

Fort Knox area, would the Hardin County Board of Education then lose any money as a result of that statute, Mr. Lillywhite, this proposed change?

Mr. LILLYWHITE. I would be glad to comment on that now if you wish or if you want to wait until these people are through I could get on my regular testimony.

Chairman PERKINS. Go ahead and comment right now.

Mr. ROSE. May we invite Mr. Lillywhite to join us? Mr. Chairman, may I say for the record that the Office of Education in its administration of 874 and 815 has ever been conscious of the value done by the impact area legislation as we know it now and many years before that.

So we have no complaint what ever to make with the dedicated help that the Office of Education has given to us especially from this particular division.

For the record I might say that, and I am sure these members know it but Mr. Lillywhite was very influential in the administration of the legislation for impacted area schools prior to the enactment of 815 and 874 and of course went with the committee throughout the Nation that held on the site hearings determining the need for a permanent, more adequate solution to this problem.

Chairman PERKINS. Do you remember the question, Mr. Lillywhite? I am sorry for the interruption.

Mr. LILLYWHITE. For the record, I am B. L. Lillywhite, Assistant Commissioner of the U.S. Office of Education in charge of the Federal impact area program.

The whole question that you raise, Mr. Perkins, is quite a complex one. It is not extensive in the country. I will just answer your specific question first and then if you want to pursue it further then OK. The amendment provides that if 2 years after it was passed—last year—the school districts still refuse to or the States still refuse to provide public education for children living on Federal property, that property will not be Federal after that time for the purposes of the two acts.

Now we come into this amendment with a number of Federal operations under section 6 already underway on Fort Knox and Fort Campbell and five other minor places in Kentucky as well as a number in other States in the Union—not a large number. There are about 25 major such as major operations in the country and then there are about 25 small ones in one State.

If the attorney general of the State of Kentucky rules “yes” we will provide State aid for the children living on Fort Knox and Fort Campbell if and when the Federal operation is terminated, there would be no penalty whatever now. I am certain that the termination will not take place for a number of years.

These are big operations. Fort Knox has the largest number of children on any base in the United States — 5,700 this year. You can't turn over that kind of an operation to Hardin County without an awfully lot of planning and some pretty strong assurances that they are going to continue to get support to do it.

Fort Campbell is almost as large. If the States, therefore, signify they are willing to provide free public education for the children and they can do it with the proviso that if and when the Federal

operation is discontinued, the penalties will not be assessed against the school districts.

You will remember also Mr. Perkins, the Quantico amendments.

Chairman PERKINS. I certainly do.

Mr. LILLYWHITE. Now we cannot just discontinue a Federal operation until after the procedure set up in that bill is followed which means that the commissioner and the head of the agency having jurisdiction over the property both agree that a local school district can educate the children satisfactorily and that the Federal operation ought to be discontinued and turned over to them.

But we think generally if States are going to receive money, most of them in the Union provide State aid and free public education for all of the kids but there are a few who won't.

We think it only fair that they be willing to provide State aid and the local school districts accept responsibility for their education and this is all the amendments attempt to do.

I would say one other thing. I thought I had a reasonably good understanding with your assistant State superintendent, Mr. Melton, I think, the last time on the telephone whereby he feels now that they could make some kind of a certification as to what they could provide under State aid if this Federal operation stopped and I told him I wished he would send it up and maybe it would get by already but I don't know for sure.

Chairman PERKINS. I just do not feel until we get a little better understanding down there that we ought to press too fast. I agree with you that a lot of this is completely sound in my judgment, but don't you think it would be all right to postpone the effective date for another year until June 30, 1970, and see if we cannot get a favorable ruling down there.

Mr. LILLYWHITE. I would have to say this, Mr. Perkins, that we have gone to an awful lot of effort now since the amendment was passed in working out with the various States arrangements so that they would be set up and would not have to suffer the penalties and most of them all can do it.

Chairman PERKINS. I agree with you, Mr. Lillywhite, except I know some school people and you know some and sometimes the people you deal with do not do it as effectively as you should do it and since there is some confusion, can you see any objection to postponing the date a year, Mr. Rose?

Mr. ROSE. I was going to say, Mr. Perkins, being a school superintendent that tries to educate a rather difficult school system as far as finances are concerned, we may get a little jumpy at the possibilities of changes that, as I noticed in Mr. Burkehead's testimony from Hardin County, would completely destroy the school program.

We feel a responsibility to our schoolchildren that we just cannot let that happen. It is not a matter of what happens to the school administrators but being responsible for them as I say we are just a little bit concerned about any change on the face of it that would seem to be so drastic.

I am certain that Mr. Burkehead insofar as he could would encourage the State attorney of Kentucky to eliminate this seemingly unwillingness on the part of the State to conform with what other States do

but I would say again that while you said Hardin County couldn't assume their responsibility, then neither can they assume the responsibility of what the attorney general is going to do or what the State legislature is going to do.

May I say this: One of the serious things in Oklahoma that I have had to combat is the fact that the general people in the State legislature think that the Midwest City school district is a plush, well-financed school system when in reality it is not.

Therefore, I can see where the State of Kentucky might think like the State of Oklahoma. We do not need to be concerned about Midwest City because they have all of this Federal money but they don't have as much money to educate a child as the State of Kentucky does or in the State of Oklahoma in the case of a Midwest City.

Mr. LILLYWHITE. Let me finish up by saying two things.

Chairman PERKINS. But you see no difficulty in postponing the effective date?

Mr. ROSE. No, sir; I do not.

Mr. LILLYWHITE. If you decide to postpone it a year I don't think it is going to be any great problems if you do, but I would hope you would state in the report in connection with the deferral, if you do it, that you intend to go through with this.

This gives States and school districts time to make the arrangements so it does not cut the ground out from under us in trying to get the Federal Government out of the business of running schools. We don't want to run schools.

Michigan had three of them and they have already transferred the full responsibility to local school districts and they did that before this amendment was ever set up.

Mr. FORD. I certainly do not want to put Mr. Rose and his people on the spot with the chairman of the committee, but I don't think you gentlemen can come here and make a presentation about the tremendous burden we put on your local school district by a Federal installation that adds kids to the Federal school system and say that is the reason we ought to give you Federal funds over 874 and 815 to offset that burden and then sit there and agree that it is all right for a State to receive the money from the Federal Government, have a Federal installation there but not accept those children or make any provision for those children in the public school.

I was not aware until last year when we got into this that it was possible to have a State provide not \$1 of local or State money for the education of federally connected children and yet claim them as a Federal impact.

I suspect if that was very widely publicized across the country, the next time you fellows come back before the Congress for 815 or 874 money you might have a little trouble. I promise you will, if the provision added by this committee was cut off by the Appropriation Committee by a little amendment that said no new impact area would be taken into consideration.

I am talking about cities like New York, Chicago, Detroit, and a lot of others that have many thousands of federally impacted children.

It pains me to take issue with anybody in Kentucky because I know how sincerely the people wanted to help the chairman of this commit-

tee earlier but I think the record shows he is having some problems in helping these people.

Chairman PERKINS. I agree with the gentleman from Michigan that any Federal installation is an economic benefit to that local school district. I feel that the State should recognize that fact, should make recognition of it. I feel if all of us belabored under the impression down there, and I understand the Attorney General has ruled otherwise, that the Commonwealth of Kentucky has no right to participate in the education of children strictly on Federal property, I think he is altogether wrong.

I view it as a great economic benefit, and I think with some more persuasion within a reasonable period of time we will get the legislature.

Mr. FORD. I think it would be very persuasive if those people had the money cut off and had to go to him instead of coming here. Mr. Chairman, there is nothing that puts pressure on like pinching somebody's pocketbook.

Chairman PERKINS. I agree with you, Mr. Ford, that that is true, and I know all committees on this legislation have tried to be as reasonable and sometimes perhaps have leaned over backwards in being reasonable, but I certainly do not intend to ask for any other postponement beyond June 30, another year.

I agree with you, we ought to write something in there and let's put them on notice and say this is the last time that we are going to make this extension. I don't know how many schools or States or which are involved.

Do you know, Mr. Lillywhite?

Mr. LILLYWHITE. Yes, Mr. Chairman, there are not more than half a dozen.

Chairman PERKINS. I think Tennessee, maybe Georgia——

Mr. FORD. How much money are you paying out now?

Mr. LILLYWHITE. Under 874 we are paying out for Federal operations \$27 million in the budget for 1968 for 50,300 children expected to be on Federal property.

This is because States are unable because of State law or the education is unsuitable. Most of those States have already worked out the arrangement so that the penalty would not apply and they would be willing, when the Federal operations terminate, to provide the State aid and the local funds to operate schools.

There are just two or three which are still problems.

Chairman PERKINS. I think we have a lot of progress in this direction in the last 4 or 5 years or 8 to 10 years in getting the Federal Government out of this business.

Mr. MEEDS. I might suggest that the chairman do what I am doing at this time. I don't know how long you will be able to hold out but I have a number of school districts in my State which have for several years been taking funds in lieu of taxes and have been taking funds and putting them into capital investment instead of per pupil expenditure. When we changed the law last year to provide against this I received letters from every one of them inveighing against the provision or at least asking that we extend it 1 year. So far I have not succumbed to this pressure but I don't think these schools are en-

titled to have their cake and eat it, too. I think this is a good bill, the purpose of it is proper but as school districts, such as some of my own have done, very purposely taken funds which they should not have taken. I don't think they have any right to kick when they are cut off.

Mr. ROSE. Mr. Chairman, I would like to make one other statement. It has been my observation over the years in trying to make what seems to rather drastic local changes, if we schedule them out over a period of years, say 3 or 4 years, the impact is less objectionable.

Frankly what I would say, rather than say extending it, the thing we are talking about here is the State ought to pay for those children the same amount that they pay for the other children.

So, if the first year they would be charged back with a part of the Federal funds and next year a part of the Federal funds, the next year a part of the Federal funds, then we would impress on the State officials over which parole, Burkehead and Hardin and a few other counties have no control whatever and something has to be done.

Either they finance the schools which they destroy, where they destroy the budgets or they finance all children. They are given that choice and that is the way I would approach this program. I don't think as Mr. Meeds said that they ought to have their cake and eat it, too.

On the other hand, I cannot help but be sympathetic with individual school districts. Let's take four or five districts in Kentucky. They cannot tell the legislature what to do and as long as there is no penalty assessed, then there is no progress made.

I think that this committee can work out a program which would encourage Kentucky and the other States Mr. Lillywhite mentioned fall in line with the theory of this particular legislation. I think the same thing is true, frankly, with the States that charge back a part of their impact against the State agency.

As has been said here, the installations that we say cause district impact are not a problem to the States where they exist. They are an economic boon to the States where they exist.

I rather regret coming here to emphasize the need for impact area legislation when I know that a great deal of it is going to reduce the part of educational cost that the States are assuming.

I don't know how you handle that problem but I think again it is the two principles that I mentioned, and that is that the local district should have an equal amount of funds to provide an educational program with and they should also maintain a level of ethics equal to other schools and the impact area program could never be sold to this Congress on the basis of State's economy. It just could not be done.

Mr. FORD. You just touched on another aspect of the impact legislation that we considered last year for which we could not come up with an answer.

We went to the west coast and again I was distressed to discover that a school district in Mr. Meeds district—I believe it was out in Olympia—received some money and then the State of Washington took it back away from them by deducting it, in effect, from their State aid.

This is inconsistent with everything else we have done in legislation where we try to help a school district and some other agency of government takes advantage of the benefit we give them to spread it around to other people. I was informed when we were holding these hearings last year there were some 14 or 15 States that comingle our impact aid with general State aid in some fashion by charging it off against the local district or putting it into the common pot as one of the several devices that is used.

While we were faced with the first, immediate problem of getting the legislation reenacted without too many changes we hoped the bill would pass.

I would hope your people would give some serious thought to some of the backlash we might face down the road if we don't put our house in order. We are talking about a principle here which is equally important as the problem in Mr. Perkins State. When we compare the amounts of money that are involved in solving the problem which Mr. Perkins has expressed so clearly against the problem we have with these States that are not using the money for the impact children, we are facing a number of votes out there on that floor where one day the entire impact is going to be serious. I don't think it is too soon to sound that note of alarm.

Mr. LILLYWHITE. You will remember, Mr. Chairman, you did make a start on this program which the board was talking about which said if the State reduced its State aid in this current year per pupil below what it was in the preceding year we will reduce correspondingly the amount for every applicant each year.

It takes a year to get the data in.

Chairman PERKINS. I agree with Mr. Ford's reasoning and with the statement that was made. As I understood Mr. Lillywhite awhile ago, he stated if the State of Kentucky was participating in the education of Federal children on Federal property, that the local Federal agency would not lose any Federal funds—in other words, receive as much Federal funds as they are receiving at the present time.

Is that your statement, Mr. Lillywhite?

Mr. LILLYWHITE. Did I understand the question to be if they were participating.

Chairman PERKINS. Yes.

Mr. LILLYWHITE. There would be no penalties attached in the law if they took the responsibility for educating the children. It is only when they refuse to recognize this is a part of the State and say we wouldn't provide free public education for these children when the penalties apply.

You have to recognize in that amendment when you already have an on-going Federal operation, even though a State takes action and says yes, we will educate these children, they are not going to have to do it until we can make arrangements to discontinue Federal operation by the procedures set up under the bill.

Chairman PERKINS. It will be several years before Hardin County can take over Fort Knox.

Mr. LILLYWHITE. Kentucky could take the initiative now and they would still not suffer any penalty until we reach that time.

Chairman PERKINS. There might be much controversy down there whether the State could do these things. I think there is not much

doubt about it and I think the attorney general should have ruled otherwise.

I think all of us will agree extending the date will be reasonable to put these States on notice once and for all they have to move in this direction.

Mr. HAGENESS. As the representative here from the State of Washington I would be very happy to get a copy of the transcript of Mr. Ford's remarks that I could take back to show some of our legislators right now because we are having that problem.

Mr. FORD. I said it on television out there last year; maybe you didn't hear it.

Mr. HAGENESS. I would be glad to have it repeated. I do want to make this statement however in a State that equalizes, as the State of Washington, where there is a guaranteed figure statewide per pupil, the State does have some right.

As I explained this morning, there are some things about impact districts that the State and legislature as a whole do not understand but I think they would understand a statement of this kind and it would help us to clarify the picture.

We need to do something.

Mr. FORD. Mr. Chairman, could we go one further step. We did examine the possibility of a formula. Take, for example, your State. As I recall, it is 65/35 percent.

Mr. HAGENESS. It is less than that now but it is around 60 percent.

Mr. FORD. One approach to this might be to build a formula into this bill which equalizes the Federal aid with State aid given to the local district, whether it be 65 percent or 60 percent or 55 percent. If the State is giving you 65 percent of your local money then they can take into consideration 65 percent of your Federal fund in working out the utilization but not 100 percent of your Federal funds because they do not do it with the State money so why should they do it with Federal money?

Mr. MEEDS. I am not in entire agreement with the approach of the State of Washington, but it is heavily financed by the State.

Under our State law, and correct me if I am wrong, 80 percent of these impact funds will be counted in 1969.

Mr. HAGENESS. In 1968 you are right, it will be 85 percent.

Mr. MEEDS. We would appreciate that kind of amendment from you, Mr. Ford, to take care of that problem prior to 1969. I could hardly sponsor it.

Chairman PERKINS. Let me say that the State of Washington and the State of Michigan are really well represented here.

Mr. HAGENESS. We appreciate it, Mr. Chairman.

Chairman PERKINS. Mr. Steiger.

Mr. STEIGER. Mr. Chairman, thank you.

Mr. Rose, let me try to get clear, and I have gone through your testimony and I listened to you this morning and in checking through the bill and then rereading your testimony I will admit that I have some problems deciding where you think we ought to amend as compared to where the bill suggests we do amend.

You now agree that it would be possible to delay the date 1 year, is that correct, for the impact area?

MR. ROSE. Yes, and I would like to say this, Mr. Steiger. Certainly 1 year after it has been going on 17 is not going to cause any great catastrophe if it can be rectified within another year then I would say yes.

MR. SIMMONS. I was just going to suggest that I once researched this topic and I find the first court decision on this was in 1821 so I don't think it is really only 17 years old.

MR. ROSE. I referred as to the damage that it did to the impacted area program. It has only been in existence as we now know it, I believe, for the 17 years and thus it has never come up before. Up until the first of last year is the first I ever heard of it and thus taking ample time to remedy the situation would not be as I said—would not cause catastrophic damage.

MR. STEIGER. You also, in your statement regarding Public Law 874, if I remember correctly, and I am trying to find it and I cannot, but I think you say the concept of the last fiscal year should not be continued.

MR. ROSE. No, the Commissioner testified with reference to the disaster aid being limited to the level of the last full year of need within the school district should be eliminated because we were progressing.

I simply used his argument there to say that if it was sounded with reference to section 3 because we have a 2-year lag there, and I think to 2-year lag is the biggest problem in this whole program.

MR. STEIGER. I appreciate your clarifying that. One more clarification from my standpoint since I have not had the benefit of the chairman's or Mr. Meeds' and Mr. Ford's expertise in this field before.

Can you give me some brief understanding of the discussion that you carry on in your testimony about what I think you called the grouping of similar schools within a State. Could you give me some benefit of what you are talking about?

MR. ROSE. Last year the House recommended that every school in a State be placed within a group with no designation of how the groups would be formed and that whatever the local contribution rate of that group in which a group fell, that would be their rate. Previous to that and for that matter as to the present, it is on a local contribution rate of comparable schools.

That, of course, places the impact area in a group and one of the faults of that is its low-contribution rate affects the aggregate. Then that is what the school gets. That type of a program is more easily administered because then you just fall in that group and there is no argument as to whether the schools are comparable or whether they are not.

That is determined through the State department of education the same as the comparable school group which a given school would select.

I think there are some 17 or 18 States that use the group rating now. I do not all together fall out with it. I think it has more soundness than the 2-year lag does. I still say the same thing that I said about introducing this other change that might be good, that it takes a little time to do that, so if my suggestion is if they hold the group rates, they remove the 2-year lag and go to 1 year and then they make the provision saying the school gets no less rate than it got last year.

In our ever-increasing local contribution rate, and I mentioned that Oklahoma increased its tax levying possibilities by 40 percent a year ago, that we will soon catch up with that without hurting the schools financial approach.

Mr. STEIGER. Would any of the others of you be willing—if we can pass over impact area for a moment—would you be willing to give me the benefit of your thinking about such questions as, for example, whether we ought to transfer title III's responsibility from the Office of Education to a State plan operation?

Mr. ROSE. I don't know whether I would be competent to specifically comment on that but I think any educational program, if at all possible, should be administered through the designated agency within a State for the administration of the State educational program.

I do not know about this one. Whether that would prevent the new concept that we have and which has been paramount, frankly, in getting legislation enacted whether that would eliminate the relationship that we have tried to build up between public and private schools or not.

I don't know.

Mr. TAYLOR. May I respond to that a moment, Mr. Steiger?

Mr. STEIGER. Yes.

Mr. TAYLOR. Coming from Colorado, I understand under title III we had the highest percent of programs funded as any in the Nation and I believe this is still right.

We found that many of our so-called good programs and programs we thought were best were not accepted perhaps at the Federal level because there was a lack of understanding as to what the needs might be in the State.

Although I am not dissatisfied with the present way, I believe we could strengthen the program by having the State departments, strong State departments of education, have a greater say in it. They are the people more closely associated with the problems.

Mr. SIMMONS. I think on this question we need a statement from the Office of Education as to how much weight they do give to the recommendations of the State departments of education in the various States on the project submitted.

I can say, having been party to this for some time, that whether or not a plan has been adopted by a State that the Office of Education to my knowledge very seldom if ever has moved without a recommendation from the State educational agency in regard to that type of project.

Mr. STEIGER. It has moved in a very small number of cases.

Mr. SIMMONS. Very small, and I suppose the question comes up whether or not you said they first had to pass that approval in the State agency and whether or not that would indeed do more damage than under the present arrangement.

Mr. STEIGER. In your view it might tend to do more damage?

Mr. SIMMONS. I suppose the question could come up in my own mind—and this is my own personal opinion rather than the group I represent—I sometimes wonder if on this particular type of project we are discussing whether or not the very separateness within a State sometimes would not because of the organization of that State in

terms of metropolitan versus urban communities, if it would not work to the disadvantage of innovative progress for the types of boys and girls that are supposed to be helped by the approach.

Mr. ROSE. I would like to make another statement about title III. The only experience that I have was that the State department approve the title III program for the school which I administer and the U.S. Office disapprove it and the State department didn't give us any leadership or guidance in what was wrong with our project when we submitted it but gave us tacit approval and this is a matter of record with no criticism, we will say of how we should have better opposed it.

We have reopposed it this year and we have not had an answer on whether our project would be acceptable or whether it would not be.

Mr. MEEDS. Would the gentleman from Wisconsin yield?

Mr. STEIGER. I certainly will.

Mr. MEEDS. If we went ahead under this title V in section 5(b) and somehow changed this so that State educational agencies such as we would define them in the bill rather than the Governor or someone were to enter into a comprehensive plan for education in the State, they would necessarily then have to work with local school districts and large urban centers in drawing this plan up.

Would this not put them in a more knowledgeable position and couldn't we then look perhaps toward a little more control or a little more say from the State departments of education than we might be justified in looking to them for now in some instances, not all, in fact, but very few.

Mr. SIMMONS. My reaction to that, Mr. Meeds, is this. I would hope that you always have some title in this very fine Elementary and Secondary Act that we are certainly enjoying in metropolitan areas in Michigan, that you always have a chance for innovation that does not necessarily fit a State plan because, indeed, my experience during the last 25 years is it is sometimes the compromises that are worked out in terms of developing a state-wide plan which do not always permit the kind of innovation that you people try to do in the Elementary and Secondary Education Act.

The only thing I am suggesting is that first of all I don't think this should be in the hands of the Governor or anyone else. I think secondly there ought to be some kind of an opportunity even where you have a well-organized State department that this is not just a nice comfortable State plan and some school districts become innovated they will have some redress to the act that you have written.

Chairman PERKINS. Let me say we have eight distinguished members of this panel and we have Mr. Lillywhite, and I would like to know if the panel has any comments in connection with Commissioner Howe's testimony when he referred to some prospective amendments to section 14 of Public Law 815 and I certainly would like to have Mr. Lillywhite document for the record just what those amendments involve and how they change the present law.

Go ahead, Mr. Lillywhite on the amendments that are before the committee.

Mr. LILLYWHITE. Do you want a description only of the amendments to section 14 or do you want anything said about the other amendments referred to in the Commissioner's testimony.

Chairman PERKINS. You can run through all of these amendments.

Mr. LILLYWHITE. The first ones will be very brief. We got disaster assistance given to the Office of Education under Public Law 89-313. That is the repair and rebuilding of schools destroyed in major disasters or damaged or destroyed in major disasters.

In November 1965 that had a life of 2 years. We have had this year and a half operation under it.

Chairman PERKINS. Has it worked well?

Mr. LILLYWHITE. It has. It took us a little while to get acquainted with it and they made it retroactive to cover Hurricane Betsy when commitments were made by the operating agency and it took a bit of doing to get squared away 3 months after the damage occurred and one authority made certain commitments to 25 or 30 school districts down there as to what they would do.

Chairman PERKINS. I remember the situation. We had it on the floor then.

Mr. LILLYWHITE. We are working that out but the disaster assistance legislation has seemed to me to work with a remarkably small cost. We have not had any major disasters like Betsy but there were 11 last year and two this year.

The total cost so far to this Office is less than \$500,000. The question might be raised why is it necessary to have such authority if the amount is so small.

I think that the answer to that would be something like this, that it is highly important to the few school districts that are involved.

Most States have good insurance programs. But the insurance does not take care of all of it and there are certain types of things such as water damage that cannot be insured against.

So, to have the authority there so that they know they can go ahead and make the repairs so children can get back in school, and when the building is destroyed have some authority to help them set up a temporary school so the children can go to school while they are rebuilding the school, it seems to me is worth while having.

Now we found just two or three things in it that we have recommended for technical changes. One of them is something like this. Most of the repair damage to disasters is putting on a roof, refinishing the floor, putting in windows, buying new supplies and equipment, and this is done normally by a school district with its operating funds. We have an amendment in there that just adds, the \$74 part of the amendment "repair" so we can just do it normally like the school districts do it. That is a very small one.

Another one is we want to put a diminimus on the amount for assistance. When you make a field trip up to northern Minnesota on the Red River Valley or in South Dakota or some other place where the Red River overflowed we get an application in here for \$50.

The law contains authority for us to grant assistance over a 5-year period on a diminishing basis each year if the economy of the community is destroyed to the extent where they can provide assistance but it says you can operate schools at the level the full year preceding that or the disaster.

Costs, as you know, are going up and you don't operate at the same level so we are asking them to take out the "at the level." The other one is the extension of the law for a period of 5 years.

That is all there is on disasters.

There is only one minor amendment to 874 and that is a change in the definition of Federal property. We are supposed to make deductions for payments made with respect to Federal property including payments on property held in lease by private citizens.

We found payments made to a district in Oklahoma and one in Arizona that were never reported to the Office. So we had paid the district the full amount of the money.

Chairman PERKINS. Assuming that the leased property, several thousand acres, was leased by the military installation for farming purposes. Then would they not be considered federally connected children?

Mr. LILLYWHITE. We are not talking about federally connected children at all. We are talking only about deductions.

When we went to collect the deductions, the district would not pay. We turned one over to the General Accounting Office and we took the other one to the court and we lost in both cases. The court threw it out for this reason. It is the technical wording of the definition of Federal property.

Both of these were on land held in trust for individual Indians or Indian tribes and not land owned by the United States, and the wording of the law refers to land owned by the United States or leased therefrom.

The lease is not therefrom. It is leased from the Indians on which there is a restriction on alienation. This is all the change there. It just clears up what the Congress intended to do.

The others are the amendments to section 14. When these laws were first passed, Indian reservations were included the same as other areas but they didn't have increases in school enrollment like those characterized by a military installation so nobody was eligible for assistance, yet, there were still thousands of Indian children on reservations that did not have schools to go to.

So in 1953 after the first 2 years you amended this law and put in section 14 to provide a kind of a special arrangement adapted to those districts that have large Indian reservations. That program has worked very well. You put a limitation on \$20 million, then \$40 million, then \$60 million.

We spent \$54.8 million. The school district constructed with money 1,789 classrooms to house about 49,000 children. That is about 50 percent of all of the Indian children in public schools.

But there are a few problems now that are emerging that are not covered by this provision and the purpose of the amendment is to make this a little bit more liberal to meet the problems that exist.

The Bureau of Indian Affairs appearing before the Senate Committee on Appropriations last year were urged to make a study of the need for Federal funds for construction of school facilities in local districts for Indian children living on reservations. If a need was found to report by January 15 and provide language to meet that need.

The Bureau of Indian Affairs does not have any program or authority to build school facilities or grant money to build school facilities for school districts educating Indian children.

They build residential schools but not to grant money for construction of school. They have about \$10 million a year under the

Johnson-O'Malley Act. So the Bureau of Indian Affairs came to this office and said you have the authority under section 14.

Now why don't we work with you and revise this legislation to the point where it makes this need. We find there is a need existing so we agreed that we would work together to come up with some amendments.

So I think the way the Senate Committee wanted it done this way has special requests, a dozen or so a year to appropriate \$1,500,000 to build a school in this area. They have no way of evaluating those requests on a regular basis so they wanted some kind of regular on-going program for us. We have developed amendments to section 14. They have been referred to the Bureau of Indian Affairs. The Bureau has wholeheartedly endorsed them and sent that recommendation to the Bureau of the Budget.

As of this moment they have been cleared by parts of the clearance apparatus in the Bureau of the Budget but not the final clearance. We expect that it will be cleared so I am now authorized to describe for you the amendments. I cannot say they have been cleared or that they will be forthcoming. I think that they probably will be but I don't know.

That is the status of it. The amendments I will get to very simply. Under the present section 14 we count in a local school district the children living on reservations and if they have a substantial percentage of those children that are unhoused without school facilities and they don't have enough money in there total bonding capacity and all other sources to build the facilities, then we can grant the money to build the facilities for them. If they have part enough money, we can grant only the difference.

If you go over here to section 5, the program these people have been talking about and if a school district has an increase in children enough to meet the eligibility requirement they get the grant of money no matter how wealthy the children are. They get the rate specified in the law per child. So, here you have some of the poorest most disadvantaged districts in the Nation being required to spend every dime they have in their bonding capacity to provide the facilities before they get the Federal money or only get the difference between the cost and what their total resources are.

So the first part of the amendment goes strictly to the children on Indian reservations and it provides generally like this: If they meet the eligibility requirement, the substantial percentage, and they have unhoused children, the Commission will grant the money.

The burden and need problem is taken out for the on-reservation children. Most of them are poor districts. Most of the children in the districts are among the most disadvantaged we have in the Nation. This is an effort to get some school facilities to places where they just do not have enough money to build schools.

Mr. MEEDS. Statistics show the birth rate of these people is four times the national average, am I correct?

Mr. LILLYWHITE. They are increased.

Mr. MEEDS. Four times the national average?

Mr. LILLYWHITE. Yes.

Now the second part of the amendment goes to the whole situation in a school district in which there is an Indian reservation and looks

at the entire problem because a lot of children migrate off the reservation and they are squatters and they cause these problems. Again we put back the burden and effort problem the way we had it so if the school district meets the burden and effort, then you count the total problem in the school district toward the substantial percentage and deal with it that way.

I just might say that when you face a small school district within a very large area but not too many people and a large part of it is in nontaxable Federal property and is peopled by a growing population that does not pay taxes and there is very little taxable wealth outside that reservation, those people are very reluctant to build housing for the Indian children. They have a hard enough time to get the money to build school facilities for children, so these amendments simply try to meet that.

Chairman PERKINS. Thank you very much, Mr. Lillywhite. We appreciate your coming here and we appreciate the entire planning and it has been so helpful to us all through the years.

Now, perhaps, if you have the time, you can step aside and not leave the room because I want the members to interrogate as long as they want to interrogate after we hear about eight more witnesses.

We will come on around the school board people now.

Mr. ROSE. Mr. Chairman, let me say this is the best opportunity we have ever had to tell our story.

Chairman PERKINS. Thank you very much, Mr. Rose. We want to see you back here many more times in the future.

Paul N. Carlin, director of the Federal and Congressional Relations in the National School Boards Association.

We have Dr. Harold V. Webb, executive director of the National School Boards Association; and Dr. Joseph Ackerman, president of the National School Boards Association, Elmhurst, Ill.; and Kenneth W. Lund, senior vice president—he is not a witness. He just remained.

Do you have any other members here?

Mr. ACKERMAN. Yes; Mr. Hugh Calkins, a member of both the Cleveland School Board and our legislative committee.

Chairman PERKINS. Who is the chairman of the panel?

Mr. CALKINS. Dr. Ackerman.

Chairman PERKINS. Proceed. We will withhold questioning until all of you make your statements. We are most anxious to hear your testimony.

STATEMENTS OF JOSEPH ACKERMAN, PRESIDENT, NATIONAL SCHOOL BOARDS ASSOCIATION, AND HUGH CALKINS, LEGISLATIVE COMMITTEE, NATIONAL SCHOOL BOARDS ASSOCIATION; ACCOMPANIED BY PAUL N. CARLIN, DIRECTOR, FEDERAL AND CONGRESSIONAL RELATIONS, AND HAROLD V. WEBB, EXECUTIVE DIRECTOR, NATIONAL SCHOOL BOARDS ASSOCIATION

Mr. MEEDS. I have to leave. May I make a comment and ask one very brief question?

Chairman PERKINS. Yes, indeed.

Mr. MEEDS. Dr. Ackerman, and you people who prepared testimony, may I say at this time that it is certainly some of the most enlighten-

ing and precise testimony that has been presented to this committee, precise recommendation of what to do. I am particularly impressed with your work with regard to the expenditures of funds by National, State, and local governments and with your precise suggestions as to what we ought to do in the authorization and appropriation cases so we get by this impasse which we know has been created in funding of these programs.

Also, your request for full funding and all of your suggestions, may I say I agree heartily with them.

Having said that, now may I ask you one question.

Last year, or 1965, you people were before this committee and gave some very good testimony with regard to this bill when it was initially before us, and I recall some of that testimony and asked to get this prepared testimony. At that time you said:

Among the elements of control, NSBA believes initiative programming by local communities are the following: (1) the right to organize a school system in terms of particular overall personnel; (2) the right to adapt facilities to local needs; and (3) to regulate which funds available to the local district shall be expended as best determined by the Board of Education and the citizens of the local community.

These were the caveats that you laid down with your support for this legislation.

Now may I just ask you if you think that you have been able to retain all of those things which were requested and this, pretty well, from your standpoint?

Mr. ACKERMAN. Well, I would say I have certainly not heard a great deal of criticism on the way it has operated upon to this particular point. I think there are still some fears on the part of many school board people and there is certainly a hope that this local control will still be maintained.

Mr. MEEDS. Thank you very much.

Thank you, Mr. Chairman.

Chairman PERKINS. Go ahead.

Mr. ACKERMAN. I am Joe Ackerman, president of the National School Boards Association and member of the Elmhurst (Illinois) Board of Education. I am accompanied by our executive director, Dr. Harold V. Webb, and then also our director of Federal and congressional relations, Mr. Paul N. Carlin, and also Mr. Hugh Calkins, who is a member of the Cleveland School Board. He serves on our legislative committee.

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The National School Boards Association is the only national organization representing local school boards and its primary objective is the strengthening of public education through active citizen participation in the policymaking process of educating our children.

I appreciate this opportunity, Mr. Chairman, to appear before your committee, on behalf of the National School Boards Association, to discuss the Elementary and Secondary Education Amendments of 1967. For the convenience of your committee, my remarks will be directed toward those major policy areas which are embraced by the two identical bills, H.R. 6230 by Congressman Perkins and H.R. 6236 by Congressman Brademas, that are officially before your committee for the purpose of these hearings.

The annals of history will record the April 11, 1965, enactment of Public Law 89-10, the Elementary and Secondary Education Amendments of 1965, as one of the most significant educational landmarks of our generation.

Webster defines landmark as "an event or development that marks a turning point." For local school boards, this "turning point" has resulted in the availability of a substantially higher level of Federal incentive funds and an activated public interest in both the total needs of public education and the special requirements of economically disadvantaged children.

A direct result of the Elementary and Secondary Education Act of 1965 has been a significant shift in the pattern of financing our Nation's public schools. During the current fiscal year, for example, the \$28.3 billion in expenditures by our Nation's 21,684 operating public elementary and secondary school districts will come from the following sources: Federal, 8.1 percent—vis-a-vis 4.6 percent 3 years ago—State, 37.8 percent; and local, 54.1 percent.

The turbulent nature of rapid change, with all of its frustrating and exciting manifestations, has never been more clearly evident than within today's local school districts.

In an attempt to provide your committee with a current "grass-roots" appraisal of some of the major policy considerations implicit in the Elementary and Secondary Education Amendments of 1967, the National School Boards Association has recently distributed a six-point questionnaire to its key leadership. With the committee's permission, this analysis will be forwarded for inclusion in the hearing record as an integral part of our association's statement.

The National School Boards Association offers the following recommendations for further strengthening the purposes and objectives of the Elementary and Secondary Education Act of 1965, as proposed for amendment by H.R. 6230 and H.R. 6236:

FEDERAL APPROPRIATIONS TIMETABLE

A serious practical dilemma confronting local school districts is caused by the incompatibility of the school year with the Federal legislative calendar.

For example, the Department of Health, Education, and Welfare's appropriations bill was not approved last year until October 21, 1966, and the ESEA Amendments of 1966 (Public Law 89-750), which revised the distribution formula for title I, was not enacted into law until November 3, 1966.

As a result of these two factors, it was not until February 23, 1967, that the State Departments of Education were advised of their ESEA

title I maximum basic grants for fiscal year 1967. Numerous school districts still have not been apprised of their fiscal year 1967 allocations even though less than three and a half months remain in the 1966-67 school year.

The financial "pinch" came with the annual ratable adjustment provision (sec. 208 of Public Law 89-10, as amended by sec. 114 of Public Law 89-750), which this year reduced the national maximum amount authorized by nearly one-fourth. The \$1.312 billion maximum amount authorized was reduced to \$1.053 billion.

After a further deduction for the outlying territories and State-operated programs, the amount left for local educational agencies was less than \$1 billion (\$989,935,591).

While the administration has recommended a 5-year extension of three major education programs a year before they are scheduled to expire, it was regrettable that a recommendation was not also made at this time to extend the Elementary and Secondary Education Act of 1965 beyond its June 30, 1968, expiration date. A congressional extension of the ESEA program during the 1967 calendar year would allow local school boards to plan ahead in an orderly manner for assimilating any modifications in its program objectives or authorization levels.

Since the Elementary and Secondary Education Act of 1965 (Public Law 89-10) is presently scheduled to expire on June 30, 1968:

We recommend that Public Law 89-10 be extended, during the current calendar year, for a period of 5 years in order to encourage long-range local planning and an orderly implementation of any modification in its program objectives or authorization levels.

To ease the very real dilemma caused by the conflict between implementing most educational programs during the school year and the timing of Federal appropriations for these purposes:

We recommend that Congress modify its existing appropriation procedures, insofar as it relates to the funding of programs for States and local educational purposes, so that eligible participants can be apprised during the early spring of each year, of the specific amounts that they will receive during the coming school year.

STATE AND LOCAL SCHOOL BOARD PLANNING GRANTS

While local school boards have long recognized the critical need for implementing systematic and comprehensive long-range planning programs, other priorities have often prevailed in the competition for severely limited educational dollars.

Those forward-looking school boards which are making a real effort to implement local planning programs find themselves doubly thwarted.

First, when State educational agencies are called upon for technical planning assistance, it is seldom available because most of their personnel specialize in administrative, statistical and curriculum supervision functions.

Second, State and Federal funds, to assist in meeting the financial costs associated with hiring or providing personnel to work on a local long-range planning project, are presently available only under very

limited circumstances. By way of comparison, there are more than 80 Federal planning grant programs available to other local and State governmental entities.

Thoughtful school board members are also becoming increasingly apprehensive that unless local school districts implement systematic and comprehensive long-range planning programs, then this planning and evaluation "vacuum" will be filled by noneducational and/or non-local sources.

The National School Boards Association feels that the proposed comprehensive educational planning amendment to title V of the Elementary and Secondary Education Act of 1965 offers a far-reaching "opportunity" for strengthening and enhancing the ability of local school districts to determine their own futures, provided that these grants are administered through the State educational agencies. We feel that such a modification would further strengthen the leadership and service role which must increasingly be assumed by the State departments.

We recommend that the leadership resources of the State educational agencies be further enhanced by amending the proposed 5-year program of grants to State and local education agencies by providing that these comprehensive educational planning and evaluation grants be administered through the State education agency.

NATIONAL TEACHER CORPS

The National School Boards Association endorses the major revisions in the National Teacher Corps program, as provided for in H.R. 6230 and H.R. 6236.

We are especially pleased with the amendment of the existing program to reinforce the concept of local control by further clarifying the local school board's absolute right to decide what Corps members are assigned to its schools.

The reduction of the teacher-intern compensation rate to \$75 per week plus \$15 per dependent or the lowest rate for full-time teaching in the school system, whichever is less, will remove an existing pay disparity with fully qualified teachers already in the school system by conforming the compensation rate for these teacher-interns with the prevailing rate for graduate students or the local community's salary scale.

In addition, we fully support the requirement that all proposals be approved by the State educational agency, including those training programs which are to be offered by the participating institution or university.

A further amendment to provide authority for contracts with local school districts and universities over a 2-year period of service would allow participating school districts to more effectively plan for utilizing the services of their "trained" teacher-interns during the corpsman's second year.

We recommend that the National Teacher Corps program be further amended to provide authority for contracts with local school districts and universities for a 2-year period of service, and that this pilot program be continued as modified by the provisions of H.R. 6230 and H.R. 6236.

FULL FUNDING OF TITLE I—SCHOOL CONSTRUCTION

The estimated ESEA title I authorization for fiscal year 1968 was \$2.4 billion vis-a-vis the actual budgetary request of the administration for only one-half (\$1.2 billion) of that amount. Though this budget figure estimate represents a 13-percent increase, a 100-percent gap still remains.

In addition, the National School Boards Association has noted that while the Elementary and Secondary Education Act of 1965 (Public Law 89-10), the ESEA Amendments of 1966 (Public Law 89-750), and the committee reports on these bills clearly enunciated the congressional intent that title I funds be utilized, among other purposes, for "the construction of school facilities and plans made or to be made for such programs, projects, and facilities," the official policy position of the U.S. Office of Education is that title I is not a construction-type of a program.

For this reason, only \$97 million (9.95 percent) of the estimated expenditures under this program were authorized for school construction projects in fiscal year 1966. During the current fiscal year, 1967, the amount allowed for public school construction was decreased to \$81 million (7.95 percent).

By way of comparison, during the past year, public elementary and secondary school districts spent \$3.6 billion for capital outlay purposes and completed some 72,600 classrooms. Nonetheless, this rate of construction only took care of the existing increase rate, not the backlog.

Current estimates place the existing backlog need at some 350,000 new classrooms and some 230,000 renovated classrooms. The cost of erasing this backlog, plus maintaining the present rate of school construction, will approximate some \$50 billion or \$5 billion per year for 10 years.

It is our opinion that the most pressing unmet educational need in America today is for adequate financial resources to aid in the cooperative financing of school construction, remodeling, and renovation projects.

We recommend that the estimated ESEA title I authorization for fiscal year 1968 be fully funded and that a substantial portion of this increase be made available for the construction, remodeling, and renovation of public school buildings.

Chairman PERKINS. Mr. Ackerman, you made a very good statement. If there is no objection, I understand that Dr. Lund, senior vice president of Scott, Foresman & Co., American Book Publishers Council, and American Textbook Publishers Institute, has to catch a plane at 5:45. Is that correct?

Mr. LUND. Yes, sir.

Chairman PERKINS. Would you want to come up here and briefly summarize your statement and insert it in the record?

Mr. LUND. I know they are in the same position.

Chairman PERKINS. All of you are in the same position?

Mr. LUND. I will join them, but I will wait.

Mr. ACKERMAN. You have the remainder of the report.

Chairman PERKINS. Just a moment.

How many other witnesses?

Mrs. RYAN. National PTA.

Chairman PERKINS. You don't have to catch a plane?

Mrs. RYAN. I just lost it.

Chairman PERKINS. I am sorry about that.

Who else, Dr. Ackerman, wants to make a statement in your groups?

Mr. ACKERMAN. Mr. Calkins has a short statement that he wishes to make when I am through.

Chairman PERKINS. From Cleveland?

Mr. CALKINS. That is correct.

Chairman PERKINS. I am anxious to hear from you.

Go ahead and summarize your statement.

Mr. ACKERMAN. I would merely summarize the last point without reading the total. There we were talking about the families that are residing in federally supported public housing projects in the urban centers particularly.

We recommend that the eligibility requirements of this federally impacted areas program (Public Law 815 and Public Law 874) be expanded to include the children of families residing within federally sponsored public housing projects.

We thank you.

(The full statement follows:)

STATEMENT BY DR. JOSEPH ACKERMAN, PRESIDENT, NATIONAL SCHOOL BOARDS ASSOCIATION

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PUBLIC HOUSING STUDENTS

Last September there were 607,000 families residing within Federally-sponsored public housing projects. While there are no current national statistics available as to the number of children from these families who are currently enrolled in the public schools, we would estimate that the figure of one million youngsters, which was previously indicated to your Committee, is probably a conservative figure.

As the Committee is well aware, local government (including school districts) derives approximately 86% of its local tax revenue from property tax sources. Since Federally-sponsored public housing projects are exempt from local property taxes, nearly all of the local costs of educating these more than one million children are currently borne by their property-taxpaying neighbors.

At the present time a partial offset is provided in the form of payments-in-lieu of taxes which are paid by the public housing authority to the local public taxing bodies as a contribution for the full range of local governmental services which are provided for these 607,000 families.

This payment-in-lieu of taxes payment is limited by statute to 10% of the shelter rent which is paid to the public housing authority.

During fiscal year 1964 this provision resulted in \$18.6 million in payments. By way of comparison, the cost of educating one million children exceeds \$300 million in local taxes.

This tax inequity is not restricted to only the major metropolitan jurisdictions. 275,000 of these children reside within the 14 largest cities and the remaining 725,000 live in smaller and rural communities.

We recommend that the eligibility requirements of the Federally Impacted Areas Program (PL 815 and PL 874) be expanded to include the children of families residing within Federally-sponsored public housing projects.

I appreciate this opportunity to present these views on behalf of the National School Boards Association. Thank you.

Chairman PERKINS. Go ahead.

Mr. CALKINS. My name is Hugh Calkins. I am a member of the Cleveland Board of Education and a member of Dr. Ackerman's committee.

I would like to confine my testimony to the problem of Federal funding of programs for disadvantaged children with particular reference to the political problems of most of the big cities of this country.

Chairman PERKINS. With that idea in mind, do you feel that the categorical approach that we now have under title I or a general Federal aid approach will better serve these disadvantaged areas at this time?

Mr. CALKINS. In the immediate future with the limitations which exist on the Federal budget I am very sure that the categorical approach is essential if we are going to improve the quality of education in the inner-city.

Chairman PERKINS. And you are making that statement from your experience upon the Cleveland public school board?

Mr. CALKINS. I am, sir, and what I would like to do is to explain to you why I believe this is so.

Chairman PERKINS. Go ahead.

Mr. CALKINS. It is essentially a political reason. I must start with the financial problem of the Cleveland schools. We are now spending approximately \$530 per pupil per year for all purposes; operating purposes, building purposes. This includes all of our Federal programs for inner-city children as well as the programs which we conduct for the 154,000 children who go to our schools.

That figure is about 80 percent of the average expenditure for education in suburban Cleveland. That means taking into account all of the extra Federal help which we are now receiving. We are still only spending on the average 80 percent of what the districts that surround Cleveland are spending.

Now it is no wonder that there is a steady migration out of Cleveland of middle-class families, both white and Negro, to the suburbs.

It is a fact that the tax rate in Cleveland, the total tax rate for all purposes, is among the highest in the county in which we live. There are a few suburban districts with a higher total rate, but most of the suburban districts have a substantially lower total tax rate than we in Cleveland do.

Nevertheless, they can provide education which on the average is 20 percent more costly and probably in many respects therefore better than we are able to provide in the city of Cleveland. The reason for this is that the costs of municipal government in the city of Cleveland are much heavier than they are in suburbia.

In Ohio as a whole approximately 66 percent of all local taxes go for schools, but in the big cities of Ohio less than 50 percent of the taxes go for schools. There are many figures available to show that the cost of police protection, fire protection, and all the other government services associated with big cities are much heavier than in areas of smaller population.

This results in the basic fiscal problem of big cities, which is that, although our tax effort is high, our tax yield for education is low.

Now the second important fact is that we are dependent entirely upon the voters for our money. This is a characteristic of most major cities in this country, not all. It is an important reason why New York City has quite different problems than many of the other major cities do, because New York is what is known as a fiscally dependent school district; the schools get their money from the regular city budget, but in Cleveland and in Pittsburgh, and in Chicago, and in most of the major cities of the country school money is voted every few years by the voters.

I am happy to say that in Cleveland the voters are supporting education. Last fall we asked the voters to approve a 120-percent increase, more than doubling the size of the bonded indebtedness of the Cleveland school district, and they approved it by a 2-to-1 majority.

At the same election we asked them to increase by 20 percent the taxes for the operating expenditures of the Cleveland schools, and they approved that by the same 2-to-1 majority.

Now the voters of Cleveland have an important characteristic of which we must be aware. About 65 percent of the voters of Cleveland are white, about 35 percent of the voters of Cleveland are Negro. This is a markedly different ratio than the ratio of the children in the Cleveland school system. About 53 percent of the children in the Cleveland school system are Negro and about 47 percent are white.

Similar figures are applicable in all of the major cities of the United States. A majority of the voters are white and a majority, or a growing number which soon will be a majority, of the children in the public school system, which depend upon voter approval for its money are Negro.

As you are all aware, there were serious riots in Cleveland last summer. These riots preceded the election at which we were, as successful as we were, by not more than 2 or 3 months. There are likely to be riots in Cleveland again this summer, perhaps next summer. The Cleveland Board of Education is therefore in the position of going to the voters for the additional money we need in a context in which most of the money is spent for the Negro children, some of whose families and some of the people in whose neighborhoods are the people who are causing the disturbances in the streets, and I emphasize the word "some," because of course most of the Negro families in the City of Cleveland are law-abiding citizens who are the ones most hurt by rioting and disorder in the streets.

Now in this context I put to the committee the question: How should compensatory education be financed in the big cities of the United States? Is it reasonable to suppose that a school district, such as the Cleveland school district, which needs to increase its operating expenditures by 20 percent just to get up to the average in suburban Cleveland can also persuade the voters to provide the money that is required for compensatory education?

Can we persuade a voting group, a majority of whom are white; are concerned about the growth of the ghetto; are people who came to this country and made their own way the hard way up the economic ladder before the Federal Government thought it was a part of its business to help people up the economic ladder—can we expect such people to provide substantial amounts of money for compensatory education for the children of Negro families, many of whom have moved to Cleveland recently from the South, some of whom are causing the disorders in the streets?

I think the answer to that question is apparent in the voting results.

In Cleveland one of the reasons we are successful in persuading the voters to support the schools is because we take the position that it is our responsibility in Cleveland to provide quality education for every child and we do not say to the voters, We want you to provide a lot of extra money which we are going to spend in Central and in Glenville and the other troubled parts of Cleveland. In fact, we do spend some extra money there because in providing quality education for every child we recognize that there are greater educational needs in the inner city and we provide them, but our basic theme is; we are providing basic quality education for every child and that is what we want the citizens of Cleveland to support and that is what they do support by a 2-to-1 vote.

By contrast, I call to your attention the experience of Cincinnati. Cincinnati has a board of education which has been more courageous than we have had in Cleveland and has put the question: Shall there be compensatory education, shall the voters of Cincinnati provide extra money to spend on the inner city child?

Cincinnati did provide that money, but as a result, in the November election this fall and in a followup election held in December, the voters of Cincinnati rejected a 4-mill operating levy in the Cincinnati School District by the same 2-to-1 majority that the voters in Cleveland were approving the 4-mill operating levy which we presented to the voters.

I suggest there is a lesson to be drawn from this experience, a rather sad experience, if you will, but a true one. The fact of the matter is that about all you can expect the big city school districts in this country to do by local effort is to try to catch up to the suburbs, to try to provide the same quality of education for every child as is available in the suburbs. They can do a little more, they can provide some money for the extra costs of educating the inner city children, but if we are serious in the United States about providing equal educational opportunity for all, which means providing more expensive education for inner city children than we do for the average child, the extra costs must come, most of them, from either the State or the Federal Government—now the State government.

There are several States in this country I am glad to say which do provide some money for the extra costs of disadvantaged children. Connecticut is one, Pennsylvania is another. The Governor of Ohio is interested in the big city problems and I am hopeful that Ohio will join the list this year. The most we expect to get from Ohio is some amount which will average out to \$50 or \$75 or perhaps \$100 for each of the 70,000 disadvantaged children that we have in Cleveland. It costs \$600 to run a Headstart program the way we do it, it costs \$1,200 to do it the way private organizations do it.

The amount of money that we will get from the State, while it will be helpful, will not do more than add a little bit to what we already have. We are now getting about \$70 from the Federal Government for each disadvantaged child. The amounts that we need and the amounts that we can profitably use are very much larger.

In 1966 the Cleveland Board of Education spent wisely and well every dime of the approximately \$6 million which we got for the education of disadvantaged children through title I of the Elementary and Secondary Education Act and through the Economic Opportunity Act.

In the current fiscal year we don't know exactly how much money we are going to get as yet. It will not be more than we received in 1966, it may be less. It results in a smaller rate of expenditure this year than we had last year for these programs because in 1966 we received the money rather late in the year and therefore we spend it at a monthly rate which is more rapid than we are spending this year.

Therefore, the fact is that in Cleveland we are now conducting compensatory education programs at a lower scale than we were a year ago.

In 1968 if the budget proposal which is before the Congress is approved and if the Perkins-Quie amendment becomes effective, the result

will be that we will have to spend in Cleveland in 1968 substantially less money, substantially less money than we have this year or last year.

The reason is that if you take the same amount of money allocated to the State of Ohio and then redistribute it among the school districts of the State, in accordance with the Perkins-Quie formula, it will end up in more money going to the rural areas in which there are a lot of children whose family incomes are less than \$3,000 and less money coming to the big cities where there is the concentration of children who are on ADC.

I think the Perkins-Quie formula is a good formula, please do not misunderstand me, but only in the context of a higher appropriation. In the context of a constant appropriation, it is a decision that the level of compensatory education in the inner city will be reduced.

Now, there are a number who are pessimistic about the effectiveness of compensatory education. There are those who read the Coleman report published by HEW this year as indicating that compensatory education does not work. I urge the committee not to accept that view of the Coleman report, it is not, incidentally, as I understand it, the author's view of the Coleman report.

All the Coleman report shows is that to date we do not have a quality of education in the inner city that produces statistically measurable results, but I have seen schools in the inner city in Cleveland which I believe are better than the average school in suburban Cleveland.

I am persuaded, and I have no statistic to back it up, but I am persuaded by observation of what we are doing in Cleveland schools that the additional funds which we spend on remedial reading, that we spend on additional visual aids in the city, that we will spend on keeping the schools open in the afternoon and evenings, that we spend on interracial camping experiences, that we spend on a whole range of programs, are making a real difference for the quality of education of the children in the inner city.

It is very easy for us to become discouraged about the effectiveness of the poverty program, about the effectiveness of title I. These programs are only a year or two old, I think it is extraordinary how much they have accomplished how soon.

I urge the committee if it can possibly do so within the limitations imposed by the Vietnam war and by the pressures of the budget to try to provide a steady increase year after year of Federal funds to improve the quality of education in the inner city.

This is not an interference in local affairs, this is simply a recognition that the problem of lack of education and the problem of poverty in the United States is a national concern. We are now engaged in the reconstruction period from the Civil War, most of the families who come to Cleveland. Most of the families who come to Cleveland, and incidentally some of our less-educated families and those who most qualify for and get the additional Federal help are not Negro, they are the white families from Kentucky and Tennessee, it is the generations of inadequate education that these children and their families and their grandparents have received that create the problems for the inner city.

It is not fair to expect the people of Cleveland to provide the extra money to deal with the problem, it must come from the Federal Government.

Thank you.

Chairman PERKINS. Any further statements from any of you gentlemen?

Mr. ACKERMAN. No.

Chairman PERKINS. Go ahead, Mr. Lund.

STATEMENT OF KENNETH W. LUND, SENIOR VICE PRESIDENT, SCOTT, FORESMAN & CO., AMERICAN BOOK PUBLISHERS COUNCIL, AND AMERICAN TEXTBOOK PUBLISHERS INSTITUTE

Mr. LUND. Thank you, Mr. Chairman. That is a most eloquent statement to follow.

My name is Kenneth W. Lund, senior vice president of Scott, Foresman & Co., book publishers, of Glenview, Ill. I am appearing today on behalf of the American Textbook Publishers Institute and the American Book Publishers Council, the two major professional associations of book publishers, the members of which produce more than 95 percent of the books of all kinds published in the United States.

I have with me Mr. Robert W. Frase, director of the joint Washington office of the institute and the council.

I want to extend our thanks on behalf of our organization for a chance to make a brief statement.

I will file a statement with the reporter here and this may expedite matters a bit.

I of course want to add a wholehearted endorsement to the spirit, the nature and the intent and implementation of the ESEA bill in the past and the extension prospects in the future. The cause is urgent, as has been eloquently said, and we merely add our voice to those of others in this respect.

In that process you and we both are hunting for the most effective use of the money, and to that extent we add our voice to the hope that you will give serious consideration to the many pleas for the extension of time. Planning the acquisition of people, the allocation of facilities, all take time and the extension, as has been mentioned, for 4 or 5 years seems more than wise, urgent really, in connection with this type of act.

We have two special comments we wish to make in connection with the bill.

The first one is an endorsement of the general idea of entering into services with the private sector as well as the public sector for educational research. We think there is a broad range of talent both interested and capable of contributing to the urgent cause at hand, and we urge that you lend your endorsement and see ultimately that this becomes part of the act.

The second comment has to do with a special part and in that it has not been referred to today during my hearing, I would like to read that part of the statement.

I come now to a provision of the bill which frankly disturbs us—this is the language on page 38, lines 15 through 19, which read as follows:

"* * * producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped * * *"

Commissioner Howe, in his prepared statement of March 2 on the bill, explained and justified this provision in the following way:

The U.S. Office of Education may now support research regarding educational media. This is generally restricted to research concerning the effectiveness of existing media. With the exception of the specific authority under the Captioned Films for the Deaf program there is no authorization to enter into contracts for the development of new media. There is no authorization which would permit specialized training programs to train specialists in the use of such media nor is there any authorization which would permit involvement in the production of such materials or media except for that under the Captioned Films program. Although the Office of Education has no particular interest in the production and distribution of educational materials there are some instances where this can be important. For example, there is some value in the support of sheltered workshops for adolescent-aged retarded or otherwise handicapped youngsters. Such support would indirectly or directly require support for production of materials produced in the workshops.

The support for the development of instructional media is particularly important at this time. Development costs run high, yet the future of education for the handicapped may well depend upon the availability of media not yet off the drawing boards.

Although the granting of authority to the U.S. Office of Education to get into the business of producing and distributing educational materials is limited in this provision of the bill to the production of such materials for the handicapped, their parents, their employers and other persons involved, this authority strikes us as being unwise in itself and a bad precedent. Unlike the situation in some other countries, the U.S. Federal Government has not been responsible for the production and distribution of educational materials. This has been left to private enterprise and to some extent to nonprofit organizations and the result has been, I believe, better and more abundant educational materials than exist in any other country.

As you well know, there have been many examples. This is a Benjamin Franklin done in large type by a man, Keith Jennison, who has really mobilized the private sector to accomplish this kind of thing. We do not think we are far apart in this respect, and we believe that there can be working appropriately prepared to enlist in this instance the resources of the private sector.

May I just add one word in closing. I spent some 10 years of my life working in the Chicago public schools concerned with the programs for the handicapped. No comment here should interpret any less concern than most of you have for effective programs in this field. We are just anxious that you use the full resources of the education community, including the private sector in this respect, and we would both endorse, support, and try to find ways of implementing and disseminating this kind of research.

It is only the question of entering directly into the publishing business.

Chairman PERKINS. Let me ask you one question. You people in the National School Boards Association and other witnesses all endorse the National Teachers Corps, the national recruiting and Office of Education?

