, but the government should not contribute to the cost of the option. We do not favor the elimination of nonpublic schools. *But we do oppose public financing of nonpublic schools as yet another factor contributing to racial segregation and isolation.* Regardless of government pronouncements and government action in other areas, public funding of private schools, which show a much higher rate of segregation than their public school counterparts in the same places, is an affirmative, albeit unintentional, subsidy of racial segregation. The continuation and expansion of private school aid under this Act will therefore continue to compound questionable constitutionality with unquestionable justice.

In this connection, it is interesting to note the situation in New York State, illustrating the inter-relationship between the problems of constitutionality and support of public education inherent in the issue of government aid to parochial schools. The New York case seeking to test constitutionality of federal programs

under the Elementary and Secondary Education Act, which has foundered at this writing over the question of "standing to sue," is sponsored jointly by the United Parents Organization and the National Congress of Parents and Teachers—organizations primarily concerned with problems and issues of education and support of public schools—and by the American Civil Liberties Union and the American Jewish Congress—organizations which have been concerned with church-state issues as a matter of constitutional law and public policy.

Elsewhere in New York, there is a major and serious controversy over the nature of the state constitutional provision to be included in the new New York constitution on the subject of state aid to religious schools. The *New York Times* supports a continued constitutional ban on such aid. The reasoning of the *Times* reflects the inter-related nature of the church-state and the racial-urban problems in this issue, as can be seen from this statement in its editorial entitled "Keep Church-State Separation" (August 14, 1967):

A supportable compromise as suggested by Max J. Rubin of the Board of Regents, would be to retain the present ban but allow pupils in religious schools to take part in programs "conducted on public school premises, by public school personnel, under the control of public school authorities." To go beyond this would, in our judgment, *erode a cardinal American principle at the same time that it undermines the whole public school system by accelerating the out-movement of white, middle-class children into private schools.*" (Emphasis supplied.)

PREPARED STATEMENT OF DAVE MCCURRACH, EXECUTIVE VICE PRESIDENT, NATIONAL SCHOOL SUPPLY & EQUIPMENT ASSOCIATION, CHICAGO, ILL.

Mr. Chairman and Members of the Subcommittee, my name is Dave McCurrach. I am Executive Vice President of the National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Illinois. I am pleased to present this testimony on behalf of NSSEA on a subject of pressing national importance—the expansion of educational opportunities for our young people.

The National School Supply & Equipment Association is a national trade association, now in its 51st year. Our membership is comprised of over 400 companies engaged in the manufacture and distribution of school supplies, instructional materials and equipment. Our members produce and distribute items of educational or health value (except textbooks) which are sold to the schools of America. Our members manufacture or sell a wide variety of products, and here is just a sampling: chalk, art materials, maps, educational toys, school stationery, seats and chairs, desks and tables, furniture and equipment for science laboratories, home economics, cafeterias and libraries; gymnasium, athletic and playground equipment, and a wide variety of audio visual equipment.

Collectively, NSSEA members have thousands of salesmen in the field calling on schools on a daily basis. There is therefore considerable inter-action between our member companies and the schools of America, and many of the officers of these companies are former schoolmen.

Probably no single circumstance in the more than fifty years of NSSEA's existence has had a greater impact on education or on NSSEA member companies than the enactment of the Elementary and Secondary Education Act of 1965. Since purchasing decisions under the Act are made locally, it is difficult if not impossible for me to relate to you in dollars and cents the extent of the increased demand generated by this law. But it has most certainly been substantial. During the first year alone under Title I, more than 20% of available funds was spent on educational equipment. Not surprisingly, this increase in demand has brought with it some problems, both for the schools and for our industry.

Our association is acutely aware of these problems and of the need for better communication concerning them. In this connection, we were privileged to host a full-day meeting on June 20 in Washington. It was attended by Office of Education personnel and by spokesmen for major business and trade associations serving the school market. This, to our knowledge, is the first such meeting, and we deem it significant that this diverse group found sufficient community of interest to make such a meeting worthwhile. It is our hope that similar gatherings may be convened at useful intervals in the future.

