

Dr. MATTHEW. Does this have to do with the way the Office of Education is set up and the relationship between sections of the Office of Education so when proposals are being considered under title I, II, or III, there is an opportunity for a check with the compliance records at the Office of Equal Educational Opportunities?

Is this generally done? We were recently informed the Office of Education had difficulty with this kind of communication.

Mr. HOWE. I could never argue the Office of Education doesn't have difficulty with communication. Any large organization does and we do. We do have a regular process for informing ourselves. I think the best example is title III. The projects which are proposed to us are first of all being proposed by people who are in compliance under the Civil Rights Act, not out of compliance. This check automatically takes place as part of our projects and information flows back and forth between the Office of Education and the Office of Equal Opportunity with regard to grant making under title III and Dr. Harris, I think, has a well-working piece of machinery.

Under title I you have a somewhat difficult situation as the State comes in as the party making the award. It has already declared to us that it will make awards in conformance with the policies and regulations for title I. There is no regular prior check of title I projects in the Office of Education nor could there be as the act is written and as the staff of the Office of Education is set up. It is a decentralized program.

It seems to me that the ultimate check that we have here on this kind of problem is with the audit. Our title I projects are ultimately audited to see that funds have been properly spent within the policies of the Federal Government. We have used, upon occasion, the early scheduling of an audit when we were concerned about the nature of a title I project or even administration of title I projects generally within a State.

Dr. MATTHEW. Is it possible to have a school district applying for title II and title III funds to be considered as being in compliance by having submitted a form, which form has been filled out by the school district but has not been checked by the Office of Equal Opportunity?

Mr. HOWE. This is possible during an interim period. For example, a school district which as of May 6 submitted a form 441-B indicating they intended to abide by the school segregation guidelines have only begun to have their actual performance under these guidelines checked right now.

Dr. MATTHEW. In the meantime, could they slip in their proposals for titles II and III and get funded before the check for compliance with the civil rights guidelines?

Mr. HOWE. Conceivably, yes; because we operate on the principle that people are generally innocent until proved guilty and compliance indicated in good faith should be accepted by us in good faith until there is some evidence to the contrary. So we accept the submission of a proper form 441-B as indicating compliance until such time as performance by the school district can be checked through its report and through our visits to the district, should the reports indicate that visits are necessary.

Dr. MATTHEW. Would you need more staff in the Office of Equal Opportunity so you could check more compliance forms?