Mr. LUND. That is a question for you.

Mr. ACKERMAN. Well, the comment we made in the statement was that we endorse the program as it is amended. We think it is one way. We think that it has created an environment, we don't think it is the only way, and we would like to see it kept on the pilot program.

Chairman PERKINS. How is it working in the city of Cleveland?

Mr. CALKINS. It is working very well. We have a small program with about 25 Corps members being trained at the University of Akron.

Chairman PERKINS. Twenty-five Corps members, teachers, besides your interns?

Mr. CALKINS. Twenty-five interns and only two or three teachers. It is very small, but it is working very well and we are pleased with it.

Chairman PERKINS. Can you evaluate the effectiveness thus far?

Mr. CALKINS. Yes, second-best program for recruiting inner-city teachers into inner-city schools.

Chairman PERKINS. Any other comments on it?

Mr. LUND. The plan I think is wonderful. I do not have the direct experience.

Chairman PERKINS. What about yourself? Do you favor the inner city?

Mr. WEBB. We feel it is one of the ways in which people can be attracted into teaching in the inner city in the problem areas where otherwise we might not be able to assign them for a variety of reasons. The business of bringing people who volunteer or present themselves for special training in this area—then we have some evidence.

Chairman PERKINS. Briefly tell us why you are able to recruit teachers from the National Teachers Corps when you are not otherwise able to recruit teachers for these disadvantaged areas. Some of the members of the House would like to have a concrete statement from the school board representatives.

Mr. WEBB. This would be my opinion, and I also would like to give Mr. Calkins a chance to expound on this, too, from the viewpoint of Cleveland.

I think there are a couple of factors. One is that the nature of the Corps itself is such that there is a charisma, a sense of mission, that can be generated with this kind of a program. When people are recruited into the program, given special skill and knowledge as to how best to teach in this area, then they have a sense of security and success that enables them to stay with that kind of teaching.

The second part that I was going to make is that it recruits from people who have not originally planned to go into teaching and entered it through another route.

Chairman PERKINS. Go ahead.

Mr. CALKINS. The quality of courses in education given at many American colleges is so bad that many of the ablest students going to college do not take them. Instead, they take history, government, economics, mathematics, science, and a variety of other things that they think are better taught, have more content and will do them more good in whatever occupation they wish to enter. If they then decide to be teachers, they are confronted with certification requirements which say they cannot teach and they are confronted with adminis-

trators in school systems who essentially say, "We don't care how good a teacher you will be, you have got to have had the certification requirements before we will let you into the classroom."

What they need is some kind of a transition program that gets them into the classroom with courses of sufficient quality that they don't feel repelled by the course that they have to take.

The Teacher Corps is one of the devices that will do that. Another device that does it is the master in arts in teaching program. When I said the Teacher Corps was our second best program, what I meant was that our best was a master of arts in teaching program, but they are both good programs, and they are both good for essentially the same reason. They are a high quality, attractive means by which the able college graduate who does not have his certification behind him can get into the classroom and get his certification requirements and become a teacher.

Chairman PERKINS. Thank you very much.

Mr. LUND. Thank you.

(Mr. Lund's full statement follows:)

STATEMENT BY KENNETH W. LUND ON BEHALF OF THE AMERICAN TEXTBOOK PUBLISHERS INSTITUTE AND THE AMERICAN BOOK PUBLISHERS COUNCIL

My name is Kenneth W. Lund, Senior Vice President of Scott, Foresman & Company, book publishers, of Glenview, Illinois. I am appearing today on behalf of the American Textbook Publishers Institute and the American Book Publishers Council, the two major professional associations of book publishers, the members of which produce more than 95% of the books of all kinds published in the United States. I have with me Mr. Robert W. Frase, Director of the Joint Washington Office of the Institute and the Council. The 125 members of the American Textbook Publishers are publishers of elementary, secondary and college textbooks, subscription reference books such as encyclopedias, educational tests and maps. The 192 members of the American Book Publishers Council publish all other types of books such as adult general (or trade) books, juvenile books, scientific, medical and professional books, religious books, university press books, book club books and paperback books of all descriptions. Many of the major publishers are, of course, members of both associations. My own firm is primarily a publisher of elementary, secondary and college textbooks, but more recently we have also gotten into the field of children's books and adult general books.

We are delighted to have this opportunity of expressing our views on the bill before you and hope these comments may be of help to your Committee in amending and revising the measure when you get into executive session. Our remarks divide themselves into six specific topics, but before getting into this detail let me say that we support the bill as a whole and its general purpose of amending and extending existing legislation "by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependent 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."

TIMELY EXTENSION OF EXISTING LEGISLATION

We were very glad to see in President Johnson's health and education message of February 28 the emphasis on a better educational timetable. This has two aspects—early renewal of appropriation authorizations for education and library programs, and early action on the annual appropriation bills for these programs. The bill before you provides for some extensions of elementary, secondary and vocational programs, but we were rather disappointed to find that some of the

major programs for elementary and secondary education—namely, Titles I, II and III of the Elementary and Secondary Education Act of 1965 which now expire on June 30, 1968, are not proposed to be extended this year. We have had a good deal of experience as publishers with these ESEA titles because substantial quantities of books and other instructional materials have been purchased with these funds. We know from experience that there is a great deal of waste and inefficiency involved when these Federal funds do not become available until well into the academic year which starts in September, rather than when the normal educational planning, budgeting and ordering of supplies is done in the spring. We would be concerned, therefore, that if extensions of Titles I, II and III of ESEA are postponed for Congressional consideration to 1968, the authorizations, and subsequently the appropriations which must be based on them, would delay the availability of funds well beyond July 1, as was the case in 1966. We would hope, therefore, that your Committee would seriously consider the desirability of extending the authorizations of the ESEA titles in the bill before you in 1967 rather than waiting until 1968.

EARLY ACTION ON APPROPRIATION BILLS

The President's education message contained the following statement:

"I urge that the Congress enact education appropriations early enough to allow the Nation's schools and colleges to plan effectively. I have directed the Secretary of Health, Education, and Welfare to work with the Congress toward this end."

This problem has become a matter of increasing concern to everyone involved with education in the United States, including members of this Committee as was brought out in the hearings last fall conducted by Mrs. Green on the operation of Office of Education programs. Ten if not scores of bills have been introduced in the House of Representatives this year urging that the appropriation bills for education programs be passed by May 1 of each year in order to provide for orderly education planning and budgeting. We would not presume to advise your Committee or the Congress as to how this problem can be met as a matter of technical legislative procedure. We only want to add our voice to the recommendation that it be solved in some way. There is probably no other single legislative action which could be taken that would so much increase the efficiency of the education and library legislation now on the statute books.

STATISTICAL ON EDUCATIONAL MATERIALS

It would be helpful to the book publishing industry—and in turn the separate industry which actually manufactures our books, the printers and binders—to have reasonably good statistics from the U.S. Office of Education on what kinds of published materials, and in what quantities, are being purchased under the major Federal education and library programs. With a good historical base on what has happened, it would then be possible for the U.S. Office to project these figures into the future as part of the five year forecasts which are to form an integral part of the new Programmed Budgeting System. Book purchases under the new Federal education and library programs of the last few years are not a large factor in total book sales—possibly on the order of 5% of the total in 1966; but they may be quite significant for certain specific types of books and could in the short run result in a squeeze on stocks and manufacturing capacity if there should not be sufficient time for advance planning. The Book Manufacturers' Institute, which is made up of the specialized printers and binders of books, passed the following resolution at their annual meeting last November, which was forwarded to Secretary Gardner and Commissioner Howe:

"Resolved: That the U.S. Department of Health, Education, and Welfare and the U.S. Office of Education be urged to provide continuing information on the use of books and other printed materials under the Federal education and library programs, including past expenditures and estimates of future expenditures, which will enable publishers and manufacturers of printed educational materials and their materials suppliers to plan better for adequate production and distribution of the required educational materials;

AND, be it further resolved: That the Book Manufacturers' Institute stand ready to confer jointly with representatives of the publishers' associations and the Department of Health, Education, and Welfare to develop the details of the

information required for appropriate private industry planning in order that the most effective implementation of Federal education programs may be assured."

We have had some subsequent discussions on this matter with officials at the U.S. Office and we hope to be able to work out with them a statistical program which will be beneficial to both the educational institutions which are consumers of our product and to the producers and suppliers of these materials in the private sector of the economy.

DELAYED PAYMENTS UNDER FEDERAL PROGRAMS

We should like to mention a problem which has arisen, not so much for publishers but for specialized book wholesalers who supply schools and libraries, of the great delay in many cases in payment for materials, particularly school library books, purchased under Federal programs. This situation is putting a considerable financial strain on the smaller book wholesalers and if it continues would impair their ability to perform efficiently their important function in the distribution chain of getting books from the publishers to these institutional consumers. Part of the problem is the lack of administrative personnel available in local school districts to handle the details of the numerous new federally funded programs and some relief can be expected as additional administrative funds are made available either from Federal or local sources. The problem arises in other cases because of the inexperience of some school districts in ordering books for school libraries where no such libraries have heretofore existed. We have been working with the professional association of school business officials to suggest ways in which ordering and payment procedures can be simplified and streamlined. We mention the problem here because it may be of interest to the Committee and also because through the printed record of these hearings, or some mention in the Committee report on the bill, the nature and seriousness of the problem can be brought to the attention of the educational community.

AUTHORIZATION OF CONTRACTS WITH PRIVATE PROFIT-MAKING ORGANIZATIONS

There are several provisions in the bill which would authorize contracts with private profit-making agencies as opposed to the present general limitation on the Office of Education to letting these contracts only to nonprofit agencies. One of these provisions is on page 30 of the bill, lines 15 and 16, which would permit the Commissioner to make contracts with "public and private agencies, institutions or organizations" for special projects in the field of comprehensive educational planning, especially on an interstate basis. Another is on page 34 of the bill, lines 22 and 23, which would permit the Commissioner to contract with "public or private agencies or institutions" for projects in the fields of recruiting personnel for service to the handicapped and to improve the dissemination of information on educational opportunities for the handicapped. We believe that these are important steps in the right direction and should be extended to all the grant and contract programs of the U.S. Office. This would improve the quality of educational research and dissemination by making available the skill and experience of private enterprise, including the publishing industry, as well as nonprofit institutions.

AUTHORIZATION FOR THE PRODUCTION AND DISTRIBUTION OF EDUCATIONAL MEDIA

I come now to a provision of the bill which frankly disturbs us—this is the language on page 38, lines 15 through 19, which reads as follows: "(2) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped". Commissioner Howe, in his prepared statement of March 2 on the bill, explained and justified this provision in the following way:

"The U.S. Office for Education may now support research regarding educational media. This is generally restricted to research concerning the effectiveness of existing media. With the exception of the specific authority under the Captioned Films for the Deaf program there is no authorization to enter into contracts for the development of new media. There is no authorization which would permit specialized training programs to train specialists in the use of such media nor is there any authorization which would permit involvement in the production of

such materials or media except for that under the Captioned Films programs. Although the Office of Education has no particular interest in the production and distribution of educational materials there are some instances where this can be important. For example, there is some value in the support of sheltered workshops for adolescent-aged retarded or otherwise handicapped youngsters. Such support would indirectly or directly require support for production of materials produced in the workshops.

"The support for the development of instructional media is particularly important at this time. Development costs run high, yet the future of education for the handicapped may well depend upon the availability of media not yet off the drawing boards."

Although the granting of authority to the U.S. Office of Education to get into the business of producing and distributing educational materials is limited to this provision of the bill to the production of such materials for the handicapped, their parents, their employers and other persons involved, this authority strikes us as being unwise in itself and a bad precedent. Unlike the situation in some other countries, the U.S. Federal Government has not been responsible for the production and distribution of educational materials. This has been left to private enterprise and to some extent to nonprofit organizations and the results has been, I believe, better and more abundant educational materials than exist in any other country.

An example of what private enterprise can do—and is doing—in the specific field of materials for the visually and otherwise handicapped is the production of large type books. An enterprising and public-spirited man who has spent his entire professional life in the book publishing business, Mr. Keith Jennison, some four years ago saw the need for production of books in large type for the visually handicapped and also persons handicapped in other ways, such as physically and braindamaged. He established a firm to produce such books and has by this time published 100 titles. In 1966 100,000 copies of these books were sold. Just recently Mr. Jennison signed a contract to produce textbooks in large type for the State of California. Although originally designed to serve the visually handicapped, large type books have proven valuable for persons handicapped in a variety of other ways.

We were not aware of this provision of the bill before it was introduced and discussed by Commissioner Howe in his statement on the opening day of your hearings, March 2. We hope that it will be possible to work out amending language which will meet any legitimate need for the encouragement of the production of instructional materials for the handicapped without getting the Federal Government into the publishing business.

In closing, let me repeat our general support of the bill and to express again our gratitude to the Committee for this opportunity to present the views of the book publishing industry.

Chairman PERKINS. Mrs. Ryan, do you want to come around now and make your statement.

Mr. WEBB. Mr. Chairman, may we ask permission that Mr. Ackerman's complete statement be included in the record.

Chairman PERKINS. Yes. Without objection, the statement will be inserted in the record and all other statements that you want to insert in the record.

Now do we have another witness in the room other than Mrs. Edward T. Ryan?

We regret that you missed that plane, Mrs. Ryan. It is just one of those things on a busy day. I am sure that one of them will have an extra place.

STATEMENT OF MRS. EDWARD F. RYAN, CHAIRMAN FOR LEGISLATION, NATIONAL CONGRESS OF PARENTS AND TEACHERS

Mrs. RYAN. Mr. Chairman and members of the committee: We appreciate very much this opportunity, at any time in the day, to offer our views in respect to these amendments to the Elementary and Sec-

ondary Education Act. I am Mrs. Edward F. Ryan, of Manchester, Mass., chairman for legislation of the National Congress of Parents and Teachers, whose membership is approximately 11,750,000 parents and teachers.

We wish to express our enthusiastic support of several proposals of this bill. We in national PTA regard the disparities in our educational system as one of our major and most demanding problems, and particularly the very inadequate education of millions of children in inner cities and other depressed areas. We have seen that it is hard to get a "handle" on improving the education of these children, partly because of inadequate finances, partly because of their own inadequate backgrounds. In all too many classrooms teachers and students have a hard time finding common ground for learning, even to suffering from deep mutual distrust. Yet it is of the utmost importance that these children be educated, for as this committee has shown there is no other road to breaking the poverty cycle for millions of children now growing up under great disadvantages.

It is our observation that the National Teacher Corps is a unique instrument for developing the kind of opportunities these children need, because the teaching preparation for these internes is developed specifically for teaching disadvantaged children, with teaching assignments closely related to their academic programs, and continuous contact between the training institution and the supervising school staff. We are advised by leaders in the profession that these programs are filling a need not hitherto met, are truly innovative. The NEA's National Commission on Teacher Education and Professional Standards is using 14 Teacher Corps programs as demonstration centers in various parts of the country. There is an additional advantage to our schools, as Dr. Webb just mentioned, in that the Corps members are selected from those who have not previously prepared for teaching, and are therefore a needed addition to the number of highly qualified teachers.

We in PTA are particularly pleased with the emphasis in the National Teacher Corps program upon the student teachers' working with the parents and communities of their children. In Lowell, Mass., for instance, where the teams are working in part with non-English-speaking children, the program director points out that by going into their homes the Corps members learn to understand the background of the students and at the same time can alleviate the fears prevalent among the parents, thus helping to break down the polarity between home and school which is a major problem in disadvantaged areas. The Corps members are also working with children individually and, through the new techniques they are learning, carry over the individualizing programs into the classroom.

This is one of the most important parts of the whole program.

Of course they also do remedial work and carry on dramatic and other activities which the teachers have not had time to do. But the chief reason among many why the Lowell school administration is grateful and enthusiastic for its Teacher Corps group comes from its hope to use them next year for in-service training for the regular teaching staff.

In a series of month-long programs with corpsmen for 10 teachers at a time, the administration hopes to enable the teachers to—and I

quote the words of the assistant superintendent—"learn to carry out in practice what they have heard about in theory." Thus the Corps becomes not merely remedial in service but an agent of improvement for the school system. This has been a year of "working out wrinkles," I was told, and that it would be "a shame if they could not continue with their wonderful plans for next year."

Many of our people have visited these programs around the country, and are enthusiastic with what they have heard and seen. We would say that we approve of the cooperative arrangements under which the Teacher Corps is working: the training program worked out between the local school system and the nearby university, approval of the program by the State department, and school administration approval of the Corps members. We note the recommendation of stipend on a graduate-student level and would hope that, like the student stipend, this payment would be tax-exempt; if not, that the amount would be adjusted accordingly. We hope very much that this unique and immensely valuable program will be extended and expanded, we would hope on the two-year contract level, with the full authorization requested.

PTA members have long been concerned for the sadly inadequate educational facilities for Indian children in many places. According to the New York Times of April 16, 1966, 8,000 Indian children between 8 and 16 were not in school at all for lack of facilities. Obviously the task of providing for these children is great and requires more than these measures. Nevertheless, school libraries are the core of any school, however poorly housed, and we earnestly support this assistance, the extension of title II to schools for Indian children and overseas dependents schools.

In the overseas dependents schools, libraries are generally more or less adequate in size, but have suffered in quality from the stringency of the limitation upon expenditures. As a National PTA representative, I have visited large schools whose librarians have been concerned by the paucity of books in certain important areas, such as science or literature. More than one school makes a practice of referring students to the adult base libraries; one high school near London sent its students to English libraries for some needs—a more useful practice for intercultural understanding than for everyday classwork.

Most schools are too isolated for such assistance, and the adult libraries are often poorly balanced in nontechnical areas. Thus the schools need other sources of help, which is very often the PTA. In one school I arrived as the librarian was unpacking \$800 worth of books for younger children purchased by the PTA—and very grateful she was. We feel, however, that if the PTA expends its energies in this manner, it may well slight such more important work as parent education, human relations, and closer cooperation between teachers and parents—all basic to the welfare of both children and schools.

We warmly support the extension of title II in both these areas.

Extension of title III to Schools for Indian children and overseas dependents schools:

In both these areas there are more programs and greater needs than there are funds to meet, under title III. In respect to Indian children we would suggest that exploration is very important to assure the kind

of education that will meet the special needs of these children to become self-supporting and self-respecting in the land of which they are citizens, without losing their own cultural heritage.

In respect to the overseas dependents schools we should like to describe a program which we regard as of very great importance, for which there are no present funds but for which funds from this title III seem most appropriate.

National PTA sends representatives every year to its overseas branch, the European Congress of American Parents and Teachers, who are given opportunities to visit the schools and military communities. Twice I have had this privilege, visiting schools in Germany, Oslo, and London in October 1964, and several locations in Turkey in November 1966. One of our concerns has been for the small assistance available for children with mental health problems, a concern which is amply shared by the Director of the European area schools and many school personnel. Psychiatrists and others who have studied the problem concur that 10 percent is a conservative estimate for those children who have various mental health problems, and this means, with about 100,000 in that area, we are talking about 10,000 in the European area. This is the same proportion as would occur in any American community, with the difference that in the overseas military communities there are almost no resources for help.

As I am sure the committee is aware, a multiplicity of factors are involved, including family pressures brought about by military exigencies or inability to live satisfactorily in a strange country. If the problem is severe enough, and causes a sufficient disturbance in the military community, the family is sent home—with the consequences to military career and family relations which you may imagine. If not, in most places child, family, and classroom get along as best they can for the balance of the duty tour, during which time small problems can easily become serious.

The critical need is not so much for clinical services, for these are quickly overwhelmed, but for professional assistance to teachers in understanding how to help their problem children, as well as to cope with their own sometimes considerable difficulties, to parents in understanding their children and the building of family relationships, to children in understanding themselves and in building confidence. These services, so common in the States, scarcely exist overseas.

Small cooperative projects are under way in several locations between school people and the few military psychiatrists who happen to have had experience with children or training with children. We would bring to your attention, however, a most promising project in Turkey, developed by the chief of psychiatric services of TUSLOG and the assistant superintendent for pupil personnel services for the school district.

With the help of the chief of pediatrics in Ankara, a careful survey was made to determine the number of children needing psychiatric assistance, which also showed the inadequacy of available personnel to provide the needed services. Small special classes were established for emotionally disturbed and brain-damaged children, with a combination of professional and volunteer personnel. The collaborators then turned to what is commonly known as the "community mental health

approach," involving the hospital commander and other medical personnel, guidance counselors, school administrators, chaplains, PTA and other community leaders, and also the Ambassador, TUSLOG commander, USIS, AID, and two Turkish physicians. Later the collaborators visited other locations in Turkey to develop the same cooperation between medical and school people, supported by the same community approach.

I might interpolate I happened to be in Adana on the occasion and shared in one of these meetings.

To carry out the plan, however, certain professional personnel are essential, who are not now available, nor can be available within existing funds. It is proposed specifically that there be in Ankara, under the joint guidance of the Chief of Psychiatric Services and the Assistant Superintendent for Pupil Personnel Services, a team consisting of psychiatrist, psychologist, and social worker, to serve the Ankara schools and community, and also three other teams of social worker and psychologist in three other locations, working under the Ankara group. The latter three teams would serve all other present locations in the Middle East, and all would be school-oriented, trained with children and families.

The plan is enthusiastically supported by all who have been involved, by the Ambassador, by the military commander in Turkey, and by the area director of the dependents schools. The problem is one of funds. We would hope that title III funds could be used to develop this important, innovative program, which would serve not only to assist the children and families of our military installations in Turkey, but also as an exemplary program to train personnel for our other military areas.

On these first three titles I would like to make one urgent request, that the Committee consider very seriously the recommendation of extension this year rather than waiting for 1968.

I need not repeat the testimony you have heard previously today about the importance to local school planning, but I assure you that it is very great.

In the amendments to title V of the Education Act, we are glad to see the trust territories included, for many of our members are concerned that the quality of education there be commensurate with that which we wish to provide for American children, and we would hope that the funds authorized would be proportionately increased to cover this addition.

We would specifically approve the revision of the apportionment formula in section 502(a), and the addition of part B for comprehensive educational planning and evaluation. We should prefer, and would urge, however, that studies of urban educational problems be conducted cooperatively under state authority, rather than separately. We should further prefer and urge that metropolitan planning in education in areas covering more than one state be carried out cooperatively between states, with the assistance rather than the authorization of the U.S. Commissioner of Education.

Amendments to title VI of the Education Act, and to the Vocational Education Act of 1963: We very warmly support the proposed amendments to title VI of the Education Act, for the assistance of handi-

capped children, and hope that this title may this year be fully funded. We are glad to see the proposal for developing innovative vocational education programs, and hope that in its implementation existing school structures will be broadened and enabled to include such education in comprehensive programs.

Thank you very much for the opportunity to offer these views.

Chairman PERKINS. Let me thank you, Mrs. Ryan, for your appearance here today and that of the National Congress of Parents and Teachers. Your statement has been most helpful.

Has your organization all through the years supported the National Teacher Corps, I mean the last few years since the program has been before the Congress?

Mrs. RYAN. No. Our members have studied this very carefully over the past year. I think last summer was our first statement in its support. Since then we have asked our people to look at programs around the country and our support has been strengthened considerably.

Chairman PERKINS. From the valuations that your organization has been able to retain and from your people, do you feel that the corps is doing a good job in the disadvantaged areas of the country now?

Mrs. RYAN. Yes.

Chairman PERKINS. Those are reports that you are receiving from the worst neglected areas in the country where we do have the Teacher Corps.

Mrs. RYAN. Our reports are all favorable. I do think, however, that the people in Lowell put their finger on one of the most important aspects of what the Teacher Corps is doing. As this Administrator said, we have had too much instruction and not enough education. The emphasis which the corps members are placing in this whole approach to working with these youngsters as individuals, "drawing them out" in it (as at least one translation of the word "education"), I think is a trend which is coming in education, which we can perhaps thank the disadvantaged youngsters for teaching us is something all children need, and I hope and I believe that this approach is going to spread throughout teacher education.

Chairman PERKINS. Mr. Steiger?

Mr. STEIGER. Mrs. Ryan, you made a very good statement this afternoon. Thank you for your patience.

Mrs. RYAN. Thank you, sir.

Mr. STEIGER. May I ask two questions of you?

What kind of emphasis, if any, has the Congress of Parents and Teachers placed prior to the Teacher Corps, for example, on improving the education that is available to teachers?

You were here when the gentleman from Cleveland made a most eloquent statement. One of the things that he said was that the teacher education, I don't remember his exact words, but it is woefully inadequate or deplorable or something along those lines. Has this been of concern to the PTA?

Mrs. RYAN. I am not sure we have taken an active role in the change in that respect. Our work is more with the relationship between

teachers and parents and the welfare of children. I think our role has been supportive in nature rather than offering innovations as an organization.

Mr. STEIGER. What kind of a reaction do you have either personally or within your organization to the teacher assistance program?

Mrs. RYAN. We have tried to offer this assistance for the last several years, quite a few years, and this is one innovation we have urged. We have in various instances helped school people choose, screen, train PTA members for this purpose. A great many PTA members are filling this role, many more in the last year or two than, say, 10 years ago when we were first introducing or at least talking about the idea.

Mr. STEIGER. You do feel, don't you, that this would be of assistance to try and individualize more the capability of the teacher?

Mrs. RYAN. Oh, yes; it is a very important assistance. I would say now that it is generally accepted as part of the conventional wisdom but not for very long, maybe 2 years.

Mr. STEIGER. Thank you.

Chairman PERKINS. Mr. Ford?

Mr. FORD. Thank you, Mr. Chairman.

I am very happy to see this constituent of mine. You have been helpful to the committee and members of the committee on several occasions in the past. As you well know, the interest that your organization had in the overseas schools when others didn't know they existed played a large part in leading this committee 2 successive years to visit every part of the world in which these schools are located.

Mrs. RYAN. We have been most grateful for your help.

Mr. FORD. We now have a combined report of two groups that went out last year that will be ready very shortly. One of the points in that report this year was the fact that we did discover the problem that you have pinpointed with regard to children with special education problems.

We were disappointed, but not necessarily surprised, to discover that there is no uniformity among the three military services and their treatment of dependents that have every kind of variation of special problems. The Air Force has a rather firm policy with regard to the additional assignment overseas of parents with children having recognizable educational problems. The other two services tend to disregard it entirely. All three services do nothing after the child gets overseas, mainly because they are hard pressed to do a job with the ordinary programs.

The support you have drawn concerning the inadequacy of the libraries and textbooks themselves has been very helpful. Mr. Vance issued an executive order last year that by fiscal 1968 textbooks will be up to date. We discovered this year that that order has already had very remarkable results, but the one thing that is uniform throughout the three services is that the libraries are uniformly poor.

We are hopeful that with the addition of the overseas schools to title II this year, we can see a change take place, and when we go back on our next investigation that we will see the effects of your efforts and the efforts of this committee.

Thank you very much for staying around and missing your plane.

Mrs. RYAN. Well, thank you, sir. I am very glad to have done so.

Chairman PERKINS. We appreciate your appearance here today, Mrs. Ryan. You have been very helpful.

Mrs. RYAN. Thank you, Mr. Chairman.

Chairman PERKINS. We appreciate the endorsement of the legislation of the National Congress of Parents and Teachers. Thank you very much.

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

We will wind up the hearings tomorrow.

(Whereupon, at 5:03 p.m., the committee recessed, to reconvene at 9:30 a.m., Saturday, March 18, 1967.)

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

SATURDAY, MARCH 18, 1967

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

The committee met at 9:30 a.m., pursuant to recess in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the committee) presiding.

Present: Representatives Perkins, Scheuer, Dellenback, and Steiger.

Staff members present: Robert E. McCord, senior specialist; H. D. Reed, Jr., general counsel; William D. Gaul, associate general counsel; Benjamin F. Reeves, editor; Louise M. Dargans, research assistant; and Charles W. Radcliffe, special education counsel for minority.

Chairman PERKINS. The committee will be in order. A quorum is present. We have Mr. Russell Goble from the Martin County schools of Kentucky. We would be delighted to hear from you at this time, Mr. Goble, and we are interested in knowing how the Elementary and Secondary Education Act is working out in your county.

STATEMENT OF RUSSELL GOBLE, MARTIN COUNTY SCHOOLS, KENTUCKY

Mr. GOBLE. Mr. Chairman and members of the committee, I wish to congratulate the committee for its efforts in making funds available through the Elementary and Secondary Education Act to local school districts especially those districts with low per capital income, a high rate of unemployment, and a large number of culturally and economically deprived children.

The programs are being well coordinated by the U.S. Office of Education, the State departments of education, and the local school districts. The guidelines, as a whole, are flexible enough to permit the local school districts to provide many of the needed services and facilities that they have been deprived of in the past due to a lack of funds.

Martin County has a low per capital income with little local revenue with which to provide an educational program that is comparable to the programs in the districts having the taxable wealth.

Elementary and Secondary Education Act funds are helping to bridge the gap and the impact of Federal aid, too, is producing desirable results.

Elementary and Secondary Education Act funds have made it possible for Martin County to initiate a remedial reading program in which the services of teacher aids and remedial reading teachers have been provided to implement the regular classroom activities,

Elementary school library services, lunches for indigent children, and a summer program for high school students from the low-income families with special emphasis on reading have been made possible.

Elementary library rooms and remedial reading laboratory rooms have been established in Martin County's seven consolidated elementary centers. Books, instructional supplies, and modern equipment have been provided for the use of the librarians, remedial reading teachers, and regular classroom teachers.

Some of the desirable results of the program are as follows:

1. Dropout rate has been reduced.
2. Overall increase in academic level of the students.
3. Higher percentage of attendance.
4. Improved attitude of low-income parents and children toward school.
5. Increased participation on the part of parents in community activities as well as educational activities.
6. Improvement in health and nutrition with elimination of many physical handicaps such as eye defects, hearing defects, and nutritional deficiencies. Dental problems have been reduced by providing a mobile dental clinic for children from low-income families.
7. Additional training for specialized personnel in supervision, remedial reading, and library science.

Plans are underway for the development of an improved program in mathematics, science, art, music, and physical fitness.

The programs provided by the Elementary and Secondary Education Act should be continued because of the valuable services being rendered to children from low-income families and increased potential for the construction of new buildings.

I recommend that provision be made in the law whereby the poorer districts with heavier concentration of poverty could be permitted to secure grants and low-interest long-term loans in order for them to provide the buildings necessary to carry out a successful educational program. Most of the school districts in Eastern Kentucky have antiquated high schools with inadequate heating, lighting, laboratories, libraries, and other facilities necessary for a program to meet the needs of the students. Without some form of construction aid the school districts can not meet the increased building needs.

All Federal aid money should be channeled through State departments of education and prorated to the districts on the basis of need, taking into consideration local effort, in accordance with a well-developed educational plan approved by the State department of education and the U.S. Office of Education.

There is considerable confusion and discontent concerning the operation of Headstart programs under the direction of the Office of Economic Opportunity, and under the present setup OEO, through community action, is dominating the Headstart programs on the basis that Headstart is not an educational activity, that it is an antipoverty

activity. They advocate total involvement of the children from the low-income families and total involvement of the parents from the low-income families to the exclusion of all other segments of society. The programs now being approved under OEO guidelines for a year around Headstart program in Martin County do not provide Headstart training for more than 25 percent of the children eligible to participate and do not provide employment for more than 5 percent of the parents.

The remaining 95 percent of the parents are expected to participate in the program on a voluntary basis. The summer Headstart program would provide training for approximately 50 percent of the eligible children in Martin County. It is a hypothetical assumption that this plan is providing child development services for all of the children or employment for all of the parents.

The arbitrary guidelines of the Office of Economic Opportunity are in a constant process of change with considerable indecision in the Office of Economic Opportunity about the application of the guidelines in the local districts. In addition to the guidelines certain special grant conditions are imposed upon the boards of education that are not provided in the guidelines and are not in accordance with the guidelines.

The question should be resolved as to whether Headstart is an educational activity and should be carried out by the boards of education working with community organizations or an antipoverity program and should be carried out by community action organizations or other civic groups.

If the local boards of education are to assume fiscal responsibility it is mandatory that they have fiscal control. It will never work successfully to have two agencies attempting to operate the same program with community action agencies selecting the personnel by which the boards of education are to perform services in accordance with the intents and purposes of Headstart programs.

Boards of education select personnel to perform certain services on the basis of qualifications. Community action attempts to impose on the boards of education the selection of personnel on the basis of poverty without regard to qualifications, presumably because of the fear that boards of education will use nepotism or politics.

At the same time the boards of education are held responsible for the success or failure of the Headstart program. This can only result in the children being deprived of the benefits for which Headstart was originally organized.

The program should either be operated by the board of education or should be completely taken out of the hands of the board of education in eastern Kentucky. If it is the intent to perform services for the parents of the low-income families, then a special training program should be set up for them in which they are paid for so many days of systematic instruction and work experience in connection with the Headstart program.

In this way boards of education could employ competent people who could perform the services in the Headstart program and at the same time provide services for the parents.

While the intents and purposes of Office of Economic Opportunity may be good and the OEO legislation enacted by Congress is valuable

legislation, it is unethical and not in keeping with sound educational principles for the Office of Economic Opportunity to write the guidelines by which boards of education are to operate Headstart programs without permitting the school people to be represented or their beliefs considered in the formulation of the rules by which they operate.

Procedures should be evaluated objectively by boards of education and they should have the right to make the necessary changes at the local level.

The children of Appalachia need Headstart training and boards of education, in general, will accept the responsibility for providing the services; but they cannot afford to turn buildings and equipment over to personnel elected by someone else and be responsible for performing the services in the Headstart program.

I, as a representative of the Martin County Board of Education, wholeheartedly recommend that the Headstart funds be channeled through the U.S. Office of Education to the various State departments of education.

I further recommend that the State departments of education distribute those funds to those boards of education which operate Headstart programs. I am certain that school people will be happy to cooperate with community action and all other community organizations in operating Headstart programs.

I thank the members of the committee for permission to appear and express my views.

Chairman PERKINS. Let me congratulate you, Mr. Goble. I have known of your work as supervisor in the Martin County school system for some while and some time. You have made an outstanding contribution to the school system and I personally want to congratulate you on your evaluation of the results obtained from the present programs in your county under the Elementary and Secondary Education Act where you evaluate the work of title I by stating that the dropout rate has been reduced and that there has been an overall increase in the academic level of the students, a greater and better percentage of attendance, and there has been much more interest from the standpoint of the price as the result of the Elementary and Secondary Education Act.

You are getting increased participation and involvement from the standpoint of price; and being able to put on so many special programs such as remedial reading and library sciences and other enrichment programs.

The evaluation of this piece of legislation as you have pointed out to us from Martin County, Ky., makes me feel good. As we all know Martin County is one of our low-income counties throughout the Nation. It just goes to prove that the results obtained from the passage of the legislation are commencing to pay off.

I want to thank you for that report this morning.

Mr. GOBLE. Thank you, Mr. Chairman.

Mr. SCHEUER. I was very much interested in your testimony. I notice that on page 3 you say that only 25 percent of the children are eligible to participate. Are you receiving the benefits of Headstart?

Mr. GOBLE. We have approximately 450 students who are eligible from age standpoint and income standpoint.

Mr. SCHEUER. And need, I take it?

Mr. GOBLE. Yes. We designed a program for 230. We have a program approved for 130 at the present time. We have a grant approved for 130 at the present time.

Mr. SCHEUER. How much more in the way of funding support would you like to have for the children in your county?

Mr. GOBLE. I think our disagreement perhaps is not so much money. We appreciate what we are getting. It is the way we are forced to operate.

Mr. SCHEUER. I don't want to get into that controversy this morning. I just want to get to the one question of the resources. Are you satisfied with the level of help you are getting from the Federal Government or do you think the children in your district would benefit from getting a higher level of help?

Mr. GOBLE. They would benefit from a higher level of help.

Mr. SCHEUER. Of the percentage of children now being taken care of, how many more would you like to get in?

Mr. GOBLE. One hundred more.

Mr. SCHEUER. Instead of 130, it would be 230, almost a doubling of your program?

Mr. GOBLE. Yes.

Mr. SCHEUER. Would this be year around or just the summer program?

Mr. GOBLE. That would get into our problem of operation but it is year around.

Mr. SCHEUER. Do they have comprehensive health services and nutrition?

Mr. GOBLE. Yes; but not nutrition.

Mr. SCHEUER. But they do have comprehensive health services?

Mr. GOBLE. I think so.

Mr. SCHEUER. Dental care?

Mr. GOBLE. Yes.

Mr. SCHEUER. Do they have a school lunch during the school year and the summer?

Mr. GOBLE. They have no cooks in the summer.

Mr. SCHEUER. So there would be something to add there.

Your testimony was very provocative and stimulating and I thank you very much.

Chairman PERKINS. Thank you very much for your appearance here today, Mr. Goble.

Do we have any other superintendent of schools in the room at the present time?

I am going to call on the administration witnesses right at this time. We would like to have you give us a report as to the operation of the Elementary and Secondary Education Act. While they are in the process of assembling I would like to ask unanimous consent that inasmuch as this is the last day of the hearings to insert in the record at this time excerpts from the National Educational Association Research Report in 1966 concerning the demand for new teachers as a study made concerning the teacher shortage which I feel would be very helpful to have some evidence on the demand for new teachers,

on the shortage, the reasons why so many teachers have left the disadvantaged areas.

I think this study is pertinent in this record. If there is no objection I will ask that the study be inserted in the record.

(The document referred to follows:)

[Excerpts from NEA Research Report 1966-R16, October 1966]

II. THE DEMAND FOR NEW TEACHERS

This section contains estimates of the demand for new teachers and the demand for beginning teachers. The separate estimate of the demand for beginning teachers is given to allow comparison with the supply of beginning teachers reviewed in Section I of this report. Following a review of the difference between the estimated demand for new and beginning teachers are descriptions of three estimates of the demand for new teachers. Finally this section reviews the characteristics of the demand for new teachers as shown in the assignments given to these persons during the 1965-66 session in 29 states reporting this information.

DIFFERENCE BETWEEN DEMAND FOR NEW AND DEMAND FOR BEGINNING TEACHERS

The difference between the estimated demand for new teachers and the estimated demand for beginning teachers is based on an estimate of differences in the types of vacancies created by teacher turnover. The estimated demand for new teachers is directed to filling all of the positions vacated by the departure of approximately 8 percent of the teachers each year.

The estimated demand for beginning teachers is based on an assumption that re-entering former teachers normally will fill between one-fourth and one-half of the positions created by teacher turnover.

The U.S. Office of Education reported that the number of teachers who were re-entering active service following a leave of absence or other interruption in their teaching careers was almost half (48.0 percent) of the number of positions vacated by teacher turnover.¹ The number of positions created by the 8.1 percent teacher turnover which were not filled by the number of persons re-entering teaching amounted to 4.2 percent of the number of teachers employed in the fall of 1959. Summarized in Table 9 are the withdrawal and re-entry rates reported in the U.S. Office of Education Study.

TABLE 9.—*Estimated demand for beginning teachers, based on teacher turnover rates in public schools, 1959-60*

Group (1)	Percent of the fall 1959 staff								
	Elementary			Secondary			Total		
	Men (2)	Women (3)	Total (4)	Men (5)	Women (6)	Total (7)	Men (8)	Women (9)	Total (10)
Teachers separating and not transferring to new position.....	5.9	8.4	8.1	6.5	9.9	8.1	6.3	8.8	8.1
Teachers re-entering.....	3.7	4.1	4.1	2.7	4.7	3.6	3.0	4.2	3.9
Difference (positions to be filled by beginning teachers).....	2.2	4.3	4.0	3.8	5.2	4.5	3.3	4.6	4.2

Source: Based on: Lindenfeld, Frank. *Teacher Turnover in Public Elementary and Secondary Schools, 1959-60*. U.S. Department of Health, Education, and Welfare; Office of Education, Circular No. 678; Washington, D.C.: Government Printing Office, 1963; p. 9.

¹ Lindenfeld, Frank. *Teacher Turnover in Public Elementary and Secondary Schools, 1959-60*. U.S. Department of Health, Education, and Welfare, Office of Education, Circular No. 678. Washington, D.C.: Government Printing Office, 1963. 28 p.

TABLE 10.—*Estimated percent of teaching positions being created by teacher turnover in 1957-58 and in 1959-60*

Group (1)	Percent of the fall staff size					
	Elementary		Secondary		Total	
	1957-58 (2)	1959-60 (3)	1957-58 (4)	1959-60 (5)	1957-58 (6)	1959-60 (7)
Teachers leaving the profession.....	11.2	8.1	10.4	8.0	10.9	8.1
Teachers re-entering active employment..	4.8	4.0	4.1	3.6	4.5	3.9
Difference (vacancies created by turnover).....	6.4	4.1	6.3	4.4	6.4	4.2

Source: Based on: Lindenfeld, Frank. Teacher Turnover in Public Elementary and Secondary Schools, 1959-60. U.S. Department of Health, Education, and Welfare; Office of Education, Circular No. 678; Washington, D.C.: Government Printing Office, 1963; p. 15. (1959-60 data adjusted to represent 48 states and the District of Columbia for comparability with the 1957-58 survey data.)

It is now known to what extent the number of persons returning to teaching during 1959-60 may have reflected the impact of a shortage of beginning teachers in that year. A shortage could contribute to the retention or recall of marginally qualified personnel.

An NEA Research Division survey of public-school teachers in 1955-56 found that 9 percent of all public-school teachers in April 1956 were not teaching in April 1955, and that approximately half of these (49 percent) were in college in April 1955. As reported in Table 23, the supply of beginning teachers was lower in 1955 and 1956 than has been observed in subsequent years.

In an earlier study on teacher turnover (1957-58), the U.S. Office of Education reported that 10.9 percent of the teachers in the fall of 1957 left the profession and the number of re-entering teachers amounted to 4.5 percent of the number of teachers employed in the fall of 1957. A review of the net loss as a percent of the number of teachers in the fall at the beginning of the session as observed in the two U.S. Office of Education studies is provided in Table 10.

The rate of re-entry was slightly greater among women than among men, and was greater at the elementary level than at the secondary-school level, possibly the latter being attributable in large part to the sex-related difference. The percents of the fall staff representing the re-entering teachers did not vary as markedly between the two studies as did the percent of all teachers leaving their position.

The differences in the rate of turnover and in the demand for beginning teachers observed in these studies documents the possibility of rather wide variations over a period of years. The U.S. Office of Education studies show variation in these rates of teacher turnover among school districts grouped by region. Studies of teacher turnover reported by several states suggest there are wide differences among the states in the rate of teacher separations. These variations suggest that the national estimates be treated in only general terms with allowances being given to possible differences over a period of time and for individual states or regions.

Two NEA Research Division surveys of teacher separations in 1963-64 and in 1964-65 in school systems which enroll 25,000 or more pupils provide an indication of conditions since 1960. The time period of the NEA surveys was between July 1 and June 30 of the following year while the time period of the U.S. Office of Education studies was between the opening of classes in the fall and the opening of classes the following fall. The separation rates differ from the turnover rates because of the inclusion of the teachers who transfer to other school systems. Summarized below are the separation rates observed among the large school systems in the four studies. Information reported by the NEA Research Division suggests that the separation rates during recent

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years may be about the same as reported for 1959-60 in the U.S. Office of Education study.

[In percent]

Year	Separation rate in school systems having 25,000 or more enrolled	Separation rate in all school systems
1957-58 (USOE).....	14.7	17.0
1959-60 (USOE).....	12.5	13.4
1963-64 (NEA).....	11.4	-----
1964-65 (NEA).....	11.4	-----

The following assumptions may provide an estimate of the demand for beginning teachers to fill positions created by normal teacher turnover: (a) that about 8 percent of the classroom teachers at the beginning of a school session will leave the teaching profession before the beginning of the following session, and (b) that at least one-fourth and as many as one-half of the positions created by this exodus (between 2 and 4 percent of the number of teachers employed in the fall) will be filled by persons who have interrupted their careers. It is further assumed that these variables will fluctuate with changes in the adequacy of the supply of beginning teachers, the total demand for qualified teachers, composition of the teaching staff, characteristics of the pool of former teachers, and the economic conditions influencing turnover in the instructional staff. The questionable bases for these assumptions, the wide fluctuations in the conditions influencing their accuracy, and the need for additional data to support differences applicable to each sex and subject grouping suggest that the resulting estimates be treated only in very general terms.

The midpoint of the estimates that between 4 and 6 percent of the fall staff of full-time teachers will leave and not be replaced by re-entering former teachers is used as the base for estimating the demand for beginning teachers created by teacher turnover. Conversely, estimating that the re-entry of former teachers is equal to about 3 percent of the number of full-time teachers in the fall of 1965, the estimated demand for beginning teachers may be derived by reducing the estimated demand for new teachers by 28,756 at the elementary-school level and by 22,231 at the secondary-school level.

CRITERIA FOR ESTIMATING DEMAND FOR NEW TEACHERS

Three equally useful estimates of the demand for new teachers are presented in this report. The first shows the teacher demand related to a minimum standard, the second reviews the teacher demand related to current practices, and the third is an adjustment to the second to account for the expected influence of the Elementary and Secondary Education Act of 1965.

Components of the first estimate are the minimum standards of staffing characteristics required for effective instruction in the public schools. This estimate is based on an assumption that the demand for teachers must be related to achieving at least the minimum level of quality in staffing for public education. The estimate based on this assumption is termed the *Quality Criterion Estimate* (QCE).

The components of the second estimate are the trends in the improvement of staffing characteristics of public schools in recent years being continued in the 1966-67 school session. This estimate is based on an assumption that the demand for teachers in the fall of 1966 is the expected number of new teachers who will actually be employed at the beginning of the 1966-67 school session as indicated from past trends in staffing practices. This second estimate is termed the *Trend Criterion Estimate* (TCE).

The third estimate is an adjustment to the *Trend Criterion Estimate* to account for the growth in staff size which is expected to result from the Elementary and Secondary Education Act of 1965. This third estimate is termed the *Adjusted Trend Criterion Estimate* (ATCE).

The numbers of new teachers required by each criterion for estimating the demand for new teachers in 1966-67 are presented and discussed in the following sections.

The Quality Criterion Estimate

The *Quality Criterion Estimate* is based on the number of new teachers needed to achieve immediately a standard for *minimum* quality in the staffing of public-school classrooms. The following are discussed separately as components of this estimate: (a) the number of new teachers needed to fill new positions being created to accommodate enrollment changes; (b) the number of new teachers needed to replace the teachers who are interrupting or terminating their careers; (c) the number of teachers having substandard professional qualifications who need to be upgraded or replaced; (d) the number of new teachers needed to reduce overcrowded classes to reasonable maximum sizes; and (e) the number of new teachers needed to provide adequate staffing of new educational offerings, added special instructional services, and reorganization for instruction.

The *Quality Criterion Estimate* of teacher demand should be useful to the teaching profession, civic leaders, public officials, and research analysts in assessing the manpower requirements for attaining minimum quality in public education. This estimate shows the demand for teachers required by a minimum level of quality in the staffing practices applied to all classrooms without consideration of the obstacles to attaining this standard immediately.

The Demand for New Teachers, Based on the Quality Criterion Estimate—Summarized in Table 11 are the estimated numbers of new teachers needed to achieve the *Quality Criterion* in each of several components of teacher demand. The estimated total demand for 364,500 new teachers is an increase of 138,500 positions (8.1 percent) over the number of full-time teachers employed in the fall of 1965. The components of this estimate are described in the following paragraphs.

Increased Enrollment—The estimates shown in the table are preliminary projections developed by the NEA Research Division by using enrollment and staffing data of recent years. These preliminary estimates will be reviewed and revised by officials in the individual states prior to publication by the Research Division in December 1966. Additional discussion of these estimates is provided in the discussion of the *Trend Criterion Estimate*.

Owing to the use of projections of staffing as related to enrollments in recent years, this estimate may reflect a small part of the demand for new teachers estimated separately in some other components.

Teacher Turnover—The estimates are based on an assumption that 8 percent of the full-time teachers in the fall of 1965 will interrupt or terminate their careers before the opening of schools in the fall of 1966. The major studies which have contributed to this estimate were reviewed in the discussion of the differences in the demand for new and for beginning teachers. Since this turnover rate was observed during years in which general improvement of the educational qualifications of the staff were being realized, the estimated demand may overlap somewhat the following component.

Replacement of Teachers Having Substandard Qualifications—These estimates are based on an assumption that the minimum educational requirement for qualified teachers is completion of the bachelor's degree and the teachers having less than a bachelor's degree need to be upgraded or replaced. For many of these teachers who lack only one or two years of college this replacement may be on a short-term basis while they return to teacher preparation institutions to complete their degree.

The estimate of the number of elementary-school teachers lacking the bachelor's degree is a projection of data in the summary of the educational qualifications of elementary-school teachers listed in Table 30 of Section IV. The 32 reporting states employed approximately 57 percent of the total number of full-time elementary-school teachers in the fall of 1965.² The 52,160 elementary-school teachers not having the bachelor's degree represent 9.4 percent of all elementary-school teachers in the 32 reporting states. Applying this percentage to the number of full-time elementary-school teachers in all states (958,541) provides an estimate that 90,103 elementary-school teachers had not completed the bachelor's degree during session 1965-66.

² U.S. Department of Health, Education, and Welfare, Office of Education. *Fall 1965 Statistics of Public Elementary and Secondary Day Schools: Pupils, Teachers, Instruction Rooms, and Expenditures*. Washington, D.C.: Government Printing Office, 1966. 31 p.

The data in Table 27 of Section IV shows an estimate that 10.9 percent of all elementary-school teachers in 1965-66 lacked the bachelor's degree. Applying this percentage to the total number of elementary-school teachers employed in 1965-66 provides an estimate that 104,481 elementary-school teachers lacked the bachelor's degree. The estimate of 78,361 elementary-school teachers allows for about 25 percent of the 104,500 elementary-school teachers lacking the bachelor's degree to have completed the degree requirements or to have resigned prior to the 1966-67 session.

The estimate of demand at the secondary-school level is based on the estimated percentage of secondary-school teachers who did not have the bachelor's degree in 1955-56, shown in Table 27 in Section IV. The estimate of 2.1 percent applied to the 741,043 full-time secondary-school teachers employed in the fall of 1965 indicates that 15,562 secondary-school teachers did not have the bachelor's degree in 1965-66. The estimate that 11,672 of these need to be replaced is based on an assumption that 25 percent of the 15,562 teachers lacking the degree will have subsequently graduated or have resigned.

TABLE 11.—*Estimated demand for new teachers, based on the quality criterion*

Source of demand (1)	Estimated demand for new teachers		
	Elementary (2)	Secondary (3)	Total (4)
Staff requirement of increased enrollment.....	21,709	24,709	46,418
Teacher turnover.....	76,683	59,283	135,966
Replacement of teachers having substandard qualifications....	78,361	11,672	90,033
Reduction of overcrowded classes.....	18,734	8,352	27,086
Special instructional services.....	37,050	27,960	65,000
Total.....	232,537	131,966	364,503

General support for these estimates is provided by the reports from the states to the U.S. Office of Education showing the number of full-time classroom teachers who do not meet the state regular certification requirements for the positions which they occupy. The total number of substandard teachers reported in the fall 1965 survey was 81,748 teachers: 51,632 in elementary-schools and 30,116 in secondary-schools. Owing to differences among the states in the minimum educational requirements for certification, some of which certify teachers with less than a bachelor's degree, and differences in specific requirements beyond the attainment of the bachelor's degree, the data from the U.S. Office of Education fall survey are not entirely comparable with the estimates being used in this report.

Reduction of Overcrowded Classes—A national survey by the NEA Research Division in 1965-66 provides a general estimate of the distribution of class size and teacher load in public schools. These percentage distributions were applied to the total number of full-time teachers in the fall of 1965 to obtain an estimate of the number of persons who may have been assigned extremely large classes during 1965-66.

The intervals in these distributions provide a base for these estimates of the minimum numbers of additional teachers needed to reduce maximum size of classes in elementary schools to no more than 34 pupils each and the maximum average daily teacher load in secondary schools to no more than 199 pupils.

Data on the staffing practices for classes having shortened sessions or double-shift sessions are not available. Therefore, this summary does not include an estimate of additional demand for new teachers resulting from these classes.

Special Instructional Services—In this classification are the new teachers needed to provide special instructional services, enlarge the scope of educational

offerings, and provide special programs for pupils having special learning needs (physically, mentally, emotionally handicapped, the culturally disadvantaged, etc.). It is estimated that at least 65,000 additional teachers are needed for this component of demand.

Support for this estimate is provided by the U.S. Office of Education projections which list 50,000 new teachers being needed for 1966-67 as an effect of the Elementary and Second Education Act of 1965.

Estimated Demand for Beginning Teachers Based on the Quality Criterion—Listed below are the estimated numbers of beginning teachers needed to achieve the demand based on the Quality Criterion Estimate. This estimate is based on an assumption that among the 8 percent of 1965-66 teaching positions vacated by teacher turnover, 5 percent will need to be filled by beginning teachers.

	Number of teachers		
	Elementary	High school	Total
Demand for new teachers based on the quality criterion estimate.....	232,537	131,966	364,503
Expected reentry of former teachers.....	28,756	22,231	50,987
Demand for beginning teachers.....	203,781	109,735	313,516

The Trend Criterion Estimate

The *Trend Criterion* provides an estimate of the number of new teachers who will actually be employed by public school systems in the school year 1966-67 as indicated by recent staffing practices. This estimate is projected from information about the numbers of new teachers employed in recent years. The demand for new teachers in this estimate reflects a continuation of current trends toward improved staffing conditions rather than immediate achievement of the standards of minimum quality in the staffing of classrooms provided by the *Quality Criterion Estimate*.

The projections based on the *Trend Criterion* should be especially useful to college and university counselors of potential teachers, to individuals planning careers in teaching, to former teachers considering re-entry into teaching, and to educational leaders. This projection provides an estimate of the immediate condition of teacher demand—the minimum number of employment opportunities for beginning and re-entering teachers during the school year 1966-67.

The Demand for New Teachers, Based on the Trend Criterion Estimate—Estimates of the number of teaching positions to be filled by the supply of new teachers for the opening of a given school session may be based on trends observed in two previous components: (a) positions created by the teachers who are terminating or interrupting their careers in the public schools during or at the close of the preceding school year; and (b) positions being created or eliminated as a result of changes in enrollment, organization for instruction, and in the pupil-teacher ratio. The estimates may involve either an assumption that the trends will continue without major change or an assumption that marked change will occur owing to changes in the conditions influencing these variables. The estimated demand for new teachers based on the first of these assumptions (that past trends will continue) is described below. The estimated effect of the second assumption is discussed in the description of the *Adjusted Trend Criterion Estimate* (ATCE).

Demand Created by Teacher Turnover (TCE)—Earlier reports in this series have estimated that about 8 percent of the teachers leave the profession each year. The U.S. Office of Education study, *Teacher Turnover in Public Elementary and Secondary Schools, 1959-60*, noted that the number of teachers leaving the profession amounted to 8.1 percent of the number of teachers employed in the fall of 1959 (see Table 9). These positions created by teacher turnover will need to be filled by new (beginning and re-entering) teachers. Included in this estimate is the typical proportion of teachers being encouraged to resign owing to their substandard qualifications.

TABLE 12.—*Total estimated demand for beginning teachers in 1966-67, by major component, based on the trend criterion*

Source (1)	Estimated demand for beginning teachers					
	Elementary		Secondary		Total	
	Low (2)	High (3)	Low (4)	High (5)	Low (6)	High (7)
Replacement of teachers leaving the profession and not being replaced by retiring teachers ¹	38,342	57,512	29,642	44,463	67,984	101,975
New teaching positions being created ²	21,709	21,709	24,709	24,709	³ 46,418	³ 46,418
Total demand.....	60,051	79,221	54,351	69,172	114,402	148,393
Midpoint ⁴		69,636		61,761		131,397

¹ Includes the estimated numbers of teachers being encouraged to resign owing to substandard professional qualifications, based on trends of past several years.

² Includes the estimated numbers of teachers being employed to provide enlarged programs and services, to reduce the number of overcrowded classes, to continue to improve the pupil-teacher ratio, based on trends of the past several years.

³ Total of the elementary and secondary estimates.

⁴ Midpoint of low and high estimates based on reentry equal to 4 and 2 percent, respectively, of the teachers employed in fall 1965.

Reports from the states in the fall of 1965 to the U.S. Office of Education show there were 967,635 elementary-school teachers and 748,650 secondary-school teachers in the public schools of the nation. These include 9,094 elementary- and 7,607 secondary-school teachers who had part-time employment.

Thus, the number of new teachers needed to fill positions created by an 8-percent turnover is estimated to comprise 76,683 elementary-school teachers and 59,283 secondary-school teachers (based on the number of full-time teachers reported in the U.S. Office of Education survey: *Fall 1965 Statistics of Public Schools*).

Teachers Needed To Fill New Positions (TCE)—The demand for new teachers is influenced by the creation of new positions for increased enrollment, changes in organizational placement of certain grades, and other organizational changes influencing the pupil-teacher ratio (reduction of the number of large classes and provision of specialized educational services).

Growth of school enrollments and staff requirements may be estimated only in general terms pending development of specific indicators of the influence of federal programs related to public education. Projections of the total demand for teachers based on the trends in staff growth during the past few years are prepared during the summer by the NEA Research Division. These are sent to the states for verification or change before becoming final estimates of staff size.

Preliminary estimates prepared by the NEA Research Division indicate there will be 989,344 elementary-school teachers and 773,359 secondary-school teachers in 1966-67. These are full-time teachers and equated full-time positions of part-time teachers. The increased number of elementary-school teachers (21,709) represents a 2.2-percent increase over the fall staff size in 1965. The increased number of secondary-school teachers (24,709) represents an increase of 3.3 percent over the number of secondary-school teachers reported in fall 1965.

The growth of the staff between fall 1964 and fall 1965 was 2.7 percent among elementary-school teachers and 5.6 percent among secondary-school teachers, as reported in the U.S. Office of Education fall survey statistics.

The NEA Research Division's preliminary projections of staff growth are used in this report to estimate the demand for new teachers. These preliminary estimates fall between the two U.S. Office of Education estimates, one of which excludes the estimated effect of the Elementary and Secondary Education Act of 1965.

Total Estimated Demand for New Teachers Based on the Trend Criterion—Combination of the estimated number of vacant positions created by an 8-percent turnover of full-time teachers employed last session with the projected growth in staff size provides an estimate that 98,392 new elementary-school teachers:

and 83,992 new secondary-school teachers will be needed for the 1966-67 session. The estimated demand for new elementary-school teachers represents 53.9 percent of the total estimated demand for new teachers.