Problems of mutual concern arising under the Elementary and Secondary Education Act were explored. Two of these appear worthy of mention here:

(1) *Lateness in Delivery.*—Certainly this Committee is aware of the prob-

lems created for the schools by the late distribution of funds under ESEA. You will recall that President Johnson made special mention of this in his Education Message in February. When funding levels are not known until the middle of the school year or later, little teacher-hiring, for example, can be done. Project planning and implementation then tend to be done on a crash basis.

Less is known, however, about the problems this lateness poses for business. Under Title I, a program may call for the purchase of equipment. If orders are placed late in the year, they will reach the offices of school suppliers and manufacturers in the spring and summer—historically their busiest seasons. The result, not surprisingly, is that deliveries sometimes cannot be made on time. Consequently, educational programs suffer. One answer, of course, is an expansion of business facilities so that increased demand can be met more easily. Many businesses are doing this. But with the uncertainty surrounding available amounts of money—uncertainty compounded by late notification—this expansion becomes a risky undertaking.

NESEA supports efforts to streamline this authorization-appropriations-fund allocation cycle. We commend and support your Committee's efforts to expedite this process. In this regard, we would commend to your attention Section 107 (b) (1) of the House-passed bill (H.R. 7819). This provision would keep the low-income factor under Title I at $2,000 until such time as appropriations are sufficient to satisfy the grants otherwise authorized by the formula provisions. This provision of the House bill, we feel, would tend to speed up the administrative process of calculating state-by-state allocations, and hence to speed up distribution of funds to the States. We would certainly favor any provision having this salutary effect on program planning and implementation at the local level.

(2) *The 10% Equipment Expenditure Limitation.*—On April 14, 1967, the Office of Education issued a memorandum to Chief State School Officers on the criteria to be used in appraising Title I projects. One of the criteria read as follows:

"*VII. Expenditures for construction or equipment will be limited to the minimum required to implement approvable Title I activities or services.*

"The only justification for expenditures for construction or equipment is that they are required in order to implement a project, service or activity . . .

". . . *Only under the most unusual circumstances should the total cost for equipment and construction be allowed to exceed 10% of total project cost.*" [Emphasis supplied.]

As can well be imagined, there was a good bit of confusion generated by the 10% criterion quoted above. As a result, the Office of Education issued a clarifying memorandum on April 24. The second memo pointed out that:

". . . the 10% figure should not be interpreted as setting a fixed minimum or maximum on expenditures for construction and equipment. Obviously all expenditures for equipment and construction must be justified on the basis that they are required to implement a particular project. . . ."

I mention these memoranda here not to indicate our agreement or disagreement with their substance, although we have grave doubts whether Congress intended to exclude or so limit the purchase of equipment in an otherwise approvable Title I project. I mention the situation primarily because it represents a serious absence of effective communication between the U.S. Office of Education and those businesses which serve the school market. The limitation, as originally proposed could have seriously affected business planning. Clearly, an item of this significance should have been brought to the attention of affected business interests prior to its publication. But such was not the case. In fact, several business groups—as I understand it—learned of the April 14 memo only by accident, and after the fact.

Mr. Chairman, I cannot stress too strongly the importance of government communication with us prior to the issuance of major pronouncements affecting our business. To illustrate, one distributor of school supplies, relying apparently on a trade journal's estimate of funds to be disbursed under Title I, leased additional warehouse space to stock a larger inventory. This in order that the expected increase in business could be handled more efficiently. The memoranda referred to above were then issued by the Office of Education. We do not yet know how this 10% limitation will affect this supplier, but on the face of it his decision to increase capacity may look rather unwise. Sudden announcements of major significance by the Office of Education are not helpful to the school supply and equip-

ment industry. More important, they are likely to have an adverse effect on education program planning and operation at the State and local level. This none of us wants to see.

We have discussed this problem with the Office of Education and we are hopeful that in the future the business community will be given timely notice of significant policy changes. However, clarifying amendment to the Elementary and Secondary Education Act could eliminate the necessity for such administrative guidelines. A clarification would help everyone understand the intention of Congress with respect to the purchase of equipment under Title I of ESEA.

