

Mr. SCHEUER. Thank you.

Mr. GOODELL. I am interested in the testimony as to how you are utilizing the funds, Dr. Marland, in giving service to the private schools. This was a major point of debate in our deliberations here and in the floor debate.

In addition to the colloquy mentioned by my colleague, Mr. Scheuer, I asked the question of our present chairman whether this would permit public school teachers to teach in private schools, and his answer was "No."

There was a subsequent answer, I believe it was by our colleague, Mr. Carey, that it would permit it; yes. It appears that Mr. Carey won out in that particular instance.

But I have great question about this as to where you do draw the proper line. I wonder if it isn't preferable to have your public school officials contract with the private schools' officials, making money available to them to provide these services.

You avoid, then, the problem, and I think it is a problem, of having public officials on the public payroll working and teaching in a private school, on the situs as Mr. Scheuer said.

Dr. MARLAND. Getting back to your earlier question concerning the legalities, I am not an attorney, but I think that our school solicitor has weighed this question in a different context from that which you have described. I think that I can report the parallel that contracting with and delivering public moneys to a private institution for the education of children would indeed be irregular under the law in Pennsylvania.

Mr. GOODELL. I am wondering if perhaps I didn't make my earlier question clear. That was my question: "Can you, under the Pennsylvania law, contract with the private schools to carry on a program under the ESEA or any other act?"

Dr. MARLAND. I failed to perceive the contract aspect of your question, and I thought you were speaking of the extension of the services as I had described them. That role appears to be perfectly proper.

The contracting and delivery of public funds is another matter, in which I believe Pennsylvania law would forbid us.

Mr. GOODELL. In other words, you feel that even though this isn't State funds, if the Federal Government gives you a grant and it is clear that under the Federal law and under the Federal Constitution you can contract with private schools with the money that is still purely Federal money, Pennsylvania law would bar you from doing that?

Dr. MARLAND. I believe that is true, sir.

Mr. BRADEMAS. I was going to ask a question at this point on this public-parochial school relationship, Mr. Marland.

It is my observation that your report in 1966 on the relationship between the public and private schools, pointed up the need for watching this relationship very carefully, and then expressing the concern that early indications showed that disadvantaged children in private and parochial schools are receiving less help under title I than was intended for them, which I think may have surprised some of us, because most people might have anticipated that the other would be the problem.