Information in Table 16 of this report obtained from a varying number of states in earlier studies shows the relative demand for new elementary- and high-school teachers has been almost equalized in recent years. If these states are representative of the national pattern, the difference in the demand for new elementary- and new high-school teachers may be smaller than the 14,400 teachers estimated above.

Total Estimated Demand for Beginning Teachers, Based on the Trend Criterion—Combination of the components of the demand for beginning full-time public-school teachers discussed in the preceding paragraphs provides an estimate of the total demand which is shown in Table 12. The range of these estimates is about 19,000 teachers at the elementary-school level and about 15,000 teachers at the high-school level. The midpoints of these ranges are used in subsequent comparisons of teacher supply and demand. These midpoints provide an estimated demand for 69,636 beginning teachers in elementary schools and 61,761 beginning teachers in high schools.

An Alternate Estimate of the Demand for Beginning Teachers Based on the Trend Criterion—An alternate procedure may be used to obtain an estimate of the demand for beginning teachers in 1966-67. This procedure produces from the estimated number of beginning teachers employed in 1965-66, an estimate of the number needed in 1966-67 to fill vacancies created by teacher turnover.

Information obtained through a two-stage random sampling survey of all public-school teachers during the spring of 1966 provides an alternate estimate of the number of beginning teachers which were employed in 1965-66. These data were obtained for the NEA Research Division study, *Status of the American Public-School Teacher*, and are summarized in Table 13. The estimates for 1965-66 are greater than the estimates obtained in a similar study conducted in 1960-61. In that study the beginning teachers represented 8.0 percent rather than 8.7 percent of all teachers.

TABLE 13.—An estimate of the percent of public school teachers who were beginning teachers, spring 1966

Level	Percent of teachers who were beginning teachers				Number in sample	Ratio of SE to simple random sample SE
	Estimate	Standard error	Population estimate			
			Low (-2SE)	High (+2SE)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Elementary-----	7.5	0.80	5.9	9.1	2,039	1,064
Secondary-----	10.1	.98	8.1	12.1	1,879	1,044
Total-----	8.7	.63	7.4	8.7	3,919	1,064

Source: Estimate is derived by combining the information obtained from 2 samples drawn from the same sampling frame. The increased number of individuals allows greater reliability in the estimate. 1 sample was drawn for a periodic national survey of teachers and the other for the NEA Research Division's "Status of the American Public-School Teacher, 1965-66" (a research study in process).

These 1965-66 percentage estimates were applied to the total number of full-time teachers to obtain the estimated number of beginning teachers employed in 1965-66. The range of ± 2 standard errors was used to establish a .95 percent confidence interval for the estimate. The number of new positions created for the 1965-66 session was subtracted from the total number of beginning teachers to obtain an estimate of the number of beginning teachers needed to fill positions vacated through staff turnover. The percent of the staff of full-time teachers before enlargement, which is represented by the number of beginning teachers needed to fill positions vacated through staff turnover, was applied to the number of full-time teachers in 1965-66 to obtain an estimate of the number of beginning teachers needed for this purpose in 1966-67.

The percents of full-time teachers in 1964-65 represented by the number of beginning teachers needed in 1965-66 to replace separating teachers are within the range of 3.5 to 6.8 percent in elementary and 3.0 to 7.2 percent at the high-school level. The projected numbers of beginning teachers needed in 1966-67 based on these percents of the 1965-66 staff size and the projected staff enlargement are summarized in Table 14.

The numbers of beginning teachers at the midpoints of these estimates are greater than the earlier estimates given in Table 12 by only 1,438 elementary-school teachers (2.1 percent) and by only 741 high-school teachers (1.2 percent). The demand for beginning elementary-school teachers in this estimate represents 53.2 percent of the total demand for beginning teachers. The overlapping range of the estimates and the difference of 8,000 beginning teachers between the two levels suggest that the demand for beginning teachers is not widely different between the two levels.

TABLE 14.—*An alternate estimate of the number of beginning teachers to be employed in public schools in session 1966-67, based on the trend criterion*

Source (1)	Estimated demand for beginning teachers			
	Elementary		High school	
	Low (2)	High (3)	Low (4)	High (5)
Replacement of teachers.....	33,548	65,181	22,231	53,355
New teaching positions.....	21,709	21,709	24,709	24,709
Total.....	55,257	86,890	46,940	78,064
Midpoint.....	71,074		62,502	

The Adjusted Trend Criterion Estimate

The trends in demand for qualified public-school teachers for a given school year may be changed as a result of changes in various factors such as the following:

- Major modification in the school program and assignment load of teachers
- Enrollment growth related to enlarged educational programs
- Reduction in the ratio of pupils per teacher to provide special programs being encouraged through federal and state legislation
- Change in the rate by which persons having substandard certification are being replaced
- Elimination of large classes.

Some of these conditions have been influencing the demand for new teachers during the past several years. The trends in staffing practices observed in the past are included in the data used to derive the estimates of teacher demand based on the Trend Criterion. For example, information in Section IV of this report shows marked improvement in the educational qualifications of elementary-school teachers during the past 10 years.

Owing to the lack of precise data, it is difficult to estimate the specific effects of new conditions influencing some of the components of teacher demand. For example, present data do not allow identification of the number of teachers being counted in regular staff turnover or attrition who have substandard certification and are encouraged to resign largely because of this condition.

Total Demand for New and Beginning Teachers, Based on the ADJUSTED TREND CRITERION ESTIMATE—A minimum estimate of change to be expected in the recent trends in the staffing of public schools is provided by the U.S. Office of Education. *Projections of Educational Statistics to 1974-75*, 1965 edition, shows an estimate of 34,000 additional new teachers needed for 1965-66 and 50,000 additional new teachers needed for 1966-67 as a result of the Elementary and Secondary Education Act of 1965. This estimate projects that the number of full-time and part-time teachers in public schools will rise in the fall

of 1966 to 1,014,000 elementary-school teachers and 779,000 secondary-school teachers. The increase of 46,000 elementary-school teachers and 30,000 secondary-school teachers represents 4.8 percent and 4.0 percent enlargement over the number employed in the fall of 1965. Since the full effect of the Elementary and Secondary Education Act of 1965 was not reflected in the staff size reported in the fall of 1965, the Trend Criterion Estimate does not account for this new factor influencing the demand for teachers.

Use of an estimate that 50,000 additional new teachers will be employed in 1966-67 and application of the U.S. Office of Education estimate that 60 percent of these added teachers will be placed in elementary schools provides an estimate that 30,000 new elementary-school teachers and 20,000 new secondary-school teachers will be required in the fall of 1966. These are added to the Trend Criterion Estimate to establish the Adjusted Trend Criterion Estimate of demand for new teachers. The total staff estimated by this process comprises 1,019,344 elementary-school teachers and 793,359 high-school teachers. The Adjusted Trend Criterion Estimate of the total demand for teachers exceeds the U.S. Office of Education estimates by 0.5 percent at the elementary-school level and by 1.8 percent at the secondary-school level. The total demand for new and beginning teachers based on the Adjusted Trend Criterion Estimate is shown below:

Group	Number of teachers needed		
	Elementary	Secondary	Total
Beginning teachers.....	99,636	81,761	181,397
New teachers.....	128,392	103,992	232,384

Other Factors Influencing the Demand for New Teachers

The U.S. Office of Education has estimated that 14,040 new teachers will be needed in the nonpublic schools in the fall of 1966. It has been estimated that 1,800 new teachers will be needed in the dependent schools overseas. Replacement may be required for an estimated 300 experienced teachers and 1,200 beginning teachers if the Teacher Corps is fully implemented. The normal flow of experienced teachers to advanced training may be increased by the estimated 900 fellowships for experienced teachers at teacher-training institutions as provided by the Higher Education Act of 1965.

Additional vacancies are certain as experienced teachers accept specialized positions being established through the impact of federal support to programs related to public education or which require persons having the characteristics of effective teachers. For example, the number of guidance counselors has almost trebled to 35,000 persons during the seven years following passage of the National Defense Education Act. The provision of funds to employ remedial instruction specialists, school social workers, research analysts, program coordinators, state department of education staff members, and other positions outside the classroom will attract an unknown number of teachers. The effect of these programs upon the typical components of Teacher Supply and Demand has not been documented.

The tide of increased enrollments is being felt at the 2-year and 4-year college level and the number of public-school teachers moving to these levels may increase markedly, thereby opening many positions for new teachers in the elementary and secondary schools. It has been estimated that in the junior colleges alone, 100,000 more teachers will be needed within the next 10 years.

Probably the general shortage in other occupations which attract young people having at least the bachelor's degree and the increased demands of the military services are contributing also to an increase in the exodus of qualified teachers and the loss of potential teachers.

It is difficult to estimate the extent these conditions are changing the entry rate of potential teachers and the turnover rate of experienced teachers. It seems obvious, however, that the demand for teachers projected by each of the three sets of criteria should be considered as *minimum* estimates.

Summary of the Estimates of Demand for New Teachers

Listed below are the total numbers of new teachers who will be needed in the fall of 1966 as determined by the three criteria. An estimate of the demand for beginning teachers may be obtained by subtracting the 28,756 elementary- and 22,231 secondary-school teachers expected to re-enter the profession (3 percent of the number of full-time teachers employed in the fall of 1965).

Base	Number of new teachers in demand for fall 1966		
	Elementary	Secondary	Total
Trend criterion estimate.....	98,392	83,992	182,384
Adjusted trend criterion estimate.....	128,392	103,992	232,384
Quality criterion estimate.....	232,537	131,966	364,503

CHARACTERISTICS OF DEMAND FOR NEW TEACHERS AS SUGGESTED BY
ASSIGNMENTS IN SELECTED STATES

During the past 18 surveys of teacher supply and demand varying numbers of states have reported the number of new teachers employed and their assignments. (These include experienced teachers returning to the classroom as well as the beginning teachers.) A summary of the reports for 1965-66 from 29 states is provided in Table 15. The individual state summaries are given in the Appendix, Table B.

A review of the characteristics of the teaching assignments of these new teachers provides an estimate of the comparative demand between elementary- and high-school levels and among the high-school subject areas. Also, the data identify the types of competence needed by new teachers as suggested by the combinations of subjects being assigned to new teachers in the high schools.

Each new teacher is entered in this table only once with the entry showing the major and minor, if any, assignment. For example, the entry on line 1 and column 2 shows that 371 new teachers have been given their complete assignment in the teaching of high-school agriculture. The line shows that 9 new teachers had a major assignment in agriculture accompanied by a minor assignment in art, etc., and that 459 new teachers had either a major or complete assignment in agriculture. Column 2 shows that 1 new teacher has been assigned a combination in which art is the major assignment with agriculture being the minor assignment, etc.

Relative Demand for New Elementary- and High-School Teachers

Shown in lines 21 and 22 in column 22 of Table 15 are the total numbers of new teachers employed in 1965-66 who were given their complete or major assignment in either elementary or high-school levels. The total demand for new elementary-school teachers was 835 greater than the total demand for new high-school teachers in these 29 states. The new elementary-school teachers represented 50.5 percent of all new teachers.

TABLE 15.—Assignments of new teachers employed in 29 States, 1965-66

Field (1)	Agriculture (2)	Art (3)	Commerce (4)	English (5)	Foreign languages (6)	Home economics (7)	Industrial arts (8)	Journalism (9)	Library science (10)	Mathematics (11)	Music (12)
1. Agriculture	371	9		2	1		24			4	
2. Art	1	833	6	40	8	3	11			6	4
3. Commerce	3		2, 633	110	11	11	2			51	2
4. English	1	22	58	6, 633	2, 3	26		8		56	41
5. Foreign languages	1	6	6	310	1, 5, 1		2	97	65	17	6
6. Home economics		12	7	73	4	1, 525	1	4	1	8	3
7. Industrial arts	4	6	3	3			1, 1, 7	2	9	30	
8. Journalism			2	3		2				1	
9. Library science			2	27	1	1		23		1	
10. Mathematics	3	1	2	53	4	1			442	1	
11. Music	1	5	32	59	25	3	13		5	3, 898	9
12. Physical education (men)	3	4	4	38	3	1		1	1	7	1, 497
13. Physical education (women)		4	11	15	2	0	3		1	36	2
14. General science		3	8	30	3	5			3	18	2
15. Biology	10	3	2	25	13	18	8	1	1	223	3
16. Chemistry	2		5	12	1	6	3		1	33	1
17. Physics	1		1	3	1	1			1	46	1
18. Social studies				303			2			54	
19. Speech	3	13	57	113	3	15	10	7	11	83	20
20. Other	1		26	126	22	5	11	4		10	4
21. High school total											5
22. Elementary school											

See note at end of table, p. 1482.

TABLE 15.—Assignments of new teachers employed in 29 States, 1965-66—Continued

Field (1)	Physical education (men) (13)	Physical education (women) (14)	General science (15)	Biology (16)	Chemistry (17)	Physics (18)	Social studies (19)	Speech (20)	Other (21)	Total new teachers employed (22)
1. Agriculture	2		27	9	5		3		2	459
2. Art	4	7	8	1			21	2	12	967
3. Commerce	39	21	6	5			104	6	30	2,508
4. English	27	27	45	10	1		751	298	179	7,838
5. Foreign languages	2	4	2	1		2	94	10	32	1,896
6. Home economics		39	75	18	6		39	3	23	1,823
7. Industrial arts	43		13	1		3	32		76	1,345
8. Journalism							2	3	5	63
9. Library science		2	1	1			11	2	5	526
10. Mathematics	78	20	338	35	59	146	94	6	41	4,868
11. Music	1,075	3	91	1			30	10	14	1,628
12. Physical education (men)		7	42	39			204	1	54	1,563
13. Physical education (women)		1,266	2,185	201	13		100	5	36	3,033
14. General science	92	25	189	431	72	49	66	2	27	945
15. Biology	40	15	83	58	118	103	20		20	481
16. Chemistry	1	2	40	23	59	58	6		19	265
17. Physics	3		77	27	1		3,369	28	112	4,536
18. Social studies	277	62	2				19	158	61	373
19. Speech	1	2	1				66	41	2,456	2,880
20. Other	21	9	21	19	18	19				
21. High school total										39,560
22. Elementary school										40,395

NOTE.—Based on reports from Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

This table shows the number of persons who entered teaching positions in September 1965 who did not teach anywhere in 1964-65. Lines 1 to 21 show new high school teachers. The major assignment is tallied on the line and the minor assignment in the column. Line 22 shows new elementary school teachers. No person is counted twice.

The 29 states reporting assignment information for their new teachers are distributed as follows by the grouped percents of all new teachers in 1965-66 who were assigned to elementary-school grades:

Percent of new teachers assigned to elementary grades :	Number of states
65-69 -----	1
60-64 -----	1
55-59 -----	6
50-54 -----	9
45-49 -----	6
40-44 -----	4
35-39 -----	2
Total -----	29

An estimate of trends in the relative demand for new teachers between the elementary- and high-school levels is provided by information reported by the varying number of states in the earlier studies of this series. Summarized in Table 16 are the total numbers of new teachers and the percents of these teachers being assigned to elementary schools in the reporting states since 1948-49. Also shown are the total numbers of public-school teachers in the United States during these same years with the percent of all teachers who are assigned duties in the elementary schools.

The information listed in column 6 of Table 16 shows a gradual reduction during the past 18 years in the proportion of all public-school teachers being assigned to elementary schools. This change is shown, also, among the percents of new teachers being assigned to elementary schools in the reporting states. The impact of the market growth in elementary-school enrollments between 1952-53 and 1957-58 is reflected in the increased percents during these years shown in column 3. The influence of the increased annual growth in secondary-school enrollments upon the demand for new teachers probably has contributed to the lower proportions of new teachers being assigned to elementary schools in recent years.

The percents of all new teachers being assigned to elementary schools in the reporting states are consistently lower than the percents of all teachers in the nation being assigned to elementary schools. These differences range from 2.6 to 8.0 with a median of 5.7 percentage points. The differences tend to be slightly lower during the period of marked growth in elementary-school staff than in the earlier or following years.

If conditions in the reporting states are representative of the nation, the information in Table 16 suggests that the relatively greater annual demand for new (re-entering and beginning) teachers in elementary schools than for high schools has been decreasing, and that during the past session the demand for new elementary-school teachers was not widely different from the demand for new secondary-school teachers.

These data reflect demand for teachers as defined by the Trend Criterion—the demand which has been observed in the employment of new teachers. The demand for new teachers based on the Quality Criterion during these years has consistently called for greater numbers of qualified new teachers being assigned to elementary schools than have been available for such assignment. Possibly, these proportions of new teachers being assigned to elementary schools might have been greater if the supply of qualified new teachers were equally adequate at both levels.

Information in Table 26 shows that the educational qualifications of elementary-school teachers have been gradually improving. Also, there is evidence that staffing ratios are improving at the elementary-school level. These data suggest that educational leaders have been following a middle road between two courses of action: (a) creation of the additional positions needed but staffing them with marginally qualified personnel, with the result that the number of teachers employed increases and the educational qualifications of the staff as a whole improve very slowly, remain constant or deteriorate; or (b) improvement of the educational qualifications of a minimum-size staff, with deferment of the creation of new positions to improve staffing ratios until the minimum standard of educational qualifications is reached among members of the existing staff.

TABLE 16.—Relative demand for new elementary and high school teachers in various States and percent of all public school teachers in elementary schools, since 1948-49

Session	Reporting States			All public schools	
	Number of new teachers	Percent in elementary schools	Number of States	Number of teachers	Percent in elementary schools
(1)	(2)	(3)	(4)	(5)	(6)
1948-49	36,208	57.2	21	1,887,175	64.5
1949-50	35,242	56.8	18	913,671	64.5
1950-51	41,793	57.7	23 plus Alaska and District of Columbia.	1,938,268	64.4
1951-52	45,658	58.9	26 plus Alaska and District of Columbia.	962,864	64.4
1952-53	45,859	61.4	26	1,997,501	64.0
1953-54	58,010	60.9	29 plus Alaska and District of Columbia.	1,032,138	63.7
1954-55	54,875	60.1	30 plus District of Columbia.	2,1,068,000	64.7
1955-56	58,257	60.6	30 plus District of Columbia.	2,1,141,000	64.2
1956-57	62,099	59.9	29 plus District of Columbia, Hawaii, and Puerto Rico.	2,1,199,000	62.6
1957-58	62,579	56.6	32 plus Alaska and District of Columbia.	2,1,259,000	62.4
1958-59	59,651	54.4	30 plus Alaska, Hawaii, District of Columbia, and Puerto Rico.	2,1,306,000	62.4
1959-60	57,810	53.6	27 plus District of Columbia.	2,1,355,000	61.4
1960-61	59,115	55.7	26 plus District of Columbia.	2,1,408,000	60.9
1961-62	61,753	53.1	29 plus District of Columbia.	2,1,461,000	59.5
1962-63	53,162	53.5	24 plus District of Columbia.	2,1,508,000	58.8
1963-64	48,697	51.0	22 plus District of Columbia.	2,1,578,000	57.5
1964-65	58,948	53.0	27 plus District of Columbia.	2,1,651,000	57.1
1965-66	79,955	50.5	29	2,1,716,285	56.4

¹ Estimated from U.S. Office of Education, biennial surveys of education.

² U.S. Department of Health, Education, and Welfare; Office of Education. Projections of educational statistics to 1974-75. 1965 edition. Circular No. 790. Washington, D.C.: Government Printing Office, 1965; p. 30.

³ U.S. Department of Health, Education, and Welfare; Office of Education. Fall 1965 statistics of public schools. Washington, D.C.: Government Printing Office, 1966; pp. 8-9.

The decreasing proportion of all teachers being assigned to elementary schools and the gradual growth in the supply of potential beginning teachers (Table 22) suggest that continued improvement will be observed in 1966-67 in both the staffing ratios and the educational qualifications of the elementary-school instructional staff. However, the increased levels of financial support for the creation of the additional positions needed at the elementary-school level may intensify the observable characteristics of teacher shortages by encouraging greater use of the first of the two courses of action described above.

Relative Demand for New Teachers Among High-School Subjects, Adjusted Trend Criterion Estimate

The assignments given to new high-school teachers reported in Table 15 provide a review of the relative demand (Trend Criterion) among these subject areas. The high-school subjects ranked by the number of persons involved in the demand for new teachers are listed in Table 17. Also shown are projections of this distribution to the estimates of total demand based on the Adjusted Trend Criterion

TABLE 17.—*Distribution of new teachers among high school subjects in 29 States estimated national adjusted trend criterion estimate of demand for new teachers in high school subjects*

High school subjects (1)	Percent of new teachers employed in 1965-66 (2)	Estimated demand in 1966	
		For begin- ning teachers ^a (3)	For new teachers ^b (4)
English.....	19.8	16,189	20,590
Mathematics.....	12.3	10,057	12,791
Total natural and physical sciences.....	(12.0)	(9,811)	(12,479)
Social studies.....	11.5	9,403	11,959
General science (and unspecified sciences).....	7.7	6,296	8,007
Other (subjects not listed).....	7.2	5,887	7,487
Commerce.....	6.3	5,151	6,551
Foreign languages.....	4.8	3,925	4,982
Home economics.....	4.6	3,761	4,783
Music.....	4.1	3,352	4,264
Physical education.....	4.0	3,270	4,160
Physical education..... Men.....	4.0	3,270	4,160
Physical education..... Women.....	4.0	3,270	4,160
Industrial arts.....	3.4	2,780	3,536
Biology.....	2.4	1,962	2,496
Art.....	2.4	1,962	2,496
Library science.....	1.3	1,063	1,352
Agriculture.....	1.2	981	1,248
Chemistry.....	1.2	981	1,248
Speech.....	0.9	736	936
Physics.....	0.7	572	728
Journalism.....	0.2	163	208
Total.....	100.0	81,761	103,992

^a Based on an estimated need for 81,761 beginning teachers being distributed nationally among the high school subjects in the same proportions as noted in the employment of new teachers in 29 States in 1965-66.

^b Based on an estimated need for 103,992 new teachers being distributed among high school subjects nationally in the same proportions as noted in the employment of new teachers in 29 States in 1965-66.

as a means of estimating the 1966 demand for new teachers by subject areas for the nation.

The Adjusted Trend Criterion estimate of demand includes the addition of 20,000 high-school teachers as an outcome of the Elementary and Secondary Education Act of 1965. Since it is not likely that these 20,000 positions are distributed among the subject areas in the same pattern as would be observed in normal staff enlargement and replacement, the estimates of demand should be interpreted only in general terms.

The estimated numbers of new teachers needed in these subject areas provide a background from which the comparative numerical importance of subjects having a low ratio of supply to demand may be properly interpreted in counseling and curriculum planning. For example, a moderately low supply-demand ratio in English has far wider numerical implications than a much lower ratio in chemistry, speech, or physics.

Combination Assignments

In a given high school the number of class sections needed in each subject and the number of sections which might be available if all teachers were assigned classes only in the subjects in which they have greatest competence and interest often do not occur in balance. In these situations some teachers are asked to teach in one of the deficit subject areas as a minor portion of their full assignments. These combination assignments are made usually for only one school year, with both the characteristics of school offerings and staff competencies changing each year.

However, the size of the typical high school and the structure of its subject offerings often dictate combination assignments to teachers of subjects which have relatively few sections. For example, many schools may not have the exact number of sections in physics to provide full-time assignment of the physics teacher(s) in this subject. Where these combination patterns are observed rather widely, the expectation of teachers being assigned these combinations has implications to training programs for new teachers.

TABLE 18.—Percents of new teachers having their complete assignments in subject area, and major subject area combination assignments, reported by 29 States

Subject area	Number of teachers having an assignment in the subject	Percent having complete assignment in the subject	Combinations involving about 5 percent or more of the number of teachers having an assignment in the subject								Total percent being accounted for in these groups
			The subject in col. 1 is major				The subject below is major				
			Percent	Subject	Percent	Subject	Percent	Subject	Percent	Subject	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Agriculture.....	493	75.3	5.5	General science.....	4.9	Industrial arts.....					85.7
Art.....	1,055	79.0									79.0
Commerce.....	2,728	76.7									76.7
English.....	9,155	61.9	8.2	Social studies.....	5.1	Foreign languages.....					75.2
Foreign languages.....	2,527	55.0	12.3	English.....			18.6	English.....			85.9
Home economics.....	1,928	79.1									79.1
Industrial arts.....	1,450	77.7	5.2	Other.....							82.9
Home economics.....	1,928	79.1									79.1
Journalism.....	195	10.3	13.8	English.....			49.7	English.....			73.8
Library science.....	625	70.7	8.0	do.....			10.4	do.....			89.1
Mathematics.....	5,555	70.2	6.1	General science.....							76.3
Music.....	1,731	86.5									86.5
Health and physical education, men.....	2,206	48.7	9.2	Social studies.....			12.6	Social studies.....			70.5
Health and physical education, women.....	1,808	70.0	5.5	do.....							75.5
General science.....	4,098	53.3	5.4	Mathematics.....			8.2	Mathematics.....			66.9
Biology.....	1,415	30.5	13.4	General science.....	8.3	Chemistry.....	14.2	General science.....			66.4
Chemistry.....	834	18.8	29.3	Other sciences ¹	5.5	Mathematics.....	29.8	Other sciences ²	7.1	Mathematics.....	90.5
Physics.....	633	9.2	15.6	do.....	8.5	do.....	30.2	do.....	23.1	do.....	86.6
Social sciences.....	6,201	54.3					12.1	English.....			66.4
Speech.....	790	20.0	14.3	English.....	7.7	Other.....	37.7	do.....	5.2	Other.....	84.9
Other.....	3,668	67.0									67.0

¹ 12.3 percent physics, 10 percent general science, 7 percent biology.² 14.1 percent biology, 8.6 percent general science, 7.1 percent physics.³ 9.3 percent chemistry, 6.3 percent general science.⁴ 16.3 percent chemistry, 7.7 percent general science, 6.2 percent biology.

Table 18 provides a summary of the relative extent to which new teachers have their full assignments in the subject area, and the combination assignments noted for at least 5 percent of all persons having an assignment in a given subject area. The percents of new teachers having their complete teaching assignment in one of the listed subject areas range from 9.2 percent in physics to 86.5 percent in music. Subject areas in which new teachers are most likely to have their complete assignment in the subject include music, home economics, art, industrial arts, and commerce.

Subject areas in which teachers are least likely to be assigned full time in the subject include physics, journalism, chemistry, and speech. For example, the new physics teacher is likely to have a combination assignment which includes either mathematics or one of the other sciences. Also, the physics combination most frequently reported includes physics as a minor assignment with mathematics being a major subject assignment. Accuracy of data about the specific subjects within the sciences is reduced by the reporting of all sciences in the general science category by some states.

TABLE 19.—Percent distributions of all secondary school teachers by subject area, spring 1965, and of new high school teachers in selected years

Subject (1)	Range in estimated percent of all teachers, 1964-65			Percent of new teachers having complete or major assignment					
	Low -1SE ¹ (2)	Per- cent (3)	High +1SE (4)	1948-49 (5)	1952-53 (6)	1956-57 (7)	1960-61 (8)	1964-65 (9)	1965-66 (10)
Agriculture.....	0.9	1.4	1.9	2.9	2.9	2.0	1.2	1.0	1.2
Art.....	2.0	2.6	3.2	2.3	1.9	2.4	2.1	2.3	2.4
Commerce.....	5.6	6.5	7.4	8.0	9.1	8.1	6.8	6.7	6.3
English.....				16.9	17.0	17.0	19.4	21.1	19.8
English language arts.....	20.0	21.5	23.0	18.5	18.4	18.1	20.8	21.9	20.9
Foreign language (total).....	3.2	3.9	4.6	2.5	2.1	2.1	4.2	5.3	4.8
Home economics.....	3.6	4.3	5.0	7.7	9.0	7.3	5.5	4.7	4.6
Industrial arts.....	² 5.6	² 6.5	² 7.4	4.7	4.8	4.5	3.3	3.7	3.4
Journalism.....				0.2	0.2	0.1	0.2	0.1	0.2
Library science.....				1.3	1.6	1.3	1.5	1.5	1.3
Mathematics.....	12.7	14.0	15.3	9.3	7.8	9.0	12.1	12.7	12.3
Music.....	2.8	3.5	4.2	6.8	7.5	6.7	4.4	4.4	4.1
Physical and health education.....	7.4	8.4	9.4						
Men.....				6.8	6.2	6.1	4.4	3.9	4.0
Women.....				3.6	3.9	4.0	3.8	4.0	4.0
Science (total).....	10.5	11.6	12.7	13.0	11.2	10.1	12.8	11.4	12.0
General science ³				7.0	6.7	6.1	7.3	7.3	7.7
Biology.....				3.1	2.2	2.2	3.4	2.5	2.4
Chemistry.....				1.5	1.3	1.1	1.3	1.2	1.2
Physics.....				1.4	1.0	0.7	0.8	0.4	0.7
Social studies.....	12.6	13.8	15.0	12.6	12.0	11.2	13.0	12.4	11.5
Speech.....				1.4	1.2	1.0	1.2	0.7	0.9
Other (specify).....	0.8	1.2	1.6		1.6	7.1	4.1	4.1	7.2
Special education.....	0.5	0.8	1.1						
High school total.....	88.2	100.0	111.8	100.0	100.0	100.0	100.0	100.0	100.0
Number of states reporting.....	(⁴)	(⁵)	(⁶)	21	(⁴)	(⁵)	(⁷)	(⁸)	29

¹ Range of ± 1 SE allows a confidence interval of about 68 percent.

² Includes vocational teachers.

³ Includes all sciences where not subdivided.

⁴ Alaska and Hawaii also included, also 26 States and the District of Columbia.

⁵ Hawaii and Puerto Rico also included, also 29 States and the District of Columbia.

⁶ Nationwide sample.

⁷ 26 States plus the District of Columbia.

⁸ 27 States plus the District of Columbia.

Source: NEA Research Memo 1966-2. Estimated numbers of secondary school teachers in specific subject field. January 1966.

The summary in column 12 of Table 18, suggests that the major assignment subjects in which new teachers having combination assignments are most likely to have widely divergent combination assignments may include biology, general science, social sciences, other subjects not listed, and physical education (men). Also, the subject areas in which the teacher is most likely to have either his full assignment or the widely observed combinations include chemistry, physics, library science, music, foreign languages, and agriculture.

These assignment patterns were observed when there were shortages of new teachers in mathematics, physical sciences, English, foreign languages, industrial arts, and agriculture. These shortages may have required the combination assignment of these subjects to a larger proportion of teachers than would be observed at a time when supply and demand are in better balance.

Trends in Relative Demand Among High-School Subjects Based on the Trend Criterion

Information from a sampling survey of teachers conducted by the NEA Research Division in 1965-66 provides an estimate, with sampling variability, of the proportions of secondary-school teachers having their major assignment in each subject area. The annual summaries of reports from a varying number of states showing the number of new high-school teachers being employed in each major subject area provide an annual estimate of the proportion of new high-school teachers assigned to each subject area. The estimates based on these state reports reflect the trend criterion since they include the number of positions actually filled by new teachers rather than the number needing to be filled in order to attain the minimum standards of quality in staffing characteristics.

A summary of the estimated distribution of all secondary-school teachers by subject area in 1964-65 and of all new high-school teachers in the reporting states in selected years is given in Table 19. Precise comparisons of the percent distributions are not feasible owing to differences in the numbers of states reporting and the difference in the practice of counting librarians as classroom teachers. However, the general pattern of the distribution among high-school subjects for all teachers in 1964-65 and among the new teachers that session suggests that the relative demand for new teachers is almost in the same proportion as the total number of teachers assigned among the several subject areas.

The percents of new teachers assigned to a subject area are within the range of ± 2 standard errors of the estimated percent of all high-school teachers in the same subject obtained from the sample survey. The percent of new teachers in 1964-65 exceeds one standard error from the estimated percent of all teachers that year only in the foreign languages, music, and social studies.

Small changes in the relative demand for new teachers in high schools are suggested by information from the reporting states since 1948-49. The proportion of new high-school teachers has been decreasing somewhat in agriculture, home economics, industrial arts, and music. Slight increases in the proportion of new high-school teachers are noted in English, foreign languages, mathematics, and subjects not listed in the survey form.

III. SUPPLY COMPARED WITH DEMAND FOR NEW TEACHERS

Estimates of the supply of teacher education graduates prepared to enter teaching positions in 1966 and estimates of the number of teaching positions to be filled by these graduates have been presented separately in Sections I and II of this report. A comparison of the numbers of positions included in these estimates provides a general indication of the adequacy of the present supply of beginning teachers and identifies the fields of specialization in which the estimated number of beginning teachers in supply and demand are out of balance. Also provided in this section are estimates of the status of the current supply of beginning teachers as compared with conditions in earlier years.

SUPPLY OF GRADUATES COMPARED WITH DEMAND (TCE)

The number of new teachers employed and the number of graduates of teacher preparation programs in the reporting states provide an estimate of the status of the supply compared with demand based on the Trend Criterion.

Information about the number of new teachers in 1965 and their assignments reported by 29 states was summarized in Table 15 in the preceding section. The total number of new teachers and the number of persons completing teacher education programs in these same 29 states in 1965 are listed in Table 20 in the same subject grouping. Caution should be used in analyzing the data contained in Table 20 since the number of prospective teachers being educated in a given state may not represent the actual supply of beginning teachers for the state because of nonresident graduates and migration of resident graduates. Also limiting the accuracy of comparisons based on these figures is the possibility that experienced former teachers may be in great supply, or demand, in some subjects than in others. This would modify the estimated relative demand for beginning teachers to fill the positions listed as being filled by new teachers.

TABLE 20.—*Comparison of the total number of teacher education graduates with the number of new teachers employed in 29 States, 1965-66*

Subject	Total number of teacher education graduates	Number of new teachers employed	Difference	Potential supply as percent of demand
(1)	(2)	(3)	(4)	(5)
Elementary.....	30,596	40,395	-9,799	75.7
High school.....	51,657	39,560	+12,097	130.6
Agriculture.....	798	459	+339	173.9
Art.....	1,776	937	+809	183.7
Commerce.....	4,033	2,508	+1,525	160.8
English.....	8,213	7,838	+375	104.8
Foreign languages.....	2,372	1,896	+476	125.1
Home economics.....	3,146	1,823	+1,323	172.6
Industrial arts.....	1,589	1,345	+244	118.1
Journalism.....	68	63	+5	107.9
Library science.....	320	526	-203	60.8
Mathematics.....	3,945	4,868	-923	81.0
Music.....	3,038	1,678	+1,410	186.6
Physical education—men.....	4,408	1,563	+2,845	282.0
Physical education—women.....	2,148	1,563	+585	137.4
Total natural and physical sciences.....	4,275	4,724	-449	90.5
General science.....	1,309	3,033	-1,724	43.2
Biology.....	2,317	945	+1,372	245.2
Chemistry.....	503	481	+22	104.6
Physics.....	146	265	-119	55.1
Social studies.....	8,910	4,536	+4,374	196.4
Speech.....	1,537	373	+1,164	412.1
Other.....	1,681	2,880	-1,199	37.5

TABLE 21.—*Teacher education graduates as percent of new teachers employed in selected States, 4-year intervals since 1948-49*

Level and subject	Percent of new teachers represented by number of teacher education graduates					
	1948-49	1952-53	1956-57	1960-61	1964-65	1965-66
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Elementary.....	29.7	55.6	48.0	58.2	70.3	75.7
High school, total.....	111.7	131.7	111.4	119.1	131.3	130.6
Agriculture.....	136.6	163.8	163.9	184.3	176.8	173.9
Art.....	117.1	264.5	139.5	154.4	165.4	183.7
Commerce.....	103.0	147.1	134.2	158.5	168.7	160.8
English.....	95.8	105.9	73.0	73.7	95.9	104.8
Foreign languages.....	171.1	213.3	120.1	76.1	106.6	125.1
Home economics.....	114.6	137.9	128.3	141.7	170.6	172.6
Industrial arts.....	103.9	166.5	123.5	169.0	121.3	118.1
Journalism.....	103.3	82.1	78.4	59.2	93.8	107.9
Library science.....	65.5	69.6	35.0	27.9	39.1	60.80
Mathematics.....	73.6	108.8	58.2	73.1	79.6	81.0
Music.....	105.9	164.9	127.2	174.5	171.0	186.6
Physical education (men).....	148.1	278.9	185.0	286.0	283.0	282.0
Physical education (women).....	138.6	169.6	126.3	117.0	128.7	137.4
General science.....	62.3	79.4	54.8	67.8	50.7	43.2
Biology.....	114.8	270.9	199.3	143.3	246.2	245.2
Chemistry.....	135.9	200.0	107.8	107.3	112.2	104.6
Physics.....	65.1	120.1	80.2	79.3	119.0	55.1
Social studies.....	157.1	207.3	164.1	153.1	186.4	196.4
Speech.....	126.2	313.8	256.9	260.8	469.5	412.1
Other.....		246.7	40.8	73.6	87.0	37.5
Number of States reporting.....	21	26	32	26	27	29

¹ Plus Alaska, Hawaii, and the District of Columbia.² Plus Alaska and the District of Columbia.³ Plus the District of Columbia.

The information in Table 20 shows that the areas in which the supply of beginning teachers is least adequate include elementary-school teaching, high-school subjects other than those surveyed, high-school mathematics, high-school sciences, library science, and high-school English. If the entire class of teacher education graduates in these states entered teaching, the supply of beginning teachers in these subjects would not exceed the demand for new teachers by as many as 15 percent. Differences in the method for reporting persons being trained in the natural and physical sciences field without specific subject endorsements and in the reporting of persons assigned specific subjects within this field make the summary of supply-demand relationships in the specific subjects comprising the sciences very questionable.

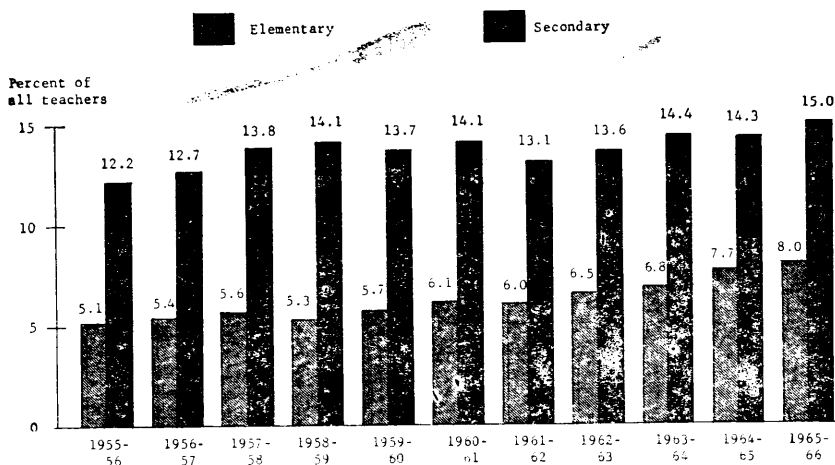
Subjects in which the supply of teacher education graduates in these states is more than twice as great as the number of positions being filled by new teachers include physical education (men) and high-school speech.

TRENDS OF SUPPLY AND DEMAND (TCE) IN REPORTING STATES

Information in Table 21 provides an estimate of trends in supply and demand conditions as observed in the reporting states since 1948-49 in four-year intervals. The table shows that the supply of qualified beginning elementary-school teachers has been rising toward, but has not reached, the level of demand (Trend Criterion). Mathematics, which comprises 8 to 10 percent of the new high-school teachers, also has consistently been in relatively low supply in these selected years. General science and physics, together involving about 8 percent of new teachers, have been in relatively short supply (the proportion in physics has wide variation owing to the small number of persons involved). The margin of supply of chemistry teachers has been decreasing. English, involving 18 to 20 percent of the new high-school teachers seems to be in better relative supply now than in earlier years, but the margin of supply is not as wide as in some other high-school subjects. Library science, involving 1 to 2 percent of the new high-school teachers, has been in relatively short supply continuously through these years studied. Industrial arts, involving between 3 and 5 percent of the new high-school teachers, has been in relatively lower supply than has been observed in earlier years.

FIGURE IV

Teacher education graduates as percent of all teachers, annually since 1955-56, by level



SUPPLY OF BEGINNING TEACHERS COMPARED WITH TOTAL NUMBER
OF TEACHERS EMPLOYED

An estimate of the present status of teacher supply and demand may be provided by a comparison over several years between the number of prospective teachers being graduated and the total number of teachers employed. Allowance should be given to changes in the influence of annual growth of the teaching staff and differences in the proportion of teachers leaving the profession. Normally the proportion of the total number of teachers represented by the number of graduates completing teacher education would not be expected to vary widely if the new supply is keeping pace with a steady enlargement of the demand for beginning teachers.

Shown in Table 22 are the percents of the total number of teachers represented by the number of teacher education graduates ready for entry each year since 1955-56. During these years of marked growth in the size of the total staff, the number of prospective teachers has represented a gradually increasing proportion of the total staff size. A slight moderation in this proportion occurred at the high-school level in 1961-62, a year having a marked increase in the growth of the secondary-school staff.

SUPPLY OF NEW TEACHERS COMPARED WITH DEMAND (QCE)

Two estimates of the supply of new teachers compared with the estimated demand for new teachers based on the Quality Criterion are shown on page 47:

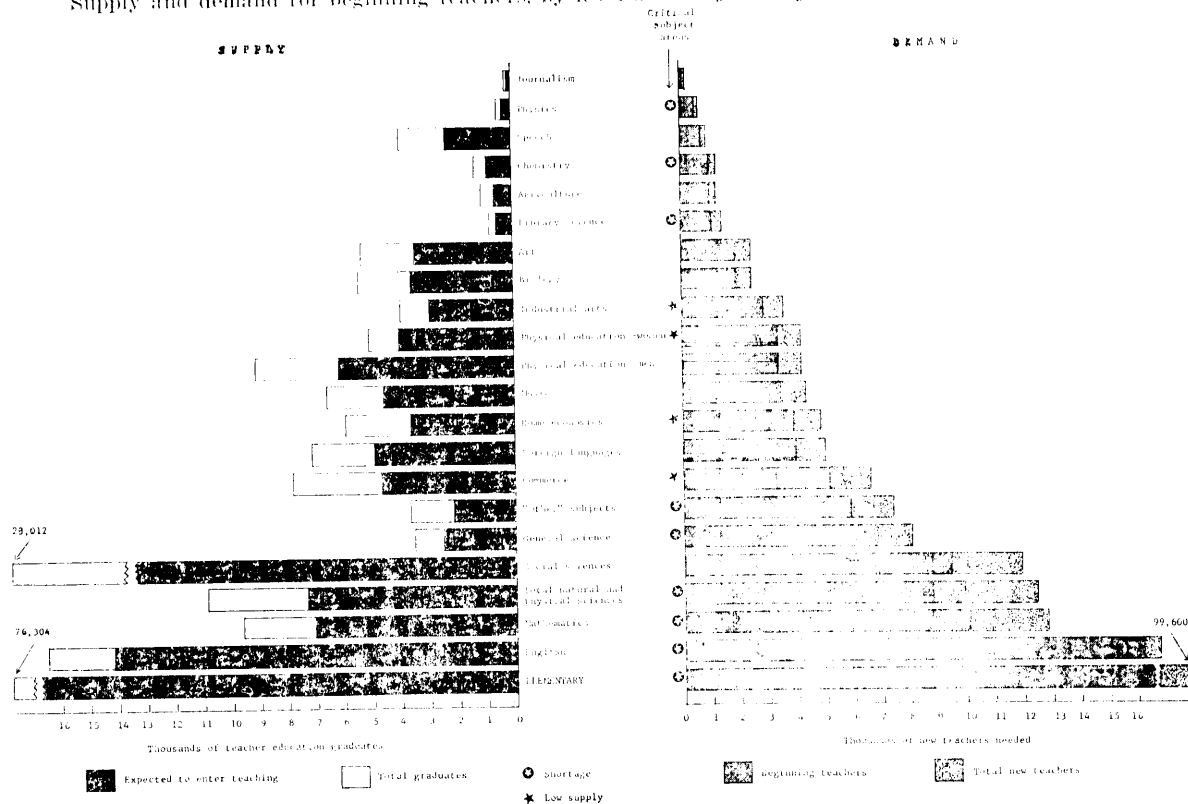
TABLE 22.—*Estimates of the total number of teachers and the number of teacher education graduates ready for employment each year since 1955-56*

Session (1)	Elementary			Secondary		
	Total teachers (2)	Teacher education graduates of previous year		Total teachers (5)	Teacher education graduates of previous year	
		Number (3)	Percent of total (4)		Number (6)	Percent of total (7)
1955-56.....	733,000	37,712	5.1	408,000	49,697	12.2
1956-57.....	751,000	40,801	5.4	447,000	56,785	12.7
1957-58.....	786,000	44,029	5.6	473,000	65,062	13.8
1958-59.....	815,000	45,318	5.3	491,000	69,093	14.1
1959-60.....	832,000	47,836	5.7	524,000	71,585	13.7
1960-61.....	858,000	52,630	6.1	550,000	77,573	14.1
1961-62.....	869,000	51,866	6.0	592,000	77,322	13.1
1962-63.....	886,000	57,854	6.5	621,000	84,489	13.6
1963-64.....	908,000	61,979	6.8	669,000	96,378	14.4
1964-65.....	940,000	72,581	7.7	708,000	101,552	14.3
1965-66.....	968,000	77,773	8.0	749,000	112,436	15.0
Estimate, 1966-67 ¹	1,019,000	76,304	7.5	793,000	124,615	15.7

¹ NEA Research Division preliminary estimate plus 50,000 new teachers estimated to be added as an effect of the Elementary and Secondary Education Act of 1965 (adjusted trend criterion estimate).

Source of staff size: U.S. Department of Health, Education, and Welfare, Office of Education, "Projections of Educational Statistics to 1974-75." Circular No. 790. Washington, D.C.: Government Printing Office, 1965. Table 21 corrected for 1965 data (fall staff size including number of part-time teachers).

FIGURE V
Supply and demand for beginning teachers, by level and subject, adjusted trend criterion estimate



	Number of teachers		
	Elementary	Secondary	Total
Estimated demand (quality criterion).....	232,537	131,965	364,503
Estimated supply (past practice) ¹	90,715	104,525	195,240
Shortage A.....	141,822	27,441	169,263
Estimated supply (potential) ²	103,269	123,103	226,373
Shortage B.....	129,337	8,863	138,200

¹ Reentry of former teachers equal to 3 percent of the number of full-time teachers in fall 1965. Entry into teaching by 81.2 percent of teacher education graduates prepared for elementary school teaching and by 66 percent of teacher education graduates prepared for high school teaching.

² Reentry of former teachers equal to 4 percent of the number of full-time teachers in fall 1965. Entry into teaching by 85 percent of teacher education graduates prepared for elementary school teaching and by 75 percent of teacher education graduates prepared for high school teaching.

The first estimate of the supply of new teachers (past practice) uses the same assumptions about the levels of teacher re-entry and entry of teacher education graduates into the profession as described in Section 1. This provides an estimate of the number of new teachers who will be available for employment if general conditions remain about the same as observed in recent years.

The second estimate (potential supply) is based on a hypothesis that if the total QCE demand for new teachers were resulting in vacancies to be filled in the fall of 1966, the levels of re-entry of former teachers and entry of teacher education graduates may rise to higher levels than has been observed in recent years. Evidence from the years of critical shortage of teachers suggests that these changes in entry rates are not likely to occur.

The two estimates show a shortage of 140,000 to 170,000 teachers with the need being critical at the elementary-school level. It is difficult to estimate the numbers of qualified teachers who may be available for entry in the event that schools were financially able and had the facilities to employ the 364,500 persons estimated in the demand for new teachers. Therefore, these shortage estimates should be interpreted only in general terms.

SUPPLY COMPARED WITH DEMAND (ATCE) FOR BEGINNING TEACHERS

A very general estimate of the status of teacher supply and demand in 29 states in 1965 is provided in Tables 20 and 21. The problem of nonresident enrollments and migration has reduced the precision of estimates of the supply of beginning teachers for this group of states. If it is assumed that these 29 states are representative of the nation in the pattern of demand for new teachers among the subject fields, this pattern may be used with the national estimated demand for beginning teachers to obtain a national estimate of demand which is comparable with the national summary of the supply of beginning teachers by subject areas.

Listed in Table 23 are the estimated numbers of beginning teachers who will be available for entry into classrooms this fall, and the estimated demand for beginning teachers and new teachers based on the Adjusted Trend Criterion. The estimates of demand are based on an assumption that the average rates of teacher turnover and re-entry are equally applicable among the subject areas. In subjects in which the rate of teacher separation is about average and the re-entry rate is lower than average, the demand for beginning teachers, would be greater than the level estimated. For example, the supply of qualified personnel in the pool of former teachers may not be as adequate in some subjects as in others. In the subjects having a relatively limited supply of qualified former teachers the demand for beginning teachers would be increased. While precise data are not available, the limited information about sex-related differences in re-entry rates suggests that the demand for beginning teachers may be nearer the demand for new teachers among the subject fields in which men constitute the predominant proportion of the teaching staff than in those in which married women constitute the predominant proportion. Therefore, while the entries in column 3 of Table 23 show the midpoint of the range of estimated demand for beginning teachers, the actual demand for beginning teachers in some subjects may deviate toward the demand for new teachers shown in column 4.

Also, changes in the general status of employment opportunities for persons having the college degree may influence the turnover and re-entry rate observed

in earlier years. The increased availability of positions in other occupations and the higher economic rewards of many of these positions may increase the loss to the profession of teachers presently employed as well as former teachers who would ordinarily be considering re-entry into the profession. This general economic condition may increase the demand for beginning teachers toward the levels estimated as the demand for both re-entering and beginning teachers, listed in column 4 of Table 23.

The estimates of the demand for teachers are based on the Adjusted Trend Criterion which includes the addition of 50,000 teachers expected to be employed as a result of the Elementary and Secondary Education Act of 1965. The estimated 20,000 new teachers to be added at the secondary-school level are not likely to be distributed among the subjects in the same proportions as have been observed in recent years in the assignments of new teachers. It may be more likely that larger proportions of these new teachers will be assigned duties in the English language arts, mathematics, "other" subjects, natural and physical sciences, industrial arts, homemaking, and fine arts than would be observed if the demand were created by normal staff enlargement and teacher turnover. Therefore, the estimates of demand in these subjects (Table 23) may be lower than the actual conditions while the estimates in other subjects may be higher than actual conditions.

TABLE 23.—Comparison of the estimated supply of beginning teachers with the adjusted trend criterion estimate of demand for beginning teachers and for new teachers in 1966, by level and high school subject

Level and subject	Estimated supply of beginning teachers ¹	Estimated demand for beginning teachers ²	Estimated demand for new teachers ³	Difference between supply and demand			
				For beginning teachers		For new teachers	
				Number	Supply as percent of demand	Number	Supply as percent of demand
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Elementary.....	61,959	99,636	128,392	-37,677	62.2	-66,433	48.3
High school (total).....	82,294	81,761	103,992	+533	100.7	-21,698	79.1
Agriculture.....	643	981	1,248	-338	65.5	-605	51.5
Art.....	3,424	1,962	2,496	+1,462	174.5	+928	137.2
Commerce.....	4,735	5,151	6,551	-416	91.9	-1,816	72.3
English.....	14,202	16,189	20,590	-1,987	87.7	-6,388	69.0
Foreign languages.....	4,894	3,925	4,992	+969	124.7	-98	98.0
Home economics.....	3,812	3,761	4,783	+51	101.4	-971	79.7
Industrial arts.....	2,927	2,780	3,536	+147	105.3	-609	82.8
Journalism.....	79	163	208	-84	48.5	-129	38.0
Library science.....	593	1,063	1,352	-470	55.8	-759	43.9
Mathematics.....	7,129	10,057	12,791	-2,928	70.9	-5,662	55.7
Music.....	4,534	3,352	4,264	+1,182	135.3	+270	106.3
Physical education, men.....	6,187	3,270	4,160	+2,917	189.2	+2,027	148.7
Physical education, women.....	4,004	3,270	4,160	+734	122.4	-156	96.3
Physical and natural sciences.....	7,312	9,811	12,479	-2,499	74.5	-5,167	58.6
Social sciences.....	13,370	9,403	11,959	+3,967	142.2	+1,411	111.8
Speech.....	2,283	736	936	+1,547	310.2	+1,347	243.9
Other.....	2,166	5,887	7,487	-3,721	36.8	-5,321	28.9

¹ Based on an assumption that the proportions of 1965 teacher education graduates entering teaching positions by Nov. 1, 1965, in the 29 reporting States will be observed nationally in 1966-67.

² Based on the increase in the total number of teachers to be employed in 1966-67, including the Elementary and Secondary Education Act of 1965, added to an expectation that beginning teachers will be needed to fill vacancies created by the departure of 5 percent of the teachers employed in the fall of 1965 whose positions are not taken by returning former teachers. Included in these estimates is a continuation of the trends in reduction of the number of teachers having substandard certification or overcrowded classes, and general improvement of staffing ratios.

³ Based on the increase in the total number of teachers to be employed in 1966-67 added to the number of vacant positions created by the departure of 8 percent of the teachers in the fall of 1965. Included in these estimates, also, is a continuation of the trends toward general improvement of staff qualifications and working conditions as observed in recent years.

⁴ Estimated demand among high school subjects based on the percent distribution of new teachers assigned to these subjects in the 29 States which reported this information for 1965-66.

TABLE 24.—Summary of estimated supply compared with the adjusted trend criterion estimate of demand for beginning teachers in 1966, elementary school and high school subject areas by rank

Level or subject area	Estimated supply of beginning teachers as percent of estimated demand for beginning teachers	Numerical difference in estimated supply of beginning teachers and estimated demand for—		Median percent of teacher education graduates entering the profession during the past 5 years	General condition
		Beginning teachers	New teachers		
(1)	(2)	(3)	(4)	(5)	(6)
Elementary school.....	62.2	-37,677	-66,433	82.0	Critical shortage.
High school:					
English.....	87.7	-1,987	-6,388	70.9	Shortage.
Mathematics.....	70.9	-2,928	-5,662	74.0	Do. ²
Other subjects ¹	36.8	-3,721	-5,321	60.2	Do.
Total natural and physical sciences.....	74.5	-2,499	-5,617	67.1	Do. ²
Commerce.....	91.9	-416	-1,816	62.6	Low supply.
Home economics.....	101.4	51	-971	65.2	Do.
Library science.....	55.8	-470	-759	74.5	Do.
Industrial arts.....	105.3	147	-609	72.2	Do. ²
Agriculture.....	65.5	-338	-605	54.1	Near balance. ²
Physical education (women).....	122.4	734	-156	80.1	Do.
Journalism.....	48.5	-84	-129	47.7	Do. ³
Foreign languages.....	124.7	969	-98	70.9	Do.
Music.....	135.3	1,182	270	20.1	Do.
Art.....	174.5	1,462	928	66.8	Adequate supply.
Speech.....	310.2	1,547	1,347	61.4	Do. ³
Social studies.....	142.2	3,967	1,411	63.6	Do.
Physical education (men).....	189.2	2,917	2,027	66.3	Do. ²

¹ Where specified, other subjects include special education, guidance and counseling, junior high school, vocational subjects, distributive education, and psychology.

² Supply may be less adequate than shown owing to the high proportion of men teachers.

³ Should be considered in combination with English.

The range of error in the assumptions leading to these estimates of supply and demand for beginning teachers requires that the numerical data be interpreted only in general terms. Therefore, the numerical differences provide only an indication of the comparative impact of supply and demand conditions in the various subject areas.

A summary of the ranked placement of the subject areas of teacher preparation in terms of the estimated condition of the supply and demand for beginning teachers is given in Table 24. The rankings are based on the numerical difference between the estimated supply of beginning teachers and the estimated demand for beginning teachers and for new (beginning and re-entering) teachers. Also shown are two additional types of information which may be used to interpret the relative rankings. The percent of demand for beginning teachers represented by the supply of beginning teachers shows the adequacy of the supply of beginning teachers if the re-entry rate of qualified former teachers were equally observed among the subject areas. The median proportion of qualified graduates entering the profession during the past five years provides an indication of the possible availability of qualified persons from earlier graduating classes. The size of these pools of qualified beginning teachers may be least adequate in the subject areas having the highest proportions of graduates entering the profession immediately subsequent to their graduation. For example, since a relatively high proportion (80.1 percent) of women graduates prepared to teach physical education typically enter the profession immediately following their graduation, little growth would be expected in the pool of potential beginning teachers from recent graduating classes. At the other extreme, annual enlargement of a pool of qualified potential beginning teachers is likely in journalism and in agriculture where about half of the graduates typically enter the profession immediately following graduation.

The summary in Table 24 shows that based on the Adjusted Trend Criterion Estimate of demand the shortage of new teachers is continuing at the elementary-school level, in mathematics, in English, and in the total natural and physical sciences. Also, there is a shortage of teachers in the subject areas which are becoming more widespread as instructional assignments in the public schools (remedial subjects, special education, guidance and counseling, psychologists,

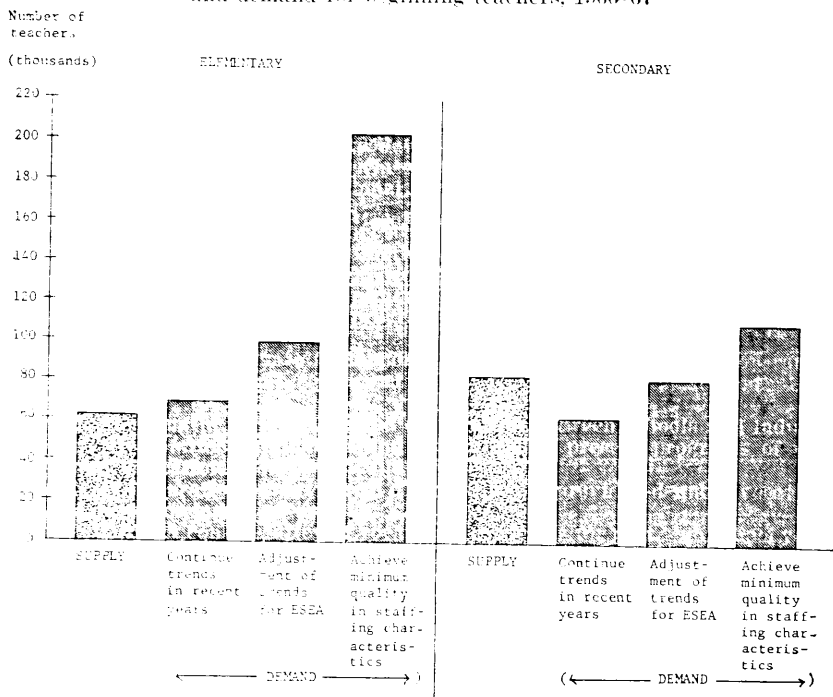
distributive education, junior high-school subjects, etc.). Limited supply compared with demand is continuing in industrial arts and is observed in commerce, home economics, and library science. Local shortages may be observed in agriculture, women's physical education, foreign languages, and music, in which the national supply is estimated to be almost in balance with the demand. The pattern of increased demand for teachers being created by the Elementary and Secondary Education Act of 1965 may make the actual demand for new teachers greater than the estimated levels in several subject areas.