For instance, as mentioned above, the Office of Education takes the position that Section 205(a)(1) permits expenditures for the acquisiton of equipment, only when such equipment acquisition is *part* of an otherwise approvable project. We had thought from reading the law and its legislative history that the purpose of the language regarding equipment purchases in Section 205(a)(1) was to make clear that a Title I project could consist entirely of the purchase of equipment if *such purchase was, in the particular instance, meeting the overall purposes of Title I.* We had not thought Congress intended to exclude projects which consisted wholly of equipment purchases, nor had we thought that such administrative limitations would be consistent with what we regard as the central purpose of Title I—maintaining the flexibility needed to meet the special educational problems of disadvantaged children.

Accordingly, we would suggest a clarifying amendment to Section 205(a)(1), and to the other Sections in Title I containing similar language, so that Section 205(a)(1) in pertinent part would read:

". . . payments under this title will be used for programs and projects (including *those consisting in whole or in part of* the acquisition of equipment, and where necessary, the construction of school facilities . . . [etc.]" [New wording italicized.]

This amendment would make it clear that Congress did not intend to exclude programs or projects consisting in whole or in part of equipment purchases—as long as such programs or projects are consistent with the purposes of Title I.

Mr. Chairman, the NSSEA is grateful for this opportunity to present these observations on behalf of our membership. We hope the Congress will approve the recommendations we have made to you.

Thank you.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
Washington, D.C., August 17, 1967.

Hon. WAYNE MORSE,
Chairman, Subcommittee on Education,
Senate Labor and Public Welfare Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR MORSE: The American Association of University Women would like to be included in the record of the hearings in support of the Elementary and Secondary Education amendments of 1967. As you and many members of the Committee know from our many appearances before your Committee the AAUW is staunch in its belief in the importance of adequate, or better still, liberal funding for the nation's public schools. We believe Federal sharing of financial support is the only way in which this funding can be obtained.

The Association continues to support assistance programs for disadvantaged children. We are gravely concerned that less than 15 percent of the disadvantaged preschool children in the nation have been reached by the Headstart Program and that even fewer (we've heard the figure one-tenth) are reached by any kind of "follow-through" programs. We are concerned that when these disadvantaged preschool children reach the elementary school they are now faced with a situation in which social workers, guidance counselors and librarians and the teachers, who are needed to give them the special supportive environment they should have, if they are to reach the level of educational achievement of which they are capable, are in short supply.

We believe notable and innovative progress has been made so far under the relatively small Teacher Corps Program and are of the opinion that under expansion the Teacher Corps would prove increasingly effective.

We in AAUW have been concerned for many years that Indian children be given equal educational opportunities and welcome any efforts in that direction.

We also wish to express our approval of efforts to assist the education of the handicapped.

It is our belief that if we are to resolve the problems to which we have just referred, specially trained personnel must be provided. These individuals must be trained to meet the health, nutrition and social work needs of these disadvantaged children just as teachers must be trained to meet their need for specialized teaching.

In our experience the text books, library, and other instructional materials which have been provided under the Elementary and Secondary Education Act have proved a boom in every state of the Union to schools who in the past have been woefully short of these materials. We regret that the authorizations under Title II are not larger. In line with our earlier recommendation for multi-year authorizations we also advocate extension of this title through 1969 in order that school may plan their purchasing to the best advantage.

We have spoken to this Committee in the past of our interest in improvements in teaching and educational programming. We believe the supplementary educational centers and services provided for in Title III will make the development of new techniques and model programs possible.

It has been the position of the Association for many years that a critical link in the nation's school system was the state agency. Therefore we welcome the attempt to strengthen this link which is to be found in S. 1125.

As we have said to this Committee in other years, in our estimation, one of the most critical problems facing our schools under programs providing Federal assistance is the uncertainty, the inability to program effectively which every school administrator faces each year because he hasn't accurate information about his resources for the coming year. This problem is created, as every member of this Committee knows by the fact that enactment of authorization and appropriation legislation so often occurs substantially after the beginning of the school year and certainly months after the planning has been done for the school year for which the appropriations are made. We sincerely hope this Committee will find some solution to this problem which we believe to be particularly troublesome at the elementary and secondary school level.

