

with private agencies and private schools the Federal money under the ESEA, if it so desired. This has been indicated to me in a couple of instances in my own district, where New York State law forbids this, where it would not permit the school authorities to make such a contract, as I understand is the case in Pennsylvania.

But the Federal officials in the Office of Education have indicated there is no Federal prohibition, either by law or regulation, of that kind of a contract.

We may be quibbling over the kind of contract or the arrangement, but they have contemplated that this is possible and they are doing it in some instances, I understand.

Mr. SCHETTER. I spoke to the office of counsel this morning, and he told me that any person going to a private school paid for by funds out of ESEA would have to be an employee of a public school agency and his or her activities would have to be at all times under the control of, and the program would have to be administered by, the public agency.

Mr. MEEDS. Would the gentleman yield?

Mr. QUIE. I would like to have my colleagues quibble on their time instead of my time.

I will yield if it is on the question we are on.

Mr. MEEDS. On the same one; yes.

Maybe we can put it in proper perspective. I think what the gentleman from New York is saying is that while the Office of Education might not be allowed to deal directly with a private school, if the money were available through a CAP agency, that CAP agency could deal with a private school.

Isn't that what you are saying?

Mr. GOODELL. The Office of Education would not make the money available under the present circumstances to a CAP agency. It would make it available to the local public school system. The local public school system indicated it could contract with private schools, if the State law permits it to do it.

Mr. MEEDS. As long as the local public school agency is the controlling agency.

Mr. GOODELL. That is correct. They make the contract and control the funds being allocated. I don't have any notion how many States permit this.

Mr. QUIE. As a last question, what if there is a disagreement between a local school board and the CAP agency? Who do you think ought to have the control?

Dr. MARLAND. We have such disagreements regularly as any good institution would within its structure. We iron them out and come up with a mutual agreement on any issue we confront. This is the nature of institutions.

A member of our board of education, normally the president of the board, sits on the board of the community action programs. This is quite proper. I am a member of their advisory committee.

There is a lively and viable relationship in which we disagree, and settle the disagreements and go on with the show.

Mr. QUIE. Then you find that even though the contracting agency is difficult at times, it is acceptable for them to have the final say since the money comes from them?