TABLE 25.—Comparison of the estimated supply of new and beginning teachers with three estimates of demand

Level and criterion for estimate	New teachers (total beginning and reentering teachers)				Beginning teachers			
	Supply	Demand	Difference	Supply as percent of demand	Supply	Demand	Difference	Supply as percent of demand
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Elementary school:								
Trend criterion.....	90,715	98,392	-7,677	92.2	61,959	69,636	-7,677	89.0
Adjusted trend criterion.....	90,715	128,392	-37,677	70.7	61,959	99,636	-37,677	62.2
Quality criterion.....	90,715	232,537	-141,822	39.0	61,959	203,781	-141,822	30.4
High school:								
Trend criterion.....	104,525	83,992	+20,533	124.4	82,294	61,761	+20,533	133.3
Adjusted trend criterion.....	104,525	103,992	+533	100.5	82,294	81,761	+533	100.7
Quality criterion.....	104,525	131,966	-27,441	79.2	82,294	109,735	-27,441	75.0
Total:								
Trend criterion.....	195,240	182,384	+12,856	107.0	144,253	131,397	+12,856	109.8
Adjusted trend criterion.....	195,240	232,384	-37,144	84.0	144,253	181,397	-37,144	79.5
Quality criterion.....	195,240	364,503	-169,263	53.6	144,253	313,516	-169,263	46.0

FIGURE VI

Estimates of supply of teacher education graduates expected to enter teaching and demand for beginning teachers, 1966-67



SUMMARY OF COMPARISONS BETWEEN ESTIMATES OF TEACHER SUPPLY
AND DEMAND

Table 25 summarizes the comparisons between the estimated supply of new teachers and the three estimates of demand for new teachers. The estimated supply of new elementary-school teachers is lower than each of the three estimates of demand. The estimated total supply of new high-school teachers is about equal to the demand projected by Trend Criterion estimate and the Adjusted Trend Criterion estimate, but is inadequate to meet the requirements of the Quality Criterion estimate. However, shortages are observed in English, mathematics, subjects not listed on the survey forms, and in the total fields of natural and physical sciences. Low supply is noted in commerce, home economics, library science, and industrial arts. Intensification of shortages in some of these fields and creation of shortages in the fine arts may result from the Elementary and Secondary Education Act of 1965.

Chairman PERKINS. Who is our next witness this morning?

Mr. LIBASSI. My name is Peter Libassi. I am Special Assistant to the Secretary of HEW for Civil Rights.

Chairman PERKINS. Who is in charge of the working down there? Are you working on the guidelines?

Mr. LIBASSI. Yes, sir; I am the Chief Adviser to the Secretary of the Department on overall policies including the school guidelines.

Chairman PERKINS. Introduce the other people at the table with you.

Mr. LIBASSI. On my left is Mrs. Ruby Martin who is the Special Assistant for Education in the Office of the Secretary, Mr. Derrick Bell who is the Deputy Special Assistant for Civil Rights to the Secretary, and Mr. Edward Yourman, the Assistant General Counsel for Civil Rights in the Department.

Chairman PERKINS. As chairman of the committee I will recognize that the House Committee on the Judiciary has the primary responsibility and jurisdiction in the area of civil rights but nevertheless I am quite cognizant of the fact that so many Members in the House of Representatives are concerned about the administration of the program in that area, just how the guidelines are working at the present time, the number of school districts in certain Southern States that have not taken advantage of the program under title I because of the guidelines and at the same time I am quite cognizant of the court decisions.

I would certainly like for the Office of Education to give us an analysis of the school districts that are not benefiting and whether the States are in your judgment going along with the guidelines and if not to what extent, and if they are failing to cooperate.

I would like to get this data in the record because I personally feel that by and large the Office of Education has done an excellent job in working with the States in connection with the administration of title I and that the States have cooperated to a wonderful degree in taking advantage of these programs.

I think we should get in the record the exact studies and just what these guidelines are at the present time.

STATEMENT OF F. PETER LIBASSI, SPECIAL ASSISTANT TO THE SECRETARY OF HEW FOR CIVIL RIGHTS, ACCOMPANIED BY MRS. RUBY MARTIN, SPECIAL ASSISTANT FOR EDUCATION; DERRICK BELL, DEPUTY SPECIAL ASSISTANT FOR CIVIL RIGHTS; AND EDWARD YOURMAN, GENERAL COUNSEL FOR CIVIL RIGHTS

Mr. LIBASSI. Thank you, Mr. Chairman.

I appreciate this opportunity to be of any assistance to the committee and to discuss the administration of title VI of the Civil Rights Act. As you indicated not only the Judiciary Committee but the Rules Committee also held hearings on the operation of the school guidelines.

The provision of the school desegregation policy which are of great importance to the desegregation of schools are the requirements that the freedom of choice plans operate fairly and effectively to achieve desegregation and that faculties be assigned without regard to race or color.

Chairman PERKINS. Will you in your testimony somewhere insert an exact copy of the guidelines at the present time and make it a part of your statement?

Mr. LIBASSI. Yes, sir.

(The document referred to follows:)

REVISED STATEMENT OF POLICIES FOR SCHOOL DESEGREGATION PLANS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

DECEMBER 1966

(As Amended for the School Year 1967-68)

SUBPART A—APPLICABILITY OF THIS STATEMENT OF POLICIES

§ 181.1 Title VI and the HEW Regulation

Section 601 of Title VI of the Civil Rights Act of 1964 provides that:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

As required by Section 602 of Title VI, the Department of Health, Education, and Welfare has issued a Regulation to assure the elimination of discrimination in Federal aid programs it administers. The HEW Regulation was published as Part 80 of Title 45, Code of Federal Regulations (45 CFR Part 80).

§ 181.2 Compliance by School Systems Eliminating Dual School Structure

To be eligible for Federal aid, a school system must act to eliminate any practices in violation of Title VI, including the continued maintenance of a dual structure of separate schools for students of different races. The HEW Regulation recognizes two methods of meeting this requirement:

- (1) a desegregation order of a Federal court; or
- (2) a voluntary desegregation plan.

§ 181.3 Purpose of This Statement of Policies

This Statement of Policies applies to public elementary and secondary school systems undergoing desegregation to eliminate a dual school structure. It sets forth the requirements which voluntary desegregation plans must meet for the Commissioner to determine under the HEW Regulation that a plan is adequate to accomplish the purposes of Title VI. This Statement supersedes the "General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools," issued in

April 1965 and published as 45 CFR Part 181, and has been amended further to make it applicable to the school year 1967-68.

§ 181.4 Initial Demonstration of Compliance

To be eligible for Federal aid, a school system must first assure the Commissioner that it will comply with Title VI and the HEW Regulation. It must submit the form of assurance that meets its circumstances, under §§ 181.5, 181.6, or 181.7 below.

§ 181.5 Systems Without Dual School Structure

(a) *Submission of Form 441.* A school system which does not maintain any characteristic of a dual school structure may initially demonstrate compliance by submitting HEW Form 441. This is an assurance of full and immediate compliance with Title VI.

(b) *Resubmission Not Required.* A school system which has appropriately submitted HEW Form 441 need not submit a new copy with subsequent requests for Federal aid, but need only affirm when requested that the assistance submitted continues in effect.

(c) *Supplementation of Assurance.* The Commissioner may require supplementation of HEW Form 441 when he has reasonable cause to believe that there is a failure to comply with any provision of Title VI or the HEW Regulation.

§ 181.6 Systems Under Federal Court Order for Desegregation

(a) *Submission of Order.* A school system under a Federal court desegregation order which meets the requirements of the HEW Regulation may submit, as evidence of compliance with Title VI, a copy of the court order, together with an assurance that it will comply with the order, including any future modification.

(b) *Resubmission Not Required.* A school system under a court order accepted by the Commissioner need not submit another copy, but must submit any modification not previously submitted.

(c) *Revision of Court Orders.* A school system under a court order for desegregation which is not in accord with current judicial standards is subject to legal action by the Department of Justice, or by the parties to the original suit, to modify the order to meet current standards.

§ 181.7 Systems With Voluntary Desegregation Plans

(a) *Submission of Form 441-B.* A school system with a voluntary desegregation plan must provide an assurance that it will abide by the applicable requirements for such plans contained in this Statement of Policies. Such assurance may be given by submitting HEW Form 441-B to the Commissioner. Commitments of funds for new activities are subject to deferral, as provided by law, for school systems with voluntary desegregation plans which have failed to submit HEW Form 441-B.

(b) *Resubmission Not Required.* A school system which has appropriately submitted HEW Form 441-B need not submit a new copy with subsequent requests for Federal aid, but need only affirm when requested that the assurance submitted continues in effect.

(c) *Changing Type of Plan.* A school system may change from one type of desegregation plan to another if such action would eliminate segregation and all other forms of discrimination more expeditiously. A school system planning to change the type of its plan must submit a new plan meeting the requirements of this Statement of Policies, together with HEW Form 441-B, for a determination by the Commissioner as to the adequacy of the plan to accomplish the purposes of Title VI.

(d) *Retaining Present Type of Plan.* A school system with a desegregation plan accepted by the Commissioner need not resubmit its plan if it intends to continue under the same type of plan. If a plan accepted by the Commissioner fails to meet any requirement under this Statement of Policies, the submission of HEW Form 441-B will be deemed to amend the plan so that it will meet such requirement. Amendments to the plan are not to be submitted unless requested. However, certain supporting materials must be submitted, as provided in Subparts B, C, and D below.

(e) *Initial Submittal of Plans.* If no desegregation plan has been submitted or accepted for a school system, HEW Form 441-B and a plan meeting the requirements of this Statement of Policies must be submitted.

[§§ 181.8 through 181.10 reserved]

SUBPART B—BASIC REQUIREMENTS FOR ALL VOLUNTARY DESEGREGATION PLANS

§ 181.11 Various Types of Desegregation Plans

It is the responsibility of a school system to adopt and implement a desegregation plan which will eliminate the dual school system and all other forms of discrimination as expeditiously as possible. No single type of plan is appropriate for all school systems. In some cases, the most expeditious means of desegregation is to close the schools originally established for students of one race, particularly where they are small and inadequate, and to assign all the students and teachers to desegregated schools. Another appropriate method is to reorganize the grade structure of schools originally established for students of different races so that these schools are fully utilized, on a desegregated basis, although each school contains fewer grades. In some cases desegregation is accomplished by the establishment of non-racial attendance zones. Under certain conditions, a plan based on free choice of schools may be a way to undertake desegregation. In certain cases the purposes of Title VI may be most expeditiously accomplished by a plan applying two or more of the foregoing procedures to certain schools or different grade levels. Based on consideration of all the circumstances of a particular school system, the Commissioner may determine that its desegregation plan is not adequate to accomplish the purposes of Title VI, in which case he may require the adoption of an alternative plan. In any case where the State education agency is pursuing policies and programs for expediting the elimination of the dual school structure, the Commissioner will consider this factor in determining whether a particular type of plan is adequate for any given school system in such State.

§ 181.12 Student Assignment Practices

Title VI precludes a school system from any action or inaction designed to perpetuate or promote segregation or any other form of discrimination, or to limit desegregation or maintain what is essentially a dual school structure. Any educational opportunity offered by a school system must be available to students without regard to race, color, or national origin. In particular, any academic tests or other procedures used in assigning students to schools, grades, classrooms, sections, courses of study or for any other purposes must be applied uniformly to all students without regard to race, color, or national origin. Curriculum, credit and promotion procedures must not be applied in such a way as to penalize or hamper students who transfer from one school to another pursuant to a desegregation plan.

§ 181.13 Faculty and Staff

(a) *Desegregation of Staff.* The racial composition of the professional staff of a school system, and of the schools in the system, must be considered in determining whether students are subjected to discrimination in educational programs. Each school system is responsible for correcting the effects of all past discriminatory practices in the assignment of teachers and other professional staff.

(b) *New Assignments.* Race, color, or national origin may not be a factor in the hiring or assignment to schools or within schools of teachers and other professional staff, including student teachers and staff serving two or more schools, except to correct the effects of past discriminatory assignments.

(c) *Dismissals.* Teachers and other professional staff may not be dismissed, demoted, or passed over for retention, promotion, or rehiring, on the ground of race, color, or national origin. In any instance where one or more teachers or other professional staff members are to be displaced as a result of desegregation, no staff vacancy in the school system may be filled through recruitment from outside the system unless the school officials can show that no such displaced staff member is qualified to fill the vacancy. If as a result of desegregation, there is to be a reduction in the total professional staff of the school system, the qualifications of all staff members in the system must be evaluated in selecting the staff members to be released.

(d) *Past Assignments.* The pattern of assignment of teachers and other professional staff among the various schools of a system may not be such that schools are identifiable as intended for students of a particular race, color, or

national origin, or such that teachers or other professional staff of a particular race are concentrated in those schools where all, or the majority, of the students are of that race. Each school system has a positive duty to make staff assignments and reassignments necessary to eliminate past discriminatory assignment patterns. Staff desegregation for the 1967-68 school year must include significant progress beyond what was accomplished for the 1966-67 school year in the desegregation of teachers assigned to schools on a regular full-time basis. Patterns of staff assignment to initiate staff desegregation might include, for example: (1) Some desegregation of professional staff in each school in the system, (2) the assignment of a significant portion of the professional staff of each race to particular schools in the system where their race is a minority and where special staff training programs are established to help with the process of staff desegregation, (3) the assignment of a significant portion of the staff on a desegregated basis to those schools in which the student body is desegregated, (4) the reassignment of the staff of schools being closed to other schools in the system where their race is a minority, or (5) an alternative pattern of assignment which will make comparable progress in bringing about staff desegregation successfully.

§ 181.14 Services, Facilities, Activities, and Programs

(a) *General.* Each school system is responsible for removing segregation and any other form of discrimination affecting students in connection with all services, facilities, activities and programs (including transportation, athletics, and other extra-curricular activities) that may be conducted or sponsored by or affiliated with the schools of the system.

(b) *Specific Situations.*

(1) A student attending school for the first time on a desegregated basis may not be subject to any disqualification or waiting period for participation in activities and programs, including athletics, which might otherwise apply because he is a transfer student.

(2) If transportation services are furnished, sponsored or utilized by a school system, dual or segregated transportation systems and any other form of discrimination must be eliminated. Routing and scheduling of transportation must be planned on the basis of such factors as economy and efficiency, and may not operate to impede desegregation. Routes and schedules must be changed to the extent necessary to comply with this provision.

(3) All school-related use of athletic fields, meeting rooms, and all other school-related services, facilities, activities, and programs, such as commencement exercises and parent-teacher meetings, which are open to persons other than enrolled students, must be open to all such persons and must be conducted without segregation or any other form of discrimination.

(4) All special educational programs, such as pre-school, summer school and adult education, and any educational program newly instituted, must be conducted without segregation or any other form of discrimination. Free choice desegregation procedures normally may not be applied to such programs.

§ 181.15 Unequal Educational Programs and Facilities

In addition to the changes made in student assignment practices under its desegregation plan, each school system is responsible for removing all other forms of discrimination on the ground of race, color, or national origin. For example, some school systems still maintain small, inadequate schools that were originally established for students of a particular race and are still used primarily or exclusively for the education of students of such race. If the facilities, teaching materials, or educational program available to students in such a school are inferior to those generally available in the schools of the system, the school authorities will normally be required immediately to assign such students to other schools in order to discontinue the use of the inferior school.

§ 181.16 Attendance Outside School System of Residence

No arrangement may be made nor permission granted for students residing in one school system to attend school in another school system in any case (1) where the result would tend to limit desegregation or maintain what is essentially a dual school structure in either system, or (2) where such attendance is not available to all students without regard to race, color, or national origin.

§ 181.17 Official Support for Desegregation Plan

(a) *Community Support.* School officials must take steps to encourage community support and acceptance of their desegregation plan. They are responsible for preparing students, teachers and all other personnel, and the community in general, for the successful desegregation of the school system.

(b) *Information to the Public.* Full information concerning the desegregation plan must be furnished freely to the public and to all television and radio stations and all newspapers serving the community. Copies of all reports on student and staff assignments required under § 181.18 below must be available for public inspection at the office of the Superintendent of the school system.

(c) *Protection of Person Affected.* Each school system is responsible for the effective implementation of its desegregation plan. Within their authority, school officials are responsible for the protection of persons exercising rights under, or otherwise affected by, the plan. They must take appropriate action with regard to any student or staff member who interferes with the successful operation of the plan, whether or not on school grounds. If officials of the school system are not able to provide sufficient protection, they must seek whatever assistance is necessary from other appropriate officials.

§ 181.18 Reports

(a) *Anticipated Enrollment.* By April 15 of each year, or by 15 days after the close of the choice period in the case of plans based on free choice of schools, each school system must report to the Commissioner the anticipated student enrollment, by race, color, or national origin, and by grade of each school, for the following school year. Any subsequent substantial change in anticipated enrollment affecting desegregation must be reported promptly to the Commissioner.

(b) *Planned Staff Assignments.* By April 15 of each year, each school system must report to the Commissioner the planned assignments of professional staff to each school for the following year, by race, color, or national origin and by grade, or where appropriate, by subject taught or position held. Any subsequent change in planned staff assignments affecting staff desegregation must be reported promptly to the Commissioner.

(c) *Actual Data.* As soon as possible after the opening of its schools in the fall, but in any case within 30 days thereafter, each school system must determine and promptly report to the Commissioner the actual data for the items covered in the reports called for under (a) and (b) above.

(d) *Attendance Outside System of Residence.* The reports called for under (a) and (c) above must include a statement covering (1) all students who reside within the boundaries of the school system but attend school in another system, and (2) all students who reside outside but attend a school within the system. This statement must set forth, for each group of students included in (1) and (2) above, the number of students, by race, color, or national origin, by grade, by school and school system attended, and by school system of residence.

(e) *Consolidation or Litigation.* A school system which is to undergo consolidation with another system or any other change in its boundaries, or which is involved in any litigation affecting desegregation, must promptly report the relevant facts and circumstances to the Commissioner.

(f) *Other Reports.* The Commissioner may require a school system to submit other reports relating to its compliance with Title VI.

§ 181.19 Records

A school system must keep available for not less than three years all records relating to personnel actions, transportation, including routes and schedules, and student assignments and transfers, including all choice forms and transfer applications submitted to the school system. The Commissioner may require retention for a longer period in individual cases.

[§§ 181.20 through 181.30 reserved]

SUBPART C—ADDITIONAL REQUIREMENTS FOR VOLUNTARY DESEGREGATION PLANS BASED ON GEOGRAPHIC ATTENDANCE ZONES

§ 181.31 General

A voluntary desegregation plan based in whole or in part on geographic attendance zones must meet the requirements of this Subpart for all students whose assignment to schools is determined by such zones. The general requirement

for desegregation plans set forth elsewhere in this Statement of Policies are also applicable.

§ 181.32 Attendance Zones

A single system of non-racial attendance zones must be established. A school system may not use zone boundaries or feeder patterns designed to perpetuate or promote segregation, or to limit desegregation or maintain what is essentially a dual school structure. A school system planning (1) to desegregate certain grades by means of geographic attendance zones and other grades by means of free choice of schools, or (2) to include more than one school of the same level in one or more attendance zones and to offer free choice of all schools within such zones, must show that such an arrangement will most expeditiously eliminate segregation and all other forms of discrimination. In any such case, the procedures followed for the offer, exercise and administration of free choice of schools must conform to the provisions of Subpart D below.

§ 181.33 Assignment to School in Zone of Residence

Regardless of any previous attendance at another school, each student must be assigned to the school serving his zone of residence, and may be transferred to another school only in those cases which meet the following requirements:

(a) *Transfer for Special Needs.* A student who requires a course of study not offered at the school serving his zone, or who is physically handicapped, may be permitted, upon his written application, to transfer to another school which is designed to fit, or offers courses for, his special needs.

(b) *Minority Transfer Policy.* A school system may (1) permit any student to transfer from a school where students of his race are a majority to any other school, within the system, where students of his race are a minority, or (2) assign students on such basis.

(c) *Special Plan Provisions.* A student who specifically qualifies to attend another school pursuant to the provisions of a desegregation plan accepted by the Commissioner may be permitted, upon his written application, to transfer to such other school.

§ 181.34 Notice

(a) *Individual Notice.* On a convenient date between March 1 and April 30 in each year, each school system must distribute, by first class mail, a letter to the parent, or other adult person acting as parent, of each student who is then enrolled, except high school seniors expected to graduate, giving the name and location of the school to which the student has been assigned for the coming school year pursuant to the desegregation plan, and information concerning the bus service between his school and his neighborhood. All these letters must be mailed on the same day. Each letter must be accompanied by a notice, in a form prescribed by the Commissioner, explaining the desegregation plan. The same letter and notice must also be furnished, in person or by mail, to the parent of each prospective student, including each student planning to enter the first grade or kindergarten, as soon as the school system learns that he plans to enroll.

(b) *Published Notice.* The school system must arrange for the conspicuous publication of an announcement, identical with the text of the notice provided for under (a) above, in the newspaper most generally circulated in the community, on or shortly before the date of mailing under (a) above. Publication as a legal notice is not sufficient. Whenever any revision of attendance zones is proposed, the school system must similarly arrange for the conspicuous publication of an announcement at least 30 days before any change is to become effective, naming each school to be affected and describing the proposed new zones. Copies of all material published hereunder must also be given at that time to all television and radio stations serving the community.

[§§ 181.36 through 181.40 reserved]

SUBPART D—ADDITIONAL REQUIREMENTS FOR VOLUNTARY DESEGREGATION PLANS BASED ON FREE CHOICE OF SCHOOLS

§ 181.41 General

A voluntary desegregation plan based in whole or in part on free choice of schools must meet the requirements of this Subpart for all students whose assignment to schools is determined by free choice. The general requirements for desegregation plans set forth elsewhere in this Statement of Policies are also applicable.

§ 181.42 Who May Exercise Choice

A choice of schools may be exercised by a parent or other adult person serving as the student's parent. A student may exercise his own choice if he (1) is exercising a choice for the ninth or a higher grade, or (2) has reached the age of fifteen at the time of the exercise of choice. Such a choice by a student is controlling unless a different choice is exercised for him by his parent, or other adult person acting as his parent, during the period in which the student exercises his choice. Each reference in this Subpart to a student exercising a choice means the exercise of the choice by a parent or such other adult, or by the student himself, as may be appropriate under this provision.

§ 181.43 Annual Mandatory Exercise of Choice

Each student must be required to exercise a free choice of schools once annually. A student may not be enrolled or assigned to a school without exercising his choice, except as provided in § 181.45 below.

§ 181.44 Choice Period

A period of at least 30 days must be provided for exercising choice, to commence no earlier than January 1 and to end no later than April 30, preceding the school year for which choice is to be exercised. The Commissioner may require an additional period or different dates for a particular school system. No preference in school assignment may be given on the basis of an early exercise of choice during the choice period.

§ 181.45 Failure To Exercise Choice

A failure to exercise a choice within the choice period does not excuse a student from exercising his choice, which may be done at any time before he commences school for the year with respect to which the choice applies. However, any such late choice must be subordinated to the choices of students who exercised choice during the choice period. If by a week after school opens there is any student who has not yet exercised his choice of school, he must be assigned to the school nearest his home where space is available. Standards for determining available space must be applied uniformly throughout the system.

§ 181.46 Letters to Parents, Notices, and Choice Forms

(a) *Mailings.* On the first day of the choice period, each school system must distribute, by first class mail, a letter, an explanatory notice, and a choice form, to the parent or other adult person acting as parent of each student who is then enrolled, except high school seniors expected to graduate, together with a return envelope addressed to the Superintendent. The texts for the letter, notice, and choice form to be used must be in a form prescribed by the Commissioner.

(b) *Extra Copies.* Extra copies of the letter, the notice, and the choice form must be freely available to parents, students, prospective students and the general public, at each school in the system and at the office of the Superintendent.

(c) *Maps Available to Public.* A street or road map showing the boundaries of, and the school serving, each attendance zone must be freely available for public inspection at the office of the Superintendent. Each school in the system must have freely available for public inspection a map showing the boundaries of its attendance area.

§ 181.35 Reports

(a) *Attendance Zones.* The report submitted under § 181.18(a) by April 15 of each year must be accomplished by a map, which must show the name and location of each school facility planned to be used during the coming school year, the attendance zones for each school in effect during the current school year, and any changes in the attendance zones planned for the coming school year. The map need not be of professional quality. A clipping of each newspaper announcement and any map published under § 181.34 (b) or (c) above must be sent to the Commissioner within three days after publication and, in the case of proposed revisions, must be accompanied by data showing the estimated change in attendance, by race, color, or national origin and by grade, and in the racial composition of the professional staff, at each school to be affected.

(b) *Attendance Outside Zone of Residence.* Whenever a student is permitted to attend a school other than that serving his zone of residence, and whenever a request for such attendance is denied, the school system must retain records

showing (1) the school and grade applied for, (2) the zone of the student's residence and his grade therein, (3) the race, color, or national origin of the student, (4) the reason stated for the request, and (5) the reason the request is granted or denied. Whenever the total number of transfers permitted from any school exceeds two percent of the student enrollment at that school, the relevant facts must be reported promptly to the Commissioner.

(c) *Content of Choice Form.* Unless otherwise authorized or required by the Commissioner, each choice form, as prepared by the school system for distribution, (1) must set forth the name and location of, and the grade offered at, each school, and (2) may inquire of the person exercising the choice only the name, address, and age of the student, the school and grade currently or most recently attended by the student, the school chosen, the signature of one parent or other adult person serving as parent or, where appropriate under § 181.42 above, the signature of the student, and the identity of the person signing. If necessary to provide information required by §§ 181.18 and 181.19 above, or for other reports required by the Commissioner, the choice form may also ask the race, color, or national origin of the student. No statement of reasons for a particular choice, or any other information, or any witness or other authentication, may be required or requested. No other choice form, including any pupil placement law form may be used by the school system in connection with the choice of a school.

(d) *Return of Choice Form.* At the option of the person completing the choice form, it may be returned by mail or by hand to any school in the school system or to the office of the Superintendent.

(e) *Choices Not on Official Form.* Exercise of choice may also be made by the submission in like manner of any other writing which sufficiently identifies the student and indicates that he has made a choice of a school.

§ 181.47 Prospective Students

Each prospective student, including each student planning to enter the first grade or kindergarten, must be required to exercise a free choice of schools before enrollment. Each such student must be furnished a copy of the prescribed letter, notice, and choice form, by mail or in person, on the date the choice period opens or as soon thereafter as the school system learns that he plans to enroll. Each must be given an opportunity to exercise his choice during the choice period. A prospective student exercising his choice after the choice period must be given at least one week to do so.

§ 181.38 Choice May Not Be Changed

Once a choice has been submitted, it may not be changed for the school year to which it applies, whether during the choice period, after the choice period, or during that school year, except on request (1) in cases meeting the conditions set forth in § 181.50 below, (2) in case of a change of residence to a place where another school serving the student's grade level is closer than the school to which he is assigned under these provisions, and (3) in case of a compelling hardship. A student who cannot enter the school of his choice because the grade he is to enter is not offered at that school must be promptly notified as soon as this is known and must be given the same opportunity to choose another school as is provided a prospective student under § 181.47 above.

§ 181.49 Assignment According to Choice

No choice may be denied in assigning students to schools for any reason other than overcrowding. In cases where overcrowding would result at one or more schools from the choices made, preference must be given on the basis of the proximity of schools to the homes of students, without regard to race, color, or national origin. No preference may be given to students for prior attendance at a school if such preference would deny other students their free choice of schools under the plan. In cases where this provision would result in unusual difficulty involving, for instance, students not being able to finish their senior year in a particular school, or students being unable to attend school with other members of the same family, or at a school having special courses required by a student, the relevant facts may be brought to the attention of the Commissioner for consideration of alternative procedures. Any student whose choice is denied under these provisions must be notified in writing promptly and given his choice of each school in the system serving his grade level where space is available. Standards for determining overcrowding and available space that are applied

uniformly throughout the system must be used if any choice is to be denied. Each student and his parent, or other adult person acting as parent, must be notified in writing of the name and location of the school to which the student is assigned hereunder promptly upon completion of processing his first or any second choice. A school system may, at its option, give preference to any student whose choice is for a school at which students of his race are a minority.

§ 181.50 Transfers for Special Needs

Each student must attend the school to which he is assigned under the foregoing provisions, except that any student who requires a course of study not offered at that school, or who is physically handicapped, may be permitted, upon his written application, to transfer to another school which is designed to fit, or offers courses for, his special needs.

§ 181.51 No Limitation of Choice; Transportation

No factor, such as a requirement for health or birth records, academic or physical examinations, the operation of the school transportation system, or any other factor except overcrowding, may limit or affect the assignment of students to schools on the basis of their choices. Where transportation is generally provided, buses must be routed to the maximum extent feasible so as to serve each student choosing any school in the system. In any event, every student choosing either the formerly white or the formerly Negro school (or other school established for students of a particular race, color, or national origin) nearest his residence must be transported to the school to which he is assigned under these provisions, whether or not it is his first choice, if that school is sufficiently distant from his home to make him eligible for transportation under generally applicable transportation rules.

§ 181.52 Officials Not To Influence Choice

No official, teacher, or employee of the school system may require or request any student or prospective student to submit a choice form during the choice period other than by the prescribed letter, notice, and choice form. After the choice period, the school system must make all reasonable efforts to obtain a completed choice form from any student who has not exercised a choice. However, at no time may any official, teacher, or employee of the school system, either directly or indirectly, seek to influence any parent, student, or any other person involved, in the exercise of a choice, or favor or penalize any person because of a choice made. Information concerning choices made by individual students or schools to which they are assigned may not be made public.

§ 181.53 Public Notice

On or shortly before the date the choice period opens, the school system must arrange for the conspicuous publication of a notice describing the desegregation plan in the newspaper most generally circulated in the community. The text of the notice must be in a form prescribed by the Commissioner. Publication as a legal notice is not sufficient. Copies of this notice must also be given at that time to all radio and television stations serving the community. Any other announcement published by the school system concerning enrollment, such as might be made in connection with scheduling pre-enrollment procedures for prospective first grade students, must (1) state clearly that under the desegregation plan a choice of school is required for each student whose choice has not yet been exercised, (2) describe and state where copies of the prescribed letter, notice and choice form may be freely obtained in person, or by letter or telephone request, and (3) state the period during which the choice may be exercised.

§ 181.54 Requirements for Effectiveness of Free Choice Plans

A free choice plan tends to place the burden of desegregation on Negro or other minority group students and their parents. Even when school authorities undertake good faith efforts to assure its fair operation, the very nature of a free choice plan and the effect of longstanding community attitudes often tend to preclude or inhibit the exercise of a truly free choice by or for minority group students.

For these reasons, the Commissioner will scrutinize with special care the operation of voluntary plans of desegregation in school systems which have adopted free choice plans.

In determining whether a free choice plan is operating fairly and effectively, so as to materially further the orderly achievement of desegregation, the Commissioner will take into account such factors as community support for the plan, the efforts of the school system to eliminate the identifiability of schools on the basis of race, color, or national origin by virtue of the composition of staff or other factors, and the progress actually made in eliminating past discrimination and segregation.

The single most substantial indication as to whether a free choice plan is actually working to eliminate the dual school structure is the extent to which Negro or other minority group students have in fact transferred from segregated schools. Thus, when substantial desegregation actually occurs under a free choice plan, there is strong evidence that the plan is operating effectively and fairly, and is currently acceptable as a means of meeting legal requirements. Conversely, where a free choice plan results in little or no actual desegregation, or where, having already produced some degree of desegregation, it does not result in substantial progress, there is reason to believe that the plan is not operating effectively and may not be an appropriate or acceptable method of meeting constitutional and statutory requirements.

As a general matter, for the 1967-68 school year the Commissioner will, in the absence of other evidence to the contrary, assume that a free choice plan is a viable and effective means of completing initial stages of desegregation in school systems in which a substantial percentage of the students have in fact been transferred from segregated schools. Where a small degree of desegregation has been achieved and, on the basis of the free choice registration held in early 1967, it appears that there will not be a substantial increase in desegregation for the 1967-68 school year, the Commissioner will review the working of the plan and will normally require school officials to take additional actions as a prerequisite to continued use of a free choice plan, even as an interim device.

In districts with a sizable percentage of Negro or other minority group students, the Commissioner will, in general, be guided by the following criteria in scheduling free choice plans for review:

(1) If a significant percentage of the students, such as 8 percent or 9 percent, transferred from segregated schools for the 1966-67 school year, total transfers on the order of at least twice that percentage would normally be expected.

(2) If a smaller percentage of the students, such as 4 percent or 5 percent, transferred from segregated schools for the 1966-67 school year, a substantial increase in transfers would normally be expected, such as would bring the total to at least triple the percentage for the 1966-67 school year.

(3) If a lower percentage of students transferred for the 1966-67 school year, then the rate of increase in total transfers for the 1967-68 school year would normally be expected to be proportionately greater than under (2) above.

Where there is substantial deviation from these expectations, and the Commissioner concludes, on the basis of the choices actually made and other available evidence, that the plan is not operating fairly, or is not effective to meet constitutional and statutory requirements, he will require the school system to take additional steps to further desegregation.

Such additional steps may include, for example, reopening of the choice period, additional meetings with parents and civic groups, further arrangements with State or local officials to limit opportunities for intimidation, and other further community preparation. Where schools are still identifiable on the basis of staff composition as intended for students of a particular race, color, or national origin, such steps must in any such case include substantial further changes in staffing patterns to eliminate such identifiability.

If the Commissioner concludes that such steps would be ineffective, or if they fail to remedy the defects in the operation of any free choice plan, he may require the school system to adopt a different type of desegregation plan.

§ 181.55 Reports

(a) *Supporting Materials.* Each school system must submit to the Commissioner a copy of the letter, notice, and choice form, all as prepared by the school system for distribution, within three days after their first distribution, and must submit a clipping of all newspaper announcements published in accordance with § 181.53 above within three days after publication.

(b) *Data on Choices Not Being Honored.* In any case including the case of conflicting choices under § 181.42 above, where a student chooses a school where

he would be in racial minority, and (1) he is to be assigned to a school where he would be in a racial majority, or (2) the school system proposes not to process his choice for any reason, the relevant facts must be reported promptly to the Commissioner.

(c) *Transfers for Special Needs.* Wherever a student is permitted, under §§ 181.48 or 181.50 above, to attend a school other than the school to which he is or would be assigned under the other applicable provisions hereof, and whenever a request for such attendance is denied, the school system must retain records showing (1) the school and grade applied for, (2) the school and grade to be transferred from, (3) the race, color, or national origin of the student, (4) the reason stated for the request, and (5) the reason the request is granted or denied. Whenever the total number of transfers permitted from any school exceeds two percent of the student enrollment at that school, the relevant facts must be reported promptly to the Commissioner.

[§§ 181.56 through 181.60 reserved]

SUBPART E—MISCELLANEOUS PROVISIONS

§ 181.61 How To Submit Reports

Each report to the Commissioner required under this Statement of Policies must be sent by first class mail addressed to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202.

§ 181.62 Alternative Administrative Procedures

If an administrative procedure provided for under this Statement of Policies is not administratively feasible in a particular situation, the Commissioner may accept an alternative procedure if he determines that it will accomplish the same purpose.

§ 181.63 Revision of Statement of Policies

The Commissioner may modify this Statement of Policies as may be necessary to accomplish the purposes of Title VI.

§ 181.64 Copies of Documents for State Agencies

Each school system submitting any plan form or report to the Commissioner under this Statement of Policies must also submit a copy of such form or report to the appropriate State education agency.

§ 181.65 Definitions

As used in this part.

(a) The term "Commissioner" means the U.S. Commissioner of Education or any official acting under assignment or delegation from him to carry out any of his functions under this Statement of Policies.

(b) The term "discrimination" means discrimination on the ground of race, color, or national origin.

(c) The term "dual school structure" means a system of separate school facilities for students based on race, color, or national origin.

(d) The term "HEW Form 441" means the printed document provided for the use of certain school systems by the U.S. Department of Health, Education, and Welfare, entitled "Assurance of Compliance with the Department of Health, Education, and Welfare Regulation under Title VI of the Civil Rights Act of 1964."

(e) The term "HEW Form 441-B" means the printed document provided for the use of certain school systems by the U.S. Department of Health, Education, and Welfare entitled "Assurance of Compliance with the Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964."

(f) The term "HEW Regulation" means the Regulation issued pursuant to Title VI of the Civil Rights Act of 1964 by the U.S. Department of Health, Education, and Welfare (Part 80, of Title 45, Code of Federal Regulations).

(g) The term "parent" means an adult individual who exercises parental control over, or is otherwise acting as parent of, a student or prospective student.

(h) The term "school official" shall include, but is not limited to, any person who serves on the governing board of a school system, or attends meetings of such board in an official capacity, and all administrative and supervisory personnel of a school system.

(i) The term "school system" means, as the context may require, either (1) a legally constituted school authority (such as a local board of education) which has administrative control of one or more elementary or secondary schools, (2) the geographic area over which any such school authority has administrative control for school purposes, or (3) the schools and facilities over which any such school authority has administrative control.

(j) The term "Statement of Policies" means this Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964.

(k) The term "Title VI" means Title VI of the Civil Rights Act of 1964 (PL 88-352, 42 USC 2000d to 2000d-4).

[§§ 181.66 to 181.70 reserved]

Mr. LIBASSI. On both of these issues the Department has been advised by its General Counsel and by the Department of Justice that the policies of the Office of Education are fully consistent with and supported by title VI of the Civil Rights Act and the decisions of the Federal court.

In essence the policies of the Department permit a district to initiate the desegregation of its schools by offering the children a choice of schools. The method of student assignment which has been traditional in most parts of the country has been assigning children to neighborhood schools on the basis of geographic attendance zones.

This method takes no account of the preference of the student and may well result in his assignment to a school against his expressed wish. The assignment of students to a particular school on the basis of the student's choice has in the main been an innovation adopted in connection with the desegregation of schools that have previously been segregated on the basis of race.

It has been accepted as a permissible means of desegregation but courts have made it clear that it can be used only if it is effective in abolishing the racial dual school system.

Where community hostilities or other pressure preclude a truly free choice, then some other method must be used in converting to a non-racial system. In some it has been the system of this Department that the free choice is permissible as a method of desegregation only if it is effective in eliminating the dual system based on race.

If it is not effective than an alternative method of assigning children to particular schools not based on the choice of the students or their parents must be adopted.

With respect to faculty the Department of Justice has advised that title VI not only permits the Department to require faculty desegregation but obliges the Department to do so as a condition for the continued receipt of Federal funds.

The position of the Department is consistent with the rulings of the Federal court including the Supreme Court. Furthermore, every effort has been made to assure that these policies are administered fairly and objectively.

School districts are scheduled for review based on a district's own report of the extent of actual student and faculty desegregation.

In August of 1966 the Commissioner notified the State education agencies that it would be the policy of the Office to review the districts with the poorest performance first. Approximately 250 schools were—school districts were in this category. At the same time the Commis-

sioner stated that another 400 districts that had made progress would be scheduled for review during the school year.

These 400 districts were urged to take steps on their own to improve the extent of student and faculty desegregation.

The largest number of districts between 700 and 800 were notified that their performance was adequate and no review of their plans would be undertaken.

The committee should know that generally the 250 school districts that were first reviewed, those with the poorest performance, had no student desegregation or less than 2 percent of the Negro students in formerly white schools and no faculty desegregation.

In addition many districts had denied choices of the Negro students to attend the white schools, they had discouraged Negro students from choosing a white school, parents had been intimidated, the school district had failed to make efforts to prepare the community for desegregation and had not followed the guideline vital to its success.

Recently the Department administrative hearings parents testified of night riders shooting into their homes, that insurance on their homes was canceled for no apparent reason after they enrolled in white schools and their children as well as themselves had been harassed and threatened. They spoke of losing their jobs, their credit, and sometimes their homes when they chose a white school.

The transcript of these hearings gives a more vivid picture of community attitudes than anything I might say. During field review where progress is not sufficient to carry out the efforts of title VI, renewed efforts, voluntary efforts, implicit in this duty, in this responsibility is a duty to make suggestions and recommendations to school districts of steps that they might take in order to proceed with school desegregation and the effort is made to tailor the suggestions and recommendations to meet the problems of each particular district.

For example, where a district must bus its white or Negro students on the basis of their work to a neighboring school district to be educated, it would be recommended that this practice cease and all the children be educated in their home district.

The courts have required districts to take such action even prior to the Supreme Court's decision of 1954. Where districts are still operating small and adequate segregated schools for Negroes, it has been recommended that these schools be closed and that the students and teachers be reassigned on a nonracial basis.

The courts have simply required the closing of small inadequate Negro schools. We would not be carrying out the spirit of title VI if we did not suggest to school districts what steps they could take to meet their obligations. Districts are urged to come up with their own plans if all recommendations appear inappropriate to them.

Over 600 desegregation plans have been reviewed for the current school year. As of now approximately 100 of these plans have been found ineffective to eliminate the dual school system. In approximately one-fourth of these districts there is absolutely no desegregation of any description. All students and faculty continue to attend schools traditionally serving their race.

Recommendations of the staff were rejected by these districts which also refused to submit alternative desegregation plans. The Depart-

ment was left with no alternative but to offer these districts an opportunity for a hearing.

Chairman PERKINS. As a whole do you have a breakdown of where those districts are situated?

Mr. LIBASSI. Yes, Mr. Chairman.

Chairman PERKINS. Would you make that available for the record, please?

(The document referred to follows:)

Statistical summary on title VI administrative enforcement actions by the department for the 1966-67 school year (under the revised guidelines)

Total school districts in the nation.....	24,539
School districts in 17 southern and border states.....	4,942
School districts operating under voluntary desegregation plans.....	1,813
School districts subject to enforcement actions as of March 1967.....	173

DISTRICTS SUBJECT TO ENFORCEMENT CONSTITUTE

Total school districts in the Nation (percent).....	0.7
School districts in southern and border states (percent).....	3.5
School districts operating under voluntary desegregation plans (percent)	9.5

TOTAL ENFORCEMENT ACTIONS FOR THE 1966-67 SCHOOL YEAR AND BASIS FOR ENFORCEMENT ACTION

School districts failed to file the requisite assurance (441B).....	55
School districts filed assurances invalid on its face.....	35
School districts—Commissioner of Education had reasonable grounds to believe the assurance was untrue or not being honored.....	83
Total final terminations 1965 thru 1967 (districts).....	¹ 35

¹ The total number of final terminations is 52; however, fund eligibility has been restored to approximately 17 districts by way of court ordered desegregation plans.

Mr. LIBASSI. In many communities throughout the South school officials and community leaders have made substantial progress toward the elimination of dual school systems. Despite the difficulties connected with the operation of free choice plans, there are instances where they have worked effectively to desegregate schools.

The key to success is the willingness of local school officials and opinion leaders to develop an atmosphere that will lead to significant progress. In addition to the 700 or 800 districts that were advised last fall that they had made satisfactory progress and were in compliance with title VI, other districts whose performance was inadequate have negotiated additional desegregation steps which brought them into compliance.

For instance, one Georgia district has operated two segregated schools, one for Negro students, and Negro teachers, and the other for white students with white teachers. However, this district has now agreed to transfer the entire Negro eighth-grade class to the white school in September of 1967 and to assign three full-time teachers across racial lines.

As a result 10 percent of the Negro students in the district will be attending desegregated schools next year. This case was recently the subject of a column by Mr. Eugene Patterson, the editor of the *Atlanta Constitution*, and with the permission of the chairman I would like to submit a copy of that column to be inserted in the record at this point.

Chairman PERKINS. Without objection it is so ordered.
(The document referred to follows:)

[Atlanta Constitution, March 10, 1967]

SCHOOLS GET A YEAR'S GRACE

While remaining firm, the U.S. Office of Education is embarking on a more conciliatory approach to encourage desegregation of lagging Georgia schools. For one thing, letters to state departments of education are in the works, inviting the states to assume more responsibilities in effecting the guidelines. Federal funds will be offered to finance increased state activity.

Of more immediate significance, however, will be a notification that one Georgia county is about to get from Washington. This decision, which has already been made, will signal a major adjustment in fund cutoff policy by the Office of Education.

The Georgia county in question still has segregated schools. New federal funds have been withheld from it during the current school year, pending a permanent fund cutoff hearing scheduled to be held shortly. Many Georgia counties are in this shape, so they will be interested to know what is about to happen.

In return for a firm commitment volunteered by the county school system that it will undertake significant desegregation beginning next September, the Office of Education is postponing the fund cutoff hearing until next September, and is additionally releasing to the schools all of the federal funds that have been withheld from them this year.

In short, a school system that has been cited as not obeying the law up to now, but which decides to comply during the next school year, may retrieve the current year's funds it has lost and delay its fund cutoff hearing by simply spelling out its intentions for the future.

The intentions will have to be spelled out; the Office of Education is not accepting vague promises. The county whose funds are about to be restored laid down a detailed plan for student and faculty desegregation, affecting some 10 per cent of its Negro students.

But the significance of the new federal decision lies in its show of conciliation. Counties that have done nothing to comply with the guidelines heretofore are not to be consigned ruthlessly to the outer darkness; if they want to come back into the light they'll be welcomed and helped to catch up with the other school systems, with their past lag written off.

The emphasis has thus been turned more decisively to encouraging compliance rather than terminating funds. Those reluctant schools that choose to do that which they have not yet done are offered financial forgiveness for their past omissions.

Justice department lawsuits impend for the outright defiant, of course, so that ultimately they will be desegregated by court order if not by the Office of Education's new encouragement.

But the new policy of conciliation in place of punishment offers a way out of the woods for those Georgia school systems wishing to take it.

MR. LIBASSI. Thus far 50 districts which were inadequate last year or this year and had to be cited for fund termination of hearings have come into compliance. In other words, Mr. Chairman, where we had notified these districts for hearing they have taken action even after they were notified for hearing and after we terminated the hearing process.

Many other districts which would be cited for hearings took additional corrective measurements and thus came into compliance and voluntarily. Every effort will be continued to be made to encourage districts to follow this course of action. Thus far there are only 35 school districts in the entire United States that have had final orders terminating Federal funds issued against them.

While we must face the fact that 88 percent of the Negro children in 11 Southern States continue to attend schools whose students are

all or nearly all Negro, it is nevertheless the fact that since the adoption and implementation of title VI of the Civil Rights Act, the number of Negro students attending desegregated schools has increased markedly.

In 1964, it was 2.25 percent of the Negro students in desegregated schools. In 1965 it was 6 percent and in September 1966 it was 12 percent. The progress in the six border States is even more impressive with the dual school system nearly abolished in some.

In addition, more than half of the districts of the South have made at least a start in faculty desegregation. The object of the Department's civil rights activity is not the termination of Federal funds. Our goal is to assure that no person in the United States on the grounds of race, color or national origin be excluded from participation in or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Mr. Chairman, I have two documents which I would like to submit for the committee's information and for the record. One is a memorandum from the General Counsel on the legal basis of the revised guidelines.

The second is a letter from the Attorney General stating the need to require faculty desegregation.

Chairman PERKINS. Without objection all of those documents will be inserted in the record at this point.

(The documents referred to follow:)

MEMORANDUM

NOVEMBER 29, 1966.

To: The Secretary.

From: Alanson W. Willcox, General Counsel.

Subject: Review of Legal Authority for the 1966 School Desegregation Guidelines.

Pursuant to your recent request, I have reviewed the legal authority for the Revised Statement of Policies for School Desegregation Plans (the "Guidelines") and my earlier advice to you concerning the legal authority for it.

I have completed this review, and I unhesitatingly reaffirm my advice that the 1966 Guidelines are fully consistent with and supported by title VI of the Civil Rights Act of 1964 and the decisions of Federal courts.

In addition to the analysis of court decisions in my memorandum of March 7, 1966, to Commissioner Howe, the pertinent decisions are discussed in a statement entitled "Authority for the 1966 School Desegregation Guidelines." That statement served as an attachment to a letter of May 24, 1966, from Commissioner Howe to Senator Fulbright. More recently the Courts of Appeals for the Fourth and Fifth Circuits have handed down decisions in *Wheeler v. Durham City Board of Education* (No. 10,460, C.A. 4th, July 5, 1966) and *Davis v. Board of School Commissioners of Mobile County* (No. 22,759, C.A. 5th, August 16, 1966). These reaffirm principles upon which the Guidelines are based, particularly the fact that teacher desegregation is an essential part of the desegregation plans. Further, in the *Mobile* case, the Court pointed out as one of the principal legal defects in the plan there under review "the fact that even as to those grades which, under the plan, have actually become 'desegregated' there is no true substance in the alleged desegregation. Less than two-tenths of one per cent of the Negro children in the system are attending white schools."

The Deputy Attorney General recently submitted to Congressman Howard W. Smith, Chairman of the House Rules Committee, a letter requested by him regarding faculty desegregation. The Chairman had asked whether this Department has authority, under title VI of the Civil Rights Act of 1964, to require a school district maintaining a dual school system to desegregate its faculty as a necessary part of desegregating its school system. The Department of Justice responded with a letter dated October 4, 1966, and an attachment cit-

ing numerous judicial decisions in which the courts had required school districts, as a part of school desegregation plans, to cease hiring and assigning faculty on the basis of race and in many cases to assign teachers for the express purpose of overcoming the effects of past discrimination. The letter concluded with the following sentence: "For the foregoing reasons we conclude that section 601 [of the Civil Rights Act of 1964] applies to the desegregation of faculty and staff of school systems that have been racially segregated, and that section 604 [of the Civil Rights Act of 1964] does not preclude such application."

It should be noted, on the other hand, that the Report of the Senate Committee on Appropriations (pp. 71 and 72, Report No. 1631, 89th Cong., 2d Sess.) questioned whether the Guidelines are consistent with legislative intent on the ground that they allegedly require assignment of pupils in order to overcome racial imbalance. The Committee apparently felt that the definition of "desegregation" in section 401(b) of the Act, and the provision of section 407(a) which provides that "nothing herein shall empower any court or official to require the transportation of students to overcome racial imbalance," were intended to be applicable to actions under title VI and that the Guidelines required action to overcome such imbalance.

We are satisfied that the Guidelines do not require action "to overcome racial imbalance." It should be noted, however, that section 402 specifies that the definitions it contains are "[a]s used in this title" [IV], and also that title VI does not contain the defined word "desegregation" or the word "desegregate." It is therefore difficult to conceive of a court holding that, as a legal matter, the title IV definition is controlling in title VI. Moreover, the context of the quoted language in section 407(a) indicates that it concerns only desegregation actions brought by the Attorney General, and not the refusal or termination of Federal financial assistance under title VI. The Senate Appropriations Committee Report, however, is based upon statements made by Senator Humphrey in response to questions asked by Senator Byrd of West Virginia.

Some time ago my staff prepared a statement showing that an examination of the colloquy in context demonstrates that Senator Humphrey was not referring to requirements applicable to school districts which have been maintaining dual school structures, but only to what would be imposed in *de facto* situations which courts have held not to violate the constitutional rights of students. In fact, Senator Humphrey emphasized that the provision in question simply embodied the substance of *Bell v. School City of Gary*, 324 F. 2d 209 (C.A. 7th, 1963), cert. den. 377 U.S. 924). (110 Cong. Rec. 12715-12717, June 4, 1964)

The Guidelines are consistent with Senator Humphrey's explanation because he made clear at that time that the amendment did not prevent action "for the purpose of preventing denial of equal protection of the laws." [i.e., a violation of the children's rights under the Fourteenth Amendment]. (110 Cong. Rec. 12714, June 4, 1964)

The Guidelines do not require more for the continuance of Federal assistance than a plan looking toward the elimination of the dual school system as required by the Fourteenth Amendment. These requirements are discussed in my memorandum of March 7, 1966, and the attachment to Commissioner Howe's letter of May 24, 1966, to Senator Fulbright.

The performance provisions of which the Senate Appropriation Committee report is critical do no more than follow constitutional requirements. They provide that for the school year 1966-67 a school district may comply with title VI through operation of a choice plan under which schools continue to be maintained for Negroes. But if in practice such plans are not making progress toward the elimination of the dual school system, the Commissioner may require that the school officials take further action to make progress or may require a different type of plan such as geographic zoning (45 C.F.R. 181.54). Where a school district assigns children to schools on the basis of non-gerrymandered geographic zoning, the effectiveness test referred to above does not apply.

Obviously, a school system which has adopted a free choice desegregation plan, but which is making little or no progress in the elimination of its dual school system, is not satisfying its constitutional obligation, as defined by the decisions of the Federal courts, to desegregate its schools. Just as obviously, the Commissioner of Education would not be satisfying his obligation under title VI and the Regulation if he were to determine that such a plan is adequate to carry out the purposes of title VI.

The percentages stated in the Guidelines do not provide a rigid rule for the degree of progress required of each school district. They do, however, provide

a guide to the Office of Education in determining whether or not a free choice plan should be scheduled for review and a guide to the school district as to what, in general, might be considered reasonable progress. In this same section, there is an indication of what might be done in the event there is a substantial deviation from these expectations.

Any school district which believes it is being asked to do more than the law requires has full recourse to an administrative proceeding and a thirty-day notification to Congressional committees before a termination of Federal assistance (sec. 602, Civil Rights Act of 1964). Moreover, if it believes the termination to exceed the Commissioner's authority under the law, it is entitled to judicial review as provided in section 603.

In short, the decisions of the Federal courts establish that local school officials who have in the past maintained separate schools for Negro and white children are under a constitutional compulsion to provide a single desegregated school system for all children. At no time did the Congress intend in title IV or elsewhere in the Civil Rights Act of 1964 that any school child receive less than his full measure of constitutional protection. The responsibility which school officials who are desegregating their school systems voluntarily must assume in order to qualify for Federal assistance may not, if the purposes of title VI are to be carried out, be any less than the responsibilities imposed on school officials by the courts in recent school desegregation decisions. The Guidelines were issued to inform school officials of what those responsibilities are and are in accord with those decisions. If school systems assuming a lesser degree of responsibility were permitted to receive Federal assistance, the purposes of title VI would be thwarted.

MARCH 2, 1967.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: During the course of Secretary Gardner's testimony before your Committee on February 23, 1967, you raised the question whether the Supreme Court's decision in the *Brown* case requires the desegregation of a public school faculty in which teachers have previously been assigned on a racial basis as part of a dual racial public school system. You asked that this Department furnish the Committee a memorandum discussing the case law in this area. The case law, I believe, clearly imposes on public school authorities the affirmative, constitutional duty to desegregate their faculties so that the rights of pupils to the "equal protection of the laws" under the Fourteenth Amendment will no longer be denied.

In 1954 the Supreme Court of the United States declared that the segregation of public school students according to race violates the Fourteenth Amendment. *Brown v. Board of Education*, 347 U.S. 483 (1954). A year later, the Court, in determining how judicial relief could best be fashioned, mentioned the problem of reallocating staff as one of the reasons for permitting the desegregation process to proceed with "all deliberate speed." *Brown v. Board of Education*, 349 U.S. 294, 301 (1955).

Two cases decided by the Supreme Court in late 1965 indicate that school boards may no longer postpone the responsibility owed their students of desegregating faculty. In *Bradley v. School Board of Richmond, Virginia*, 382 U.S. 103 (1965), the Court took the view that faculty segregation had a direct impact on a desegregation plan, and that it was improper for the trial court to approve a desegregation plan without inquiring into the matter of faculty segregation. In reaching this conclusion the Court, in a unanimous opinion, commented that "there is no merit to the suggestion that the relation between faculty allocation on an alleged racial basis and the adequacy of the desegregation plans is entirely speculative." And in ruling that there should be no further delay in a hearing on the question of faculty desegregation, the Court further emphasized that "delays in desegregation of school systems are no longer tolerable." 382 U.S. at 105.

In *Rogers v. Paul*, 382 U.S. 198 (1965), the Supreme Court extended the undelayed right to challenge teacher segregation to students who had not yet themselves been affected by the School Board's gradual desegregation plan. The Court stated (382 U.S. at 200):

"Two theories would give students not yet in desegregated grades sufficient interest to challenge racial allocation of faculty: (1) that racial allocation of

faculty denies them equality of educational opportunity without regard to segregation of pupils; and (2) that it renders inadequate an otherwise constitutional pupil desegregation plan soon to be applied to their grades."

Relaying on the *Bradley* case, the Court of Appeals for the Fifth Circuit, the circuit covering the states of Alabama, Florida, Georgia, Louisiana, Mississippi and Texas, ruled in January 1966, in a suit also brought by Negro students, that it was "essential" that the plan of desegregation for Jackson, Mississippi "provide an adequate start toward elimination of race as a basis for the employment and allocation of teachers, administrators, and other personnel," *Singleton v. Jackson Municipal Separate School District*, 355 F. 2d 865, 870. And in a case decided in August 1966, the same Court ruled that the plan of desegregation for Mobile, Alabama "must be modified in order that there be an end to the present policy of hiring and assigning teachers according to race by the time the last of the schools are fully desegregated for the school year 1967-68." *Davis v. Board of School Commissioners of Mobile County*, 364 F. 2d 896, 904.

The Courts of Appeal for the Fourth Circuit (Maryland, North Carolina, South Carolina, Virginia and West Virginia), the Eighth Circuit (Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota) and the Tenth Circuit (Colorado, Kansas, New Mexico, Oklahoma, Utah and Wyoming) have similarly held. In a suit brought by pupils in Durham, North Carolina, the Court stated:

"We read the [*Bradley*] decision as authority for the proposition that removal of race considerations from faculty selection and allocation is, as a matter of law, an inseparable and indispensable command within the abolition of pupil segregation in public schools as pronounced in *Brown v. Board of Education*, *supra*, 347, U.S. 483. Hence no proof of the relationship between faculty allocation and pupil assignment was required here. The only factual issue is whether race was a factor entering into the employment and placement of teachers." *Wheeler v. Durham City Board of Education*, 363 F. 2d 738, 740 (C. A. 4, 1966).

The Court in *Wheeler* went on to require (at p. 741):

"Vacant teacher positions in the future . . . should be opened to all applicants, and each filled by the best qualified applicants regardless of race. Moreover, the order should encourage transfers at the next session by present members of the faculty to schools in which pupils are wholly or predominantly of a race other than such teacher's. A number of the faculty members have expressed a willingness to do so. Combined with the employment of new teachers regardless of race, this procedure will, within a reasonable time, effect the desegregation of the faculty."