Dr. VICTORIA SCHUCK,
Chairman, Legislative Program Committee.
Dr. LOIS ROTH,
Area Representative, Education Legislative Program Committee.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., May 25, 1967.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: This is in response to your letter of May 1, 1967, in which you requested information pertaining to disasters which occurred in individual school plants. We are sorry that the reply has taken so long, but this Office does not collect data regarding damage to school facilities caused by fire or other catastrophies, and it was necessary to review outside sources. We found very little data available from any source regarding damage to school facilities by fire, flood, wind, etc., except those reported in major disaster areas. We did, however, find a listing maintained by the National Fire Protection Association (NFPA) and reported in summary form in the May issue of their magazine, "Fire Journal," which bears on the questions you asked. This is a list of those school plants that sustained damage due to fires in which the loss in each case was in excess of $250,000. The list for the 1966–67 school year is enclosed. The total loss for these 17 buildings is reported to be more than $8 million, and it is estimated that the school facilities housed more than eight thousand pupils. This is all the information that is currently available.

In earlier years, the NFPA collected and published data on all fire losses which occurred to educational buildings. The organization has since limited their data collection. According to the latest published figures on all school fires (Fires and Fire Losses Classified, 1963, (NFPA, Q. 57–2), Boston; National Fire Protection Association), school property losses amounted to $32,800,000 in 4,500 fires

that occurred during the 1963 school year. These figures may be interpreted as an average of 12 fires per day with daily losses amounting to roughly $90,000 because of fire. From another point of view, the equivalent of approximately two classrooms, having about 50–60 pupils, were damaged or destroyed each day during 1963 by fire. We have no information to indicate the extent to which these losses were covered by insurance.

The Division of School Assistance, as you know, administers Public Law 81–815, which authorizes assistance for construction of urgently needed minimum school facilities in school districts which have had substantial increases in school membership resulting from new or increased Federal activities. This Division has over the past 15 years received numerous inquiries from the local educational agencies and members of Congress and others about the possibility of aid being given to local educational agencies where a school plant has been damaged or destroyed by fire. As no assistance was available for these types of catastrophies, the Division did not maintain a record of the inquiries. It is estimated, however, that during any one school year the volume of such requests averages more than one per week. We also believe that these inquiries are only a representative sample of school districts across the Nation in which school facilities were destroyed as a result of individual disasters.

Although the Office of Education has not in the past maintained a file of information or data concerning major losses to school facilities by fire and other disasters, I am requesting that the feasibility of collecting such information be studied by the appropriate groups within the Office. It might be feasible to collect pertinent data on a periodic bases (i.e. annually or biannually).

I trust that the information contained herein will provide some assistance to you.

Sincerely yours,

NOLAN ESTES,
Associate Commissioner for Elementary and Secondary Education.

Enclosure

Large school fires, 1966

Name	Location	Date	Estimated amount	Estimated enrollment
McDonough No. 26	Gretna, La	Jan. 8	$401,000	500
Junior High School	Otsego, Mich	do	600,000	(1)
Dawson County High	Glendive, Mont	Feb. 5	700,000	800
Roosevelt	Council Bluffs, Iowa	Feb. 14	417,000	600
Cascade Union High	Turner, Oreg	Feb. 19	513,000	500
Senior High School	Warner Robins, Ga	Feb. 27	900,000	1,000
Central Junior High	Lima, Ohio	do	450,000	1,400
Junior High School	Long Branch, N.J	Mar. 8	312,000	(1)
Central High School	Fargo, N. Dak	Apr. 19	788,000	1,000
Central Linn High	Halsey, Oreg	Apr. 26	275,000	500
Pilgrim Memorial	Wareham, Mass	July 7	250,000	(1)
Benjamin Parker	Kaneoke, Hawaii	Aug. 1	308,000	(1)
School District No. 455	Granada, Minn	Sept. 19	648,000	400
Public School No. 11	Jersey City, N.J	Oct. 3	750,000	(1)
Wyomina Park	Ocala, Fla	Oct. 7	575,000	600
Geoff-Hilton	Zillah, Wash	Oct. 8	300,000	500
Alta S. Leary	Warminster, Pa	Dec. 28	450,000	(1)

[1] Not available.