Chambers v. Hendersonville Board of Education, 364 F. 2d 189 (C.A. 4, 1966), involved the problem of Negro teachers who lost their jobs when an all Negro school was abolished. The School Board treated them as new applicants. The Court held that this was discriminatory and invalid under the Fourteenth Amendment, stating (at p. 192):

"First, the mandate of *Brown v. Board of Education*, 347 U.S. 483 (1954), forbids the consideration of race in faculty selection just as it forbids it in pupil placement. See *Wheeler v. Durham City Board of Education*, 346 F. 2d 768, 773 (4 Cir. 1965). Thus the reduction in the number of Negro pupils did not justify a corresponding reduction in the number of Negro teachers. *Franklin v. County Board of Gilca County*, 360 F. 2d 325 (4 Cir. 1966). Second the Negro school teachers were public employees who could not be discriminated against on account of their race with respect to their retention in the system. *Johnson v. Branch*, 364 F. 2d 177 (4 Cir. 1966), and cases therein cited. . . ."

In a suit brought by pupils in El Dorado, Arkansas, the Eighth Circuit Court of Appeals recognized "the validity of the plaintiff's complaint regarding the [School] Board's failure to integrate the teaching staff. Such discrimination is prescribed by *Brown* and also the Civil Rights Act of 1964 and the regulation promulgated thereunder." *Kemp v. Beasley*, 352 F. 2d 14, 22 (1965). The Court elaborated on this theme in *Smith v. Board of Education of Marlinton*, 365 F. 2d 770, 778 (1966):

"It is our firm conclusion that the reach of the *Brown* decisions, although they specifically concerned only pupil discrimination, clearly extends to the proscription of the employment and assignment of public school teachers on a

racial basis. Cf. *United Public Workers v. Mitchell*, 330 U.S. 75, 100 (1947); *Wieman v. Updegraff*, 344 U.S. 183, 191-192 (1952). See *Colorado Anti-Discrimination Comm'n v. Continental Air Lines, Inc.*, 372, U.S. 714, 721 (1963). This is particularly evident from the Supreme Court's positive indications that non-discriminatory allocation of faculty is indispensable to the validity of a desegregation plan. *Bradley v. School Board of the City of Richmond*, supra; *Rogers v. Paul*, supra. This court has already said, "Such discrimination [failure to integrate the teaching staff] is prescribed by *Brown* and also the Civil Rights Act of 1964 and the regulations promulgated thereunder." *Kemp v. Brown*, supra, p. 22 of 352 F. 2d.

In a recent decision of the Eighth Circuit, *Clark v. Board of Education of Little Rock School District*, No. 18, 368 (December 15, 1966), the Court required of the Little Rock, Arkansas School Board (slip op., p. 15) a "positive program aimed at ending in the near future the segregation of the teaching and operating staff." The Court stated (slip op., p. 13) :

"We agree that faculty segregation encourages pupil segregation and is detrimental to achieving a constitutionally required non-racially operated school system. It is clear that the Board may not continue to operate a segregated teaching staff. *Bradley v. School Board of City of Richmond*, 382 U.S. 103 (1965). . . . It is also clear that the time for delay is past. The desegregation of the teaching staff should have begun many years ago. At this point the Board is going to have to take accelerated and positive action to end discriminatory practices in staff assignment and recruitment."

The Court then proceeded to outline the essential ingredients which such "action" must include (pp. 13-14) :

"First, . . . future employment, assignment, transfer, and discharge of teachers must be free from racial consideration. Two, should the desegregation process cause the closing of schools employing individuals predominately of one race, the displaced personnel should, at the very minimum, be absorbed into vacancies appearing in the system. *Smith v. Board of Education of Morriston School District*, No. 32, supra. Third, whenever possible, requests of individual staff members to transfer into minority situations should be honored by the Board. Finally, we believe the Board make all additional positive commitments necessary to bring about some measure of racial balance in the staffs of the individual schools in the very near future. The age old distinction of 'white schools' and 'Negro schools' must be erased. The continuation of such distinctions only perpetuates inequality of educational opportunity and places in jeopardy the effective future operation of the entire 'freedom of choice' type plan."

In a suit brought by pupils in Oklahoma City, Oklahoma, the Court of Appeals for the Tenth Circuit recently affirmed a lower court order requiring that by 1970 "there should be the same percentage of non-white teachers in each school as there now is in the system." *Board of Education of Oklahoma City Public Schools, Independent District No. 89 v. Dowell*, No. 8523 (January 23, 1967), slip op., p. 22, affirming, 244 F. Supp. 971, 977-978 (W.D. Okla. 1965). The District Court had stated (p. 978) that such a requirement provided "for stability in school faculties during the integration process, . . . keying the change to personnel turnover figures indicating that approximately 15% of the total faculty is replaced each year." Although the evidence showed that there was no difference in the quality of performance between the white and non-white personnel in the school system, the Court of Appeals held (p. 22) that where "integration of personnel exists only in schools having both white and non-white pupils, with no non-white personnel employed in the central administration section of the system," there is "racial discrimination in the assignment of teachers and other personnel." Relying on the Supreme Court's decisions in *Bradley* and *Rogers*, the Court stated (p. 22) that "[t]he [lower court] order to desegregate faculty is certainly a necessity initial step in the effort to cure the evil of racial segregation in the school system."

Numerous district courts, in applying the law as elucidated by the Supreme Court and the courts of appeal of their various circuits, have entered orders in school desegregation cases requiring the desegregation of faculty and staff. In entering such orders, a few of the district courts have also set forth their reasons in memorandum opinions. One such opinion was issued by the United States District Court for the Eastern District of Virginia in refusing to approve a plan submitted by the School Board of Greensville County, Virginia, on the

ground that the plan must, but failed, to include a provision for the employment and assignment of staff on a nonracial basis. *Wright v. County Board of Greenville County, Virginia*, 252 F. Supp. 378 (E.D. Va. 1966). In holding that a faculty desegregation provision approved by the Commissioner of Education was not sufficient, the court stated (at 384):

"The primary responsibility for the selection of means to achieve employment and assignment of staff on a nonracial basis rests with the school board. . . . Several principles must be observed by the board. Token assignments will not suffice. The elimination of a racial basis for the employment and assignment of staff must be achieved at the earliest practicable date. The plan must contain well defined procedures which will be put into effect on definite dates. The board will be allowed ninety days to submit amendments to its plan dealing with staff employment and assignment practices."

The United States District Court for the Western District of Virginia, in providing for similar relief in the case of *Brown v. County School Board of Frederick County*, 245 F. Supp. 549, 560 (1965), said:

"[T]he presence of all Negro teachers in a school attended solely by Negro pupils in the past denotes that school a 'colored school' just as certainly as if the words were printed across its entrance in six-inch letters."

See also *Kier v. County School Board of Augusta County*, 249 F. Supp. 239, 247 (W.D. Va. 1966).

The cases which I have reviewed establish, in my judgment, the constitutional duty of school authorities to disestablish imposed racial segregation of facilities and recognized that this obligation emanates from the principles enunciated in the *Brown* decision.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

Chairman PERKINS. In connection with the preparation of your guidelines have you gone on the advice of the Attorney General and discussed the guidelines with the Attorney General as required by section 6 of the Civil Rights Act and the interpretation of that act?

Have you followed the advice of the Attorney General?

Mr. LIBASSI. Yes, Mr. Chairman. The Attorney General's Office was very deeply involved in the drafting and preparation and discussions connected with the development of the school guidelines.

I might also add that every enforcement procedure must be checked with the Department of Justice before it is initiated. We do not move to terminate Federal funds unless the Department of Justice concurs.

Chairman PERKINS. I see.

You have never moved to terminate Federal funds on any enforcement proceeding before you have checked it out with the Attorney General?

Mr. LIBASSI. That is right, and in every case where we have recommended it he has concurred in our recommendation.

Chairman PERKINS. I thank you very much for a good statement. Mr. Scheuer.

Mr. SCHEUER. I have no questions.

Chairman PERKINS. Mr. Steiger.

Mr. STEIGER. I wish it had been possible to know that you were going to appear this morning. I think that many more members of the committee might have been interested in hearing your testimony had it been announced. I would appreciate, to be very honest with you, Mr. Chairman, and I am sorry I did not hear the full testimony although I have gone back and read it since you got here, but I wonder if it would be possible to have another appearance so more members would have a chance to listen to this problem?

Chairman PERKINS. It will not be possible to have another hearing unless you want it on Monday. If you want it Monday we can have another appearance but we have to start marking the bill up on Tuesday.

I thought it was generally understood that the administration would be back here on the day that we wrapped up these hearings. I would be delighted to let these witnesses come back here on Monday if you want them back here on Monday but today was the day announced to conclude the hearings and there is nothing here—I just wish all of the members were here. I thought everybody knew that the administration witnesses would be back here today.

Mr. STEIGER. I am sorry, Mr. Chairman. I did not realize that. On behalf of at least two of the members that I know of who expressed an interest in discussing the guidelines situation, may I ask if witnesses would be willing to come back on Monday for that purpose?

I think it would be well.

Chairman PERKINS. I will ask the gentlemen to come back on Monday for that purpose.

Mr. STEIGER. In your statement you make the point that the border States had a more impressive record. Do you have that information for the record?

Mr. LIBASSI. Yes, we do have for the record a statistical analysis of the performance of the individual States. I might by way of summary say that in September of 1966, nearly 68 percent of all of the Negro children were attending schools on a desegregated basis in the six border States—nearly 68 percent were on a desegregated basis in the border States. Those are schools districts—schools which have at least one white school in the school district. Perhaps the more accurate figure would be that nearly 45 percent of the Negro children are in substantially desegregated schools, that is where there are more than just a few white children in the school.

Mr. STEIGER. Forty-five percent in the six border States?

Mr. LIBASSI. That is right, in Delaware 85 percent, in Kentucky 89 percent, in Maryland it is 40 percent, in Missouri it is 27 percent, Oklahoma is 40 percent and West Virginia is 83 percent of the Negro students in those States are attending schools in substantially desegregated schools.

Mr. STEIGER. Can you give me any indication, just hurriedly going back through the paper here, you had 50 districts which made inadequate progress last year and had to be cited for fund termination hearings which have since come into compliance.

Mr. LIBASSI. That is right.

Mr. STEIGER. How many for which you had fund termination hearings did not come into compliance?

Mr. LIBASSI. At the present time we have 35 school districts which have gone through the entire administrative process under title VI and have been terminated for receiving any Federal funds. That is 35 school districts out of about 5,000. I might add.

In addition, we have 177 school districts that are currently in administrative hearing stages. Some of these districts we hope will come into compliance during the course of the hearings or before or after but at the present time there are 177 that have been notified for a hearing.

Mr. STEIGER. Can you give me any indication of the 35 school districts; are these all in the Deep South?

Mr. LIBASSI. Yes, they are. There are two in Alabama, four in Arkansas, five in Georgia, 16 in Louisiana, seven in Mississippi, one in South Carolina.

Mr. STEIGER. Of the 177 that you indicated have they been given notice of hearings?

Mr. LIBASSI. That is right.

Mr. STEIGER. Are these also all southern districts?

Mr. LIBASSI. Yes they are. May I list them for you?

Mr. STEIGER. List?

Mr. LIBASSI. Alabama, 51; Arkansas, seven; Florida, two; Georgia, 33; Louisiana, three; Mississippi, 41; North Carolina, 11; South Carolina, 16; Tennessee, three; Texas, two; and Virginia, eight.

Mr. STEIGER. Can you give me any indication whether you are following the procedure required by last year's amendment to ESEA for a hearing within 60 days of notice that a school district is not in compliance?

Mr. LIBASSI. Since the adoption of that amendment, we have notified all cases.

We have given all cases an opportunity for a hearing or we have listed deferral against these districts and they are receiving their Federal funds. In other words, the 177 districts that have been notified for a hearing have been notified in accordance with the Fountain amendment. Their funds are being deferred and will be continued to be deferred according to the provisions of that statute.

There are 12 of 177 where no funds are being deferred at all because the 60 days have elapsed and therefore deferral was lifted.

Mr. STEIGER. The deferral was lifted and the funds were withdrawn?

Mr. LIBASSI. The funds were reinstated to those districts because the 60 days had passed. There were 12 districts that are currently under notification of hearing where that took place.

In addition, in some of the 177, the school districts themselves have asked for adjournment of the hearing or continuation of the hearing beyond the 60 days and as provided by the statute where it is mutually agreed then deferral will continue but any district that wants a hearing within the 60 days we must and have offered it to them.

Mr. STEIGER. Can you give me any indication as to what you are doing in terms of examining and viewing those city school district systems for de facto segregation rather than what might be called actual segregation in the southern system?

Mr. LIBASSI. Yes, the title VI applies to all 50 States and wherever we are able to establish that there was a policy and practice by law of a northern school district segregating students title VI applies.

We have conducted investigations in some 30 cities in the North where some complaints were lodged alleging discrimination and segregation. Where we have been able to we have made recommendations to these districts for corrective action they may wish to take.

Most of the districts have voluntarily taken this course of action. We have not initiated any hearings in the North. We have found that most of the districts—it has been our experience—I know of only one

that has given us only recently some difficulties, but most of the districts have been willing to provide us information and to take corrective action to deal with their problem.

The problem of title VI as applying to the North is that the legislative history made it very clear that the Circuit court decision in the case of *Bell v. Gary, Ind.*, was the governing principle for title VI, and that means that title VI applies only where there is an established violation of constitutional rights.

That is the principle which guides the Department in administering the program.

Mr. STEIGER. What you are saying is that your own ability to enforce title VI is dependent upon de jure patterns of segregation, that is, patterns imposed by action of law in a school system.

Mr. LIBASSI. That is right. The state of the law in this is to say the least confusing. We have one circuit court decision which says there is no constitutional obligation on a school board to desegregate its schools if the segregation were brought about by circumstances beyond its control.

That is the *Bell v. Gary, Ind.*, case. However, there is a district court case, Springfield, Mass., which said that there is an obligation and on the school board to correct it, so we have a confused picture of the law.

Nevertheless, the legislative history clearly indicated that the *Bell* versus *Gary, Ind.*, case was to be the governing principle, and we have followed that.

It is a very good idea to know the difference between de jure and de facto segregation. I have a real question as to whether or not there is such a thing as de facto segregation.

Mr. STEIGER. What you are saying from your standpoint you enforce title VI on the basis of the *Bell v. Gary, Ind.*, decision as your method of interpreting de jure segregation?

Mr. LIBASSI. That is right.

Mr. STEIGER. We could ask because I think it is an interesting question, you say that you don't know quite what de facto segregation is. Do you define it?

Mr. LIBASSI. No, we don't define it and the Supreme Court has not defined it yet and therefore we are limited to the wording of the *Bell* case which says there must be some intent or design to deprive the children of their constitutional rights.

We do not define de facto segregation. For instance in the *Chicago* case, we said there are many serious problems of racial segregation in the city of Chicago which may violate a title VI. The school board was willing to take corrective action and deal with their problems. Therefore we never do get to the issue of whether or not what exists in that particular city was or was not a violation of title VI.

Mr. STEIGER. What kind of basis do you have for trying to determine the intent or design?

Mr. LIBASSI. When a complaint is filed that alleges that a school district is segregated and is violating title VI, the regulation requires that we conduct an investigation. The investigation attempts to ascertain what are the facts in the situation and how did the facts come about, what were the decisions of the board which brought about the pattern of segregation.

That is the basis on which we make the inquiry.

Mr. STEIGER. When you say what brings about the pattern of segregation, on the basis of the complaint, let's take Milwaukee, for example, where because they use neighborhood schools they have had what could be called, I suppose, a pattern of segregation. Is this what you mean?

Mr. LIBASSI. No, if a school board gerrymanders attendance zones to avoid integration in the schools, that would be a board decision in violation of the Constitution, the *New Rochelle* case establishes that, and therefore that would be a violation of title VI.

If the school board deliberately established a feeder pattern so certain elements—certain elementary schools fed only certain high schools designed in such a way to preserve segregation, that would be a board action to maintain a pattern of segregation in violation of the Constitution.

We have possibilities of some school districts arranging transfer rights so that certain children may transfer to a white school if they live in a transitional neighborhood. This would be considered a violation of title VI but it is much more difficult to establish this pattern than it is in the South where there was a clear legally established white school and legally established Negro school, so the pattern in the South is much more obvious.

Mr. STEIGER. May I ask you just two more questions? No. 1, as you know the Civil Rights Commission has recommended that we by law set a figure of 50 percent whites and nonwhites in schools and that achieved segregation.

From your own experience and background in this field, sir, is this a good move to make? Is this something we should do?

Mr. LIBASSI. The problem really is one—the problem the Commission was addressing itself to was the fact that Negro children attending segregated schools do less adequately and enjoy less in the way of educational opportunity than when Negro children are attending desegregated schools.

The Commission study found that when Negro children are attending predominantly white schools they do much better than when they are in a school which has only a minority of white students.

I don't believe that the problem is one of a percentage point, the problem is one that Negro children do well in schools which the community views as white schools, schools which do not have the status and stigma of being an inferior Negro school, and at what point that is arrived at varies.

Evidence seems to indicate that someplace in the neighborhood of 40 to 60 percent when a school district is 40 percent white, the Negro children don't enjoy equal opportunity but as the number of white students increases to 60 percent, they found the stigma and status of the school changed. So I think this is where this question of the 50 percent comes in. I am not sure that they actually recommended that but I think they are trying to get at the point of the status of the school.

When the status of the school changes, it is clear that the educational opportunity for the children changes. The other thing is white children were not adversely affected when Negro students attended the school with them. That was their other major finding.

Mr. STEIGER. This concerns me because I wonder if when we get into this question of how we try to achieve quality of education in a deprived area school, in what you call inferior type of situation, is it that we have to get the kids out of that school or do we need something more into the school?

Is this where we need the better teachers and more and more facilities in order to broaden their horizons? Are we going to solve our problem by taking them out of the school to get them to a more nearly equal situation or can you achieve quality education in a predominantly white school situation?

Mr. LIBASSI. I would not want to try to interpret the Commission's statistical research, but I believe they are noting the fact that Negro children in predominantly white schools, regardless of their home background, regardless of the educational achievement of their parents, when Negro children are in predominantly white schools their educational achievement increases noticeably and measurably.

The Commission report also found of the compensatory education programs thus far attempted, on the scale thus far attempted were not adequate over the long run to achieve a permanent improvement in the educational achievement of the children.

I do not believe they are suggesting that all remedial educational programs are inadequate nor are they suggesting that all Negro children would improve just by being in an integrated school so there is clearly a need to maintain efforts to improve the quality of education at the same time that we are attempting to increase the integrated or desegregated opportunities for children.

Mr. STEIGER. Let me ask you just one more question. You have indicated when you receive a complaint, let's say from a northern school system or from a northern big city, it is at that point that the Commission and the Department will go in for an investigation to determine the pattern of segregation.

What is the form of the complaint? Does the school board against whom the complaint is made know of the complaint and know what the complaint is?

How do you work this system?

Mr. LIBASSI. The complaints are—that are certainly receiving the most of our time and attention are usually from responsible organizations in the local community that document the pattern or extent to which children are segregated and indicate the extent to which decisions of the board may have influenced the segregation in the system.

When we receive these complaints a copy of the complaint is provided to the school board.

Mr. STEIGER. With the information as to the responsible group that made the complaint.

Mr. LIBASSI. Yes, to my knowledge when an organization files a complaint this is done. It is not the general rule to indicate the identity of the individuals as a general rule, and this is particularly in handling southern complaints because of the intimidation of complainants but we usually send the school districts a copy of the complaint in advance and ask them to advise us to the extent that they can by mail what they know about the complaint and the circumstances surrounding it.

Mr. STEIGER. You made the statement that you usually provided it. Do you always provide it or do you usually provide it?

Mrs. MARTIN. We don't always provide a copy of the complaint but the experience has been that a complainant in a northern school district will generally try to deal with the school board first, sending a copy of their complaint to the school board even before they send it to us and they sort of use us as a last resort, realizing that we don't have too much muscle in the northern school district situation.

Mr. STEIGER. I would only make the observation that I think it would be appropriate for you to always provide the board with the complaint. You may not necessarily wish to identify and I can appreciate the situation in the southern school system in which you might not want to identify the specific person involved but it would only be appropriate from your standpoint as well as the board's to have an opportunity to review the complaint.

Mr. LIBASSI. If it is not the complaint itself, it is the essence of the complaint and the allegations are fully made to the school district. We do not wander into a school district and engage in an investigation which does not disclose fully the problems which have been brought to our attention and these are made fully available to the school district.

I will see to it and make sure on Monday that that it is the case, that there is no effort on our part.

Mr. STEIGER. I think it would be well to do that.

Do you always inform the school district prior to the coming into the district for an investigation that you will be there?

Mr. LIBASSI. Yes, sir; that is done. In our southern field investigations we do not inform the school district that we are interviewing parents or children but we do inform and advise the school district that we are coming into the school district and wish to discuss the case with them.

Mr. STEIGER. Can you give me an opportunity to fill me in on why you may handle the South differently from the North in these kinds of problem areas?

Mr. LIBASSI. Most of our southern complaints come from small rural districts. There is a serious problem of safety, physical safety as well as economic reprisals which is a constant danger that the people are living under in these smaller more isolated districts.

Mr. STEIGER. Is there a legal difference between what you do in the North and in the South?

Mr. LIBASSI. There is a difference in responsibility in terms of the protection of the individual parents and children who may be raising complaints. In the South we tell—we always tell the school district exactly the nature of the complaint and we have fully disclosed the problem which has been brought to our attention and frequently we must disclose the identity of the parent if it is a problem that a parent alleges a child was improperly disciplined.

Of course we have to reveal the identity of the child to conduct the investigation. But if it is a general complaint that children are generally harassed in the corridors of the school and teachers are not taking adequate steps to prevent the harassment of the schools, we simply advise the superintendent we received this complaint, ask him

to look into it and ask him what corrective steps he can take to make sure the children are not harassed in the school.

In those cases it is not necessary to reveal the identity but where it is necessary, we make it available.

Mr. STEIGER. What you are saying is this is an administrative decision as to how you will handle it. It is not covered by the statutory language or the rules promulgated by the Department.

Mr. LIBASSI. Title VI regulation which was approved by the President, and I have some copies here, specifically provides that the identity of the complainant shall not be revealed.

In section 80.7(e) the identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Mr. STEIGER. That is in the administrative rules that the President drew up for title VI?

Mr. LIBASSI. Yes, sir; that is right.

Mr. STEIGER. Thank you, Mr. Chairman.

Chairman PERKINS. Mr. Scheuer.

Mr. SCHEUER. Can you tell us whether the courts have passed on the constitutionality and the appropriateness of your guidelines?

Mr. LIBASSI. The Fifth Circuit Court of Appeals, in a three-judge court, recently issued an extensive ruling finding that the provisions and requirements of the guidelines were proper, were constitutional and were in accord with the law. The three-judge court thereupon directed that a general decree be fashioned applicable to all of the districts in the circuit which would establish a uniform plan for desegregation of school districts under voluntary choice which is identical to the guidelines provisions adopted by HEW.

Now on the 10th of this month, the full 12-judge court reheard argument on this case. Decision has not been rendered as yet.

Mr. STEIGER. Is this the Judge Wisdom decision in New Orleans?

Mr. LIBASSI. That is right. This is the most recent and the most comprehensive. There have been other decisions of other courts either specifically affirming the guidelines or adopting provisions or saying that they are minimal so that the fifth circuit decision, the recent one is not the only one that has been rendered.

Mr. SCHEUER. In other words other courts have affirmed the validity of the guidelines?

Mr. LIBASSI. Perhaps Mr. Bell, Mr. Chairman, might be able to that statement.

Mr. BELL. I think the last three or four times in which the Fifth Circuit Court of Appeals which handles the great bulk of the school desegregation litigation has handed down decisions in the past few years, they have commented most favorably about the guidelines. They have indicated that they would accord the guidelines a high place as minimum standards in determining appropriate desegregation plans for school districts.

It was their intention to then attach great weight to the standards established by the Office of Education asserting that absent legal questions the U.S. Office of Education is better qualified than the courts and is the more appropriate Federal body to weight these plans.

They thought they were minimal, and they doubted that they would ever be too high. The Court of Appeals for the Eighth Circuit which in terms of school desegregation involves Arkansas has made similar statements in the last two or three times in which it has ruled in school desegregation cases, again indicating in modeling its decree or determining the type of decree the district court should formulate it should give great weight to the Office of Education guidelines.

Most recently the Court of Appeals for the Fourth Circuit, although talking most specifically about the hospital guidelines has also indicated its approval of the kinds of standards for desegregation that the Department of Health, Education, and Welfare has promulgated.

Mr. SCHEUER. I take it that the Federal courts have ruled on the applicability of the Supreme Court decision in some so-called problem States in the South like Louisiana, Georgia, South Carolina, Mississippi. How would you compare the severity or the stringency of the Federal court's interpretation of the Supreme Court in the pattern of compliance that they have established with the severity or stringency of the guidelines?

Mr. BELL. It is a hard question.

Mr. SCHEUER. Are the guidelines, in effect, more severe and more stringent and rigid than the circuit court—the Supreme Court interpretation and decision? Are they in fact more strict?

Mr. BELL. The guidelines and the earlier ones were based in the main on a summary of all of the court decisions so from that standpoint I would say they were no more strict.

What happened of course—

Mr. SCHEUER. In other words they have not gone beyond?

Mr. BELL. I think they have not gone beyond, but in looking at our charts revealing all of the school districts listed down and we will have a column with all of the court order districts and we will find in many of the Deep South States there is more progress being made in the districts desegregating under HEW guidelines than those operating under court order.

Mr. SCHEUER. How do you explain that?

Mr. BELL. We have been able to give a closer supervision of the standards under the guidelines than have courts been generally willing or able to provide in a judicial sense.

Judge Wisdom has said in his opinions and Judge Tuttle has said on the bench and in his opinions and in speeches that the courts are pretty poor places in which to administer a school system and they would like to get out from under it and that they just can't handle all of the kinds of problems that come up.

They may issue a specific order, they have to issue a specific order, and the school board attorneys sit down and say, "Well they said this but they left the door open, ha, ha, ha," and they go on their way while they try the same thing with the HEW guidelines someone else sends in a complaint or we can much more easily or readily say, "No that avenue is not open either."

So you do tend to have more progress in a closer administration of the progress than is possible under the court orders.

Mr. LIBASSIE. I might add to that that the earlier court decisions required far less than the HEW guidelines.

The HEW guidelines are in step with the current most recent court decision. They do not go beyond them. The significance of the fifth circuit decree is in its most recent case is that it would, in effect, bring up to date all of the court orders issued earlier in this process up to the point that the court is now establishing for the districts.

Mr. SCHEUER. I just want to clarify in my own mind that the guidelines have not extended their mandate beyond the areas and guidelines established by the Federal courts.

Mr. LIBASSI. The guidelines require no more than what the courts have been requiring, particularly the circuit courts.

Chairman PERKINS. Before you leave this point I personally am very much impressed with the way you are handling the guideline problem which always causes considerable criticism, which in reality, on occasion, could be discrimination in reverse.

I make that statement because as a young prosecuting attorney I had an awfully lot of experience with misdemeanors and felonies not complying with the law and so on. When we fail to give a local educational agency the basis of that complaint or fail to furnish them with a copy of the exact complaint, we are really not complying with the standards of justice that have been handed down to us through centuries and centuries.

I don't think we should have a different standard of justice throughout the country. It should be uniform in the North as well as in the South. I make this observation because I think none of us is infallible and we will slip up occasionally but I think in the future where you could furnish all local school districts the exact nature of the complaint, then everybody will know that it is not unfounded and it is not inspired for some selfish motive and it will work and redound to the benefit of the Office of Education in administering the guidelines in bringing about what you are seeking at the earliest possible date.

I just make that assertion because, as a prosecuting attorney, so many people came to me and wanted to prosecute but did not want to get out in the open, and I would just say, "Well, you have no case."

I think the same holds true everywhere under our system of government. That would help you in a better, more helpful administration. I know the situation has been different in the North from the South. I recognize all of those aspects of your problem, but I will say by and large I think you have done an excellent job.

I do not mean to be critical but we can always improve a little more.

Mr. LIBASSI. Thank you, Mr. Chairman. Let me assure you that the Secretary is very strict that this program must be operated as fairly as it is humanly possible to administer a program and we are extremely cautious in dealing with civil rights that we do not abuse civil liberties and no funds to a school district are terminated except on evidence presented before a hearing examiner publicly according to the school district full opportunity to cross-examine witnesses and full disclosure of all the information to a hearing examiner which would be the basis for a decision to terminate funds.

Chairman PERKINS. I thought that was the policy. There is no termination until the local educational agency has the exact nature of the charge and has the right to cross-examine witnesses, clearly get their point of view before the Office of Education. That statement is correct?

Mr. LIBASSI. That is right.

Chairman PERKINS. Mr. Dellenback.

Mr. DELLENBACK. I apologize for not having been here for your full testimony. I read your statement, Mr. Libassi. I am sorry I missed the other additions that went on in my absence but there are a couple of areas that I would like to have some further information on.

As I read your statement, I see that your title deals with special assistants for civil rights, the question arises in my mind, how do you attempt to measure at all, the effect on education of the moves you take in the direction of desegregation?

Your statistics that you cited at the end are statistics relative to what? What measure do you have of the effect of these moves on education?

Your comment is really running to a thing that any of us who have worked in education in either our State or any other basis are concerned about school district consolidation are well aware of. We know where there is no problem of segregation at all that you do have the separate educational problem of consolidation and certainly advantages flow.

We are aware of this. But let's talk about meshing in the improvement of education with the enforcement of policies of integration. You give us a statistic in the tail end of your presentation. It deals with the number of Negro students attending desegregated schools has increased markedly and you give the percentages.

This deals with segregation and integration. What is the effect of this action on the educational quality of the school aside from the consolidation problems? Take a small school as an example.

Mr. LIBASSI. The only studies we have—and I must admit this is an area of growing research but the equal opportunities study of the Office of Education and the recently released report of the Civil Rights Commission—both of these studies verify the finding that the educational achievement of Negro children increases measurably and permanently when they are integrated in schools which are predominantly white.

Mr. DELLENBACK. Who made this particular study?

Mr. LIBASSI. The equal opportunity study was made by the Office of Education.

Mr. SCHEUER. That is the so-called Coleman report?

Mr. LIBASSI. That is right. And in addition the U.S. Commission on Civil Rights recently released a report on racial isolation in public schools and their study also verified the fact that in terms of verbal skills the Negro children did far better when they moved to an integrated school.

Also the studies show that the longer a child attends an integrated school the better are his grades and better is his educational achievement record, so that the evidence does indicate that when a child moves into an integrated school which is predominantly white his achievement increases.

The earlier he starts in an integrated school, the greater will be his achievement and the longer he stays in an integrated school.

Mr. DELLENBACK. Perhaps I should ask this question with my left eye cocked toward my colleague from New York. Has there been a

dropoff in any way by those in the school before or has there been an improvement with the new additions?

Mr. LIBASSI. Where Negro students are introduced into predominantly white schools there is no measurable disadvantage to the white children in the school.

The studies also indicate where a minority of the children are white, they are not affected favorably by being in predominantly Negro schools. In essence what the studies are showing is that where you have a majority white school and you introduce a minority of Negro children in the school, the Negro children do better and there is no disadvantage to the white children.

On the other hand, when you have an all Negro school which has the stigma of inferior status in the community, Negro children do poorly and if you have some white children in that school they will do poorly also.

Mr. DELLENBACK. What is this?

Mr. LIBASSI. It is not clear. There are some authorities who would say that the experience of attending a school which the students know or feel is inferior, that the teachers believe is inferior, that the school administrators believe is inferior, and which the community looks upon as inferior, where everyone's expectation is that the performance will be poor, the teachers and students tend to measure down to the low achievement expected.

Mr. SCHEUER. You might refer to that as a self-fulfilling prophecy.

Mr. LIBASSI. Yes.

Mr. BELL. We have a growing debate—if you have a Negro school and white school in which the quality of teachers and the size of the building and so on are the same, in many of the school districts we are dealing with that are giving us problems and where we are making some progress, we don't reach that kind of problem. Before I came on board to help the Government I worked as an attorney with one of the large civil rights organizations and tried to supervise roughly 200 school desegregation cases.

In the process I got to travel fairly widely. The kind of discussion we are having here is not the problem. To see the equipment, the kids piled on to the busses, the lack of adequate playground facilities, the general poor quality of the teachers was to know without making careful balancing and measuring that no really decent education could be obtained in these schools.

When we get to the other kind of thing that the Civil Rights Commission is weighing, it deals more with the kind of problem of what can we do with the northern schools. Can we do something with the ghetto schools? I think someone raised the question by input, Mr. Steiger said, or do we have to take the kids out?

That is another problem. In the South in the districts which we are dealing with in the main, that is not the problem.

Mr. DELLENBACK. In earlier testimony over the last several weeks—I think some of the questioning was by the chairman—I thought a sound point was made that at least caused me some concern.

Do we find ever in view of what is available under title I of "Education, Elementary and Secondary," where we are dealing with special aids to the educationally disadvantaged that when we push desegrega-

tion we find two forces which work against each other, that there might be in a school some special help that is coming under title I, "Elementary and Secondary," to improve the educational procedures perhaps in an all Negro school and you integrate some of these children in an all white school which does not have these special programs and in effect they lose in part although they perhaps by what you just said may be gaining in part?

Have any studies been made of these cross-effects?

Mr. LIBASSI. Not to my knowledge. However, the Office of Education is making it clear to the school districts that where a child moves from a segregated school to a desegregated school that the title I program and projects would be available to assist that child in the desegregated school.

I am not too familiar with this. This is not my area of specialty but let me say some districts felt the only place they could provide the title I program was in the all-Negro segregated school which tended to retard the desegregation of the school.

The Office of Education has now made it clear that the title I project may follow the child when he moves into a desegregated school and I would be happy to submit for the record the memorandum of the Commissioner of Education on this matter. I am not suggesting that desegregation is the single only objective of Federal educational policy, it is not. It is clear that the Federal policy is one of improving the quality of education for every child as we increase the desegregation experience for as many children as possible at the same time.

Mr. DELLENBACK. Personally, Mr. Chairman, I would welcome for the record this memorandum.

Chairman PERKINS. Without objection it is so ordered.

(The documents referred to appears on p. 1621.)

Mr. DELLENBACK. In addition to that I can see certain problems that would arise as a practical matter if you move a 10th of a school out into another area.

If you then try to move title I moneys along with them, you either compound the segregation in the new school because you are now going to take this new group and put them aside and give them special treatment which means they are not really desegregated or else you take one-tenth of the moneys that are necessary and spread them too thinly across everybody's new schools some of which do not need it and it just does not do the job or you have some of this type of mechanical problem or you multiply the money by 10 so everybody gets the special program and there is not that much money so I see problems along that line.

Mr. LIBASSI. There are and I did not mean to imply with a flip answer that there was. An effort is being made not to discontinue programs which children need as part of the desegregation. But I must say that the experiences of the children in desegregated schools, the children I have spoken to, their experience in desegregated schools is such a positive opportunity for expanding educational opportunity that it is most impressive to see that both desegregation and improving the qualities of education through funds can improve equal educational opportunities for children.

Mr. DELLENBACK. So there is no misunderstanding, let me say I am greatly concerned with equal opportunities and I think it is tremendously important.

I sit here today as a member of the Education Committee concerned about the problem of education and being sure that what looks like an advantageous step in one field does not prove to be disadvantageous in the area which is of the primary concern of this committee; namely, that the educational opportunities are advanced as rapidly and as thoroughly as possible.

I do not know that this needs to go into the record because I suspect Mr. Perkins and Mr. Scheuer are aware of these other studies on the impact of these moves but if possible I would like to see some of these studies.

I do not know if we have them in the committee's file.

Mr. LIBASSI. I would be glad to make them available to you and have staff available to discuss them.

Mr. DELLENBACK. I would be interested in knowing what studies have been made in this particular area on this particular point.

Following this, if I may, you have eliminated a second question I jotted down as I was trying to think the problem through and that is how do we coordinate the work of the Secretary for civil rights with the work of the Commissioner for Education?

Your answer as I read you is that you coordinate it by making the commissioner for education responsible so that he does not have to worry about what the secretary in civil rights is doing, and the responsibility falls on Mr. Howe; is that right?

Mr. LIBASSI. I am a policy adviser to the Secretary. I attempt to coordinate the activities of the agency. I handle the relationships with the Justice Department. I consult with the Commissioner on policy but the decision on policy is the Commissioner of Education in conjunction with the Secretary of the Department but the Commissioner is the one who issues the guidelines, who decides what the guidelines will provide and what they will not provide.

It is the Commissioner who determines whether to terminate funds to a particular school district, it is the Commissioner who decides whether progress is adequate or inadequate and it is the Commissioner who attempts to integrate these various programs.

Mr. DELLENBACK. In this field of education to the extent that you are responsible even to assist, you are acting as staff for the Commission in this regard. You assist the Commissioner in the establishment of the guidelines which are his responsibility and the enforcement of these guidelines which are his responsibility in measuring the effect of the guidelines in the application of these policies which are his responsibility. Is that right?

Mr. LIBASSI. That is right.

Mr. DELLENBACK. I don't mean to take you over elementary lessons which the other members of the committee may already be fully apprised of and you may have even touched on it earlier today and if you did you may still realize this is very simple, but can you just without going into meticulous detail tell me about this matter of the establishment of guideline here? Is the basic establishment for the guidelines in effect the last paragraph of your presentation to us, the

establishment of this basic goal to assure that no person is excluded, and so on and so forth?

What is the basic authority of establishment of these guidelines? I am talking about the Civil Rights Act and not elementary and secondary education.

Mr. LIBASSI. Under the Civil Rights Act we have adopted general rules and regulations which must be approved by the President.

These are what are known as the title VI regulations. The title VI regulations applies to all programs in the department and provides that each of the operating agencies will issue instructions, informational materials, guides which would be applicable to the particular programs that they administer.

We found that when we simply announced the school districts that they should prepare desegregation plans that they were left at a great loss as to what the desegregation plans should include, what the requirements ought to be, what the Office of Education would accept. So the school officials themselves asked for some policy guidance as to what the desegregation plan should include and what we would accept as an appropriate desegregation plan so the first step of guidelines were prepared at the request of school superintendents in an effort to enable them to prepare their plans.

At a recent meeting I asked the superintendents in one State if they thought we ought to abolish the guidelines and just allow them to try to work it out on their own and there was very strong feeling that they needed some indication from us as to what was expected of them under the regulation.

Mr. DELLENBACK. Are these guidelines a single set of guidelines applicable to all schools in all areas or are there different ones for one set of schools and a different set for another area?

Mr. LIBASSI. The guidelines are applicable to all of the districts. They provide if a school district is operating a single non racial school system, as most of the northern districts do, they should file a particular document. This is provided for under the guidelines.

I might add, incidentally, that there is a growing number of school districts in the South that are also submitting a document that states they are now completely desegregated.

This is provided for under the guidelines.

The guidelines then provide if the district was operating a dual school system and was constitutionally obligated to desegregate the school system, then it must submit a plan for desegregation and most of the guidelines deal with the provisions for the plan.

The fact is in the 17 Southern States that were formerly segregated by law the bulk of the impact of the guidelines is applicable to the Southern States.

Mr. DELLENBACK. Are they published in the Federal Register?

Mr. LIBASSI. Yes, they are, and I have copies I would be glad to make available to the committee.

Mr. DELLENBACK. Are there methods for establishing these guidelines?

Mr. LIBASSI. The guidelines issued for September 1966 have been reissued for September 1967 already without change. One of the basic criticisms of our program in the past was that the guidelines were is-

sued too late to be of any help to the districts so rather than wait until March as we did last year we put the guidelines out in December of this year, fully 9 months in advance of the operating of the school year and we put them out without change.

The major problem we again faced was that the school districts were dealing with a new document which was complicated and legalistic in language.

We find the school districts are working with the second document the second year, they are familiar with it, they know where the changes are and we are finding more receptivity on the part of the school district.

Chairman PERKINS. Do you have the same guidelines in 1967 as there were in 1966?

Mr. LIBASSI. Yes, sir. We expect the school districts in September 1967 to continue making progress toward the dual school system but the procedures and the rules by which they are to achieve that progress remain the same for September of 1967 as they were in September of 1966.

Mr. DELLENBACK. The chairman asked you earlier in the enforcement of guidelines if you gave adequate notice that went through proper procedures which I think is extremely important. This could cover protests as to whether or not a school was in fact complying with the guidelines.

Do you have available also some procedures whereby a school district could protest the guidelines themselves as opposed to application of the guidelines in various instances?

Would they have to go to the courts to do this?

Mr. LIBASSI. They can do this through the administrative process. What they can do and some have done this, they refuse to sign assurance that they would comply with title VI and the guidelines.

That raises the issue clearly without regard to the facts in the particular case. We also present at our hearings not only the fact that they have refused to sign but we also present the facts. The school district can raise any issue it wants in the hearing about the legality of the guidelines or the provisions even if they are complying with them.

Mr. DELLENBACK. Have there been any such attacks on the guidelines themselves?

Mr. LIBASSI. There have been no court rulings or decisions which have indicated any illegality or impropriety of the guidelines.

Now the cases are going through the administrative process now and we expect within the next month or two that the first cases of terminating funds will be going to court and the school district will thereby be seeking judicial review of the administrative hearing process.

At that point we will begin to get more of the cases. As was asked earlier there are several court decisions which have indicated that the guidelines are proper and in accord with court decisions but we have never had a fund cutoff reviewed by a court yet.

Mr. DELLENBACK. The discussions are always better agreed to out of court. I agree with his honor who said courts are no place to administer schools.

Has the Department at any time in listening to these protests modified its guidelines on the basis of protest?

MR. LIBASSI. Under the guidelines which I must say are extremely flexible, we have during the course of processing cases accepted plans on review by higher officials in the Office of Education so that where a school district would come up with a particular plan and a staff person who felt the plans was not acceptable on review by other officials in the Department or in the Office of Education we have accepted them.

So there is a considerable flexibility in the administration of the guidelines to allow for dealing with the problems of individual situations.

Also school districts themselves, after we have notified them for a hearing will come in and say well, now I think we can work out a plan for desegregation would you accept this, and if it meets the general requirements for substantial progress start movement, we accept these plans and discontinue the hearings.

MR. DELLENBACK. We have been talking about segregation among Negro and Caucasian. For example, are there any truly Puerto Rican schools and are there any other areas in the United States where we have desegregation problems that deal with other than Negro-white?

MR. LIBASSI. Yes, there are very few in terms of numbers. There are a few Indian schools which are operated by public school systems which are involved in the process of desegregation. I don't know of any others. Maybe Mrs. Martin if you wish, could comment on this further.

MRS. MARTIN. We have gotten complaints from the West involving Indians, Mexican-Americans, but again it is the de facto type problem where the residential areas are Puerto Rican or Mexican American and the schools reflect the neighborhoods so we deal with those problems as we would in Manhattan or a Milwaukee problem. It is not a guideline problem.

MR. STEIGER. Would the gentleman yield for a moment?

MR. DELLENBACK. Yes; I yield.

MR. STEIGER. Maybe I missed it but did you specify the number of school districts that have not been willing to sign a compliance?

MR. LIBASSI. Yes; and this is as of March 14th and this is a constantly changing problem in terms of numbers, but we have 96 districts that have refused to sign a statement that they would comply with the regulations or the guidelines. Some have submitted a statement but then they have qualified it to the extent we will comply with only part of the guidelines but not other parts.

Now this 96 is included in my overall figure of the district we have notified for hearing.

MR. STEIGER. Ninety-six out of one hundred seventy-seven?

MR. LIBASSI. It is 96 out of the total number of cases that we have had any dealings with including terminations. Some of these have already been terminated—239, so it is 90 school districts out of 239 which is all of the cases that have either been terminated finally or are in the process of hearing, or districts that refused to sign at all. So you can see that is a very good part of the number of cases that we are dealing with.

Mr. STEIGER. Do you have any idea then at all or can you provide for the committee the number of complaints that you have received?

Mr. LIBASSI. Yes, we could provide that for the committee. I am sorry we do not have it but we would be glad to supply the number of complaints we have.

Mr. STEIGER. Can you break it down on a State-by-State basis?

Mr. LIBASSI. Yes; we will be glad to do that.

Mr. SCHEUER. Would my colleague yield at this point for a question?

Mr. STEIGER. Yes; of course.

Mr. SCHEUER. Where there have been complaints, what number of cases have been ended by a decision of the school board to comply?

Mr. LIBASSI. When we initiate a review of school districts sometimes it is initiated on the basis of a complaint and more often it is based on the data that a school district provides us. Let me say we have initiated about 290 hearings and we only have 239 presently in the works which would indicate that at the hearing stage we have settled about 50 cases.

Now I do not have the number of districts that were found to have made inadequate progress but then took additional steps but I would say it is a sizable number, one to 150 school districts easily have the process of negotiation prior to the hearing taken additional steps to come into compliance.

Mr. SCHEUER. I think it would be extremely helpful if you would give this committee a picture of the positive accomplishment short of the court order process that you have provided through effective conciliation and the advisory process.

Apparently there are a number of hard core cases where after the conciliation and the advisory and the investigation process there is a formal statement of refusal to comply is made by the local school board.

It would be interesting to see of all of the school districts where there was a problem, at whatever stage it was raised, the number which could solve their own problem managed to find the leadership locally to solve their problem short of a flat refusal to comply.

Mr. LIBASSI. I would like to try to provide it. I confess we have been under such, since this committee does not rule on our appropriations I suppose it is all right if I cry a little bit about our appropriations without being improper. We only have 43 staff people working on school desegregation and they have been mostly in the field and we have not developed the kind of statistical reporting analysis that would demonstrate this process of change but I would be very glad to try to document the instances—first of all when a staff person gets out and says, look, this is just not enough progress and the superintendent will say what do you think I need to do and he will suggest additional transfer of faculty, rerunning, a second choice period, transferring a class over, closing a small school.

Now the superintendent will say I can do that and the staff person will say fine. Well that will dispose of the matter. Those cases are going on constantly.

In addition in Virginia for instance our staff person in Virginia has done an excellent job at that level before we ever get to even a formal letter.

Mr. SCHEUER. It seems to me this is really of paramount importance. It seems to me your success can be measured not by the number of schools you meet in court but by the number of cases that never get to court where through the leadership, the council, the advice and the technical assistance you give to a school district, a school district does want to solve their problem and a way of entering the 20th century not being dragged in by the courts kicking and screaming but entering of their own volition.

Perhaps to me that is a greater test of the effectiveness of your work; and that evidence may provide the greatest and most dramatic proof that you should have additional counseling staff to provide this leadership and the support in your agencies.

Mr. DELLENBACK. I would join my colleague in this study. A good lawyer oftentimes succeeds by keeping his client out of court, not winning the case when he gets there; he may have done a superb job in case after case after case which never appears on the court record.

So that anything which could be done which would not place an additional burden on your staff and tie up your staff, I think, would be helpful to us. Just dragging figures out of the blue and saying this is what we accomplished or this is where we stand, and soon would not be too helpful.

Mr. SCHEUER. Before I joined this great body, I served as housing chairman of the State commission on human rights and had a great deal to do with the drafting of our nondiscrimination legislation and I had a great deal to do with enforcement. I know our real successes were cases nobody ever heard of.

These were cases where we sat down with a local community or a local real estate developer and said look, we have a problem here, how do we solve it the easy way?

It is quite true that the courts are not the most appropriate agencies for solving social problems in a community. We always felt a great feeling of pride when we settled cases quietly in conference rooms without the unnecessary and unpleasant bitterness and frozen positions that are almost inevitable when cases come to the courts.

It hardens positions, people get entrenched; they dig in and minds close and there are possible avenues for narrowing the gap in the traditional process. I can't overemphasize the importance of the record of showing previous success you have had before these letters of refusal to comply come in.

Mr. DELLENBACK. Not only do such statistics demonstrate what your Department is doing but it seems to say something highly relevant about the law itself.

It is talking about the way in which the statutes are working under has accomplished and might not very well have been done at all if the statute had not been passed.

Mr. SCHEUER. It might also give us some very interesting information about local leadership and the local will to improve social situations, not only in cities in the North but in cities in the South. I would like to know about communities that have solved their problems.

Mr. DELLENBACK. May I finish my last point?

Then dealing with this broad scale question of minorities, while the heavy emphasis both in the public eye and in your actual operations deals with Negroes, that we do have some situations where we are dealing with Indians or Mexican-American mixtures. Do we have any in the big city of New York where we are dealing with the Puerto Ricans where there is such a heavy concentration of Puerto Ricans that there is a school which is predominantly Puerto Rican?

Mr. LIBASSI. I am sure there are schools which are predominantly Negro and Puerto Rican—Mr. Scheuer probably could comment on this better than I—where there is a question on that but let me assure you we are as concerned about other national and racial minorities in the administration of the program as we are about Negroes.

It is just the sheer size of the Negro minority and the extent of the problem.

Mr. DELLENBACK. Are there any others, to round out my education, other than these we have touched on?

Mr. SCHEUER. How about Japanese-Americans in San Francisco and Denver?

Mr. LIBASSIE. I would be glad to check as to the extent of predominantly oriental schools and I would be very glad to submit that to the committee. I will check on that. I don't really know.

Mr. DELLENBACK. I am talking like a far westerner now who does not know about this but are there any areas in this Nation where we still have what might be called an ethnic problem such as with German-Americans or Scandinavian-Americans in such places as Wisconsin?

Do we have any other pure white problem where you have a heavy ethnic concentration that ought to be involved?

Mr. LIBASSI. This tends to be a diminishing issue. We have some of these groups in larger cities and you will find a dominant Polish, Italian ancestry to most of the families living there—Irish, we do have some of these concentrations remaining but these are not issues that seem to come up in the administration of the school systems themselves and do not seem to be items which affect equal educational opportunities.

Mr. DELLENBACK. When we deal with race, color, or national origin, we are not really dealing much with national origin?

Mr. LIBASSI. That is right.

Chairman PERKINS. Let me thank all of you witnesses.

(The document referred to follows:)

STATEMENT OF F. PETER LIBASSI, SPECIAL ASSISTANT TO THE SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman and Members of the Committee: I appreciate this opportunity to appear before this Committee to discuss the Department's administration of Title VI of the Civil Rights Act of 1964 and to answer any questions you may have. As this Committee knows, the school desegregation policies of the Office of Education have also been reviewed by the House Committees on Rules and on the Judiciary.

The two provisions of the school desegregation policies that are most critical to effectuating desegregation are the requirement that freedom of choice plans operate fairly and effectively to achieve desegregation and that faculties be assigned without regard to race.

On both of these issues, the Department has been advised by its General Counsel and by the Department of Justice that the policies of the Office of Education

are fully consistent with and supported by Title VI of the Civil Rights Act of 1964 and the decisions of Federal courts.

In essence the policies of the Department permit a district to initiate the desegregation of its schools by offering the children a choice of schools. The method of student assignment which has been traditional in most parts of the country has been by assigning children to neighborhood schools on the basis of geographic attendance zones. This method takes no account of the preference of the student and may well result in his assignment to a school against his expressed wish.

The assignment of students to particular schools upon the basis of the student's choice has, in the main, been an innovation adopted in connection with the desegregation of schools that have previously been segregated upon a basis of race. It has been accepted as a permissible means of desegregation, but courts have made it clear that it can be used only if it is effective in abolishing the dual racial school system. Where community hostility or other pressures preclude a truly free choice, then some other method must be used in converting to a nonracial system.

In sum, it has been the position of this Department that the free choice system is a permissible method of desegregation only if it is effective in eliminating the dual system based on race. If it is not effective, then an alternative method of assigning children to particular schools, not based upon the choice of students or their parents, must be adopted.

With respect to faculty, the Department of Justice has advised that Title VI not only permits the Department to require faculty desegregation, but obliges the Department to do so as a condition for continued Federal financial assistance.

Furthermore, every effort has been made to assure that these policies are administered fairly and objectively. School districts are scheduled for review based on a district's own report of the extent of actual or anticipated student and faculty desegregation. In August 1966, the Commissioner notified the State education agencies, as well as all local school districts, that it would be the policy of the Office to review the districts with the poorest performance *first*; approximately 250 school districts were in this category. At the same time, the Commissioner stated that another 400 districts that had made some progress would be scheduled for review during the school year. These 400 districts were urged to take steps on their own to improve the extent of student and faculty desegregation. The largest number of districts, between 700 and 800, were notified that their performance was adequate and no review of their plans would be undertaken.

The Committee should know that generally the 250 school districts that were the first reviewed, those with the poorest performance, had no student desegregation or less than 2 percent of the Negro students in formerly white schools, and no faculty desegregation. In addition, many districts had: (a) denied choices by Negro students to attend white schools, (b) discouraged Negroes from choosing a white school, (c) intimidated both parents and students, (d) failed to make efforts to prepare the community for desegregation, (e) had not followed requirements of the Guidelines vital to its success—such as mailing the choice forms home, publishing the plan in the paper, etc.

Recently, at Department administrative hearings, Negro parents testified of nightriders shooting into their homes; that their insurance coverage on their homes was cancelled for no apparent reason after they enrolled their children in a white school; that their children as well as themselves had been harassed and threatened. They spoke of losing their jobs, their credit and sometimes their homes when they chose a white school. The transcripts of these hearings give a more vivid picture of community attitudes and pressures in these districts than anything I might say.

During the course of field reviews, where progress is not sufficient to carry out the purposes of Title VI, renewed efforts are made to secure voluntary compliance. The Office of Education is obligated by Title VI to make these efforts. Implicit in this duty is a responsibility to make suggestions and recommendations to school districts of steps that they may want to consider to meet their obligation to desegregate the schools. The effort is made to tailor the suggestions and recommendations to meet the problems of each particular school district.

For example, where a district buses its white or Negro students, on the basis of their race, to a neighboring district to be educated, it would be recommended that this practice cease and all the children be educated in their home district.

The courts have required districts to take such action even prior to the Supreme Court decision in 1954.

Where districts are still operating small, inadequate, segregated schools for Negroes, it has been recommended that these schools be closed and that the students and teachers be assigned on a nonracial basis. The courts have similarly required the closing of small, inadequate Negro schools.

We would not be carrying out the spirit of Title VI if we did not suggest to school districts what steps they could take to meet their obligations. Districts are urged to come up with their own plans if our recommendations appear inappropriate to them.

Over 600 desegregation plans have been reviewed for the current school year. As of now, approximately 100 of these plans have been found ineffective to eliminate the dual school system. In approximately one-fourth of these districts there is absolutely no desegregation of any description. All students and faculty continue to attend schools traditionally serving their race. Recommendations of the staff were rejected by these districts, which also refused to submit alternative desegregation plans. The Department was left with no alternative but to offer these districts an opportunity for hearing.

In many other communities throughout the South, school officials and local community leaders have made substantial progress toward the elimination of dual school systems.

Despite the difficulties connected with the operation of free choice plans, there are instances where they have worked effectively to desegregate schools. The key to success is the willingness of local school officials and opinion leaders to develop an atmosphere which will lead to significant progress toward establishing a single school system for all children.

In addition to the seven or eight hundred districts that were advised last fall that they had made satisfactory progress and were in compliance with Title VI, other districts whose performance was inadequate have negotiated additional desegregation steps which brought them into compliance.

For instance, one Georgia district has operated two segregated schools, one for Negro students with Negro teachers, the other for white students with white teachers. However, this district has now agreed to transfer the entire Negro eighth grade class to the white school in September 1967 and to assign three full-time teachers across racial lines for the 1967-68 season. As a result, 10 percent of the Negro students in the district will be attending desegregated schools next year.

This case was recently the subject of a news column in the *Atlanta Constitution* and, with the permission of the Chairman, I would like to submit a copy of it to be inserted in the record at this point.

Thus far, 50 districts which had made inadequate progress last year or this year and had to be cited for fund termination hearings have since come into compliance. Many other districts that would have been cited for hearings took additional corrective measures and thus came into compliance voluntarily. Every effort will continue to be made to encourage districts to follow this course of action.

While we must face the fact that 88 percent of the Negro children in 11 Southern States continue to attend schools whose student bodies are all, or nearly all Negro, it is nevertheless the fact that since the adoption and implementation of Title VI of the Civil Rights Act of 1964, the number of Negro students attending desegregated schools has increased markedly. In 1964 it was 2.25 percent, in 1965, 6 percent, and in September 1966, 12 percent. The progress in the six Border States is even more impressive with the dual school system nearly abolished in some. In addition, more than half of the districts of the South have made at least a start in faculty desegregation.

The object of the Department's civil rights activity is not the termination of Federal funds. Our goal is to assure that no person in the United States be excluded, on the ground of race, color, or national origin, from participation in or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Chairman PERKINS. It has been called to my attention by the minority that it was contemplated from the commencement of the hearings that we would conclude the hearings on this day.

It is my understanding that the administration witnesses will be back inasmuch as Mr. Gardner of North Carolina has expressed a desire through minority counsel to question witnesses concerning the guidelines.

Therefore, I am going to ask you particular witnesses to come back at 9:30 a.m. on Monday morning and under no circumstance will we delay the markup of this bill commencing on Tuesday morning. I have always felt that any member who wanted to ask any witness a question should have that opportunity.

Mr. DELLENBACK. Thank you, Mr. Chairman.

Chairman PERKINS. For that reason I want to ask you to come back. Let me thank you all for a good appearance here this morning and we appreciate your appearance.

Chairman PERKINS. Our next witness is Superintendent Bueford Risner, superintendent of Bath County schools, Owingsville, Ky.

I appreciate your coming here, Mr. Risner.

STATEMENT OF BUEFORD RISNER, SUPERINTENDENT OF BATH COUNTY SCHOOLS, OWINGSVILLE, KY.

Mr. RISNER. Mr. Chairman and members of the committee, may I express my deep appreciation for the opportunity to appear before you to express the views of the people in our rural eastern Kentucky area on this very important legislation.

In my opinion the Elementary and Secondary Education Act of 1965 was one of the finest pieces of legislation that has ever been enacted. It has meant that many children in Bath County are a step nearer equal educational opportunities than they were before.

The act had enabled our system to purchase some much needed instructional equipment and materials, library shelving, books, audio-visual materials, et cetera, and has provided us with the services to two remedial reading teachers, a guidance counselor, school health services, with a registered nurse, and 19 teacher aids this year.

The many good things about the act would take too much of your time for me to enumerate. I would like to confine my remarks to some of the frustrations that I and many of my fellow educators have encountered relative to certain aspects of Federal aid to education and some suggestions for improving the act.

1. The timing of Federal authorizations, appropriations, regulations and allocations is not conducive to encouraging logical and methodical planning on the part of local and State school officials.

Federal aid to education could be much more effective if congressional authorization patterns and school years could become more compatible.

2. The bulk of Federal funds for education should come to the States under a minimum foundation type of approach that is based on an objective formula which would consider the financial ability of a State to support education.

3. All of the Federal funds coming to a State for elementary and secondary education should be routed through the State departments of education. In my opinion there should be no exception to this approach. State departments of education are, and necessarily should be, the most capable agency to work the local school districts.

4. The basic U.S. Office of Education should be the agency to handle all funds to be allocated to the State departments of education and they in turn route funds to the local school districts. This should include programs such as Headstart that is now handled by the Office of Economic Opportunity. More consideration should be given to the timing of planning and implementation procedures on the part of local districts. Too much time is lost by the time the local school district is able to begin its program. Most of us are rushed for time and as a result do not do as good a job as we would like if we had more time.

5. Very serious consideration should be given to an aid to construction bill for public elementary and secondary schools. A formula based on need and ability to pay should be considered. In my own school system, many things that I would like to do under the present act is prohibitive because of lack of buildings or rooms with very little hope of being able to do anything about it unless we do receive Federal aid to construction.

6. The U.S. Office of Education should not be reorganized on the regionalization concept. Existing or proposed offices could better serve the cause of education in the area of planning and consultative services to the State departments of education. Much could be done to help strengthen State departments of education. Then they could more effectively carry out the program with the local districts in cooperation with the U.S. Office of Education.

7. Federal guidelines and regulations should be developed through more cooperative procedures with the States. There has been a tendency by the U.S. Office to establish the guidelines first and then involve State personnel. At this point the States are advised of basic intent, or clarifications, made of already existing guidelines.

Certainly in my opinion, Mr. Chairman, this is in reverse. We should be brought in before the act and not after the guidelines have been established.

I wish to express the concerns of many other educators that have appeared before this distinguished body in relation to H.R. 6230:

1. Guidelines under which present law is operating should provide more flexibility at the local level giving school authorities in the field greater choice in being able to meet the most pressing needs of the local school district.

2. The new low income factor of \$3,000 rather than the previous \$2,000—we certainly want to go on record as very strongly encouraging that this become a part of the new act or as it is amended—offers opportunities to more of Kentucky and the Nation's youth. It is our hope that title I could be fully financed to the October authorization level of the 89th Congress.

3. It is further hoped that much excessive paperwork relating to all the acts could be condensed. This could be realized if data requirements of the U.S. Office, State Department, and local districts could reach a commonality.

Many times we are duplicating much paperwork that is already contained in a previous report.

4. A tremendous additional workload has been forced upon State and local agencies by Public Law 89-10, making it impossible with limited budgets and personnel to ever evaluate the effectiveness of the

program. Adequate funds are needed for this important function but those should, by all means, be channeled through the State departments of education.

5. Again I wish to express concern over the conflict between school people, who as trained professionals have done an excellent job operating Headstart, and the Office of Economic Opportunity which seems to fail to understand that readiness is truly a school function.

This program should be operated by the U.S. Office of Education through the various State departments of education, where there is always some degree of understanding of the problems, in even the most remote sections of the State.

I think this is true even in remote sections of the State. Many school boards are so disturbed by lack of understanding on the part of OEO that some local boards of education and superintendents are ready to give up the Headstart program.

This could only hurt the children who so desperately need this experience.

As an additional point here, I would like to state that even my own local board of education is expressing great concern at this point as to the continuation of the Headstart under the Office of Economic Opportunity. I could go on and elaborate a little further on this but I think what I have is sufficient at this point.

6. Much concern is being expressed by education over the proposed cut in NDEA, title III, funds which are earmarked for title V, ESEA. It is further hoped that the fiscal year 1968 appropriation bill will be no less than the fiscal year 1967 funding level.

We feel title III of ESEA has been a very important part of our school programs.

7. Much concern is being expressed by education over the new proposal, part B of title V, relating to "Grants for Comprehensive Education Planning and Evaluation" in that it does not meet the avowed needs of State departments of education.

As an aside to the issue, the \$15 million request is exorbitant if contemplated just for planning purposes. This proposed financing would probably have more far-reaching effect in developing better educational programs in departments of education if it were added to part A, same title, with a requirement that a portion be utilized specifically for additional planning and evaluative elements.

I would like to add at this point, if we continue to plan and never implement the things that we plan in our programs, then I can't see much value in planning if it ends at that point. Truly this is where much of it is ending.

It is my sincere belief that if we are to implement new programs in education that are desperately needed that additional classrooms are going to be needed.

We must face this fact, I think, from the Federal, State, and local standpoint. You cannot innovate or improve educational programs if you don't have someplace to house them.

Most districts in our area have bonded to their limit and yet in many cases we cannot take full advantage of the provision of ESEA of 1965 because of our lack of rooms. It is my wish that a partnership attack on the construction needs by local, State and Federal that these needs could be met.

Certainly the aid received has had a tremendous effect on our local school system, and I am sure this has been true throughout the Nation.

In conclusion I wish to express the gratitude of the people I represent to this committee for the work you have already done in behalf of better education and for the privilege of appearing before you.

Thank you for the invitation to appear before the committee and our esteemed chairman from Kentucky. I feel deeply honored that I have been able to present my statements on education.

If the committee has any questions you would like to direct to me I would be glad to answer them to the best of my ability. I would just like to add one aside that is not in my text, that much concern is expressed over the many applications for grants, for studies which range from school dropouts to you name it, much of the studies never reach the proper authorities and by this I mean the legally constituted bodies in the States from the State department of education down to the local districts.

Many of these studies are fine, they are very impressive, but they end up on somebody's shelf collecting dust and as a result nothing ever comes of them.

Chairman PERKINS. We were hoping that through titles III and IV that we could get that expertise and the quality of the educational programs in the classroom within a reasonable period of time and eliminate that idea that all good things stay on the shelf and fail to reach the classroom.

Mr. RISNER. Mr. Chairman, I might add yesterday I talked to Mr. Samuel Alexander, our deputy superintendent of construction, and I have been extensively involved in region 7 of title III. I have served on a number of committees. We are developing an instrument which for many reasons we chose to call an evaluation of school systems in the 18-county area of which I am sure you are familiar.

Chairman PERKINS. Your county is participating in that title III program?

Mr. RISNER. Yes, sir; in fact I have spent many, many hours working with this group. It is a fine group, to be sure, but Mr. Chairman, the thing that most disturbs me is the fact that there is no liaison between this group; namely, the East Kentucky Development Corp. and the State department of education.

Chairman PERKINS. Do you mean no liaison between your title III group and the State department of education?

Mr. RISNER. Yes, sir; that was stated to me yesterday by Mr. Alexander himself.

(Discussion off the record.)

Chairman PERKINS. Let me say to you, Mr. Risner, I think you are doing an outstanding job as county school superintendent of Bath County, Ky. I have been watching you since you became a county school superintendent and I am delighted to receive the evaluation that you have placed on the Elementary and Secondary Education Act and that you have been able to receive remedial instructional materials, library books, audiovisual materials, remedial reading teachers and special guidance counselors, and other special help that you would not otherwise have received.

Undoubtedly the program has some drawbacks but from your evaluation of the program you can see tremendous results in your county, can you?

Mr. RISNER. Certainly; yes, sir.

Chairman PERKINS. Thank you very much. Thank you very much for your appearance here this morning.

Mr. RISNER. I appreciate the opportunity to be before this body to express my views, sir, and I thank you for your compliment as to my work.

I will assure you that I will continue to try to improve the educational standards for the students in our county.

Chairman PERKINS. Let me state for the record I am delighted that our next witnesses appear here at Congressman Scheuer's request. When Congressman Scheuer became a member of the general subcommittee that had jurisdiction over the ESEA, he was most helpful in arriving at the legislation and his deep interest in all educational activities have come to the attention of this committee on the day since he was assigned to this committee.

I am proud to call upon Congressman Scheuer, who in my judgment is one of the very outstanding Members of the Congress and a Member who has his district at heart on all occasions, to introduce the witnesses.

Congressman Scheuer.

Mr. SCHEUER. Mr. Chairman, I deeply appreciate those words. I was very eager to serve on your subcommittee last year on the Elementary and Secondary Education. During the long month in which I was able to be on the committee, I enjoyed attending the sessions and enjoyed working under your leadership. It was a great and most instructive experience, and I am happy to serve under your leadership now.

I am glad to welcome to this hearing three outstanding people in the field of education; first, Garda W. Bowman, of Bank Street College and second, Mrs. Pam Levin and Mrs. Margaret Benjamin, of the Citizens Committee for Children.

These two institutions are preeminent in New York for their deep concern for disadvantaged children and secondly and just as important for the high sense of professionalism and hardheaded scholarly background as well as practical experience which is the foundation for their work.

Both of these institutions and the individuals here made magnificent contributions to education in New York and I am very happy to welcome them here today.

Dr. Bowman, would you start off and give us a short word about your background and experience in this field and then give us your testimony with the knowledge that your prepared testimony will be made a part of the record.

I assume there is no objection, and you may speak and elaborate as you see fit.

(The document referred to follows:)

TESTIMONY BY GARDA W. BOWMAN, PROGRAM COORDINATOR, SPECIAL PROJECTS,
BANK STREET COLLEGE OF EDUCATION

Ladies and Gentlemen: I am most grateful to Chairman Perkins for this opportunity to present some observations regarding the legislative implications of the testimony of President John H. Niemeyer of Bank Street College of Education and his colleagues before this Committee on March 15, 1967.

At that time, President Niemeyer, Dean Gordon Kolpf, and Mrs. Verona Williams, representing Bank Street College of Education, stressed the need for more systematic, coordinated planning and evaluation of the educational enterprise at all levels and in all its facets. They placed particular emphasis upon the critical need for planning for the more effective training and utilization of auxiliary personnel (nonprofessionals) in education.

President Niemeyer stated that auxiliary personnel had revealed a capacity to make a positive contribution to the learning-teaching process in 15 demonstration programs coordinated by Bank Street College of Education for the Office of Economic Opportunity in 1966. The findings of this nation-wide Study indicate that such an outcome is facilitated when the planning includes (1) flexibility and imagination in *role development*, (2) *training of both professionals and nonprofessionals*, and (3) *institutionalization* of this program into the school structure as a *New Career*, rather than as a temporary expedient.

Speaking as Coordinator of the Bank Street College Study of Auxiliary School Personnel, and after consultation with President Niemeyer and Dean Klopff, I should like to make the following specific recommendations for legislative action which would, we believe, serve to enhance the effectiveness of auxiliary personnel in school systems, and thus have a significant impact upon the educational enterprise in its totality.

1. That there be an Amendment to Title I of the Elementary and Secondary Education Act requiring the submission of a plan for training auxiliary personnel and the professionals with whom they work by all school systems which request funds under this title for the employment of auxiliary personnel.

2. That there be an Amendment to the Higher Education Act for the granting of funds to selected colleges of teacher education to conduct demonstration faculty workshops on the new and more complex role of the teacher as one who orchestrates all available resources (professional and nonprofessional) to meet the learning needs of pupils.

3. That the proposed Amendment of Title V of the Elementary and Secondary Education Act on Comprehensive Educational Planning (which has been presented for the consideration of this Committee) be strengthened by the inclusion of specific reference to the granting of funds for Regional Planning Conferences on the Role Development, Training and Institutionalization of Auxiliary Personnel in American Education—such conferences to include school administrators, teacher educators, teachers, auxiliaries, and parents as well as representatives of professional organizations and community action agencies. These Regional Conferences would be more productive if a “five-year program of continuous grants” were to be established, as suggested in the proposed Amendment to Title V now under consideration by your Committee.

4. That funds be made available for a White House Conference on “New Careers in the Public Service”, with sections devoted to the training and utilization of auxiliary personnel in various areas of human service, including education, health, welfare, corrections, safety and law enforcement.

In support of these recommendations, I append herewith some specific illustrations of the need for such action, drawn from the findings of the Bank Street College Study of Auxiliary Personnel in Education. In conclusion, ladies and gentlemen, I wish to express my own appreciation and that of my colleagues for your concern regarding the need for comprehensive, systematic and continuing planning and evaluation of education.

STATEMENT OF DR. GARDA W. BOWMAN, PROGRAM COORDINATOR, SPECIAL PROJECTS, BANK STREET COLLEGE OF EDUCATION

Mrs. BOWMAN. Thank you, Congressman Scheuer. I am most grateful to Chairman Perkins, to Congressman Scheuer and to the other members of the committee for this opportunity to reinforce and amplify the comments of my colleagues, President John H. Neimeyer and Dean Gordon Klopff who testified before this committee on March 15.

Both colleagues stressed the need for planning and supporting the

proposed amendment to title V to provide for comprehensive planning with emphasis upon the planning for effective utilization of auxiliary personnel. I speak to that point particularly as coordinatory of a nationwide study which Bank Street College is conducting of 15 demonstration training programs for nonprofessionals in school systems throughout the country.

Mr. SCHEUER. Who is the sponsor of that?

Mrs. BOWMAN. The funds are provided by the Office of Economic Opportunity. We have just been refunded for another year and are starting with seven additional projects one of which is in eastern Kentucky, Mr. Perkins. Moorehead University is the local sponsor and will develop preservice and inservice training in four counties in eastern Kentucky.

I thought you might be interested to know that we are concerned with your area and that we expect to get great results from our analysis of the programs there.

I am not confining my remarks to the written testimony for two reasons: One, I wanted to get a little more quickly to the gist of what I hoped to say to you and, two, because I would like to keep this testimony open since, as I have been sitting here—

Chairman PERKINS. Without objection all of your prepared statement will be inserted in the record and you may proceed any way you choose to.

Mrs. BOWMAN. I would like to submit later some substituted material.

Chairman PERKINS. Without objection, you may do so.

(The document referred to follows:)

ILLUSTRATIONS OF THE NEED FOR COMPREHENSIVE, SYSTEMATIC AND CONTINUING PLANNING OF EDUCATION AT ALL LEVELS

On March 15, 1967, John H. Niemeyer, President of Bank Street College of Education, stated before the Committee on Education and Labor of the House of Representatives in Washington, D.C. that:

"Preliminary findings from the analysis of 15 demonstration training programs for auxiliary school personnel reveal that such personnel demonstrate a capacity to make a positive contribution to the learning-teaching process, when the following conditions prevail:

"1. When the *roles for aides* are developed in terms of the particular strengths of each aide and the particular needs of the pupils of particular classrooms, rather than the roles being defined in rigid categories which are supposed to apply to all situations.

"2. When intensive and continuing *training* is provided, *both* for the nonprofessionals and for the professionals with whom they work.

"3. When the job of the auxiliary personnel is incorporated in the entire school structure as a *new and respected career*, and not merely as a temporary expedient.

"4. When the school and the school system look upon *all members* of staff, from the building custodian to the top superintendent, as being part of an *educational team* which is constantly *influencing the lives of the young*."

The following material is illustrative of these four points. It is drawn from a Study of Auxiliary Personnel in Education, conducted by Bank Street College of Education for the Office of Economic Opportunity.

1) Role Development: In one state where a demonstration program was conducted, rigid categories were defined by state legislation which were to apply to the utilization of nonprofessionals in all school situations. As a result, nonprofessionals were not allowed to monitor pupils on buses, and the bus drivers had to take their attention from the road to maintain quiet in the bus. In this same program, a third grade student was observed helping his classmates check

the correctness of "yes" and "no" answers to an objective test, using the teacher's answer book. An aide, who was a high school graduate, stood by, not permitted to perform this function.

In another program, where there was more flexibility about role and function, some of the auxiliaries were used as monitors and some were not. In one case, for example, a young Negro man had established such a "buddy-buddy" relationship with the Negro boys in the class to which he had been assigned as an auxiliary that his control of the group was weakened, but this same young man proved to be a tremendous asset to the program when he visited the boys' homes in truancy cases. The teacher, diagnosing both the needs of the pupils and the special contribution this particular auxiliary was then capable of making, developed his role imaginatively and with tangible pupil outcome.

2) Training: In New York City, a pilot training program for auxiliary school personnel has been established in District 3. Mrs. Verona Williams who testified before your Committee on March 15, serves as an auxiliary in that district, and because of her understanding of and involvement in the goals of school provides important linkage between school and community in the area. Mrs. Williams is an unusually fine and intelligent person but she illustrates the kind of school-community cooperation which is possible and which training may encourage.

In another district of the city, where such training is not yet available a supervisor commented thus about the situation:

"There is a tremendous need for in service training of well-motivated aids so that they can profit from 'process of observation and feedback' and so that they will understand the need to improve on the job. The biggest problem with the employment of indigenous auxiliary personnel is that of human relations. The following occur daily and become dynamite in any school:

- a. Gossiping to the community
- b. Overprotection of the aides' own children
- c. Tendency to be harsher than necessary to nonconforming children
- d. Tendency to complain about children who have problems
- e. Tendency to ignore time schedules and to expect special consideration for their own problems
- f. Development of friction between paid school aides and other parents"

3) Institutionalization: In some of the demonstration programs, a firm and honest commitment by the local school system to employ the auxiliaries after successful completion of the training program could not be implemented when budgetary changes required a cut-back in the employment of auxiliaries. This resulted in the ultimate frustration for a few of the trainees who had been motivated to train for jobs which did not exist.

However, when the local school system had incorporated the use of nonprofessionals as an integral part of the school structure, the result was not only stable employment but the opportunity for upward mobility.

For example, in Puerto Rico, where there was strong commitment to this program by the Department of Education, and where the University of Puerto Rico was involved in the planning, not only was every auxiliary-trainee in the Summer Institute employed when the school year began but they are all now enrolled in a work-study program at the University of Puerto Rico, leading to the possibility of promotion and eventually, it is hoped, to achieving professional status.

In Detroit, another school system which has incorporated this program as a permanent part of the school structure, a career ladder has been established with five job titles and job descriptions, and appropriate salaries, increments and fringe benefits for each step on the ladder.

President Niemeyer's final comment on the conditions which contribute to the effective utilization of auxiliary personnel was concerned with a broad approach to education—that is, perceiving all staff members, from the building custodian to the top superintendent as being part of the educational team. Such an approach cannot be described in quantitative terms. It reinforces the concept that like life the organization of education includes a variety of roles, adult influences and common experiences—all of which have an impact on the development of children and youth. This concept seemed to permeate the 15 demonstration programs.

Mrs. BOWMAN: I am going to address myself to some legislative action in the field of auxiliary personnel or nonprofessional in education for consideration by this august body. The demonstration of

the 15 programs to which I referred revealed that nonprofessionals do have a capacity to make a positive contribution to the learning-teaching process when adequate training is provided, when there is a flexible attitude toward the function that may be performed by nonprofessionals and when the utilization of nonprofessionals is incorporated into the whole structure as a permanent, stable career ladder rather than as a temporary expedient.

We believe that these goals are important not only to the utilization of auxiliary personnel but to the whole educational enterprise. Basing our recommendations on the findings from this study, we have five suggestions to make for specific legislative action which hopefully you will find worthy of your consideration.

The first is that when funds are made available under title I of the ESEA to a local school system for the employment of auxiliary personnel, there be a requirement that an adequate plan for training of these personnel as well as the professionals with whom they work would have to be submitted and approved by the agency granting the fund so as to avoid the problem we see so frequently of auxiliaries being employed without training for those who are about to use the auxiliary personnel.

We have seen teachers say to auxiliaries, "Sit over there and wait until I have an errand for you to do," instead of utilizing what we believe to be a tremendous potential for education, because the professionals had not been trained. We have seen some auxiliaries themselves transgressing, trying to take over, gossiping about the school to the community, objecting to the kind of discipline that the school operates because they were given no understanding of the goals of the school before they began to work.

So we feel that employment without training is a very dangerous development, and we urge that a plan for training be required before any additional funds for employment are provided under title I.

The second specific recommendation relates to the possibility of regional planning conferences regarding the use of auxiliary personnel which might be made available under the amended title V as suggested to you and which might be done on a continuing basis if the recommendation that title V money be provided on a 5-year basis instead of year by year meets your approval.

We believe that if such regional planning conferences on the utilization and training of auxiliary personnel were established, they should include administrators, teacher educators, teachers, auxiliaries, and parents or representatives of professional organizations such as unions and the NEA and indigenous personnel represented on community action agencies.

We also believe as our third recommendation that there should be funds for faculty workshops in selected colleges of teacher education.

This would probably not fall under the Elementary and Secondary Education Act but more appropriately under the Higher Education Act, but unless teachers understand their expanding role in a broader, basic approach to education, we will not have effective utilization of the people who help the teachers.

Teachers in the past have thought of their role as confined to the interaction with pupils alone rather than including the function of orchestrating other people in the classroom and of utilizing all available services, human and technological, to meet the needs of the pupils which they have identified.

So we urge that funds for the training of faculty in this broad approach to education be provided.

Fourth, we urge and reinforce the recommendation that I believe has been made to this august body by other groups, that funds be made available for a White House Conference on the Utilization of Auxiliary Personnel, or, shall we say, human service aids in general with a section on education as well as sections for welfare, health, corrections, law enforcement, and the like.

The fifth and I believe perhaps the most important of our legislative recommendations deals with the approach that has already been made in the Senate by Senator Nelson who has filed a bill, S. 721, which was introduced on January 30, 1967, is entitled "A bill to encourage the development of teacher aid programs in the schools of the Nation."

We believe after careful analysis of this bill that it is an excellent document. We hope that somebody on your committee will see fit to introduce this bill into the House with perhaps two additions, or two areas where the present bill might be strengthened.

In the section which lists the requirements for approval of project applications for the training and employment of nonprofessionals or teacher aids there is reference to the fact that this should be part of a comprehensive program for improved utilization of educational personnel in schools where the teacher aids are to serve.

Now this may be interpreted to mean that this would be more than just an opportunity for jobs at the entry level but that a comprehensive program would entail a step-by-step career ladder with job titles, job classifications, salary increment, and the opportunity for upward mobility.

Mr. SCHEUER. That would include on-the-job training?

Mrs. BOWMAN. Yes, a comprehensive program would include that. However, in the bill, training is taken out and referred to in another section. I hope that when and if you decide to introduce this bill into the House you would strengthen section 3, item No. 2 in regard to a comprehensive program so that it would include opportunity for upward mobility.

The other section which it seems to us would benefit by some more specific and strong language does relate to training—

Chairman PERKINS. I think your comments and recommendations are excellent.

Mr. SCHEUER. May I ask unanimous consent that the bill be incorporated in this record.

(The document referred to follows:)

[S. 721, 90th Cong., 1st sess.]

A BILL To encourage the development of teacher aid programs in the schools of the Nation

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 "Teacher Aid Program Support Act of 1967".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. There are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1968, \$100,000,000 for the fiscal year ending June 30, 1969, and \$150,000,000 each for the fiscal year ending June 30, 1970, and for the two succeeding fiscal years, to enable the Commissioner of Education to make grants to local educational agencies and institutions of higher education to assist them in carrying out projects for the development of teacher aid programs provided for in applications approved under this Act.

APPROVAL OF PROJECT APPLICATIONS

SEC. 3. (a) The Commissioner may approve an application for a project under this Act only if the application is submitted jointly by a local educational agency and an institution of higher education and if he determines that—

(1) the project is designed to provide a combined program of training and experience to prepare persons to serve as teacher aids in preschool and elementary and secondary education programs;

(2) the project is part of a comprehensive program for improved utilization of educational personnel in schools where the teacher aids are to serve;

(3) the project is designed to provide more individualized attention for students and to relieve teachers and other professional staff of functions which can be performed competently by teacher aids under the supervision of professional staff;

(4) the institution of higher education participating in the project will undertake to provide preservice training programs to prepare persons to become teacher aids and to provide, to the extent practicable, preservice programs bringing together teacher aids and the teachers and other educational personnel who will be supervising them;

(5) the institution of higher education and the local educational agency participating in each project have satisfactory plans for maintaining cooperative arrangements throughout the three-year duration of the project in order to relate inservice and summer training programs to the work experience of the teacher aids in the schools;

(6) the local educational agency participating in a project has, prior to the filing of an application under this Act, submitted its plans to the State educational agency for review and has taken into account its recommendations in developing the proposal for the project; and

(7) the project is of sufficient scope and quality to provide reasonable assurance of making substantial improvements in the educational programs of the schools participating in the project.

(b) A school which has participated for a total of three years in an approved project receiving Federal payments under this Act shall not be eligible to participate thereafter in any further project assisted under this Act.

FEDERAL PAYMENTS

SEC. 4. (a) The Commissioner shall (in advance or otherwise) pay to the local educational agency and the institution of higher education jointly carrying out each project approved under this Act such portion of the costs of the project as each of the joint applicants incurs under the terms of the grant.

(b) For purposes of this section, the costs of the project covered by the Federal grant include all of the costs of training programs for teacher aids and for teachers and other professional staff members supervising teachers aids, including appropriate stipends; and the Federal grant shall cover not to exceed 75 per centum of the costs of the project attributable to compensation to be paid to teacher aids while serving in the programs of the schools of the local educational agency participating in the project. Federal payments toward the costs of the project may not cover any compensation for any teacher or professional staff member employed by the local educational agency.

APPORTIONMENT AMONG STATES

SEC. 5. From the sums appropriated to carry out this Act for each fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of children aged three to seventeen, inclusive, in the State bears to the number of such children in all the States. To the extent that it is determined by the Commissioner that the amount apportioned by any State will not be required for grants in that State, such amount shall be available for grants in other States able to use additional grants pursuant to this Act. Such amounts for any year shall be apportioned among such other States on the same basis as the original apportionment for such year.

DEFINITIONS

SEC. 6. As used in this Act—

(a) The term "teacher aid" means assistant to teachers, library aids, school, recreation aids and other ancillary educational personnel who are under the supervision of professional members of the school staff, but the term does not include persons who are primarily responsible for the instruction of pupils.

(b) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(c) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. If the Commissioner determines that a particular category of such schools does not meet the requirements of clause (5) because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (i) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in teacher aid programs under this Act, and (ii) determine whether particular schools not meeting the requirements of clause (5) meet those standards. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(d) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(e) The term "State" includes, in addition to the several States of the Union, the District of Columbia, Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direc-

tion, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

Mrs. BOWMAN. Section 4 indicates that the institution of higher education participating in the project will undertake to provide preservice training programs to prepare persons to become teacher aides and to provide preservice programs bringing together teacher aides and the teachers and other educational personnel who will be supervising them.

I would like to see this strengthened because just bringing people together does not necessarily mean that they will be given the kind of orientation that is necessary in order to work together.

I believe that this could be strengthened by indicating that there would be preservice training both of the auxiliary personnel and of the teachers with whom they are to work and other professionals in terms of the new roles and relationships that are required of them.

I would also hope that this would continue under inservice training and be a continuous operation rather than limited to an orientation period only.

I want to put our strong support behind the bill which does provide for a long-range program and does provide ample funds to demonstrate and provide the services that are needed.

Mr. SCHEUER. I am working with Senator Nelson's office and I am very much interested in your recommendations for improving and for fortifying the bill; they will be included in the form in which it is introduced in the House.

Mrs. BOWMAN. Thank you very much.

In conclusion I would like to refer back to Mr. Risner's comment that often research simply gathers dust somewhere in a file. I am happy to report that we were urged to prepare an interim report, and distribute it throughout the country.

I show you a copy of the report which we prepared which was sent to superintendents of schools employing teacher aids under title I programs, to deans of colleges of teacher education.

We distributed 25,000 copies of this report, but we have had requests for 4,000 more copies for distribution, and, in addition, approximately 1,000 people have asked for the supplementary materials which describe each of the 15 programs and provide some suggested models for training and utilization of auxiliary personnel.

I have copies of these profiles plus a composite picture of all of the programs we have been observing and analyzing.

Mr. SCHEUER. Mr. Chairman, I would like to ask unanimous consent that those supplementary reports be placed in the record immediately following the main report which was placed in the record the other day.

Chairman PERKINS. Without objection it is so ordered.

Mr. STEIGER. May I ask Dr. Bowman whether or not for the committee any of those copies might be available?

Mrs. BOWMAN. Let me say that we did send copies to this entire committee of the first 10 profiles about a month ago, but it was before

this hearing and it probably was snowed under by much of the mail that you receive.

When Dr. Niemeyer and Dr. Klopff reported to us on March 15 that you did not have this material, we sent you the five new profiles and indicated that if you wished to have the first 10 which had already been sent to the members of the committee, we would be happy to send a repeat order.

This went out on Thursday air mail special delivery to all of you. Chairman PERKINS. We will withhold any questions until all of you ladies have had a chance to make a general statement.

STATEMENT OF MRS. NATHAN W. LEVIN, CHAIRMAN OF THE EDUCATIONAL SERVICES SECTION OF THE CITIZENS COMMITTEE FOR CHILDREN

STATEMENT OF MRS. NATHAN W. LEVIN, CHAIRMAN OF THE EDUCATIONAL SERVICES SECTION, CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK, INC.

Your Committee plays a decisive role in establishing the educational pattern for present and future generations. Citizens' Committee for Children, a community agency which has for twenty years worked for the improvement of New York City's educational system, is honored to appear before you. We hope that you will exercise to the fullest the power that the Congress has invested in you to assure that the resources of the Elementary and Secondary Education Act of 1965 are used to provide the greatest benefit to those whom it was enacted to help. We believe that amendments are needed if this goal is to be reached.

You have been examining how present appropriations have been used—whether for "add on" programs or whether the emphasis has been put on programs to create change in education. We share with you the opinion that the legislative intent of the Congress was not that ESEA serve as general aid to pay for "more of the same" by simply relieving states, counties, cities, towns and local school boards of their financing problems. We realize, of course, that these local governmental units are hard-pressed financially with a narrowing tax base, but we also know that federal aid to education was not designed to solve this problem. We fear that this message has failed to reach lay boards of education throughout the land. Our close observations of Title I programs in New York City leave little doubt in our minds that almost all the money has been used for general support of the school system.

In the two years of Title I operation in New York City, approximately twenty percent of the total has been allocated for the reorganization of grade levels to a 4-4-4 system. This "reorganization" has been mandated as a way to effect racial balance in the schools by the New York State Department of Education in 1964, before ESEA existed. But when ESEA money was made available, \$28 million went for this purpose—the largest segment (\$17.6 million) for the creation of Comprehensive High Schools, whose actual inception is not yet scheduled. The funnelling of this money for routine school expenses seems to us inappropriate and a deliberate misreading of the educational intent of Title I that you wrote into the law.

That infusions of federal aid are needed may not be disputed, but it is a cruel hoax upon the children of the poor that these funds are used to maintain and strengthen the system that has failed to educate them. It is not the children who need remediation, but the system. Our present course suggests that if the prescription fails, we throw the patient out.

It is obvious that the only redress is legislative. Accordingly, we appear before you to express our hope that you will be bold enough to mandate needed changes in the Act to communicate unmistakably that the legislative intent is to break with old patterns wherever they no longer are useful.

We are aware that the local educational agencies raise the spectre of federal domination and that this properly gives pause to some legislators. But urban America, particularly the largest cities, cannot wait for consensus among educators as they veer from crisis to crisis, half-paralyzed by the fear that their autonomy will be destroyed.

As we have observed ESEA in New York City, and particularly Title I, the following legislative mandates seem necessary to us:

1. We ask that you mandate that changes in budgeted program amounts approved for funding by the Office of Education exceeding 10% of their original budget be resubmitted through the same approval cycle. The appended list of New York City's Title I projects shows the comparison of the original budget as passed in a public hearing and two subsequent modifications made without public review. Projects were modified up to 400% from the original allocation. These comparisons were obtained only by extensive digging in the records of the Board of Education, since no procedures for review of modifications exist in the system. Such administrative changes, remote from public scrutiny, we understand to be widespread throughout the country.

2. We ask that you strengthen the role of community participation in planning in order to provide at least some checkpoints on Title I allocations. The present loose consultative relationships of the New York City Board of Education and the Council Against Poverty are ludicrously insufficient to relate planning for Title I to other educational projects and they make a mockery of community involvement and comprehensive planning. They invite deception on the part of the Board of Education and are, therefore, potentially dangerous.

3. We ask that you make explicit the functional relationships between the several Titles of the Act, particularly Titles I and III. It is our hope that some of the innovative spirit of Title III might find its way more easily into the school systems, through the cross-fertilization of shared ideas from educators and the communities together.

4. We ask for amendments to render the required evaluations of Title I projects meaningful. The Act states that evaluations must be made, not that they be utilized in future planning. In New York City this year, projects were recycled before last year's evaluations were submitted. To be made more useful, evaluations should have built into them alternatives and the recommendations of the evaluator. What is now an expensive exercise should be made a function to provide service to local school boards having the responsibility for making policy based on experience. American business would not survive if its consultants did not supply management with alternatives after reviewing the efficacy of programs.

5. We ask that you mandate 15% of funds for innovative projects to be set aside for retraining and orientation of new staff for the goals of the new programs. We think it would be fruitful to explore training possibilities outside the schools. In-service training now often amounts simply to the transmission of outmoded skills and the perpetuation of ineffective methods.

6. We ask that you reinforce other new legislation calling for the creation of non-professional career development by amending the Act to cover training and salaries for indigenous personnel. Under ESEA, they are presently limited solely to custodial tasks—hall duty, cafeteria duty, yard duty—with the substitution of federal for local funding being the only change. We think it essential to evolve new roles and new training vehicles to produce clear non-professional development lines for paid classroom auxiliaries. We need also to provide education for the classroom teacher to understand and to accept such help as an adjunct to his own professionalism.

Federal aid under ESEA amounts to over 7% of New York City's school expense budget, but its potential, intended by Congress to cause profound change in the system has thus far not been realized. A great deal of federal money has been poured into the system. Two years of experience have demonstrated that money alone—without the creation of new approaches and new skills—will not lead to better education for those children whose shocking educational neglect led to the enactment of Title I.

We strongly believe that the training of adults, both as neighborhood classroom aides and as teachers trained in the dynamics of change will have the longest-lasting effect upon our schools. The children of the year 2000 will thank you for the quality upgrading of the system they will inherit.

We have given you as succinctly as possible our suggested amendments to the Elementary and Secondary Education Act of 1965. We have other less critical changes to recommend about the day-to-day operation of ESEA in New York City and the role of the State Education Departments which have failed to transmit the directive for change. We reserve these for further exploration and discussion with you.

ESEA has failed so far in the largest city in America, with the largest Title I appropriation—where one might expect leadership, boldness, and a great sense of

urgency in view of its school problems reported daily in the press. Despite widespread community insistence upon the development of a comprehensive plan for the children in close to 900 public schools and 200 non-public schools participating in Title I projects, the pleas fall on deaf ears. If the present drift continues without legislative clarification, it will be difficult to determine the effect of appropriations of billions of dollars beyond aid to perpetuate old patterns of failure.

ESEA allocations for 1966-67

	Projected 1966-67 expense budget (July 1, 1966)	Modi 1966-67 budget (Oct. 19, 1966)	Modified 1966-67 budget (Jan. 31, 1967)
Total.....	\$50,283,759	\$69,342,074	\$76,202,237
Prekindergarten.....	2,447,028	2,797,913	4,416,385
Kindergarten.....	1,039,503	291,607	0
Early childhood coordination.....	51,056	51,056	64,078
After school study centers, elementary.....	485,639	485,639	1,990,800
After school study centers, junior high school.....	593,552	593,552	701,723
After school study centers, coordination.....	20,382	20,382	70,393
Summer elementary.....	199,044	2,945,585	2,945,585
Summer junior high schools.....	234,267	239,538	239,538
Summer socially maladjusted.....	54,609	315,587	315,587
Comprehensive high schools, academic.....	6,490,429	6,100,539	6,142,026
Comprehensive high schools, vocational.....	3,158,813	2,926,662	3,016,412
Summer academic high schools.....	0	354,396	354,396
Summer vocational high schools.....	0	66,393	66,393
Summer teacher moms.....	0	2,334	2,334
Neighborhood Youth Corps.....	0	262,870	262,870
Coordination, comprehensive high schools.....	20,382	20,382	21,052
Middle schools.....	3,622,127	4,303,016	4,662,988
Coordination, junior high school, ESEA.....	20,382	20,382	20,382
Improved services, elementary.....	6,611,779	7,111,087	7,508,753
Improved services, junior high schools special service.....	1,324,804	1,345,352	1,843,588
Coordination, elementary, ESEA.....	20,382	20,382	21,052
Expanded and improved instructions for socially maladjusted and emotionally disturbed children, schools.....	2,345,525	2,157,112	2,187,182
Expanded and improved services for socially maladjusted child, supportive services.....	756,968	686,649	714,267
Socially maladjusted, Lincoln Hall.....	411,044	93,555	0
Expanded and improved services for socially maladjusted and emotionally disturbed child, selected schools.....	380,603	387,758	421,667
Transitional schools, elementary.....	4,576,577	4,586,571	4,896,759
Transitional schools, junior high school.....	2,859,649	2,733,670	2,767,027
Free choice open enrollment, elementary.....	3,241,291	3,162,545	3,423,846
Free choice open enrollment, junior high school.....	1,675,161	1,838,441	1,960,868
More effective schools.....	6,394,020	6,344,212	6,212,981
Interscholastic athletic programs.....	349,462	354,317	354,317
Speech improvement program.....	280,298	311,965	355,352
College discovery program.....	589,993	898,840	1,104,328
Supervision, child guidance.....	0	114,300	114,300
Supervision, educational and vocational guidance.....	0	54,710	55,310
Curriculum development, middle schools.....	0	211,648	211,648
Curriculum development, teacher training, career guidance.....	0	46,366	46,366
Curriculum development, socially maladjusted.....	0	47,342	47,342
Coordination-curriculum development and teacher training, socially maladjusted.....	0	2,628	2,628
Teacher training, middle schools.....	0	120,351	120,351
Preservice training.....	0	946,447	1,202,791
Preschool child development centers.....	0	4,275,631	4,275,631
Educational TV and audiovisual teacher training.....	0	253,316	258,516
Summer in-service training for teaching disadvantaged chil- dren.....	0	2,011,945	2,011,945
SUTEC (Queens College).....	0	453,222	443,382
Coordination, nonpublic.....	0	72,030	79,695
Art (nonpublic) after school.....	0	424,666	370,742
Music (nonpublic) after school.....	0	266,973	437,799
Health education (nonpublic) after school.....	0	219,078	361,780
Library services (nonpublic) after school.....	0	2,084	2,084
Speech therapy (nonpublic).....	0	240,567	228,400
Speech improvement (nonpublic).....	0	667	667
Corrective reading (nonpublic).....	0	1,177,270	884,755
Evening guidance centers.....	0	2,458,741	2,888,966
In-school guidance (nonpublic).....	0	916,802	1,162,202
Corrective mathematics (nonpublic).....	0	1,177,620	1,334,762
Demonstration and teacher training-speech improvement (nonpublic).....	0	23,175	23,175
Testing (nonpublic).....	0	21,970	90,400
Trip program (nonpublic).....	0	54,320	176,890
Curriculum development, career guidance.....	0	0	182,795
Curriculum development and teacher training (600).....	0	0	122,283

Mrs. LEVIN. Mr. Chairman, Congressman Scheuer, and other members of the committee, I should like to say on behalf of the citizens' committee that we are honored to be here today and we appreciate and welcome the opportunity to bring to your committee our observations on the use of the funds provided by the Elementary and Secondary Education Act in New York City.

We share with you the opinion that these funds were not for the purpose of general aid but rather to provide additional moneys which are so essential if we are going to reach and provide effective education for our culturally and educationally deprived children.

In the testimony which has been distributed to you, we make six points as recommendations for legislative amendments to the Elementary and Secondary Education Act. I should like to amplify to some extent.

No. 1. We ask that you mandate that change in budgeted program amounts approved by the Office of Education that exceed 10 percent of their original budget be resubmitted through the same approval procedure.

I should like to refer to the appended sheets which will bear out and demonstrate the reason for this suggested amendment. The first column which shows a total of over \$50 million represents the final allocation projected in the expense budget as of July 1, 1966, as presented at a public hearing.

There were numerous subsequent hearings at which there were fragmentary considerations of proposals. There was never an opportunity to get a picture of a comprehensive overall plan but, rather, it seemed to us a patchwork of bits and pieces without design and without pattern.

In December the budget request of the superintendent of schools showed changes reflected as of October 19. These figures are represented in the second column.

As of January 31, 1967, by dint of extensive and intensive digging on the part of our staff, we were able to get from the office of business affairs of the board of education the modified budget figures listed in column 3.

A cursory glance alone reveals something rather interesting. Pages 3 and 4 have in the first column a series of zeros indicating that there had been absolutely no provision made at the outset for these programs, which were added on later without benefit of a comprehensive listing, when it became known that more funds would be available. Review indicates that some of the figures that appear in the final column represent increases up to 400 percent.

We have been following the prekindergarten programs in New York City and have issued two reports on them dated June 1965 and October 1966 and, therefore, have a special interest in how funds are expended for early childhood education. May I call your attention to the prekindergarten expenditure. There has been an increase of 80 percent in the original allocation of July 1, 1966.

We are delighted to see increased funds channeled into prekindergarten education because, on the basis of what we have seen, we believe in its potential wholeheartedly. If you will look immediately below under "Kindergarten," you will see that the original allocation of \$1,039,503 was eliminated as of January 31, 1967.

It was reduced to a cipher. I should like to refer for a moment and quote from the President's special message to the Congress on health and education in which under special programs for special needs educating poor children, and I will excerpt:

Let us begin new efforts like the Headstart, Follow-Through program which can carry forward into the early grades the gains made under Headstart.

There is no provision made for "Follow through" in this budgetary analysis. As a matter of fact, thence are 50,000 youngsters in New York City who have gone through a prekindergarten program, a Headstart program and are drop outs because there has been no provision for a continuation into kindergarten for them.

Mr. SCHEUER. Do you have any figures on the percentage of children in New York City or New York State who are eligible for kindergarten—in a State where kindergarten is mandated to be available if a parent wished to place his child in kindergarten—but who are not there even though their parents prefer that they be there?

Mrs. LEVIN. I do not have it but I can find out.

Mr. SCHEUER. Almost half of the children in my district are not in kindergarten and I have had repeated reports from parents who have taken their children to kindergarten and are told there are no facilities available.

Under the State law there is a mandate for all children to be in first grade and a mandate for all children to be in kindergarten if their parents so desire. To me this is an outrageous situation.

Mrs. LEVIN. We concur absolutely.

A further analysis of these figures indicate that the upper grades get a disproportionate flow of funds and prekindergarten and early childhood education are left short changed.

No. 2. We ask that you strengthen the role of community participation to provide checkpoints on title I allocations.

When the veto was eliminated from the original act, the community action agencies were left powerless.

In New York City, the Council Against Poverty, beginning August 8, 1966, asked specific questions of the board of education about 1966-67 proposals; they renewed their request for information on subsequent dates in August, September, and October.

The information was still lacking on October 20 when everybody agreed that this should not happen, but, in point of fact, the programs had already been put into effect as of the September opening of schools, so it was all rather meaningless.

I should like to make a final point with regard to the reduced effectiveness of the New York City community action agency with the removal of the veto:

The Council Against Poverty's Education Committee reviewed the latest title I tentative projects just this past week. A letter dated March 14 was addressed to the president of the board of education in which the council went on record criticizing the lack of meaning in its consultative role for programs had actually started prior to the requested endorsement of the Council Against Poverty. For example, they were consulted in regard to a pilot education program for pregnant school-age girls. Endorsement was sought at the end of February for this program which had been started in January.

Mr. STEIGER. If I may, Mr. Chairman, would you clarify for the record when you are talking about March 9 and 10, is this 1967?

Mrs. LEVIN. Yes, sir; I am talking about 1967, the current year. I should like to quote a paragraph from the March 14 letter of the New York City Council Against Poverty to Mr. Garrison, president of the board of education.

Although the education committee and the Council devoted considerable time to these project reviews and have examined individual projects in the past, they are of the opinion that the piecemeal approach to the use of Title I funds which now total \$75 million to \$80 million is not realistic or tenable. It is impossible for the Council to view the true impact or lack of impact of the Title I program when its only contact is through a many times hasty project by project review. What in the Council's view is needed for sound planning is a broader look at stated goals, objectives, and priorities.

Chairman PERKINS. Thank you very much for a good statement. May we hear from the next witness?

Mrs. BENJAMIN. Mrs. Levin has some more important points she would like to add.

Mrs. LEVIN. No. 3: We ask that you make possible the combination of titles, particularly titles I and III. The number of proposals submitted make it innovative and necessary to discard many which are worthy of exploration, but for which funds are insufficient under title III.

The funds are more ample in title I. If it were possible to develop a partnership of community personnel with educators in the sharing of ideas and the sharing of funds, we think that this would open up many new avenues for innovative experimentation.

No. 4, we ask for amendments to render the required evaluations of title I projects meaningful. The act states that evaluations must be made but not that they be utilized in future planning. Evaluations that cost half a million dollars were submitted last September after programs had already been recycled.

It seems essential that the goals of programs should be clearly defined at the outset and that evaluations should include a summary of findings with recommendations that have some meaning for followup.

This is a very expensive exercise and it should provide service to local school boards which have the responsibility for making policy based on the experience of the program.

No. 5: We ask that you mandate 15 percent of funds for innovative projects to be set aside for the retraining of teachers. We have several leading teacher educators on the membership of the Citizens Committee for Children and there was a consensus among them that the teacher training institutions are not graduating teachers who are equipped to do the kind of job that is necessary in urban schools.

This year the Nation is spending \$100 million of title I funds for in-service courses, which seem to be perpetuating the system's errors in a closed loop. We should like to recommend an internship outside of the system (perhaps on the order of VISTA's training program) so that an insight and understanding of the problems of this special group can be developed in the teachers who will then be better prepared to go into the classroom.

Finally, No. 6: We should like to underscore and endorse what Dr. Bowman has said. We, too, ask that you reinforce other new

legislation calling for the creation of nonprofessional career development by amending the act to cover training and salaries for indigenous personnel and to provide education for the classroom teacher to understand and to accept such help as an adjunct to his own professionalism.

It has been projected that, by 1975, one out of every four college graduates will be required to staff our classrooms in accordance with the method that we are currently pursuing. We obviously must find a solution to meet this problem, and it would appear that we have a very promising source among the indigenous personnel.

It is our strong feeling if the present drift continues without legislative clarification it will be difficult to determine the effectiveness of the appropriation of billions of dollars.

Mr. STEIGER. May I say— and I am sure Mr. Scheuer will say the same thing—you, Dr. Bowman and Mrs. Levin, have been most articulate in terms of recommendations and you have clearly pinpointed the needs that exist.

I am so much impressed that I will really pass my questions because your time is limited as is ours except to say I would hope we will be successful either in this legislation, H.R. 6230 or in subsequent legislation in providing a means for developing a program for paraprofessionals in this country.

As I told Dr. Niemeyer when he was here, I would really like to come and visit the Bank Street School.

Mrs. BOWMAN. We hope you will.

Mr. STEIGER. We would like to visit you; I think it would be most revealing. I will pass my questions except to endorse what you have said and your concepts and to say that I am sure the committee will labor hard to try to develop the suggestions that you have made, Dr. Bowman, as well as attempting to provide some of the implementation for what the citizens committee for children of New York have made.

It is always gratifying when the witnesses will come forward with some specific recommendations on how they think we can improve the program and make it operate better so that we don't continue to simply do what we have always done to continue that kind of pattern which would be a very real mistake in time and money and certainly in the lost children.

Mr. SCHEUER. I very much enjoyed the testimony of you two ladies and I think my colleagues here have shared their feeling of knowledge and enrichment of the comprehension of the ways these ongoing programs are functioning in the field.

Dr. Bowman, may I ask you to give us some specifics as to the field experience of subprofessionals? Under what conditions do they function effectively and under what conditions have they functioned not so effectively, where, and in general can you dot a few i's and cross a few t's in these dozen or more cities.

Dr. BOWMAN. Thank you both. First, one of the things that we have found to be a very important component in any program for utilizing nonprofessionals is to avoid rigid role definitions and role differentiations.

We find that particularly in a new and evolving kind of program like this it is most important to enable people to experiment and

develop functions for auxiliaries in terms of specific needs of pupils in each situation rather than following rules that are supposed to be applicable to every situation.

To illustrate, in Illinois there is restrictive State legislation which prohibits the utilization of nonprofessionals in a monitorial capacity.

When we observed a program in East St. Louis, Ill., we saw two rather disturbing examples of the application of this rule. First we found in one classroom a third-grade student helping to check yes and no answers on an objective test prepared by the classmates.

This bright student used the teacher's book; it went very well. The student was being helpful. But the aid, a high school graduate, had to stand by and was not permitted to perform a function which was adequately performed by a third-grade student.

In another instance, we found complaints by busdrivers that because aids were not allowed to serve in a monitorial capacity on the buses, their attention was diverted from the road, the lives of the children were endangered while the busdriver unaided by any nonprofessional tried to quiet the children.

Now to go to the positive in this. In Washington, D.C., we observed a program which was sponsored by Howard University in co-operation with the model schools division of the District of Columbia Public Schools where there was flexibility about the functions and where teachers were allowed to select those functions which best suited the needs of the pupils and the particular skills which the aid could give.

I saw an example of one Negro male auxiliary who was not good at the monitorial function and was not used in that because he had established such a buddy-buddy relationship with the boys in his class that his control was weakened. However, he was excellent in going to the homes in cases of truancy and talking to the boys and to their parents and saying to them, "You must come to school and study harder. Believe me, I know." I had that experience. And here was a Negro young man talking to Negro boys in such a way that they would listen to him. So here was a case where the teacher who was a very observant person could diagnose the situation and use the aid and there was enough flexibility as to make this role possible.

Another word in regard to training. The problem in New York City is that the situation is so vast, providing adequate training is so difficult that at the present time they are doing a demonstration pilot project in district 3 in Lower Manhattan and Mrs. Verona Williams, the lovely aide who came to you and who is a member of our advisory commission, works there and does help to bridge the gap between school and community by being involved in the school.

As a parent aide she understands the school and can interpret it to the community but she also understands the problems of the area and can help to interpret the children to the middle class professionals so she serves as linkage between school and community but she does this after very intensive in-depth training in terms of the school's goals. She was not just plunged into this situation with no help.

Mr. SCHEUER. How long was her training period?

Mrs. BOWMAN. She trained for a summer institute and now she is engaged in a followup inservice training for a term, so she has had

an opportunity not only to be trained herself but an opportunity to talk with the teachers to whom she is assigned and to review their common experiences and plan together on the basis of the experience.

Now in another district of New York City where there is no training at the present time for aides, it is reported that there are evidences of auxiliary personnel acting daily in a way that becomes dynamite to the school because they just have not been given an understanding of the school goals.

They gossip to the community about the schools. They over protect their own children in the school. They don't stick to time schedules according to the reports we have received, and I don't want to say this is true of all of the aides in the school nor is Mrs. Williams who is really an unusual person really representative of all the aides in district 3.

However, we do have far more problems reported in New York City in those places where there are no training facilities. I referred to the fact that it was so difficult to provide adequate training to all of the schools in an immense city like New York, but I would like to refer to a very imaginative device that Detroit has developed for a mobile training team of five persons to go from school to school and work with students and teachers in one school after another.

Mr. SCHEUER. Do you mean teacher aides?

Mrs. BOWMAN. Yes; by students I meant in a sense the student aides, the aides who were learning to help in the school situation.

The team of five consists of, first, a sociologist who helps the teacher understand the life conditions of the situation in which he is teaching. There is a teacher-educator who helps the people with whom he works to define educational goals and philosophy and to discuss methods for implementing these goals.

There is a technical expert, one who is familiar with programed instruction and the so-called hardware in the schools and can help the aides to utilize these programs and provide the individualized help to the pupils while they use a machine and work at their own level of speed.

There is also a psychologist who conducts group counseling sessions with teachers and aides together to get out into the open any of the difficulties that they face, any of the insecurities.

Some teachers feel that aides are a threat to them. Sometimes aides are too intent upon their new role and tend to object to doing any task that they consider too menial.

These are things that need to be talked out together. Certainly the aide should not be given functions that should be assigned to the custodian or to the pupils, but only through an opportunity to express their so-called gripes and talk it through can this be resolved.

The fifth member of the team is an experienced and successful aide who talks as one who has done this and who has faced the problems and has some concrete suggestions about how they can be resolved.

Mr. SCHEUER. May I ask you one last question? What has been the reaction of the teachers unions and the teachers themselves where aides have been used? How have they reacted to the change in their role?

Mrs. BOWMAN. Let me tell you on our advisory committee is Charles Cogan, the president of the United Federation of Teachers. He has

come to meetings of our advisory commission, has ordered copies of this interim report, and distributed it to his membership. He has expressed approval of our basic goals. Albert Shanker in New York has come to our conferences and we have been in touch with him.

Mr. SCHEUER. What is his position?

Mrs. BOWMAN. His position was favorable also. He is president of the New York Federation of Teachers.

Mr. SCHEUER. I would like at this point to ask unanimous consent that the record be kept open in the event either of these two gentlemen would like to submit a statement.

Chairman PERKINS. Without objection the record will be kept open for that purpose and if there is no objection from the members the record in general will be kept open until the middle of next week for anyone who wants to place in the record any additional information either by the majority or the minority.

You will both have that opportunity on these amendments or any other relevant subject matter in the elementary and secondary education amendments.

Mr. SCHEUER. I would like to ask one final question of Mrs. Levin. Can you give us from your experience a brief statement as to how you would like to see this committee and this Congress implement and encourage the kind of change that you see as desirable in the use of title I funds and change in the way of educational system function?

I know that is a broad subject.

Mrs. LEVIN. It is a rather broad subject and I thought I covered it in the six points I made. I would like to reiterate, however, that greater sums of money are going to be needed to do the job.

It would be tragic if these funds were wasted because new methods were not explored and developed to effect change.

From our own observation up to this point, the moneys in New York City have been used substantially for a maintenance budget and not to effect change.

Mrs. BOWMAN. I would like to add one more point in terms of the question you asked me before. I mentioned role development and training as to institutionalization we did find in northern Arizona where Navajo Indians were training to be aids and in Florida where migrant workers were trained to be aids, even though there was a firm and we believe an honest commitment in advance to employ the aids, in the end circumstances which were said to be beyond the control of the superintendent of schools prevented this.

So a few of these aides were trained for jobs that did not exist. However, to give the other example where there was adequate pre-planning and funds were layed aside and kept for this purpose and where there was an adequate cooperation between the institution of higher learning and the school system—I speak now of one case, Puerto Rico—not only were all of the aides trained during a summer program placed in the school systems in the fall but all are now enrolled on a work-study basis at the University of Puerto Rico in a special program that the university provided to try to assist aides to grow on the job.

Mrs. BENJAMIN. I would like to respond to your question about how the Citizens Committee for Children feels that we might see changes come about that would actually be innovative.

Mr. STEIGER. Would you identify yourself for us?

Mrs. BENJAMIN. I am Mrs. Margaret Benjamin and I serve as education staff for the Citizens Committee for Children.

Mr. STEIGER. Thank you, Mrs. Benjamin.

Mrs. BENJAMIN. I would like to suggest we seek legislative redress for the failure to have comprehensive planning in New York City. This has been partly the result of the failure of relationships between the Poverty Council and the board of education.

Mr. SCHEUER. Is the Poverty Council the official organization?

Mrs. BENJAMIN. Yes, it is the community action agency. I believe that only if you gentlemen could mandate a comprehensive plan could we expect any significant change.

The board of education should be obliged to provide a statement with each program saying how it fits into a total design for the improvement of the education of disadvantaged children.

I believe this is a feasible requirement and without it we are all going to continue to flounder.

Chairman PERKINS. Mr. Dellenback, do you have questions?

Mr. DELLENBACK. I also have appreciated the testimony so far. May I ask a few questions of either Mrs. Benjamin or Mrs. Levin on the Citizens Committee itself? I am intrigued by the existence of such a committee, and I would like to know just a bit about it. I see that you have been about 100 committee members on your stationery. You have 36 members on the board of directors.

The Citizens' Committee for Children of New York is an organization of professional and lay experts in various fields of child care. By combining their skills and working wherever possible in partnership with public officials, other organizations and interested individuals, the committee seeks to initiate and strengthen services for children who can neither organize nor speak for themselves.

Who belongs to this organization? How does one become a member?

Mr. LEVIN. The committee has been in existence for over 20 years.

Mr. DELLENBACK. This does not confine its structure strictly to education?

Mrs. LEVIN. No, sir. I am chairman of the educational services section and Mrs. Benjamin is the research associate of the educational services section.

There are other sections such as mental health, children's rights, health and welfare. The committee is made up of professional and lay experts in those various areas of concern for children.

Mr. DELLENBACK. I assume you are a nonprofit corporation?

Mrs. LEVIN. We are a nonprofit corporation.

Mr. DELLENBACK. Who elects the members? Are you self-perpetuating?

Mrs. BENJAMIN. New members are nominated by a nominating committee and elected by the full membership.

Mr. DELLENBACK. The board then chooses its own members but it does not assert any public role over anyone who wants to become a member?

Mrs. BENJAMIN. Members of the board also are elected by the membership.

Mr. DELLENBACK. Do committee members serve for indefinite periods?

Mrs. LEVIN. They serve for prescribed periods. They are elected for 3 years.

Mr. DELLENBACK. Are you talking about committee members or members of the board?

Mrs. LEVIN. Members of the board of directors as well as committee members.

Mrs. BENJAMIN. Unless they assume policymaking public office, then they are asked to step down.

Mr. DELLENBACK. Would you not consider judges public office?

Mrs. BENJAMIN. If you forgive me I would like to check on that.

Mr. DELLENBACK. I do not mean to be overly detailed. I am just interested in the idea of a nonofficial group doing what, I think, can be a very healthy job of sitting and looking over the shoulder of an official or a series of official groups. I don't mean to be cross-examining you to find holes. I am looking for the genesis of this idea and its implementation.

Mrs. LEVIN. I have rather taken its form for granted and I am glad you asked this because I shall check this for myself.

Mr. SCHEUER. Can any citizen join the committee?

Mrs. LEVIN. No, it is by invitation.

Mr. DELLENBACK. The board is chosen by the committee and is elected periodically?

Mrs. LEVIN. Board members serve for 3 years, one-third is elected every year.

Mr. DELLENBACK. I would appreciate that for background.

How often does the board meet?

Mrs. LEVIN. Once a month.

Mr. DELLENBACK. You have 36 members. What is your average attendance?

Mrs. LEVIN. It is very good.

Mrs. BENJAMIN. Twenty as a minimum.

Mr. DELLENBACK. How many members of the board actually involve themselves deeply in the study of the issues? You are on the educational subgrouping of the board. How many people on the board are in this subgrouping?

Mrs. LEVIN. I would say from my own observation of the people on the board that they all involve themselves deeply in their special area of interest.

Mr. DELLENBACK. What does that mean?