STATE OF MONTANA,
SUPERINTENDENT OF PUBLIC INSTRUCTION,
Helena, Mont., July 10, 1967.

Hon. LEE METCALF,
U.S. Senate, Washington, D.C.

DEAR LEE: With further reference to our letter of June 15, we are now able to confirm the observations we made with respect to the allocation of Title I ESEA funds for FY 1968.

We have just received from the U.S. Office of Education notification of the resolution continuing Title I ESEA programs together with a grant award in the amount of $2,806,091 for disadvantaged children for Montana and preliminary estimated amounts for all states based on both the $2,000 and $3,000 low-income levels.

Comparisons of the amounts for the various Title I programs are as follows:

Program	Fiscal year 1967	Fiscal year 1968 $2,000 low-income level	Fiscal year 1968 $3,000 low-income level
Disadvantaged	$2,993,356	$2,806,091	$2,933,996
Handicapped	104,374	93,769	64,567
Juvenile delinquent	10,208	27,244	18,759
Dependent and neglected	5,935	15,839	10,907
Migrant	102,932	273,862	188,576
Administration	75,000	75,000	75,000
Total	3,291,805	3,291,805	3,291,805

On the basis of these figures, school districts would lose $59,360 or $187,265, depending on which low-income level is finally accepted, for the disadvantaged children's program in FY 1968 as compared with FY 1967.

Additionally, the state institutions for the handicapped would lose $10,605 or $39,807.

These reductions would be due primarily to the substantial increase, $85,644 or $170,930, for the Migrant Children's Program.

Sincerely,

HARRIET MILLER,
State Superintendent.

STATE OF MONTANA,
SUPERINTENDENT OF PUBLIC INSTRUCTION,
Helena, Mont., April 5, 1967.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR LEE: Many thanks for your letter of March 15 concerning the Elementary and Secondary Education Amendments of 1967. I am pleased to learn that Senate Bill 1125 includes a number of the items mentioned to you in my March 7 letter, and appreciate having an opportunity to comment further on three of the proposed amendments.

National Teacher Corps

The proposed amendments to the Teacher Corps Program, including a requirement for approval of applications by state agencies, appear to be steps in the right direction. However, the inclusion of this program as Part B of Title I of the Elementary and Secondary Education Act, and the apparent lack of provision for reimbursement to state agencies for any costs associated with the approval of applications, should be clarified. The proposal that this program be incorporated as a part of Title I suggests that state agencies may be required to use allocated Title I administrative funds for approving Teacher Corps applications.

The potential of this program can be more fully realized if state agencies have an important leadership role in the program with adequate provision for state agency administrative costs. Apparently, according to the proposed amendments, such reimbursement may be possible if the state agency undertakes the training of Teacher Corps members, but not otherwise.

Despite the proposed increase to $150,000 for state administration of the Title I program, and in view of the actual administrative costs of operating Title I, we would be reluctant to accept the added Teacher Corps work load if a commensurate increase in the state administrative funds for this specific service were not provided.

Title V, Elementary and Secondary Education Act of 1965

While the use of the proposed formula for the allocation of Title V funds to states would not be as beneficial and equitable to Montana and other states with similar problems as the formula proposed in our March 7 letter, it certainly would be far more acceptable than the present distribution.

We are in accord with the principles involved for the establishment of Comprehensive Planning Grants under Title V. We are, however, deeply concerned about two aspects of this proposal.

The first aspect relates to the inclusion of the field of higher education in this Title. Higher education has, over the years, received proportionately more

federal assistance than elementary and secondary education. It is our candid opinion that any references to higher education should be deleted from the title so that funds allocated for comprehensive planning would be devoted primarily to elementary and secondary education planning.

The elimination of higher education from this Title V amendment would not preclude state agencies wishing to consider the total educational picture from entering into contractual arrangements with higher education institutions for the comprehensive educational planning envisioned by the amendment.

Should Congress desire to provide for similar planning in higher education, it would seem feasible that an appropriate amendment be made to the Higher Education Act.