Mrs. LEVIN. Well, I am interested in education and I spend many hours every week visiting schools and reading educational material, filling the holes in my background, consulting with Mrs. Benjamin.

Mr. DELLENBACK. Checking to see what the basic group is and how **it is composed, how many of the members of the board are on your committee on education?**

Mrs. BENJAMIN. A little more than five, just glancing at the listing.

Mr. DELLENBACK. Do these people spend as much time as you do, Mrs. Levin? On this?

Mrs. LEVIN. No.

Mr. DELLENBACK. Do you spend a considerable amount of time on this?

Mrs. LEVIN. Yes.

Mr. DELLENBACK. Do you have meetings of your group between meetings of the board of directors?

Mrs. LEVIN. Yes, we do.

Mr. STEIGER. May I ask the gentleman to yield for a moment?

Mr. DELLENBACK. Yes, I would be glad to yield.

Mr. STEIGER. In your testimony, Mrs. Levin, you did not touch on what a number of the witness before the committee have asked and have made reference to; namely, whether or not Project Headstart ought to be transferred out of the Office of Economic Opportunity and placed under the U.S. Office of Education.

Has the educational subcommittee for the Citizens Committee given any thought to that or made any recommendations?

Mrs. BENJAMIN. We have not reviewed it and we do not have a policy on it. We do view with some concern the absorption of pre-kindergarten programs by the Board of Education in New York especially since the board of education has not been able to provide kindergarten for every child. In essence we are providing education for 4-year-olds at the expense of the 5-year-olds.

Mrs. LEVIN. And not providing education for the 5-year-olds.

Mrs. BENJAMIN. Moreover, we are concerned with the lack of congruity in New York between prekindergarten programs and the Headstart program, the obvious competition for children and the failure to dovetail services, but we have not prepared a position for you today on our opinion as to whether this program would more properly belong in OEO or the Office of Education.

Mr. DELLENBACK. The sort of presentation you have made here—is this the work of your subcommittee? Is this the official action of the board? Or is this the recommendation of the committee?

Mrs. BENJAMIN. The educational services section has been working on title I intensively for more than a year and this actual testimony is the result of a distillation of the ideas that have come before the educational services section over that period of time.

Mr. DELLENBACK. Do you have staff or is it all volunteer?

Mrs. BENJAMIN. I am the staff member for it.

Mr. DELLENBACK. Are you on a full-time staff?

Mrs. BENJAMIN. Time and a half.

Mr. DELLENBACK. You have on a half-time basis and you work time and a half. This is typical of the situation. You then have one staff person and a committee of five or six or seven who are the ones most deeply involved in this?

Mrs. LEVIN. Actually the membership of the educational services section is larger than just five members. I believe Mrs. Benjamin was referring to board members who serve on that section.

Mr. DELLENBACK. So there are members of the committee who are not on the board?

Mrs. LEVIN. That is right.

Mr. DELLENBACK. Have you found that the school authorities are cooperative with you as you seek to get information?

Mrs. BENJAMIN. We have found that the lay board members of the board of education have been cooperative and, at their prodding, the staff of the board of education has been less resistant than one might have expected.

Mr. DELLENBACK. I would assume that before you came before us on this that you sought to discuss these matters with either the lay board or the school authorities, am I correct?

Mrs. BENJAMIN. Decidedly.

Mr. DELLENBACK. What reaction have you gotten from the school authorities on this?

Mrs. BENJAMIN. You may recall that we have said in our testimony that we concluded that the only recourse was legislative.

Mr. DELLENBACK. I wish you would put it right here in the middle of this discussion that you found on these suggestions it was necessary to have some outside leverage to get the board to follow down to implement these suggestions.

Mrs. BENJAMIN. Decidedly.

Mr. DELLENBACK. Were there other suggestions that you put to them that they did not go along with you on?

Mrs. BENJAMIN. There are other matters that I have dealt informally with members of the board about which I would like to summarize for you in later communications if you like.

Mr. DELLENBACK. Have they been receptive to these ideas?

Mrs. BENJAMIN. Yes, but the way is not as clearly defined for their operations as they or we would like. They are dealing with a strong bureaucracy, as you have heard it described, whose concern is the day-to-day operation of ESEA and not overall policy matters.

It is very difficult when you have such a close view of the situation within the board of education staff to step back and see what it is all about in the long run.

Mr. DELLENBACK. I see here a potential advantage for a group like the CCC. You do have a degree of objectivity or should have to bear on this. Sometimes we get so close to things we don't see the forest for the trees.

How many members are there on the New York Board of Education?

Mrs. BENJAMIN. Nine lay members. One serves as chairman of State and Federal aid committee on which another member also serves.

Mr. DELLENBACK. You have found as you discussed elementary and secondary education problems with citizen members of the board, lay members of the board that they have been receptive by and large to your approaches and to the suggestions you have made?

Mrs. BENJAMIN. Yes; but I believe we might say that they are hamstrung by a lack of effective functioning between the staff level and the lay board level of the board of education.

Mr. DELLENBACK. Mr. Chairman, I am not just rambling on this but partly what I am thinking of is what seems to be a major importance. If we are concerned with the importance of being charged with education in education, do we deal directly with State departments of education, the professionals in the field. This series of comments is interesting to me if it is typical it says something that the thrust of legislation that comes out on the Federal level.

We may find ourselves in the situation where education is so much in the hands of the educators that they become an immovable bureaucracy that officialdom is at a loss to really to bend no matter what we

do in the way of legislation and it is imperative that what we develop is tailored to meet these points. This seems to me to be pertinent to potential legislation.

Mr. FORD. I hope you are keeping in mind in your discussion that this school board is appointed by the mayor of the city of New York and is not answerable to the people of New York directly. I think you will find across the country there are significant differences as to the independence or the responsiveness of boards.

Appointed boards tend to differ from the school boards which have to be reelected with public approval of their actions.

Mr. DELLENBACK. This is an interesting observation. It was not a factor of which I was aware. Is the superintendent of schools of New York City elected or appointed?

Mrs. BENJAMIN. He is an appointee of the board of education.

Mr. DELLENBACK. I gather from your series of comments the mayor elected by the citizens appoints the individual members of the board. The board then chooses their superintendent and the superintendent is responsible for the day-to-day operations of the school.

Mr. SCHEUER. I might say, under the law of the State of New York, the board of education and the superintendent are responsible not to the mayor who appoints the members of the board but to the State commissioner of education—so the mayor is in the somewhat anomalous position of appointing the members of the board who appoint the superintendent; but in actual point of fact he has very little direct control over educational policies and programs.

Ultimately, the responsibility over New York City education is vested in the State commissioner of education. Dr. Bowman, you probably know more about this than I do.

Mrs. BOWMAN. That is quite true but I wanted to add one other point which I think is significant here. Because of protests about the quality of the board of education appointed by the mayor the system was evolved a few years ago whereby the mayor asked for recommendations for board membership from a panel of citizens and agreed to take someone from that panel. However, asked for a number of recommendations so that he would have choice within the group recommended.

This was an attempt, even within the procedures which have been outlined, to get a little closer to the people.

Mr. FORD. I might make this facetious observation that some of the former proponents of District home rule—and I classify myself on this—might want to take on an amendment to the next home rule bill so that you can have an elected school board in New York, too.

Mr. DELLENBACK. How many years does a member of the school board serve?

Mrs. BENJAMIN. Seven years.

Mr. DELLENBACK. Removable only for cause and not at the will of the mayor?

Mrs. BENJAMIN. This is right.

Mr. DELLENBACK. Does the State department of education have the authority to remove any such member, since the board is responsible to the State department?

Mrs. BOWMAN. I should know specifically but it is my impression that the department of education may upon charges remove the board and in fact at the time that I referred to when a panel was appointed

to make recommendations the State department of education had in fact stepped in.

MR. DELLENBACK. I wish I could lean back and smugly say we have no problems like this in the State or Oregon but unfortunately I cannot.

Chairman PERKINS. Mr. Ford.

MR. FORD. We had some testimony that touched briefly on the program that you mentioned, Dr. Bowman, in connection with the value of the Teacher Corps. Spokesmen for the Detroit educational system pointing out that the Teacher Corps provided a method for getting an especially trained teacher into those schools dealing with the recognizably culturally deprived children.

Do you see the kind of program you have been describing here with the subprofessional as a program that would benefit from having increased numbers of teachers trained through the device of the Teacher Corps in the special problems of the culturally deprived children?

MRS. BOWMAN. Yes, indeed. In fact I believe all teachers in education, teachers in colleges and in inservice courses need to have more understanding of the problems of disadvantaged children. One of the studies conducted by the Bank Street College of Education has been in this very field—teacher education in a social context which goes beyond the utilization of nonprofessionals but does in fact reach out to the entire school staff.

It is our feeling that a basic approach to education views every person in the school building as having an impact upon the children. If a janitor does his work well, he is a model to the children as opposed to one who sloppily goes through a perfunctory piece of work.

The top superintendent needs to understand so that he can coordinate and orchestrate others to serve the needs of disadvantaged children, not in any sense to lump together all disadvantaged children because there is as great a continuum among them as there is in any other group of children.

They are not problem children but children with special problems. The more that teachers, Teacher Corps, administrators and supervisors and auxiliary personnel can understand the life conditions under which some of their pupils are forced to live and the more that it is possible to bring not only the teachers into the community but bring the community into the classroom the more we will be able to eliminate the danger that corrodes our system of school community alienation and the more we can work toward a unified approach in terms of recognized educational goals.

MR. FORD. Mrs. Levin, you mentioned in your comments a parallel between what you were seeking here in the several programs and the success of a relatively new program called VISTA.

I took from your suggestion that VISTA appealed to you because there is a sense of mission and dedication and, if you will, *esprit de corps* that attaches to a VISTA volunteer when he goes into this national program.

Many of us who support and have supported the Teacher Corps since its inception had in mind that the Teacher Corps would produce, or would attract and develop people with the same kinds of dedica-

tion and precommitment that the Peace Corps and VISTA have developed and have recruited.

What I am asking both you and Dr. Bowman is to call upon your accumulated experience in this area. I would like you to consider this proposition. There are some Members of the Congress who have been suggesting although there is no legislation of this kind yet introduced that rather than pursuing further the avenues open by the Teacher Corps as it is now constructed, we might better turn the money over to the large city school districts earmarking it for teacher training.

With the large cities, you set up a program of teacher training because you know what is best needed in your area. Calling upon your experience in the field to which you have directed your attention here today, do you think that this approach would be likely to produce the kind of teacher that you are going to need in these areas?

Mrs. LEVIN. On the basis of our own observations over an extended period of visiting, we have seen inservice training, handled by the establishment which has been unsuccessful in reaching the children of the ghetto. I believe that I have said that we see a perpetuation of the same kind of failure in developing qualified teachers unless there is some outside facility suggested for training which will develop in the future teachers an insight and understanding of the ghetto child and how to reach him.

If it is more of the same, it is not going to achieve that end.

Mrs. BOWMAN. I will heartily endorse what Mrs. Levin just said. I would like to add to it a response to what I think I heard as another aspect of your question and that is, in the choice between funds for voluntary programs and for funds for employed professionals in the school, should we give to the local community—

Mr. FORD. No; that is not the question. You are talking about the subprofessionals who will work with what we identify, from whatever source their education came, as competent teachers in the special problems of disadvantaged children, recognizing that to use the subprofessional there must be a competent teacher for them to work with.

We are talking about whether we would be more likely to have a supply of those competent teachers by the presently conceived Teacher Corps or giving the school districts an equivalent amount of money for the Teacher Corps and telling them to devise their own program themselves.

Mrs. BOWMAN. I think the Teacher Corps has contributed and can contribute even more toward developing the kind of teacher who can deal with the problem. I think the Teacher Corps is only one aspect.

This is not the panacea. This is a many faceted problem and needs many approaches. I would like to see competing systems of programs at the State, Federal, and local level—competing in the sense of each trying to outdo one another in a very effective program but cooperating in terms of the ultimate goals.

I think it would be too bad to eliminate some of the very innovative thinking and activities at the Federal level which serve to catalyze the local people to further efforts. However, I do think that without the coordination at the local level and without effective use of the resources, the training through the Teacher Corps, all of our efforts are futile unless there is coordination.

Mr. DELLENBACK. Would the gentleman yield?

Mr. FORD. I do, yes.

Mr. DELLENBACK. Recognizing as we all do some of the great advantages that have come from the Teacher Corps and you have touched on this Dr. Bowman and recognizing, the immensity of the problem as all of us have recognized and touched on, let me put the question this way. Reaching then toward the goal of improving the capacity of the teachers on the firing line to really do the job effectively, could you not visualize, utilizing the same number of dollars that have gone into the Teacher Corps being placed for use in the New York educational system in a way that would improve the results for which you would reach, do you feel the Teacher Corps—if I may phrase it another way, represents the ideal utilization of dollars to be used for training teachers of the disadvantaged?

Mrs. BOWMAN. No; I don't think it is the only or even the ideal way. I think it is one important way but I think there should be many others.

Under the National Defense Education Act there have been institutes for teachers of disadvantaged children and youth which have been very effective. We at Bank Street College of Education have had teams from different school systems come for the last two summers to work with us on how the administrators, the supervisors, the teachers, the whole school system can deal with this question of the disadvantaged child, so I think we cannot pin all of our faith on one program, splendid as I think the Teacher Corps is, so that rather than thinking of the funds as very limited and asking they should be used for Teacher Corps or something else, I would rather see the funds for Teacher Corps remaining intact and more funds made available for many and varied programs because this is such a many-faceted problem.

Mr. DELLENBACK. That is neither the question I put nor Mr. Ford's.

Mrs. BOWMAN. No; but it gave me an opportunity to say something about which I felt very strongly.

Mr. DELLENBACK. Since the subject is open, do you have any comment to make, Mrs. Benjamin?

Mrs. BENJAMIN. I will limit myself to large city school systems. If present methods were appropriate then I don't believe that the Congress would have had to pass the Elementary and Secondary Education Act, and I think that you are working at your own cross purposes if you hope that the schools themselves will be able to generate the innovative teaching ability to redemiate their own system. You granted funds for them to break out of that mold.

Mr. DELLENBACK. So the Teacher Corps then does represent the best role that you can visualize for the utilization of limited dollars for the training of teachers?

Mrs. BENJAMIN. I believe that is your opinion.

Mr. DELLENBACK. I don't mean to express it as my opinion. I was trying to paraphrase what I thought you were saying.

Mrs. LEVIN. I think we would like to leave the door open for other experimental programs. There are other alternatives, such as an internship made available to future teachers so they could have an exposure working in the field to develop familiarity with the community and the children in the community and the problems they have to work with. It seems to me that would lead in the direction

toward developing teachers who would then be able to go into the classroom and teach the children.

Mr. DELLENBACK. Then neither of you is saying that the Teacher Corps is the ideal solution.

Mrs. BOWMAN. It is one solution.

Mr. DELLENBACK. You are not saying it is the ideal solution.

Mrs. BOWMAN. It is one excellent solution and an excellent contribution but to bring new teachers into the situation does not change existing teachers.

One of the difficulties of bringing innovations into the school is that those who evaluate the new teachers are those who have been trained in traditional teaching behavior—the school administrators, the teacher educators, and we have to get to the root and with staff development programs in terms of an innovative approach to education and a deeper understanding of the social context in which education operates today.

Mr. FORD. Could I try to pursue you back in the direction toward my question? Apparently there is more defensiveness on that side of the table than I recognize.

Mr. DELLENBACK. I am not speaking for myself but I am speaking for those who are absent from both sides of the desk who have expressed some concern.

Mr. FORD. To put it bluntly, we have before this committee some questions relating to the very life of the Teacher Corps. The alternative being proposed by people who certainly are not suggesting that we not have this kind of trained teacher is a program of giving money instead to the school districts across the country and saying here is money for teacher training and you develop at the local level a teacher training program.

We will devise a program to recruit a type of person and then direct these people into a program in conjunction with a local school district and some teacher education facility. All of the school superintendents who have preceded you here have been asked would you rather we send teacher corpsmen to you or would you like to have the money and you would do it as you will.

You can just guess what most of them would do. I am not trying to suggest a Teacher Corps as an alternative to any of the people you have been talking about. I am asking you as people who are concerned specifically and have a considerable amount of expertise and experience in the several approaches that are being made and have been made over a period of time to the special problems of disadvantaged children to evaluate these two ways of getting at the kind of person that we are trying to train with the Teacher Corps, not this kind of person as a substitute for anything else but how would we best train a teacher and be sure we are going to get a high-quality teacher with a commitment to teach disadvantaged children.

Wouldn't we be likely to get it through the National Teacher Corps type of approach or would we be more likely to get it if we gave your superintendent of New York x million dollars and said you devise the program.

That is the basic question.

Mrs. BENJAMIN. If I am not mistaken we have something like 200 Teacher Corps placements in New York. I have not seen any one

of these people in operation. One of the reasons we are hesitating in answering your question is that we don't want to speak about something with which we do not have firsthand experience.

If you were to pose only two alternatives which seems to be the direction in which you are insisting—

Mr. FORD. We can only vote yes or no and we can't vote on two alternatives, although it would be nice if there were not 434 other people over here and I could sit down to write the great bill.

The best way to get a great education bill would be if I could write the bill myself and the rest of these people would not bother me. Jim Scheuer might help me a little bit provided he did not make any suggestions beyond grammatical corrections.

The real problem is we are down to the point with this legislation where we have to take a look from the pragmatic point of view of whether we are going to have a Teacher Corps or not or whether we are going to approach the problems that the Teacher Corps approaches in some other direction.

Mrs. BENJAMIN. The Congress has made a very limited commitment to the Teacher Corps idea. It is difficult for us to support this program in the absence of seeing its real activity.

The Citizens Committee for Children has really grave questions about the continuation of inservice training in inadequate vehicles as we believe them to be presently in the New York City schools.

Mrs. BOWMAN. I will try to answer your question directly. I think the Teacher Corps should be continued. I say this as Garda Bowman, not representing Bank Street College of Education.

We have no position on this, nor is this based upon intensive study as former comments that I have made on nonprofessionals in education were based.

However, if the decision now must be between either continuing the Teacher Corps as it is or using this money in direct subsidy to the States for teacher training programs, I would like to suggest that you continue the Teacher Corps. However I feel that the Teacher Corps alone is most inadequate and that we do need more continuing and more thorough training not only of teachers but school administrators and supervisors and professionals together within systems and within regions so that they can share experience through institutes calling in many communities through regional laboratories, through more research and demonstration and through more involvement of the community.

So my answer to your question is yes, keep the Teachers Corps but build on that in the future when this is possible because there are many more needs to be met in order to achieve full and truly effective teacher education programs in this country.

Mrs. LEVIN. I should like to emphasize one point that Dr. Bowman made and that is the involvement of the community. I think it is very important for us to remember that there are people who can speak in the community for the community needs and to interpret them in a way that we don't always understand from the outside.

Mr. FORD. I would just like to make one observation. You have touched on this many times, and I don't think we are confessing to anything, that you live in one of the cities that does the poorest job under the Economic Opportunity Act.

My first experience with the Detroit program is that it has been relatively trouble free. A thousand CAP programs across the country have had enough publicity to slow down the rest of the problems in New York, Boston, Los Angeles, and I can't pick the fourth one quickly, I hope in judging the cooperation between the educational system and the community action program that you will look out to the experience of some other large cities across the country, and I am not even prepared to guess why it is working in Detroit and not in Cleveland, New York, Los Angeles, and in other places.

I leave that to the people who know that area better but I hope in considering the value of the respective programs that we are dealing with at the Federal level you look to the experience of other cities other than your own.

As an outsider—Mr. Scheuer can't say this and he might take issue with me—your record in New York is not distinguished in that regard.

Chairman PERKINS. Thank you, Dr. Bowman, Mrs. Levin, and Mrs. Benjamin. I thank all of you for appearing here on a Saturday especially. You have presented some excellent testimony. I again want to thank Congressman Scheuer for having the foresight and vision for inviting you people from the great State of New York.

Mrs. BOWMAN. We thank you for the opportunity.

Chairman PERKINS. If there is no objection I would like to insert in the record at this point a statement of Mr. Joseph D. Lohman, chairman, California Advisory Education Commission, 721 Capital Mall, Sacramento, Calif., along with a letter I addressed to Congressman Moss and an article in the Carnegie Quarterly.

(The documents referred to follow:)

MARCH 17, 1967.

Hon. JOHN E. MOSS,
U.S. House of Representatives,
Washington, D.C.

DEAR JOHN: I appreciate very much your communication of March 14 which I received this morning. I am very grateful for your thoughtfulness in furnishing me with a copy of the statement of Joseph D. Lohman, Chairman of the California Advisory Compensatory Education Commission. The proposed funding of the Elementary and Secondary Education Act as reflected in the administrative budget is, as Dr. Lohman points out, substantially below the authorizations provided by Congress in extending the Act last year, PL-89-750.

I strongly favor a full funding of the Elementary and Secondary Education Act, particularly in Title I, and I intend to make my views known to the House Appropriation Committee at the appropriate time in connection with its consideration of the appropriations for the Department of Health, Education, and Welfare.

In the meantime, I shall be most pleased to make Dr. Lohman's statement part of our current hearings on the Elementary and Secondary Amendments of 1967.

Warm regards.

Sincerely,

CARL D. PERKINS, *Chairman*.

STATEMENT OF JOSEPH D. LOHMAN, CHAIRMAN, CALIFORNIA ADVISORY COMPENSATORY EDUCATION COMMISSION, SACRAMENTO, CALIF.

When Congress passed the 1966 amendments to ESEA Title I, it authorized \$1.45 billion, which would have meant about \$110 million to California. But the President only recommended, and Congress passed, an appropriation of \$1.05 billion, or 80 percent of the authorization. And while Congress' 1966 amendments to the authorization bill provided that additional children receive ESEA Title I services, the appropriation bill did not include the \$123 million authorized

to fund programs for these children. As programs for the new children had to be funded from the \$1.05 billion requested by the President, the effect was to reduce the ongoing programs to 70 percent of the authorized amount.

However, in California our appropriation for fiscal 1967 is only 67 percent of our authorization. We are faced with providing programs for *more* children than last year with *less* funds than we received last year. Last year's appropriation amounted to \$252 per eligible child. The fiscal 1967 authorization would have provided \$259 per eligible child. But our actual appropriation was drastically reduced to \$180 per eligible child. This means that California either will not be able to include all of the children programmed in the authorization, considering the additional children Congress added, or the quality of the entire program stands to be severely impaired by spreading the funds too thinly.

To add to the seriousness of the problem, it is our understanding that the President's fiscal 1968 appropriation request for ESEA Title I is based on the fiscal 1967 figures. This means that the deleterious effects of the cutback will be projected into the future, despite the fact Congress' authorization bill increases the income eligibility formula to \$3,000 instead of the current \$2,000 figure. While the authorization for fiscal 1968 is \$2.4 billion, the President has requested an appropriation of \$1.2 billion—exactly half of what is needed to reach the number of children the Congress intended. Because California's cost of living is higher than that of many other states, the use of a \$3,000 allocation formula with no significant increase in appropriations means that California's share of the national appropriation will be substantially reduced compared to that of other states. In other words, California is likely to receive even less per eligible child than it did under the current year's already-reduced appropriation.

More than 90 percent of California's school districts have an entitlement under ESEA Title I and are affected by Congressional action on this appropriation. In the program's first year, close to 300,000 California children in 1,044 school districts benefited. But even last year's appropriation was only enough to begin the job since it provided a meaningful compensatory education program for less than half of the California children in need of compensatory education. A 1964 survey by the Governor's Advisory Committee on Compensatory Education found that about 700,000 California children from poverty backgrounds were not succeeding in school and needed special help. Even more funds will be needed if, indeed, we are to reach all of the children who need compensatory education. We cannot serve more children in 1967 than were served in 1966 with a reduction of funds without seriously diluting the program to the extent that it will not make an appreciable impact on the children served nor contribute to raising their achievement level.

[Carnegie Quarterly, Vol. XIV, No. 4, Fall 1966]

THE RICH GET RICHER & THE POOR GET POORER . . . SCHOOLS

"The present allocation of fiscal resources works against education in the central cities. The lesser resources applied to education in the cities apparently hold down educational performance, particularly in the low income neighborhoods. Additional resources, if massive enough, would probably improve educational achievement. The political possibility of finding such resources for central city education is, at the best, uncertain."

In those dispassionate sentences, Alan K. Campbell, professor of political science and director of the metropolitan studies program at Syracuse University, sums up some of the early findings of a series of Carnegie-supported studies of large city school systems. Economists and political scientists are looking at the policies which emerge from school politics and at the ways in which the decisions which produce these policies are made—by whom, how, why, and in what environments.

Professor Campbell gave some of the findings in a paper delivered last summer at Stanford University's Cubberley Conference (copies are *not* available, so please do not request them; however, a list of books and journal articles which are forthcoming from the study will be found at the close of this article). He presented an array of facts, figures, and analyses which add up to a totally disheartening picture of the present efforts and future prospects for financing education in American cities. It is not merely that those that need it most—the city

schools—are getting least. That was already known, though how badly their situation has deteriorated just recently relative to the suburbs was not known. It is the portents for the future that are alarming. For if the interested groups in the cities, including the boards of education, perform in the future as they have up to now, it appears unlikely that there will be effective voices demanding the educational resources the cities so desperately require. One may ask: "*Who speaks for the city schools?*"

As recently as 1957, annual educational expenditures per pupil in 35 of the largest metropolitan areas were roughly equal in the cities and their suburbs. By 1962, the suburbs were spending, on the average, \$145 more per pupil than the central cities. This differential is primarily a reflection of the fact that during those years the disparity in wealth between cities and suburbs was growing.

The shocker, however, is that state aid to the schools, which one might think would be designed to redress this imbalance somewhat, discriminates *against* the cities. On the average, the suburbs receive \$40 more in state aid per pupil than the cities.

Some of the federal aid to education (which came too late to be included in the 1962 statistics) is, of course, aimed directly at disadvantaged areas. But while the federal programs are always referred to as "massive," and while one and a quarter billion dollars per year are a lot of dollars, when they are spread over fifty states, for rural as well as city areas, the impact on any one city—or any one school—is not massive at all.

Whatever the sources of the money, local, state, or federal, the point is that the nation is devoting many more resources to educating suburban children than city children. Or to put it another way, it is spending much more money to educate the children of the well-off than the children of the poor. And every shred of available evidence points to the conclusion that the educational needs of poor children are far greater than those of affluent children. By any measure one wants to use—pupil performance on tests, dropout rate, proportion of students going on to higher education—the output of the schools in the depressed areas of the cities is very much poorer than that of the suburbs. There is little reason to believe that even to equalize treatment would begin to close the gap. To achieve the substance rather than merely the theoretical form of equal educational opportunity requires the application of unequal resources: more rather than less to the students from poor homes.

That knowledge is, of course, what underlies the idea of compensatory education being pushed by the federal government and to a much lesser extent by a very few of the states. The trouble thus far with compensatory education, however, is not the idea but the few funds allocated to it. They are spread so far and so thin that only barely perceptible improvements, by and large, can be made. And barely perceptible improvements have barely perceptible effects on pupil performance.

It does little good to reduce class size from, say, 31.6 to 30.8 (like the average American family, the average American classroom seems always to contain a number of whole children plus a fraction of a child), or to raise expenditures for pupil supplies from \$7.25 to \$8.50, or to add one social worker to the staff of a slum high school. The evidence already in on compensatory education tends to prove this.

There is scattered evidence, however, from the few places where it has been tried, that dramatic efforts—placing enormous concentration on the teaching of reading, for example, in very small classes—have dramatic effects. Though this evidence is not conclusive because there is not enough of it, it does suggest that some of the seemingly intractable educational problems of the cities' schools would yield before the infusion of massive resources.

The question is where to find them, or, more accurately, how to *get* them for the city schools. For the money is not hidden, after all. A great deal of it is spent in this country every day, for education and for housing, freeways, war, national parks, liquor, cosmetics, advertising, and a lot of other things. It is a question of the allocation of money, which means the establishing of priorities. That is primarily a political process, and it is heavily influenced by the clarity, vigor, and power with which spokesmen for various interests press their claims.

In education, the decision-making unit at the local level, and the principal spokesman for the schools, is the board of education. Various members of the Syracuse group are making case studies of the role of the school boards in

several cities, with particular emphasis on Atlanta, Boston, Chicago, New York, and San Francisco. In the cities studied—and though there may be some striking exceptions, the rule appears to hold for most cities—the boards of education have proved to be more tax-conscious than expenditure-conscious. They have tended to tailor demands to what they calculated the tax traffic would bear rather than to hammer home the needs of the schools and the expenditure levels that would be necessary to meet them.

Since taxpayers' groups have many spokesmen and school children, especially poor ones, have few, one might have expected the boards of education to have attempted more in the way of cajoling, pleading, and demanding. This line of reasoning, however, ignores the composition of most school boards. At any rate, though boards of education might have accomplished much more if they had tried harder in the days when the cities were affluent, the question is now almost academic. Most of the big cities are strapped financially, and although some could raise more locally if they would, it is clear that the kind of money that is needed simply cannot be raised by the cities from local sources alone. Much of it will have to come from increased state and federal aid.

Here the passive role of the school boards is much less easy to understand. If they despair of the possibility of getting adequate tax money at home, it is hard to fathom why they have not been leading the fight for external aid, but they have not. So far, the Campbell group concludes, the boards of education have played a relatively minor role, and "there is no evidence in the studies we have undertaken to indicate that this role is going to undergo any drastic change."

Even if it did, it is obvious that strong and active school boards alone could not bring sufficient pressure to bear on behalf of increased aid to the cities. But a coalition of school board members plus local business leaders, various civic groups, school administrators, and teachers' organizations might be able to.

"No such coalition now exists," Campbell says, though there are signs in some cities that business leaders are becoming increasingly concerned about the quality of education. As their concern grows, perhaps they will serve as rallying points for strong coalitions to speak for the cities' schools.

(The following statement by Dean Daniel E. Griffiths was submitted for the record:)

STATEMENT BY DANIEL E. GRIFFITHS, DEAN, SCHOOL OF EDUCATION,
NEW YORK UNIVERSITY, MARCH 21, 1967

EVALUATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT (P.L. 89-10)

General

1. The Act has provided stimulus for educational change and development.
2. The most frequently voiced criticism is that proposals are acted upon and allocations made too late for effective implementation of plans. Early commitment by local districts is essential. Decisions come so late that providing for complementary funds in local budgets and for staffing is extremely difficult. Budgets need to be drawn and approved before precise project allocations are made. Further, late decisions make it necessary for local districts to gamble on projects being approved and funded, and those that need the help the most are often least able or willing to "gamble" or "invest" local funds. Uncertainty about allocations has had a debilitating effect.
3. Districts need the help of design and evaluation specialists and other resource persons in the preparation of proposals.
4. Wealthy districts have an advantage over poor ones in securing grants for several reasons:
 - (a) They are able and willing to gamble local funds prior to the actual grant.
 - (b) Their staffs are better able to prepare polished proposals—greater educational sophistication and savvy.
 - (c) They are willing and able to hire consultants to help prepare proposals.
 - (d) Some estimate that it costs about \$10,000 to prepare an outstanding proposal with a proper professional tone.

5. While it has been mandatory to build evaluation into proposals, the results have been token and of little value. Further, there has been no widespread dissemination of results so that District A can take advantage of District B's experiences.

6. There should be provisions for interstate and interdistrict transfer of funds to take full advantage of unexpended monies. Further, adjustments from "line to line" on individual budgets should be possible as experience yields wisdom. Poor judgments on early estimates have hampered many projects.

7. Guidelines should be more general rather than categorical, to meet local needs. The problems of the suburbs are not the same as those of the inner city. It should be possible to tailor proposals to deal with the particular problems of states, regions, or local communities.

8. The role of universities in S9-10 projects should be broadened and spelled out.

Title I—Special programs for the deprived

1. Many districts do not have resources for planning—skills lacking.

2. Aid is too categorical and guidelines too severe. This reduces flexibility and limits creativity. Proposals must satisfy not only guidelines but transitory notions of government personnel. Only certain lines of thinking are encouraged.

3. There has been some difficulty in identifying children to participate. Definitions of poverty and deprivation should be made more inclusive.

4. Adjustment of budget items should be possible as project is implemented.

5. Administrative expenses are not taken into account sufficiently. Every proposal requires some local investment, and those districts most in need of assistance are often least willing to make the necessary local commitment or take a risk.

6. There needs to be cognizance of the newest developments in providing for the deprived. For instance, some wealthy districts are accepting students bussed in from slum areas. Title I allocations need to take this into account.

Title II—Libraries and materials

1. General response to Title II is excellent.

2. There is some question about legality of providing materials for private sectarian schools. Some feel, however, that the fact that some public schools have acted as fiscal agents for securing materials for private schools has fostered closer relationships between the two.

3. There should be fewer categorical grants by subject area.

4. Sometimes local allocations for materials are cut back the year following Title II grant.

Title III—Supplementary centers and exemplary programs

1. Title II has fostered some innovation. It has been of tremendous help to New York City and other large cities, but of less help to smaller districts. It makes possible programs on a trial basis which would otherwise never be tried.

2. The phase in-phase out feature of Title III proposals is excellent, provided local districts are willing to take on full responsibility for successful proposals.

3. Encouragement of formal ties between schools and other local agencies is good—provides legitimate pressure for cooperation.

4. Delay in approval of projects and allocation of funds has hampered Title III projects more than others. There has been difficulty with last-minute staffing and coordination with other agencies. Long-range planning is especially important for Title III.

5. There have been difficulties in reallocation of line item funds as unforeseen needs arise and original estimates prove incorrect.

6. Districts which already have resources for planning make the best proposals, while others have the greatest needs. Districts must be provided with resources for planning.

7. While Title III proposals go directly to the federal government, they are usually approved by state departments of education. The states in this area have used this power to encourage regionalization or "clustering" of districts. A single district or agency (e.g., study council) is designated as applicant and administrator of the "package" proposal. While there have been some benefits from this (e.g., cooperation, reduction of overlap, more efficient programs), some creative ideas by individual districts have been lost. Local creativity is forced into the mold of the package. Regionalization or clustering is good for small

districts and doesn't affect very large districts, but it is hard on medium-sized districts (e.g., Levittown) whose innovative proposals are often overlooked in the insistence on a large, single, regional package.

8. Title III projects have not been carefully evaluated and their results disseminated.

Title IV—Regional laboratories

1. Regional labs have had little discernible effect on local districts but this is probably due to the fact that they have not had enough time to prove themselves.

2. Some geographic areas have been completely neglected by regional labs. For instance, Connecticut applied for its own regional lab but was forced to join the New England Regional Education Laboratory in Boston. (This outfit recently combined with a second lab at M.I.T.) All the activities of the New England Lab are centered in the Boston area. Connecticut feels slighted, and is becoming rebellious.

3. Programs for training researchers have been cut back. This is disastrous, since the shortage of competent researchers is holding back progress on the whole Act.

4. The Small Contract Program is underfinanced. Since this is where young researchers get the money to get started, lack of funds is serious here.

5. Basic research is being neglected and action-oriented programs are being funded. This is short-sighted.

Title V—Strengthening State departments of education

1. State departments of education undoubtedly are being strengthened as staff is increased and positions made.

2. Local districts have not yet felt the full impact of Title V, except that consultative assistance from state education departments is somewhat more available.

Recommendations

1. The largest overall weakness in the functioning of the Act is the lack of trained manpower. Even if all of the school districts in the country got all the money they thought they needed, it could not be spent wisely and well because the necessary pool of trained manpower does not exist.

Following are some suggested amendments to the Act:

(a) There should be a large amount of money designated for the training of necessary personnel: teachers, administrators, researchers, evaluation specialists, project designers, systems analysts, and the like. The teacher shortage is not severe if we use older notions of need but if we want to staff sufficiently to meet modern standards, the shortage is pronounced. The manpower shortage throughout education is very serious, and is the first priority item.

(b) Funds should be increased for in-service institutes to up-date teachers in all fields.

(c) Funds should be allocated to train sub-professionals for service in the schools.

(d) Money should be appropriated to develop new leaders for American education. This money should be spent for further research on characteristics of good leaders, so that they can be selected from the large number aspiring to administrative posts. There should be funds to support internships for administrators, so that no one will step into a leadership post without on-the-job training. In addition, there should be money for in-service workshops for administrators now on-the-job.

2. Now is the time to consider changing the basis for the distribution of funds to school districts from categorical aid to a national foundation program. I am in agreement with the attached document, *The Role of the Federal Government in the Years Ahead*, by Howard Jones, Dean, School of Education, University of Iowa.

3. Title IV should be greatly expanded. In my opinion Title IV is now the Achilles heel of the Act, since it should provide the knowledge base for education to move ahead and it is not doing it. The Small Contract Program should be at least doubled. The research training program should be rescued from extinction, and needs a vast increase in funding. The basic research program needs tremendous emphasis, and it is not now getting support from within the Office itself.

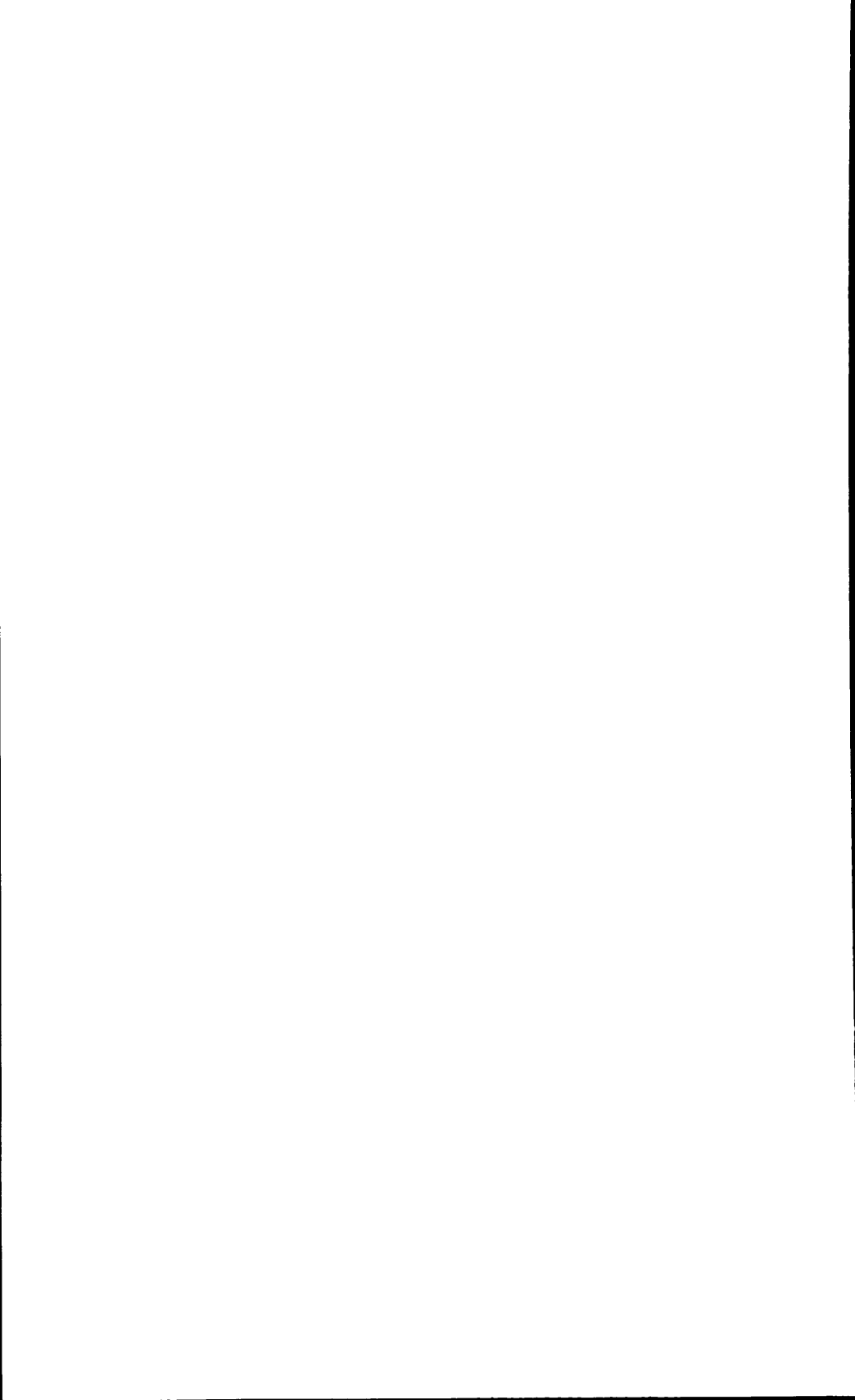
4. The whole Act needs to be put on a businesslike footing. Monies are now appropriated late, programs are announced with proposals expected in three or four weeks, and the Act is administered as though it will disappear tomorrow. The Regional Labs, for instance, have been under the gun ever since they were first founded. They receive short-term budgets, get constant reappraisals, and are not encouraged to develop long-range planning, which is essential.

5. There is need for a national board to develop policies and to evaluate curriculum and material trends. We must develop more of a national posture towards education, and such a board might be the first step.

6. In general I support the recommendations of the National Advisory Committee on the Education of Disadvantaged Children.

Chairman PERKINS. The committee will recess until 9:30 a.m., Monday. On Monday we will conclude the hearings.

(Whereupon, at 1:45 p.m., the committee recessed, to reconvene at 9:30 a.m., Monday, March 20, 1967.)



ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

MONDAY, MARCH 20, 1967

**HOUSE OF REPRESENTATIVES.
COMMITTEE ON EDUCATION AND LABOR,
*Washington, D.C.***

The committee met at 9:30 a.m., pursuant to recess, in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the committee) presiding.

Present: Representatives Perkins, Carey, Meeds, Burton, Scherle, and Steiger.

Staff members present: Robert E. McCord, senior specialist; H. D. Reed, Jr., general counsel; William D. Gaul, associate general counsel; Benjamin F. Reeves, editor; and Louise M. Dargans, research assistant.

Chairman PERKINS. The committee will come to order. A quorum is present. Do you have any questions, Mr. Steiger?

Mr. STEIGER. I do not have a date but Commissioner Howe wrote a letter to the superintendent of schools in Chicago, Mr. Rieman, to quote from the letter he said:

We ask that the board provide a progress report on the resolution of these problems by April 11, 1967.

Have you received from the schools in Chicago a progress report?

STATEMENT OF PETER LIBASSI, SPECIAL ASSISTANT TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR CIVIL RIGHTS

Mr. LIBASSI. We have not had the final progress report but I would like to ask Mrs. Martin to report to you on the meetings we have had with the Chicago people since that letter was written.

STATEMENT OF MRS. RUBY MARTIN, STAFF ASSISTANT, OFFICE OF THE SECRETARY, HEW

Mrs. MARTIN. About a month ago we had a meeting with Mr. Redman and the top school officials from the Chicago school system. They indicated that they were interested in a title IV grant from the Office of Education in addition to another kind of grant, which I cannot recall, to do some planning to meet the problems that were raised by our report.

We have had discussions with the school board since they were down here officially. We have had discussions with the complainants,

the people who were responsible for us getting into the Chicago school situation and I think we were all in agreement that we are going to provide them with some kind of grant so they can do some planning and talk to the complainants and decide exactly what kind of planning they are going to then do to meet this problem.

So the report in effect is their visit down here with us to tell us what they would do if we would provide them with some funds and they would use some of their own.

Mr. STEIGER. Issue 24 called integrated education prompted all this. It quotes at some length and I think completely as I understand what they have here the complete report of your January 6, 1967, Office of Education analysis of the Chicago public schools.

Mr. LIBASSI. May I ask who puts out that publication? Unfortunately it came on Saturday.

Mr. STEIGER. It is published by Integrated Education Associates. The board of directors is a very distinguished group including Kenneth Clark, Charles Cogen, and G. W. Foster, Jr.

In the report that they quote in here, and I do not want to read all of this but in the third section regarding boundaries and student assignment policies it says:

In the basis of our analysis thus far, we share the conclusion reached by the Board's Advisory Panel on Integration of the Public Schools and other observers that by far the greatest part of the segregation in Chicago's public schools results from residential segregation combined with the board's neighborhood school policy.

"We recommend that the board engage competent specialists to assist them in preparing a plan appropriate to Chicago, drawing on the wide range of administrative remedies which have been adopted by other school districts to lessen segregated education and indeed, to reverse trends of increasing segregation here where possible.

As the board is aware number of different steps are being proposed to deal with this problem. But no particular action is alone sufficient for a metropolitan center. A combination of actions over time is needed; commitment in fact by school authorities to the goal of reducing segregation in education is fundamental.

The U.S. Office of Education will provide all possible assistance and support in this matter, but we reiterate our recommendation that specialist services are necessary to work on this problem.

This is where you are now in trying to provide grant money to the Chicago school system to hire specialists to prepare a plan.

Mr. LIBASSI. That is right.

Mr. STEIGER. If the problem results from residential segregation combined with the board's neighborhood school policy, what you are really saying is that you are trying to find a way to break the neighborhood school policy.

Is that appropriate?

Mr. LIBASSI. No, there was evidence that the research and part of the report to the Chicago school authorities noted that while to a substantial extent the segregation was due to residential housing conditions, the report discussed other action of the board which could not have been explained other than by the fact of race in the assignment of children to schools.

I don't know if that document quotes the full report but there was some rather strong language used in the report to indicate while residential housing was part of the problem it was not the total ex-

planation for the racial concentration in the Chicago schools and while there was not a proven, deliberate segregation by the school officials, there was reasonable question on it.

The object here is to afford the school officials as much assistance as is possible in redesigning the attendance areas. This may result in simply enlarging attendance areas and not necessarily in the abolition of the neighborhood school but enlarging the neighborhood served by particular schools.

The problem of feeder patterns may change. Children instead of traveling 15 minutes to a junior high school may travel 20 minutes to a different junior high school and, therefore, decrease the segregation of the school system, so the abolition of the neighborhood school is not the single means by which you can reduce racial concentrations.

In some cases it is necessary to do that but in others it is not.

Mr. STEIGER. One of the other points that is touched on in the report is the question of faculty assignments patterns.

In here there are quoted four principles—four principal actions which the Office of Education felt were needed to modify the faculty assignment pattern.

They make the point obviously that there is a very real problem here in terms of the concentration of Negro teaching in Negro schools and whites in white schools without much interchange.

One of the sections here indicates that the board should—

1. Assume much greater responsibility regarding teacher assignment.

2. Increase the proportion of experienced teachers in disadvantaged schools. This could include limiting, more than is done under current board policy, the transfer of experienced teachers to those schools already having a high proportion of experienced teachers.

I wonder if you want to just develop this a little bit. The point here is again made, of course, that really it is the teacher policy or the education association policy perhaps which says that a more experienced teacher has the ability to transfer to a more desirable school.

When you get into this area you are really striking at what the teacher can and cannot do a little bit. What I would really like to know is what kind of work your office has done and the Office of Education in working with either the Chicago Federation of Teachers or the Chicago Education Association in attempting to try to reverse its transfer policy or urging them to not transfer out of the less desirable schools into the more desirable schools.

Have you spent time with the teachers organizations on this problem?

Mr. LIBASSI. I am not too familiar with that respect.

Mrs. MARTIN. One of the items in the planning grant was funds to arrange for the Chicago school personnel people to sit down with the Chicago teachers union to discuss their ideas, the teachers union ideas about how they could help to encourage new teachers, experienced teachers to go into the ghetto schools and how their suggestions as to how the school system encouraged experienced teachers to move from the better schools into the ghetto type schools.

I think a substantial amount of time and money will be spent in this grant which is forthcoming with just meeting and discussing this

problem with the teachers union, which of course is a very powerful organization in Chicago.

Mr. STEIGER. There is also the basic problem not only were there more Negro teachers in the Negro schools but those teachers white and Negro in the Negro schools were generally less qualified or less experienced by the board's own standards than were the white and Negro teachers in the more desirable schools. So it was not just a problem of racial segregation of teachers as it was a problem of the experience and competence and background of the teachers.

Is the policy in Chicago at this point, do you know, to allow rather complete freedom of the teacher to transfer where he wants to go?

Mrs. MARTIN. It is based on experience. A teacher with experience has the right to a vacancy in a prestige-type school as opposed to someone newly coming into the school system.

It is really very complicated. Just take the examination itself, the national teacher exam. If you place very high on that in Chicago you have first chance at choosing which school you want to go to.

The people with the lowest score on the exam or the people who are going into the worst type teaching situations, that is just a brandnew teacher, so you can imagine what rights teachers already in the system have.

If you have a year's experience you have rights over and beyond people new coming in to get reassigned to a prestige-type school.

Mr. STEIGER. Is the policy at this point of the Chicago school system to make an arbitrary assignment of those who do not score as well or who do not have the background and experience to assign them to a Negro school?

Mrs. MARTIN. That is usually all that is left. The people who score highest have the first choice of where they want to go and they usually go to the best teaching situations, which is usually the prestige school or the predominantly white school.

As you go down the list with the people with lower scores, their selection is limited by what has already gone ahead of them so usually the only thing left for them would be the school in the ghetto-type school, the predominantly Negro, or all Negro school.

Mr. STEIGER. In your judgment is there a method by which we can attack this problem of faculty assignments? Do you foresee that it is possible to overcome this?

Mrs. MARTIN. Certainly the assignment of faculty or teachers is a responsibility of the school board. The fact that there is a strong teachers association in Chicago certainly complicates the problem.

In the South we have encouraged school districts to make racial assignments—nonracial assignments and we have encouraged them to have combat pay, for example. You might want to pay these teachers \$200 extra, or you might want to give them some additional credits, whatever it is, some incentives for going into a different kind of situation.

If there was not a teachers union in Chicago, a strong one which we do not have in the South generally—we don't have a strong teachers union—if there was not one in Chicago then the school board could do pretty much what it wanted to do in assigning teachers. The fact that there is a teachers union complicates the problem but the school

board cannot abdicate its responsibility by assigning teachers to schools by saying what we can do.

I believe they have a responsibility to work it out and let them suggest to the school board the kind of incentives or encouragements that teachers would have to have in order to go into a different kind of teaching situation.

Mr. STEIGER. While it is true that the school board cannot abdicate its responsibility, neither can the teachers union abdicate its responsibility.

You have a two-way street here.

Mrs. MARTIN. They have to work together and a part of the planning grant that Chicago wants to get going is for the personnel people from the school district to sit down with the union people to try to work out some ideas and plans for encouraging good teachers, the experienced teachers to go into the ghetto-type school.

Mr. LIBASSI. I might add, if I may, the heart of the problem is how do we communicate to the teachers that these schools are desirable status schools where if they had the feeling with higher educational standards, if they had the feeling that it was going to be major educational effort made in the school then they would become desirable experiences.

But as long as they are overcrowded, the inadequate educational program, disciplinary problems, shortage of remedial aids for the children, lack of equipment, you are really asking a teacher to take on a situation where it is going to be almost impossible for a good teacher to work creatively, so I think we both have to develop incentives but we also have to get at the school itself and inviting educational challenge for the teacher rather than a nightmare of discipline.

Mr. STEIGER. May I touch on the—on what the gentleman from New York, Mr. Scheuer, mentioned to you and encourage you to provide for the committee what you are doing in the quiet persuasion process.

I think this is very important. He mentioned what the New York human relations group is doing. In Wisconsin we have our governors on human rights operating on this same kind of a basis.

I think this would be beneficial and useful from our standpoint as well as from yours, to have this kind of information. Also I asked on Saturday whether or not you had any indication as to the number of complaints that you have received. Do you have that information this morning?

Mr. LIBASSI. No, I am sorry I do not have the number of complaints we received but I did find out that we do visit all school superintendents in all cases of the nature of the complaints that have been filed against them and we do contact them first when we go into a community so that they are aware of the nature of the complaints that have been filed both North and South.

You pressed the point that you felt it important that we communicate with them and that is the policy and that is being followed by the staff. I don't have the number of complaints by State today but we will get that up and we will have it, I would hope, by tomorrow or the—for the record.

Chairman PERKINS. Without objection the data will be inserted in the record.

(The documents referred to appear on page 1616.)

Mr. STEIGER. You say the nature of the complaint; is this the complaint? Is it an abstract of the complaint done by your office?

Mr. LIBASSI. Where the complaining party has no objection, we give the school superintendent the complaint itself where they are willing to have their identity disclosed, or if they have made the fact of their complaint public to the newspaper, we then give the superintendent the full complaint.

We give them a very detailed summary of the complaint and all of the relevant issues that are raised in the complaint. It is not a generalized thing such as we know what the problems are here. We tell them of the general allegations. If it relates to the individual then we disclose the individual's name and the facts surrounding the individual complaint.

Mr. STEIGER. Since I have not read the guidelines would it be possible for you to supply a copy of the guidelines for my use so I could review them?

Chairman PERKINS. Without objection copies of the guidelines will be inserted in the record at this point.

Mr. STEIGER. Thank you, Mr. Chairman.

(The document referred to appears on page 1644.)

Mr. STEIGER. Would it be possible to provide a copy of Judge Wisdom's decision? I do not wish to insert it in the record, Mr. Chairman, it is too long.

Chairman PERKINS. Mr. Carey, do you have any questions of the administration witnesses on the guidelines?

Mr. CAREY. No, sir.

Chairman PERKINS. Mr. Meeds.

Mr. MEEDS. I have not had a chance to go through all of the testimony, Mr. Chairman, so I have no questions at this time.

Chairman PERKINS. Mr. Scherle.

Mr. SCHERLE. I am sorry I was not here on Saturday. This seems to be very interesting testimony to me.

May I ask what is the real cause the system of dual education has promoted all of this in Chicago?

Mr. LIBASSI. There are a variety of issues that have swept over the major urban cities in our country, both North and South and West.

We have first of all the major population movements of nonwhites into the urban centers themselves taking place, particularly after the First World War. but then a second wave of northern migration of Negroes during the Second World War so that we have, first of all, a major shift of the Negro population from the Southern 11 States to the Northern States.

The second is we had the general deterioration of housing in the urban areas and the movement of white families from the urban centers to the suburban areas which not only was there an influx of Negroes but there was an outward migration of whites from the urban areas.

So we had developing then a pattern of neighborhood transition which resulted in school transition. Then in addition, the school policies themselves in northern cities have tended to accentuate and increase the segregation. For instance, some northern cities have deliberately gerrymandered school districts in order to maintain a

pattern of segregation where Negro children would be in one school and white children would be in another.

Mr. SCHERLE. Is this more prevalent in the South?

Mr. LIBASSI. The children were segregated more easily by saying Negro children would go to certain schools and whites would go to certain schools.

In the North most of the northern laws were repealed but we had the pattern of the school boards drawing attendance lines in such a way that the racial composition remained fairly constant.

Mr. SCHERLE. In my home State of Iowa we have a migration of people coming in and going all the time. This has not affected the quality or the caliber or the curriculum.

Why would this make any difference? This problem does not exist in Des Moines or other cities in Iowa. Why would there be in effect an obsession in some cases, particularly where they are talking about the equalization of the transportation of pupils?

Mr. LIBASSI. Part of it is the size. There are half a million school-children in Chicago so just the volume of the children and the number of schools and the number of teachers creates this problem which is quite different.

Mr. SCHERLE. I agree numbers are important but by the same token it is just as bad for 10 as it would be for 100, would it not?

Mr. LIBASSI. In the smaller communities anything less than a million, and that is not a very small community, the cities in the middle-size categories have been made to maintain a higher quality of school.

They have maintained more integration in the schools. Even though the Negroes have moved into the communities they attend the same schools and they are not there in the numbers which convert a school from a predominantly white school to a predominantly Negro school.

When that happens you get all of the factors. When the school becomes a predominantly Negro school you get a transition that results at that point which results in many of the problems.

Mr. SCHERLE. You do or you think you do?

Mr. LIBASSI. The recent reports of the Civil Rights Commission and the other research that is being done in the field seems to indicate that when a school becomes known in the community as the Negro school, that certain factors then take place.

The quality of the teaching does deteriorate and the quality of the learning deteriorates. Whether it happens at any magical number I am not prepared to say.

Mr. SCHERLE. What magic would there be involved in the transportation of pupils from one neighborhood passing half a dozen schools and taking them to another?

Why do you think this will enhance the school curriculum or the caliber of teachers?

Mr. LIBASSI. In our policy we do not advocate that children should be transported.

Let me say that the evidence indicates though that where Negro children are attending schools which are predominantly white, they do have a much more improved educational experience. If you take Negro children and transport them to a white school where they are in the minority, the evidence clearly indicates that their educational experience improves.

Mr. SCHERLE. In Illinois do you have a bill which allows the transportation of all children, parochial as well as public?

Mr. LIBASSI. I am sorry I do not know the Illinois law on school transportation.

Mr. SCHERLE. What is your home state?

Mr. LIBASSI. I am with the Department of Health, Education, and Welfare. I am a resident of the District although I formerly resided in New York State.

I don't know the busing laws in New York State. I might say 40 percent of the children in the United States are transported on school buses to schools so that school busing is certainly not anything that has come up as a result of the integration issue.

Forty percent of the children in the United States ride public school buses and an untold number ride public transportation.

Mr. SCHERLE. In Iowa we allow no parochial schoolchildren on public school buses. Whether this law will be changed I do not know.

Would you bring up to date why \$30 million was withheld in Chicago because they thought there was a segregation in the public schools?

Mr. LIBASSI. Back in 1965 which was prior to my joining the staff of HEW, there were complaints that were received alleging school segregation in the city of Chicago, and the Office of Education requested the school officials in the city to provide them with information on the operation of the schools and the racial composition of the schools.

The school officials did not make that information available and on the basis of the information that the Office of Education had and on the basis of the school officials' refusal to provide additional information, the Office of Education asked the State school superintendent to defer making additional payments to the city.

Mr. SCHERLE. In other words as long as the money comes from the Federal Government whether they say there are strings or no strings attached to it, the Federal Government will hold the reins of funding over and above all State or local control: will they not?

Mr. LIBASSI. The Constitution requires that the Federal funds be used only in schools operating in compliance, and the Congress—

Mr. SCHERLE. Why did they not wait for proof rather than supposition? Why do this at the expense of the children or the students?

Mr. LIBASSI. My recollection is that the deferral of funds was rescinded when the school officials agreed to provide the information that was requested and the deferral lasted for a very short period of time.

Mr. SCHERLE. In other words the Government convicts them before trial at the expenses of the students?

Mr. LIBASSI. The Government asked the schools to provide information so we could make a judgment and they refused to provide us with the information.

Mr. SCHERLE. Do you think this is fair?

Mr. LIBASSI. I think it is uncooperative of the school system.

Mr. SCHERLE. You mean it is unfair to the students?