A second aspect of concern is the proposal that such Title V Comprehensive Planning rant applications would be submitted to the chief executive of the state for review and recommendations. Such a provision would be tantamount to usurping the legal authority and responsibility of the State Superintendents of Public Instruction and the State Boards of Education in a number of states such as Montana. This proposal is not, to our knowledge, contained in any other federal legislation respecting elementary and secondary education, and would establish a precedent, contrary both in spirit and intent, to many existing programs and State Constitutions. We can see no valid reasons for inserting this provision in the legislation.

As you know, varying laws in the several states delegate responsibilities for education to the Superintendent of Public Instruction, the State Board of Education, or the Chief Executive, or a combination of two or there of these offices. This is a matter which, in the past, has been determined by the states themselves and, we believe, such determination should continue to be a state responsibility. For these reasons, we urge that the responsibility and review be left with the appropriate state education agency.

Sincerely,

HARRIET MILLER,
State Superintendent.

STATE OF MONTANA,
SUPERINTENDENT OF PUBLIC INSTRUCTION,
Helena, Mont., June 14, 1967.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR LEE: We should like to draw your attention to a matter of increasing concern respecting legislation for Title I of the Elementary and Secondary Education Act.

For fiscal years 1966 and 1967, Montana received the following allocations for Title I programs:

Program	Agency	1966 allocation	1967 allocation
Disadvantaged children	School districts	$3,756,470	$2,993,356
Handicapped children	State institutions	138,235	104,374
Juvenile delinquents	do		10,208
Dependent and neglected	do		5,935
Migrant children	State program		102,932
Total		3,894,705	3,216,805

The $3,216,805 figure for FY 1967 was based on the rate of spending for FY 1966. Once this figure was determined, the allocations for handicapped, juvenile delinquents, dependent and neglected, and migratory children's programs were subtracted, leaving $2,993,356 for allocation to school districts for the disadvantaged children's program, the major purpose of Title I ESEA in FY 1967.

We are now informed that, under proposed legislation, Montana will not receive less than $3,216,805 for Title I programs for FY 1968. However, we are also informed that, through a revision of the formula, it is planned to allocate more funds for juvenile delinquent, dependent and neglected, and migrant children's programs in FY 1968. For example, one U.S. Office of Education official has advised us that the FY 1968 allocation for the migrant children's program may exceed $330,000.

If this is correct, and if we assume there will not be a substantial increase in the total state allocation for Title I, there will be considerably less money to allocate to school districts for the disadvantaged children's program in FY 1968.

The following figures illustrate the possible result for FY 1968 as compared with the previous allocations for the disadvantaged children's program:

Fiscal year	Amount of allocation	Decrease
1966	[1] $3,756,470	
1967	[1] 2,993,356	[1] $763,114
1968	[2] 2,750,000	[2] 243,356

[1] Actual.
[2] Estimate.

The estimate of $2,750,000 for disadvantaged children for FY 1968 is determined by using $3,216,805 as the minimum allocation for Title I and subtracting therefrom the estimated $330,000 for the migrant children's program and making allowance for a further reduction because of similar potential increases in the juvenile delinquent and dependent and neglected children's programs.

Such a procedure would result in our school districts receiving less money, for the second consecutive year, for programs which now occupy positions of significant importance in district programming.

On the other hand, let us assume there will be a reasonable increase in Montana's allocation for Title I programs for FY 1968. Latest information suggests the possibility of approximately $3.6 million or $3.7 million, based on the $2,000 or $3,000 low-income factors respectively. If we accept the $3.6 million figure, there would be an increase of approximately 4% in the disadvantaged children's program for FY 1968, as compared with FY 1967, or a decrease of approximately 17% for FY 1968 as compared with FY 1966.

In all these computations it should be pointed out that, by virtue of amendments to the law, approximately 80 school districts, not eligible for the disadvantaged children's program in FY 1966, became eligible in FY 1967, and will no doubt be eligible in FY 1968. This factor has, of course, had the effect of further reducing the allocations for the school districts which were eligible in FY 1966.

The proposed amount of $330,000 for the migrant children's program represents a potential expenditure of approximately $200 per migrant child in a 4 or 6 week summer educational program for FY 1968. In contrast, for the FY 1966 the average expenditures per disadvantaged child in summer programs for the nation and Montana were $87.39 and $91.03 respectively. It is interesting to note the highest cost per disadvantaged child in FY 1966 was $185.49 for Alaska.

The information in the preceding two paragraphs is based on:

1. ESEA Title I Program Information #58 from the U.S. Office of Education indicating 1,662 migratory children in Montana for FY 1966; and
2. Notes and Working Papers Concerning the Administration of Programs Authorized under Title I of Public Law 89–10, Prepared for the Subcommittee on Labor and Public Welfare, U.S. Senate, Chapter 5, Table 9, page 898.

It is our considered view that the subject of migrant children's program should be carefully reviewed. We believe there is a place for such a program. We do not believe, however, that an inordinate emphasis should be placed on this program at the expense of others.

I should appreciate your usual careful consideration of this matter.

Sincerely,

HARRIET MILLER,
State Superintendent.

STATE OF MONTANA,
SUPERINTENDENT OF PUBLIC INSTRUCTION,
Helena, Mont., March 7, 1967.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of March 1 in which you enclose a copy of the President's Message respecting health and education.

I am in accord with many of the recommendations he has outlined in his message for the improvement of existing programs and also the recommendations for new programs.

Many of the observations we have expressed from time to time concerning the Elementary and Secondary Education Act appear to be incorporated in the President's Message.

Briefly, I would like to summarize some of the major revisions which I think should be made to improve some of the existing programs:

1. Title I, Elementary and Secondary Education Act of 1965

a. Early appropriation of funds. Only this week we are in the process of making final school district allocations for the current school year in which less than three months of school remain. It is not possible for school administrators to plan effectively under such circumstances. It would be reasonable to expect early appropriations of funds for 1968, perhaps no later than May, in order to permit school administrators to make timely commitments for school personnel to be employed in the Title I program for the next fiscal year.

b. Additional administrative funds. Experience has proven that a program of this magnitude and scope cannot be administered properly on an amount of $75,000 per annum for state agency work and responsibility. We understand the U.S. Office of Education is supporting a technical amendment to the law providing a minimum of $150,000 for state agency administration, and we are heartily in accord with that proposal.

2. Title III, Elementary and Secondary Education Act of 1965

We are not satisfied with the present mode of operation of the Title III program which infringes on the responsibilities of the state educational agency, resulting in a duplication of effort and a lack of coordination and direction. We strongly urge measures to strengthen the role of the state agencies in the Title III program, including a provision for state agency administrative funds. Such changes would afford the state agencies the opportunity to provide leadership and needed direction in the planning, approval and funding processes of the program.

3. Title V, Elementary and Secondary Education Act of 1965

We believe that revisions in the present formula are required to provide a more equitable distribution of Title V funds to state agencies for the purpose of strengthening the state leadership resources. In this regard, we favor amendment of the present formula to maintain 45% on a flat grant basis and 55% on the basis of relative pupil population for all funds alocated under Section 502, with an additional provision of a floor of $100,000 per state, to be achieved before any money is distributed on the basis of relative pupil population.

4. National Teacher Corps, Title V, Part B, The Higher Educational Act of 1965

With our state agency resources spread so thinly, over state and federal programs, it is not possible for us to give the voluntary assistance and to exercise the role expected in the National Teacher Corps program. Consideration should be given to amendment of the law to provide funds for state agency administration of the program with provision also being made for state agencies to exercise a greater leadership role than is presently the case. We consider the program one of merit with great potential which cannot be realized until provision for state agency administration can be made for Montana and other states with similar problems.

5. Title VI, Elementary and Secondary Education Act of 1965

Once funds have been appropriated for this program, we anticipate an even greater shortage of professional personnel in this area. For this reason, we support and encourage all efforts which may be made by the Congress to implement the President's recommendations for recruiting personnel to work with handicapped children.

I trust these views and observations may be helpful.

Sincerely,

HARRIET MILLER,
State Superintendent.

(Whereupon, at 12:55 p.m., the subcommittee adjourned subject to the call of the Chair.)

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