Mr. LIBASSI. Yes: I think segregation is unfair to the students and I think withholding Federal funds is unfair to the students. I think it is a shame when the school districts will not desegregate and deprive its students of funds.

Mr. SCHERLE. This is a rumor you have heard but no foundation?

Mr. LIBASSI. No; there was considerable evidence of segregation in Chicago.

Mr. SCHERLE. What are you doing for the gifted child?

Mr. LIBASSI. There are other programs of the Office of Education which I am not competent to testify to.

Mr. SCHERLE. Aren't you with the Office of Education?

Mr. LIBASSI. I am the Special Assistant to the Secretary of Health, Education, and Welfare for Civil Rights. I was asked to testify on the Department's handling of civil rights policies and the operation of these policies particularly.

Mr. SCHERLE. Who handles your programs for the gifted children?

Mr. LIBASSI. Let me see if I can ask someone from the Office of Education?

Mr. CAREY. Would my colleague yield?

Mr. SCHERLE. Surely.

Mr. CAREY. I would like to respond not on the basis of complete information but briefly, there are no gifted children programs in the Office of Education. There are programs for the handicapped children, exceptional children in that terminology and recently the new Bureau for the Handicapped was set up by a bill which passed this committee last year to gather all of the special education programs under one roof down there.

Many of our strong recommendations in this regard were that we look into the different levels of achievement and find out what is being done with Federal programs to sort out the children who have both functions that prevent them from getting a full education and also there are those who are not being served.

Those you call gifted children were not served by the so-called equal education programs. So this is a beginning field and we have not caught up with it. The States as you realize have a number of programs in this field but there is no Federal program for gifted children now on the books.

Mr. SCHERLE. Thank you, Mr. Carey.

There is no one who is any more concerned about the disadvantaged and the uneducated and the need for it. Because in my humble opinion there is nothing that is more important than education.

I think it would be criminal for us as Congressmen or anyone in the field of education not to give every opportunity to the children today to compete in this competitive world, to give them the dignity, the opportunity and the pride to compete so they can become self-sustaining but I do think there are a lot of questions that should be answered in the field of education as to whether or not they are all being treated with the same help perhaps disadvantaged, handicapped, and so on and so forth.

I have one last question. Going back to the transportation of pupils, what would you do in the Washington area here to try to set up a 50-percent attendance of children, considering the margins you have at the present time?

Mr. LIBASSI. I don't believe that it is possible in the city of Washington because of the organization of the District to achieve a 50 percent or any other kind of percentage of attendance in the District schools.

Mr. SCHERLE. If this is an example of what you are attempting to do, does this not sort of knock your argument in the head a little bit?

Mr. LIBASSI. The only thing the Department of Health, Education, and Welfare is doing, where a school district or city operates the school system in a way which increases or maintains segregation, that would violate the Constitution, but where in a city such as the District of Columbia 80 or 90 percent of the children are Negro there is not very much that a district can do.

Mr. SCHERLE. If you feel this is the answer to Chicago and other places why would it not serve the same purpose in Washington?

Mr. LIBASSI. In the city of Chicago there were districts or resident zones around schools which could have provided for more integration than there was.

Mr. SCHERLE. But you feel that full integration of the schools is the answer to all of the problems in education?

Mr. LIBASSI. I think that the object has to be the improvement of the quality of education.

Mr. SCHERLE. But you feel you would obtain this by full integration of schools to the extent where you might even have to transport these children out of their neighborhood, past schools they now attend in an exchange to create a balance?

Mr. LIBASSI. Let me say I think every child's constitutional right to equal educational opportunity ought to be fully protected. We have many, many instances of children being put on buses, transported past schools to attend segregated schools and this was the pattern for years where Negro children were put on buses and driven right past white schools to attend all Negro schools and people thought that was a good way to have educational systems.

Mr. SCHERLE. You thought that was wrong and now you feel this is right?

Mr. LIBASSI. I feel local school officials should take whatever action in their judgment increases the educational opportunity for all children in that district and if in their judgment it means children should be transported on a bus, if that is their judgment, then I think that is what should be done.

Mr. SCHERLE. Is it your judgment or the assumption of this law, that if this is done you could create equality you are looking for in your Department?

Mr. LIBASSI. That is not the policy of the Department. The only policy of the Department is where a local school district wants to transport children because they feel the children would get a better opportunity, then the Federal Government is not opposed to getting funds to do that.

Mr. SCHERLE. You will force them to do that if you feel they are not getting the kind of education because you provide the funds to run that school.

Mr. LIBASSI. We have not in any case required that in any northern school district—

Mr. SCHERLE. What do you call the \$30 million in Chicago?

Mr. LIBASSI. We did require or suggest to the school officials in Chicago that they should put—they should bus the children. We were simply at that point trying to get information. What we have

required of Chicago is that they look at their zoning patterns, that they look at the lines they have drawn for schools, that they look at the feeder patterns, that they look at their faculty assignment procedures and come up with a plan that will assure there is no discrimination.

Mr. SCHERLE. In other words, you had to give the Okay with the information that they afforded to you that what they did was right in your mind to provide the kind of education that they should have in a city probably about a thousand miles away from Washington.

Mr. LIBASSI. There was no effort and is no effort on our part to try to run the city of Chicago public schools on the issue of race. It is far too big a problem. What we have been trying to fund and stimulate is for the local officials to work on their own plan and tell us how they want to do it.

Mr. SCHERLE. In the end result you will govern how they think and how they should act.

Mr. LIBASSI. Congress has told us that the Department must not provide funds if children are being discriminated against so we must assure that children are not being discriminated against or being excluded from a program.

This is a direction from Congress.

Mr. SCHERLE. But the school boards and the department of public instruction shall not be the determining factor of whether they are or not, you will?

Mr. LIBASSI. Ultimately the courts.

Mr. SCHERLE. You will.

Mr. LIBASSI. We initially and then the school authorities may appeal that judgment to the courts, that is right.

Mr. SCHERLE. Thank you.

Chairman PERKINS. Mr. Meeds.

Mr. MEEDS. I have now had an opportunity to go through your testimony and I would like to compliment you on your prepared testimony and also on your efforts to answer some very difficult questions.

May I ask just generally your feeling about the transfer or the proposed transfer by some people of the Headstart program to the Department of Health, Education, and Welfare? Have you people considered this in the field of civil rights at all?

Mr. LIBASSI. We have been concerned that all of the preschool and special summer programs particularly which were administered by the Office of Economic Opportunity adopt and implement a civil rights policy which was consistent with what the Office of Education was requiring.

As long as the programs are in the Office of Economic Opportunity, they will be and we will be following the same policy with respect to similar programs.

The transition either way will not result in the civil rights policies that govern those programs. We do require complete and immediate desegregation of summer programs and special preschool programs.

Mr. MEEDS. I notice in your testimony on page 7 you point out that 88 percent of the Negro children in 11 Southern States continue to attend schools where student bodies are all or nearly all Negro.

Do you feel with the guidelines you presently have that if the Hearstart program were shifted to the Office of Education, that you would be able to implement your program fast enough and that we would not have the situation existing in Headstart programs?

Mr. LIBASSI. I wish I could tell you I was absolutely consistent that would happen. We have sent out several letters from the Commissioner of Education to the chief, State school officers and if the committee wishes I would be glad to submit those for the record which would indicate the efforts we have made to be sure these Headstart programs remained fully desegregated.

I can assure you we will insist on the same level of desegregation that OEO has required in any transition of those programs into the Office of Education.

Mr. MEEDS. As a matter of fact, it is quite possible, is it not, that it would take several years even if your very excellent guidelines and the implementation of these to assure any substantial desegregation in Headstart programs were this program shifted over to the Office of Education?

Mr. LIBASSI. We will not fund segregated, preschool programs. That is, if a school district, and on inspection we find this and we ask for a statistical report, if we found school districts operating segregated Headstart programs in the Office of Education we would not fund those programs and in fact the school districts would jeopardize all Federal funds if they did.

We allow for a gradual desegregation of the school system but when it comes to the Headstart programs these must be operated initially and completely on a desegregated basis. There is no freedom of choice basis in Headstart programs.

Mr. MEEDS. Let me compliment you on that policy.

Mr. CAREY. I am very much interested in this critical discussion on the possibility of desegregation of Headstart facilities if the Department takes on a larger role in the administration of Headstart programs.

I say you insist that Headstart programs be fully initiated. Where have you achieved this?

Mr. LIBASSI. The Office of Education in the Headstart programs has required that the programs be staffed and operated in such a way as to provide for the maximum desegregation.

Mr. CAREY. I am well aware with what they are doing and I am fully in accord with what they are doing but you say that in the Department of Health, Education, and Welfare program that the Headstart program be desegregated from the start.

Now you name me one school district where there is a desegregated pattern for Headstart where you have been successful in desegregating from the beginning?

Mr. LIBASSI. I do not have it with me but I would be glad to provide the committee the percentage of segregation in Headstart programs and the desegregation in other classes so we can see these as well in comparison.

Mr. CAREY. You say you will furnish information on the extent of desegregation of Headstart programs. On your testimony a few moments ago you could not have any desegregation of Headstart pro-

grams because as a matter of policy they must start with integrated programs.

Mr. LIBASSI. I guess I am missing the term when we talk about Headstart programs. I am referring basically to special programs which would be funded under title I by the Office of Education and the State departments.

We have not run any State department programs and I did not mean to use that term.

Mr. CAREY. I wanted the record to be clear that the Department of Health, Education, and Welfare has had no experience, has had no previous opportunity to institute Headstart programs and therefore could give us no record on what success you might have in getting integrated Headstart programs in those districts where segregation is a problem.

This is true, is it not?

Mr. LIBASSI. It is true in the sense you used the word Headstart program but the Office of Education has funded preschool programs under title I.

Mr. CAREY. In that connection, will you furnish the committee with complete data on preschool programs which you have successfully integrated from the very first day of attendance of these children in school districts where the district does not meet the guideline of all desegregation?

Mr. LIBASSI. We will provide information on the extent of desegregation of preschool programs funded under title I in school districts that are in the process of achieving full desegregation and have as yet done that. We will furnish that information for the committee.

Mr. CAREY. I hope you will make this information quite precise because it will be vital to those of us who are looking for successful Headstart programs, and to programs where less than success is a pattern.

(The document referred to appears on page 1621.)

Mr. LIBASSI. You are touching on a very crucial problem because we found there was some evidence of school districts shifting from the Headstart program under OEO to using title I funds from OEO in order to run segregated preschool programs and we were very concerned about that and that stimulated a joint effort on our part with OEO.

Mr. CAREY. I thank you for getting to what then is the next and key point of my questioning here. To restate that, you have found in experience that there have been patterns and trainees of school districts moving over to preschool away from Headstart in order to effectuate or maintain patterns of segregation?

Mr. LIBASSI. Yes, sir; and whenever those cases came to our attention we made very clear that we would not allow title I to be abused as a maintenance of segregation in order to avoid the policies of OEO.

Mr. CAREY. If my colleague would yield further I only wish this room were filled now with all of those State superintendents and State administrators who come here from the Northern States and give us their lipservice on integration and then ask in toto for Headstart programs over to the Office of Education and skip this problem en-

tirely as if it were not happening. I wish they filled this room today so they could respond to this comment.

Mr. MEEDS. I would like to pursue this a little further.

One of the methods which has been found effective under the Office of Economic Opportunity when segregation is not proceeding fast enough or is not achieved in areas where the Office of Economic Opportunity has had Headstart programs was to carry these on in private institutions or through parochial institutions and schools.

Do you understand that you would be able to do that with the law as presently written?

Mr. LIBASSI. I am not sure on that question. I am not capable of answering that.

Mr. MEEDS. I tell you, you could not.

So at least as the law is presently written, this is one of the methods of achieving desegregation used by the Office of Economic Opportunity which would not be favorable to you; is that right?

Mr. LIBASSI. That is right.

Mr. MEEDS. I think that is all.

Mr. CAREY. The gentleman from California, Mr. Burton.

Mr. BURTON. How many people do you have working in your particular area?

Mr. LIBASSI. In the Office of Education trying to handle all of the school problems in the South, we have 43 professional staff people attempting to work with the 5,000 school districts in the South.

At the last count we had about eight that were trying to work on all of the school problems of the North and that is the extent of the professional staff.

Mr. BURTON. What kind of staff background—staff backup do you have?

Mr. LIBASSI. There will be stenographic and clerical, but that is the entire administrative executive program planning, research, that is the full professional staff.

Mr. BURTON. So there are 43 professional staff people working in how many Southern States?

Mr. LIBASSI. In the 17 Southern States.

Mr. BURTON. And there are five?

Mr. LIBASSI. I believe there are eight that are at this time working on the problem of northern schools.

Mr. BURTON. When was your part of the HEW set up?

Mr. LIBASSI. The Office of Education began working on school desegregation in July of 1964. It had no appropriation for the program that year and the staff was reassigned to the job. It was not until the following year that they got their first appropriation, in July of 1965.

I would be glad to provide for the committee the amount of funds available for the administration of title VI in the schools of the country, and I would also be glad to provide the exact figures on professional and clerical staff that are employed. But it is not adequate to provide the assistance to school districts that they need in order to plan for orderly desegregation. It is very thin.

Mr. BURTON. Could you provide us with the annual dollar amounts and personnel, professional staff, for each of the last 3 fiscal years, which is the period of time that you have been discussing?

Mr. LIBASSI. Yes; I will do that and I will indicate what we are asking in the next fiscal year.

Mr. BURTON. Does HEW's request for the next fiscal year contain a precise amount for your own part of the shop?

Mr. LIBASSI. Yes; we have a centralized account for civil rights and we can identify the exact amounts of money that we are requesting from Congress for civil rights and what portion of that will be assigned to the Office of Education to carry out civil rights activities.

Mr. BURTON. How much was appropriated this past year, do you remember?

Mr. LIBASSI. For the Department as a whole it was \$3,385,000 for the entire Department including the Public Health Service, Welfare Administration, and the vocational rehabilitation agencies, and so on.

Mr. BURTON. How much will have been spent at the end of this year?

Mr. LIBASSI. All of that will have been spent plus more in the sense that the beginning of the last fiscal year we were not under a centralized account and exceeded the \$3,385,000.

We exceeded it by at least \$1 million; so it was roughly \$4,385,000 that was spent.

Mr. BURTON. During this period of the past year centralized accounts were set up?

Mr. LIBASSI. That is right.

Mr. BURTON. How much is being requested in the centralized accounts?

Mr. LIBASSI. Approximately \$5,400,000 is being requested for 1968.

Mr. BURTON. Was that being requested from you to HEW, HEW to the Bureau of the Budget, or the administration to the Congress?

Mr. LIBASSI. It was the administration to the Congress. That was the total amount. We have 278 positions in the entire Department on civil rights, professional and clerical, 278 positions, professional and clerical, and we are asking for a total of 409, which, just to do a little arithmetic here—409 and 278, 131 additional positions.

That includes the General Counsel's staff, the regional office staff, and all of the elements in the Department.

Mr. BURTON. How much of appropriation request for next year reflects new staff positions and how much of it reflects a redefinition of responsibility for reallocation of existing staff positions to this effort?

Mr. LIBASSI. I am sorry; I am not quite sure I get the point of the question.

Mr. BURTON. Will these be entirely new positions or will these be positions that have long since been filled and tucked away in HEW but now will be credited to the civil rights efforts?

Mr. LIBASSI. No; we are very careful not to exceed since the centralized account was established in the last appropriation act; we have been very careful not to exceed that appropriation.

We do not have 278 people on board at the present time working in this, and we are staffing up to that point, but there are not other people tucked away kind of performing this out of other funds.

There is no contribution since the appropriations act was signed by the President; there is no contribution from any other program to fund the Department's civil rights activity.

Mr. BURTON. Am I correct in assuming a good part of your work is providing the technical know-how to school districts that seek to comply?

Is that a fair portion of your responsibility or is by far the overwhelming portion of your work that of enforcement?

Mr. LIBASSI. You are right. Most of the staff is devoted to the review of the performance of school districts, hospitals, and so forth, and providing technical assistance, advice, and counsel as to how the recipient of Federal funds can desegregate the facility and comply with the title VI.

The General Counsel Office is the enforcement unit in HEW and that is authorized at 39 positions out of the 278. So the funds termination part of the program is much smaller.

The staff that is engaged in providing a technical assistance, if the school district refuses the technical assistance, then the case has to proceed to the fund cutoff and the same staff would be asked to testify at a hearing to provide information on their refusal to desegregate.

I don't want to draw a neat, clear line that just the 39 people in the general counsel's office have anything to do with fund determinations.

The rest of the staff is doing all of the voluntary compliance which if successful avoids the cutoff but if it is not successful then the case moves to the general counsel's office for the actual hearing to terminate the funds.

Mr. Bell just said even the general counsel's office engages in negotiations and severance cases if possible even after they have been cited for a hearing.

Mr. BURTON. What are the prospects in the next decade to eliminate segregation in the grade schools and junior high schools of this country in the large cities?

Is it rather dismal at best? Are we not really confronted with the fact that if we do all of this we can with the available tools we will just show a little retrogression?

Mr. LIBASSI. Let me say that we could do a great deal in 10 years to reduce racial segregation in the public schools in the United States.

We could do a great, great deal. There is no doubt in my mind there is ample room in both the North and the South for the reduction of racial concentrations in public schools.

It does take awhile and it does take commitment and it also takes money. With those I believe we could. There are obvious situations such as large, large metropolitan areas where there are extensive racial concentrations in the cities as a whole.

I understand there are about five cities now where school populations are more than 50 percent nonwhite. In those cities it will be necessary for the cities in the surrounding communities to develop some kind of new educational system which will both improve the quality of education and also afford a greater opportunity for a desegregated education.

Mr. BURTON. You have not answered my question at all. In your very large cities where you have ever increasing numbers of school-

age children living in monolithic ghettos, is the prospect bright or dim that the best efforts at the State, Federal, or local level will merely reduce the rate of segregation in the schools?

Mr. LIBASSI. I guess I have to say I come down on a pessimistic note. My staff advises me my optimism is without foundation and I am surrounded by pessimists, but I do feel despite the fact that there is increasing Negro population in the cities that if we wanted to we could establish and improve the educational systems of our cities which to a level where white families would be willing to remain in cities, where white families would be attracted to cities and schools in which city and suburban school districts would cooperate in operating and maintaining educational facilities which would provide high quality.

Now I must say that this takes a depth of understanding of the problem and it takes a willingness to face the racial issue in our country and it takes effort and the pessimists on the staff to say it is not likely too that America is going to mobilize that kind of commitment to equal educational opportunity.

I would still like to think that the country does want to solve this problem.

Mr. CAREY. Would my colleague yield?

Mr. BURTON. I yield.

Mr. CAREY. I thank you for yielding so I can pursue this point. Then Lawrence Crimmins, the distinguished historian in education at Columbia stated that in the large city schools the parents of the fortunate, those who have the means to do so were displaying or demonstrating a time-honored right of American people who were dissatisfied with anything. They were indulging in withdrawal as a form of protest from the major public school systems of the city of New York and other cities.

We all read that the city of New York now joins those cities with more than 50 percent nonwhite enrollment in its public schools. This is far more serious than it appears because we say we have reached the millenium we have one white child and one nonwhite child going together to school.

This is not so. It appears so on the surface. In some school districts we have gone to 80 to 90 percent nonwhite in some there is 90 percent all white, and there has been a continued exodus from the city so the percentage now drops to 50-50.

Your optimism is laudable and it is wonderful we have you thinking that way. I am interested in this from the viewpoint of our experience and I think the experience that has been characteristic of the South would be the experience that would be characteristic of the North in this regard.

For instance since the Civil Rights Act of 1964, your statement at page — you indicate that the number of Negro students attending desegregated schools has increased markedly.

In 1964, it was 2.25 percent; in 1965, 6 percent; and in September 1966, 12 percent. These would be impressive figures if we knew one thing. How does the overall school attendance in these areas of white students compare with the number of white births and how does the number of Negro students compare with Negro births 6 years prior to these times?

In other words, in the interim classes are the whites staying in the schools as Negroes come in or do these increased percentages indicate more Negroes attending schools where there are fewer whites, as we know it to obtain in the northern cities?

Now would you demonstrate that pattern or simply indicate the lack of such a pattern?

Mr. LIBASSI. We can provide the statistics which will show the numbers of white children who were in the schools and are in the schools by State, but I must admit that the very few numbers of Negro children going to desegregated schools which I referred to in the testimony is certainly outweighed by the increasing racial segregation of Negro children throughout the country as a whole.

We are not making progress. We are losing ground in extending desegregated education for Negro children. There is very definitely an exodus of white children to parochial schools in the cities and to the suburbs. Frequently the movement out is—

Mr. CAREY. May I at this point object? I have heard the statement before there is an exodus into the parochial schools in the cities and suburbs. How do you account for the fact that the statistics this year indicate that for the first time since 1964 the number of children attending at least one denominational Catholic parochial school declined for the first time in that period?

Where do you get the figures to support your statement when records indicate the attendance has dropped for the first time since 1946?

Mr. LIBASSI. The Civil Rights Commission report noted that the numbers of children, white children in the cities—that the racial composition of the parochial schools in the cities is disproportionately white where as the public schools, the student composition is disproportionately Negro.

Mr. CAREY. Again where do you get your figures? The studies I have been able to obtain and which I have been reading very carefully indicate in the parochial school system of the city of New York the number of Negro children and minority children have markedly increased.

Mr. LIBASSI. I do not mean to suggest that Negroes are not attending parochial schools.

Mr. CAREY. More Negroes are attending parochial schools than ever before.

Mr. LIBASSI. The key reason gets to the very heart of your question. The key reason why Negro parents are sending their children to parochial schools is the same reason white families are doing that—for sending their children to the parochials—and that is, the quality of education in the parochial schools is superior.

Mr. CAREY. Why don't we say the unsayable thing here? How are we going to achieve desegregation unless we give true freedom of choice to the parents to go out and seek quality of education wherever he can find it?

Take the Negro family where we have a family unit that really wants—and I think every family unit really wants—the best opportunities for its children. It looks like the school system has forced par-

ents to send their children to other schools because freedom of choice is available so the family says the only quality nearby is one of the nondenominational private schools or parochial schools.

Again with limited tuition and available space use, what true freedom of choice does a family have unless you give it the means to attend school?

Mr. LIBASSI. I have a freedom of choice to attend my schools. Most Negro families do have that choice.

Mr. CAREY. You cannot mobilize the community to improve the quality of the schools.

Mr. LIBASSI. I could not agree with you more. I think the Federal Government should be able to provide financial assistance to schools or others to help disadvantaged children receive a quality education. The reason for my optimism there are school districts and school superintendents that are planning for the expanding of the opportunity of Negro children and providing the transportation to do it and are using Federal funds.

Mr. CAREY. Isn't it true historically as our funds have grown up educational opportunities have followed the pocketbook to a great degree and in effect we do have subsidized private education for all but the disadvantaged children?

By that I mean in the secretary's book, excellence, or self-renewal, one of his volumes, both of which I think are highly important writings in this whole problem of quality education and he makes a reference to the Scarsdale, N.Y., school system which is theoretically an open enrollment public school system, but as a matter of actuality as a matter of practical consideration if you don't have the money to pay the high school tax and the high cost of property in the Scarsdale area you cannot attend that school system.

Yet the economic barrier is there and yet it receives just as much money for support as the disadvantaged school district in central Harlem so the Scarsdale children have all this and heaven too.

They have very clear demarcation of barriers through property tax and control of the school system which prevents disadvantaged families from moving into those schools.

This is the so-called anomaly in educational systems. If a non-denominational private school offering quality education would open up in the middle of Harlem and I know six schools that are not eligible for \$1, isn't it a paradox, and the other one is starting and the one is completely supported and the other is not.

Mr. LIBASSI. I think the denial of education by geography, the income of your parents, the ability or capacity to move into a particular neighborhood is hardly one we should be proud of. I don't think our educational system is fulfilling its function of affording all children a full life.

When we restrict Negro families to particular neighborhoods or cities and deny them the opportunity to move into the suburbs, we have very unequal educational opportunity in the country.

Mr. CAREY. Isn't it also true the appalling and frightening aspect of this is that not only this pattern develops but also the prospect is not

that larger inputs of money will have to be made available to correct and restore equality of education.

The prospect at this time is it is going to get worse. As those who can afford to move out, and as the percentage of Negro children increases in a given school district, the quality denominator moves down because the association of the children with greater learning opportunities is lost, the children who are in there are faced with a more oblique prospect that the ghettoization is going to continue and the sense of achievement and hope for progress in their lives is very badly mitigated and in a sense the school becomes worse and worse and each day despite the installation of money to try to do more, with new buildings, new books, audiovisual materials, what we can really only do by the completed education experience.

Isn't it true these schools are going to get worse in the cities and the exodus is going to grow more rapidly and more drastically? Isn't this the true picture?

MR. LIBASSI. There is a growing body of evidence that supports the proposition that merely improving the physical environment of the school does not improve the quality of education, that the key factors which affect education are the socioeconomic and educational status of the child himself and of his classmates and they are segregated schools regardless of their size, the physical environment, the equipment, the money that is being poured into it will not provide and do not make up for the disadvantage of being in a socioeconomically segregated school.

Of course race then adds to it. While the money is essential we cannot ignore the fact that the money cannot overcome segregation.

MR. BURTON. I would like to ask the Chair a question if I may because I find this discussion very enlightening. Would the elimination of financing in this tend to negatively or favorably affect what I fear is the trend in terms of the urban ghetto schools?

Is it a valid concern that motivated parents when they are no longer confronted with the financial obstacle are going to take their children out of the public schools, leaving more of the children of the unmotivated families?

Will that accelerate what may well be virtually an irreversible trend in terms of the ghetto schools? I am not sure what the response to that is. As I understand that which has been discussed is that some parents and kids should not be disadvantaged merely because they come from an economic setting that does not permit them all the options which we think are important in a democratic society.

Viewing society as a whole, what happens to those kids in the families where they don't have a parent or parents that have sufficient motivation to exercise these options or ideas, and what if everybody does, what happens to the public school system?

MR. CAREY. If we can have a colloquy here I am pleased to respond in that regard. What happens to General Motors when Chrysler puts out a new model?

What happens to Cadillac when the Mustangs started to steal the automobile sales? The answer is competition improves the product for both sides. That has been the American theory and the American practice throughout our history.

If persons start rejecting something based upon the fact that it does not afford quality, then the competing systems have to accelerate and improve their offerings in order to again maintain their position.

I am not one who thinks that the public school system is in such desperate shape that it can't continue to attract on the basis of quality students in competition with other systems.

To take your theory and your hypothesis, let us suppose we have a classroom of 30 children in which, well, everything is in a classroom with equality and the 10 most motivated parents decide to remove 10 of the children and put them in a competing system.

Well, two things can happen. One the children left behind will continue to experience lack of quality or it is just possible that seeing the 10 children are leaving, the teacher, the superintendent, and the principal will work together to install and to assist in every degree possible in giving a better education to the 20 who are left.

That is the way the competitive system has worked in my experience. When you lose a customer you start improving your quality. At the same time I would not look at this as a one way street.

If there is a superior education in a competing system I would expect in return for the recognition that the parent has a right to hope for that and get the same quality and the same parameters would be introduced into the public system and there would be a cross over in both ways.

What I am referring to here again is not a subsidy where every parent regardless of means has the opportunity to move in and have his children subsidized in any school of his choice.

I am suggesting only in this regard where we have disadvantaged parents who are a burden in the sense that they do not have the means to do any of the things necessary to maintain a family unit, and that is get a better home, get adequate housing, adequate transportation to jobs, adequate benefits, socioeconomic benefits, and most important education that we recognize that education is the No. 1 route of the dilemma.

In this regard the tuition or the assistance payment would go to the family so that it would come into the quality school program not as much—not as an admitte from the poorfarm, one who is coming in with the stigma of a disadvantaged child.

The family would bring with it an input into the quality of that system which would be a gain and the children would be accepted on the basis as all other children in the system so there would be no disparity.

Again I would go back to my same point. Competition would be certainly better than what we have now which would be merely a myriad in which poorer quality would be replaced by poorer quality as the middle denominator moves down. At this sign of hope, no sign of rescue for these children should be abandoned.

I would point to the distinguished panel that is gathered by the task force on education and by all of the people in the chamber of commerce. I certainly want to associate my overall socioeconomic views with this.

They came up with this idea of what is needed to arrest this declining in the system and that is a heavy dose of the elixer of competition. It seems everyone would benefit given the alternative.

Mr. BURTON. I concur with most of the facts stated by our distinguished chairman. I am not certain the solutions he has suggested would work. I have been pleased with the Elementary and Secondary Education Act. It has overcome a lot of false barriers. It has improved the education of our Nation's youth.

I would like some demonstration project if it is not already in the works, so that we can see, given the understanding that a demonstration project is subject to overriding factors if this works.

I am quite convinced that this business of permitting people to opt out permits of a possibility of adverse selection, this is a common usage in the insurance business. It is one of the reasons why social insurance doesn't permit opting. You are not permitted adverse selection because adverse selection per se both helps and hinders, dependent on which side of this line you happen to be on.

I just don't know what the answer is for our Nation's education. I think the competitive factors are very useful. We learned this some-time ago in the higher education field. I am not sure what we should do in the elementary field but I think demonstration projects would improve our understanding.

Have we had any such demonstrations?

Mr. CAREY. To the best of my knowledge there have never been any.

Mr. BURTON. I think it would be a worthwhile thing to do.

Mr. CAREY. It would have to be set up on a sound educational basis. I would agree with my colleague that it would have to be done on a research and limited scale first. Taking the technicality of the objection and the real objection that the motivated people move out and leave the least motivated behind.

Here again there is a way to control this and that would be to answer to a fair criticism that has been leveled at the public system. It has been suggested, and I think with some foundation, this nonpublic system by need of funding itself takes only the elite and it dumps the slow learner on the public system. There is not any question but that this has taken place. It was an accusation fairly directed at the public service and I think the public service to its credit did recognize it had this deficiency and tried to do more to maintain the slow learning pupil in the system regardless of his capacity for achievement.

I would see if this is going to be a true demonstration program in which there would be some democracy of selection, not just those that left the motivation would move out to the exceptional programs.

There would have to be some average method of selecting. It is the slow learner who would have an opportunity to opt for the different system because the quality education has demonstrated you can't let the deficiencies of the public system go on to better units.

I would rather see the child who is almost at the point of becoming a potential dropout be given the benefit of opting out of the system to see if the other system could help that particular child so it would have to be some methodical method of giving selection first to the slow learner. That would really set up true competition.

Mr. BURTON. If I may just conclude this colloquy with an observation that I am sure both my colleague and I recognize, that we are attempting to deal with one of the very important aspects of being poor in this country in a very selective and partial manner. I am sure my colleague and I would prefer that we find some solution for income maintenance for the poor generally so we would not be subject to dealing with one of the symptoms of poverty in this particular manner, although all too often we have to deal with it in the particular because you can't find, national general solution to the problem of personal or family poverty.

I would prefer we come to grips with this matter across the board. I suspect it will be years before we can do this in any meaningful way so we are probably stuck with the fact that we will have to look for some piece-by-piece solutions to the problems that poor people are confronted within this particular one field of education.

Mr. CAREY. I would like the witness to make any final statements at this time.

Mr. LIBASSI. I would just want to add there is very substantial evidence now that when Negro children are assigned to schools in which they are in the minority, whether it is a private school or a public school, that their educational achievement improves immeasurably and that it is a significant contributing factor to equal educational opportunity and also, as Mrs. Martin keeps reminding me, white children do not suffer educationally when a minority of Negro children are moved into the district.

There is no measurable or appreciable diminution of their educational achievement when they are in the majority and here there is a minority of Negro students in the school.

Mr. CAREY. I wish the distinguished witnesses here this morning would be just as expeditious as possible in rendering to the committee the statement of facts and the statistics that we requested, which I think are most important to us in our deliberations on this bill and on the economic education.

The Economic Opportunity Act when it comes up for discussion, because I think it is more important in all our discussions on the deliberations, that we look at the significance it is going to have in the field of equal educational opportunities and that we do nothing to impair the very modest progress we have been able to make and again make ever greater progress in this regard.

You can help us a great deal if you can get for us the matters we have addressed to you so we can enter them at the appropriate place in the record and we can use them in dealing with this legislation.

Mr. BURTON. Do I take it that the Chair and I are in agreement because Headstart under the war on poverty is providing us with one mechanism—the additional mechanism just how we might better improve educational quality for all of the Nation's youngsters and it would be premature to eliminate this mechanism from the variety of tools that we are seeking to the end that the educational quality of our youngsters is improved.

That to transfer Headstart over directly to an Office of Education function through State agencies and with all of the alterations that might or might not entail might be quite ill advised at this time.

Mr. CAREY. I don't agree with my colleague but I would point out those school systems which are truly interested now in educating the disadvantaged child, these districts have every opportunity that they can now possibly desire in terms of instituting integrated preschool programs under title L of ESEA.

The only answer to application of the programs in areas where the school district does not intend to provide this kind of quality of integrated education from the first day a child has learning experience, the only answer to that presently would be OEO Headstart programs which is the option outside the public school district program.

I hope we would not shut off that avenue of option. That is the importance of our discussion.

Chairman PERKINS. This concludes the hearings. The record will remain open through next week for the insertion of any pertinent data requested in the record.

(Whereupon, at 11:40 a.m., the committee adjourned subject to call of the Chair.)

(USO memo appears on p. 456.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

OFFICE OF EDUCATION,

Washington, D.C., March 15, 1967.

Hon. JOHN BRADEMAs,
House of Representatives,
Washington, D.C.

DEAR MR. BRADEMAs: The November 9, 1966 memorandum was written at the request of Dr. Edgar Fuller just prior to a meeting of Chief State School Officers to encourage State departments of education to take an active supervisory role in stimulating the development of imaginative Title III project applications. This development role by State departments of education has been advocated by the Office of Education since the inception of Title III as a major area for State contribution in the operation of the program as a Federal-State-local partnership.

State departments of education have reacted in a number of ways to Title III of ESEA during the first year of operation. Some have accepted leadership responsibility and have used ESEA Title V funds and State funds for employing one or more full-time coordinators for Title III. Over two-thirds of the States, however, have assigned a person to work only part-time with Title III, and have not exercised much of a leadership role.

In general, better proposals are submitted from districts within States where the State departments of education have played an active role in the development of project applications. This has led the Office of Education to encourage all States to take an active role in developing imaginative project applications designed to solve the major education problems of areas within the State. The importance of developing projects to meet local and area needs in terms of National concerns cannot be overstressed. The memorandum of November 9 merely suggested several alternatives for State strategies as vital to a more effective National effort, but did not infer that all State agencies independently would be able to fulfill the National aims of ESEA Title III without direct Federal administrative participation.

The State and Federal educational agencies each have unique but interdependent roles in the successful implementation of Title III. Strengthening the capabilities of one agency should not imply the elimination of the other. Office of Education administration, State department of education development, and local district operation of ESEA Title III projects involve new working relationships. At present, these relationships appear to be viable and hold promise for building upon the strengths of each of the components of this unique partnership.

Sincerely yours,

NOLAN ESTES,

Associate Commissioner for Elementary and Secondary Education.

(The following material was submitted by Mr. Libassi:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C.

HON. CARL PERKINS,
Chairman, House Education and Labor Committee, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: When representatives of the Department appeared before your Committee on March 18th and 20th, there were several requests from members of the Committee for additional information.

Enclosed you will find a brown folder which is a "kit" of the principal documents relating to the enforcement of Title VI with respect to school desegregation. Included in the kit is the testimony by Commissioner Howe before other Congressional Committees, pertinent court decisions, memoranda prepared by Commissioner Howe to Chief State School Officers on this issue, and HEW and Department of Justice legal memoranda and pronouncements on the legality of the guideline requirements for school desegregation.

Also included are specific items requested by the Committee:

1. List of complaints from September 1st through March 22nd, as requested by Congressman Steiger.

2. The request for information on the extent of desegregation for pre-school programs funded under Title I as compared to Headstart programs funded by the Office of Economic Opportunity. As you know, the Office of Education must rely on State Education Agencies for information on Title I programs and these latter agencies do not keep the kind of records that would provide us with the information requested by the Committee. However, I have included a memo from Mr. Louis J. McGuinness to Miss Carol Herzman, both of the Office of Education Title I ESEA Section which does list, by State, the number of preschool programs conducted with Title I funds; however, no indication of the extent of desegregation is available. We have asked the Office of Economic Opportunity for a list of Headstart programs and an indication of the extent to which these programs are desegregated, if that information is available.

3. The Committee asked for studies on the impact of desegregation on education generally. As we indicated when we were before the Committee, few studies have been made in this area. I am, however, passing on to the Committee the recent Commission on Civil Rights report on Racial Isolation and the Title IV report on Equality of Educational Opportunity, prepared by the Office of Education, which might be helpful.

4. Information on the amount of funds available for the administration of Title VI for school desegregation; and, the number of professional staff members assigned in this area. Memo covering this item is included.

5. Statistics showing the number of white children in the public schools by State. The Statistical Summary for 1966-67 prepared by the Southern Education Reporting Service is the best source for this information, a copy is included.

The Committee expressed interest in hearing about school districts that have taken steps to comply with the desegregation requirements of Title VI. I have enclosed some brief summaries of districts that have moved effectively in this area. You will note that they are labeled "success stories".

If there are other items of specific information that will be helpful to the Committee, we will be happy to make every effort to obtain it.

Sincerely,

F. PETER LIBASSI,
Special Assistant to the Secretary for Civil Rights.

ESTIMATED PERCENTAGE OF NONWHITES (OR NEGROES) AND WHITES (OR OTHERS) ENROLLED IN PUBLIC SCHOOLS, BY KINDERGARTEN, ELEMENTARY, AND SECONDARY LEVEL, IN 21 LARGE CITIES: 1960 AND CURRENTLY

The estimates in the table attached are selected to display the comparison between the 1960 and the current situation in large cities with respect to the proportion of the nonwhite and white pupils enrolled in public schools. Data are

confined to public schools because it is a fixed policy of the largest group of the nonpublic schools not to identify pupils by color or race with the result that statistics are not available. The data presented have been chosen because they serve to outline the comparison between the 1960 and the current situation.

These estimates are the responsibility of the Office of Education. They do not represent actual counts or hard data from a mailed questionnaire survey, but they are calculated from data and are much better than outright guesses. The 1960 data were taken from U.S. Census reports and represent nonwhites and whites in every case. The current estimates are based on statistical information secured at different times, but in no case are the data older than 1963.

The current data variously represent nonwhites and whites, or Negroes and others. The comparisons between 1960 and the current situation are between the breakdown currently available, whatever it is, and nonwhites-whites (which is the only breakdown available from the 1960 Census). Whenever possible separate estimates have been made for the kindergarten, elementary (grades 1-8), and secondary (grades 9-12) levels, the breakdown which is available from the 1960 Census.

The group variously named Mexican Americans, Spanish Americans, Latin Americans, or Puerto Ricans is included with the white group because of Census practice and regardless of the fact that they are frequently a severely disadvantaged group.

Enrollment in vocational schools is incorporated at the appropriate grade. Enrollment in special schools is incorporated at the appropriate grade when it was known to the investigator; otherwise it was disregarded.

In general, the principal problem, and the most likely source of error in the estimates, was that of taking the distribution by color in grades 7, 8, and 9 in junior high schools and allocating it to grades 1-8 and 9-12, which is the 1960 Census pattern.

The figure in column 6 is the nonwhite gain in percentage points. The figure in column 7 represents the same nonwhite gain expressed as a percentage of the 1960 base figure, which is itself a percentage. The comparison of the current situation with the 1960 situation is a mixture of two principal elements. One is the over-all gain in population in large cities, which in turn is reflected in school enrollment. The other is the relative gain of nonwhites as an element in the population compared to the whites. By reducing the basic enrollment data for the two groups to percentages, or proportions of the whole, the influence of over-all gain in big city population is eliminated. The figure in column 7, then, represents the relative gain of nonwhites relative to whites and apart from the over-all gain of both groups.

The average, or mean, of the nonwhite gains expressed as percentages of the 1960 base percentages is 27.3 at the kindergarten level, 27.9 at the elementary level, and 29.0 at the secondary level. These are means of percentages and in order to be interpreted meaningfully each percentage must be accorded a separate status as a statistic by the reader. They indicate that the gain in the proportion of nonwhites in the 21 large cities is slightly more than one-quarter of the original 1960 proportion, considering each city as a unit of interest equal to that of any other city.

If another six years produces a like gain, the gain over the twelve years will be over 50%. A gain of 50% applied to an original proportion as low as one-third would project a city more than half nonwhite as respects school enrollment.

A word of caution: It is difficult to compare these percentages with each other and bear in mind all of the considerations that affect the comparison. The fact that the secondary level gain is larger than the elementary level gain does not, for example, mean that the difference in absolute number of nonwhites in secondary schools now as against 1960 is greater than the difference in absolute number of nonwhites in elementary schools now as against 1960.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS 1607

Estimated percentage of nonwhites (or Negroes) and whites (or others) enrolled in public schools, by kindergarten, elementary, and secondary level, in 21 large cities. 1960 and currently

City (1)	1960		Currently		Nonwhite gain	
	Nonwhite (2)	White (3)	Nonwhite (Negro) (4)	White (other) (5)	In percentage points (6)	As a percent increase from 1960 (7)
Baltimore:						
Kindergarten.....	53	47	62	38	9	17
Elementary.....	53	47	64	36	11	21
Secondary.....	41	59	53	47	12	29
Total.....	50	50	61	39	11	22
Boston:						
Kindergarten.....	15	85	30	70	15	100
Elementary.....	18	82	28	72	10	55
Secondary.....	11	89	18	82	7	63
Total.....	16	84	26	74	10	63
Buffalo:						
Kindergarten.....	28	72	36	64	8	29
Elementary.....	28	72	35	65	7	25
Secondary.....	16	84	23	77	7	44
Total.....	25	75	32	68	7	28
Chicago:						
Kindergarten.....	40	60	56	44	16	40
Elementary.....	44	56	56	44	12	27
Secondary.....	29	71	42	58	13	45
Total.....	40	60	52	48	12	30
Cincinnati:						
Kindergarten.....	30	70	42	58	12	40
Elementary.....	34	66	41	59	7	21
Secondary.....	31	69	36	64	5	16
Total.....	33	67	40	60	7	21
Cleveland:						
Kindergarten.....	42	58	54	46	12	29
Elementary.....	47	53	53	47	6	13
Secondary.....	36	64	38	62	2	5
Total.....	45	55	50	50	5	11
Dallas:						
Kindergarten.....	(1)	(1)	(1)	(1)	(1)	(1)
Elementary.....	22	78	25	75	3	14
Secondary.....	18	82	21	79	3	17
Total.....	21	79	24	76	3	14
Detroit:						
Kindergarten.....	44	56	57	43	13	30
Elementary.....	46	54	57	43	11	24
Secondary.....	35	65	49	51	14	40
Total.....	43	57	55	45	12	28
Houston:						
Kindergarten.....	24	76	32	68	8	33
Elementary.....	27	73	37	63	10	37
Secondary.....	24	76	25	75	1	4
Total.....	26	74	34	66	8	31
Los Angeles:						
Kindergarten.....	21	79	23	77	2	10
Elementary.....	21	79	23	77	2	10
Secondary.....	19	81	15	85	-4	-21
Total.....	21	79	21	79	0	0

1608 ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

Estimated percentage of nonwhites (or Negroes) and whites (or others) enrolled in public schools, by kindergarten, elementary, and secondary level, in 21 large cities, 1960 and currently—Continued

City	1960		Currently		Nonwhite gain	
	Nonwhite	White	Nonwhite (Negro)	White (other)	In percentage points	As a percent increase from 1960
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Milwaukee:						
Kindergarten.....	18	82	26	74	8	44
Elementary.....	18	82	25	75	7	39
Secondary.....	11	89	18	82	7	64
Total.....	16	84	23	77	7	44
New Orleans:						
Kindergarten.....	55	45	59	41	4	7
Elementary.....	58	42	66	34	8	14
Secondary.....	47	53	53	47	6	13
Total.....	55	45	63	37	8	15
New York:						
Kindergarten.....	22	78	27	73	5	23
Elementary.....	24	76	32	68	8	33
Secondary.....	17	83	21	79	4	24
Total.....	22	78	27	73	5	23
Philadelphia:						
Kindergarten.....	46	60	44	56	4	10
Elementary.....	50	50	60	40	10	20
Secondary.....	39	61	50	50	11	28
Total.....	47	53	56	44	9	19
Pittsburgh:						
Kindergarten.....	27	73	39	61	12	44
Elementary.....	36	64	39	61	3	8
Secondary.....	25	75	31	69	6	24
Total.....	32	68	37	63	5	16
St. Louis:						
Kindergarten.....	47	53	57	43	10	21
Elementary.....	51	49	64	36	13	25
Secondary.....	43	57	50	50	7	16
Total.....	49	51	60	40	11	22
San Antonio:						
Kindergarten.....	(1)	(1)	(1)	(1)	(1)	(1)
Elementary.....	8	92	14	86	6	75
Secondary.....	8	92	11	89	3	38
Total.....	8	92	13	87	5	63
San Diego:						
Kindergarten.....	11	89	14	86	3	27
Elementary.....	10	90	14	86	4	40
Secondary.....	9	91	11	89	2	22
Total.....	10	90	13	87	3	30
San Francisco:						
Kindergarten.....	32	68	41	59	9	28
Elementary.....	36	64	45	55	9	25
Secondary.....	25	75	43	57	18	72
Total.....	33	67	43	57	10	30
Seattle:						
Kindergarten.....	13	87	17	83	4	31
Elementary.....	11	89	16	84	5	45
Secondary.....	8	92	12	88	4	50
Total.....	11	89	15	85	4	36
Washington, D.C.:						
Kindergarten.....	80	20	89	11	9	11
Elementary.....	80	20	91	9	11	14
Secondary.....	69	31	89	11	20	16
Total.....	78	22	90	10	12	15

¹ Not available.

Estimated fall enrollment in 5th grade compared with high school graduates 8 years later; United States, 1948-56 to 1964-72

[In millions of pupils]

	5th grade enrollment ¹	School year	High school graduates	Droupouts, ² 5th grade to high school graduation (column 2 minus column 4)
1	2	4	4	5
Fall of—				
1948.....	2.4	1995-56	1.4	1.0
1949.....	2.4	1956-57	1.4	1.0
1950.....	2.5	1957-58	1.5	1.0
1951.....	2.7	1958-59	1.6	1.1
1952.....	2.9	1959-60	1.9	1.0
1953.....	3.0	1960-61	2.0	1.0
1954.....	2.9	1961-62	1.9	1.0
1955.....	2.9	1962-63	2.0	.9
1956.....	3.3	1963-64	2.3	1.0
1957.....	3.7	1964-65	2.6	1.1
1958.....	3.6	1965-66	³ 2.6	1.0
1959.....	3.6	1966-67	⁴ 2.6	1.0
1960.....	3.6	1967-68	⁴ 2.7	.9
1961.....	3.7	1968-69	⁴ 2.8	.9
1962.....	3.9	1969-70	⁴ 2.9	1.0
1963.....	3.9	1970-71	⁴ 3.0	.9
1964.....	4.0	1971-72	⁴ 3.1	.9

¹ Compulsory attendance laws keep virtually all children in school at least until the 5th grade.

² These Office of Education estimates do not allow for persons who receive high school equivalency certificates nor for persons who leave the regular school system before graduation to enter trade, business, and vocational schools and who may consider themselves to be high school graduates. The estimated number of persons in these categories is approximately 200,000 a year.

³ Estimated.

⁴ Projected by Office of Education.

NOTE.—Includes public and nonpublic schools in the 50 States and District of Columbia.

**"SUCCESS STORIES" (BRIEF SUMMARIES OF DISTRICTS THAT HAVE MOVED EFFECTIVELY
IN THE AREA OF SCHOOL DESEGREGATION)**

Districts Making Progress After Visit

Buckingham County.—This district had 1% pupil desegregation indicated in its April 1966 estimates with a faculty index of .14. Both pupil and faculty statistics were far less than the equivalent of 1 faculty member per school which our guides suggested and the pupil desegregation guides set forth in the guidelines. Thereafter, the district reopened a choice period, moving from 16 children to 154 children, that is, from 1% to 10.6% desegregation. It also achieved a 1.1% faculty index.

City of Martinsville.—The April 1966 statistics revealed that this district anticipated that only 47 children would attend desegregated schools or 2.8% pupil desegregation. There was to be .62 faculty desegregation. As a result of our visit, a reopened choice period, community meetings participated in by both the School Superintendent and the Chairman of the School Board, the number of children attending desegregated schools increased to 73 or 4.4% pupil desegregation as well as to 1.55 faculty desegregation.

Chesapeake Public Schools.—The district anticipated 5.5% desegregation or 416 children desegregated and it went to 7.3% or 519 children desegregated and moved from .31 faculty to .96 faculty desegregation in 35 schools after our visit.

Clarke County.—had an April 1966 estimate of 63% pupil desegregation and as a result of our visit was able to complete the desegregation process including full desegregation of its faculty. N. B.—Harry Flood Byrd, Sr.'s home. The district is now being processed for HEW 441 status.

Louisa County.—was at 7.3% desegregation according to April 1966 statistics with .16 index in faculty. As a result of our visit they went to 11.9% pupil desegregation, that is, from 114 to 206 pupils and to .50 faculty desegregation.

ARKANSAS

The Searcy Independent School District, approximately 50 miles North of Little Rock, has achieved complete desegregation. The school system has absorbed all its 168 Negro students into schools attended by 2,000 white students. In the 1965-66 school year, Searcy had less than a third of its Negro students in school on a desegregated basis. In the 1964-65 school year, Searcy was fully segregated. *Superintendent, James W. Ahlf.*

The Jonesboro Independent School District has desegregated 64 percent of the Negro students in the current school year, up from 6.7 percent the previous year, involving some massive changes in historical enrollment patterns. *Superintendent, C. H. Geis.*

GEORGIA

On August 29, 1966, the Baker County School District was notified that a Federal hearing examiner had recommended termination of its Federal assistance because of racial discrimination. The school administration then moved to admit 59 Negro students into predominantly white schools, immediately creating serious tension in the white and Negro communities.

The Atlanta Daily World published a news article on October 6, 1966, which stated that Negro parents were threatening to boycott all Baker County Schools "if nothing is done to halt harassment and inequities directed at Negro students."

The article said the sheriff had done nothing about white youth who pointed pistols at Negro students. Several Negro students said they had been attacked at school, and subjected to insults by teachers, principals, and bus drivers.

On November 1, the Baker County Board of Education passed a forcefully-worded resolution which was distributed to all students, teachers, and school staff, and which brought an end to much of the mistreatment. Three weeks later the Federal assistance was restored for Baker County. The positive and well-publicized commitment of the school board to desegregation is credited by EEOP staff for the relative success accomplished in Baker in the face of fierce community opposition. *Superintendent, H. E. Hall.*

In Floyd County, Ga., the school district abandoned a freedom of choice plan in favor of geographic zoning, and full desegregated its student body. This year, the Floyd County schools have 618 Negro students in formerly all white schools, ending a harsh discriminatory system that had involved transportation of almost all of the Negro children in the county system to Negro schools in Rome, Ga. In addition, Floyd County made a better beginning in faculty desegregation than many other Georgia districts. *Superintendent, H. A. Lindsey.*

FLORIDA

Okeechobee County is a rural area which had operated a dual school system prior to the 1965-1966 school year. The usual dire predictions of racial violence preceded efforts of the school district to desegregate successfully under a freedom of choice plan. At the beginning of the 1965-66 school year, all but about eight Negro high school students elected to enter the white high school. As a result, the former Negro high school was closed and all students assigned to other schools. Okeechobee is perhaps most noteworthy because freedom of choice worked. After it desegregated, the community went about its business in relative peace. The school system this year is almost fully desegregated. *Superintendent, Carl T. Durrenence.*

Osceola County, Fla., moved from 21.3 percent desegregation of its Negro students in 1965-66 to 60 percent in the current school year. About 640 of the 4300 students in Osceola are Negro. *Superintendent, William B. Stephens.*

Hanatee County, Fla., provides an excellent example of success under capable school leadership. Manatee has enrolled 580 of its 3800 Negro students in school with white children (approximately 15 percent). Partly responsible for Manatee's progress is a newsletter issued by the school superintendent, which said:

"We believe we are dealing with more than the force of the Federal government. We are facing the consciences of a public which increasingly believes that the racial injustices of the past century must at long last be corrected. The pressures of the times—not the rioting on the streets, but the convictions of decent and

thoughtful people across the country—demand that we no longer maintain a first and second class of citizenship.”

The newsletter, issued February 1, 1967, is signed by *J. Hartley Blackburn, Manatee superintendent*. (See copy of front page, attached). In addition to student desegregation, Manatee has assigned 25 fulltime teachers “across racial lines.”

NORTH CAROLINA

Moore County, N.C., attributes part of its success in desegregation to a project funded by Title IV of the Civil Rights Act of 1964, preparing school personnel for problems growing out of desegregation. The school system has desegregated 62.5 percent of its Negro students. Thirteen of its 15 schools are desegregated, and 16 Negro teachers are in schools attended predominantly by white students. *Superintendent, R. E. Lee.*

Cabarrus County, N.C., with a total of 9,200 students, has assigned all its 1100 Negro students to school on a desegregated basis by switching from freedom of choice plan to geographic attendance areas. Cabarrus, which had achieved 18.5 percent desegregation of its schools under freedom of choice in 1965-66, no longer has an all-Negro school. In addition, desegregated faculty and bus transportation. The county formerly bussed Negro to a city school while white students attended school in their neighborhood. *Superintendent, J. M. Robinson.*

TEXAS

Sherman Independent School District, said to be the locale of the last Negro lynching in Texas 30 years ago, is in the Eastern part of the State with the same population makeup that is found in Northern Louisiana. The school district has 710 Negro students, 5,918 white students. It has enrolled 549 Negro students in schools on a desegregated basis. In addition, considerable progress is being accomplished in other East Texas areas—Paris and Tyler among them. *Superintendent, Byron Davis.* Excellent source and contact to open doors in the area is C. P. (Cap) Landolt, former Sherman school superintendent who is now a regional compliance officer for Equal Educational Opportunities Program. Landolt is in the Dallas regional office.

VIRGINIA

Amherst County exemplifies a rural county's dual-personality approach to ending the dual school system. The school district has approximately 5100 students, of which about one-third are Negro. Some 10 percent of the Negro students are now in formerly white schools, largely because of leadership of the school *superintendent, Tyler Fulcher.* While the school district is making progress in desegregation, it is also the locale of a newly-established private school which serves as an escape hatch for white students running from segregation. (See clipping of news story by Peter A. Janssen of *Newhouse Newspapers*).

EXAMPLES OF PROGRESS IN SCHOOL DESEGREGATION

While most Federal efforts to accomplish school desegregation in the Southern States still meet with grudging acceptance or outright resistance, there have been numerous instances of realistic progress.

Here are some examples:

BORDER STATES

Delaware and Kentucky, two of the 17 States that once operated separate white and Negro schools as a matter of public policy, are nearing complete compliance with U.S. Office of Education Guidelines by the fall of 1966.

A cooperative stance by State authorities in Kentucky will substantially eliminate the dual school system there in all but six school districts this fall. The remaining six districts have made good progress and are firmly committed to desegregation next year, with completion of school construction projects.

A school district in Paducah, which still had sixty percent of its Negro students in segregated schools last year, will have no schools identifiable by race this fall.

All students in rural Trigg County will attend desegregated schools this fall. Last year more than sixty percent of the county's Negro students were in segregated schools. One fourth of the Trigg County population is Negro.

Some faculty desegregation has taken place in all Kentucky districts, although more remains to be done in this area. The State has undertaken a number of projects at least partially financed by Federal funds to prepare its schools, teachers, and pupils for an effective desegregated education program.

Tennessee

A year-at-a-time desegregation plan in Kingsport, Tennessee, 11 years in the planning stage, was discarded before it was initiated this year. Instead, the school system built and desegregated a new high school. In addition, two junior high schools and an elementary school were desegregated. Seventeen of the 19 Negro teachers are assigned to biracial schools.

The staff found that although the Weakley schools had adopted a freedom of choice plan for student attendance, only one Negro child out of 400 had selected a white school. Investigation indicated that Negro parents had been discouraged by the superintendent of the Negro schools, who believed his job to be in jeopardy.

The Office of Education recommended closing of the Negro elementary schools, all of which were small and inadequate. The suggestion was accepted by school administrators and Weakley schools will be fully desegregated in September.

The elementary schools in Weakley County, Tennessee, in the vicinity of KKK activity, will be totally desegregated this fall, partly as a result of a compliance review by the Office of Education staff members.

THE SOUTH

Noticeable gains have also been achieved in desegregation efforts in the Deep South.

Arkansas

The Plum Bayou school district (160 white and 230 Negro students) adopted a free choice enrollment plan that will place half of the Negro students in formerly white schools this fall.

The Beedeville school district, preparing to close its Negro school next year, will enroll three-fourths of its Negro students in formerly white schools this fall. The district has 600 students, with almost a 50-50 ratio of white and Negro students.

In the Lewisville school district, a free choice enrollment plan this year resulted in only four of 424 Negro students choosing to attend white schools. Checking into complaints that Negro parents were afraid of reprisals if they placed their children in white schools, Office of Education staff members assisted the school administration in working out a plan which will result in approximately 15 percent of the Negro students being desegregated. At least one Negro teacher will be assigned to each white school. Lewisville is only 20 miles from the Louisiana border where school districts show little progress.

Florida

A number of Florida counties are progressing satisfactorily in efforts to comply with the Guidelines. In Dade County, 15,000 Negro students will attend classes with white students. Monroe County is desegregating all its schools. Gilchrist and Hardee Counties will enroll almost half of their Negro students in formerly white schools this year. Sixteen percent of the Negro students in Marion and Martin Counties will attend desegregated schools.

Florida is the only state in the Deep South to our knowledge in which the State superintendent has stated in public that the dual school systems must be eliminated.

South Carolina

One school district in Chesterfield, South Carolina, has fully desegregated; another will enroll 22 percent of its Negro students in predominantly white schools. A district in Anderson County, despite great political pressure, is planning to assign two Negro teachers to each white school and two white teachers to each Negro school.

Manatee County (Florida)

White students, 12,200; Negro students, 3800

Manatee County has been cited by EEOP compliance staff and by the NAACP leader in Florida as a good example of progress, although statistically it has achieved only 15 percent desegregation—580 Negro students in school with whites.

Manatee's distinguishing feature is a superintendent who makes speeches locally and nationally for desegregation, relating it to improved education. The superintendent is a supporter of Title VI and beneficiary of Title IV. In fact, his district gets about \$2 million a year in Federal funds for a variety of education programs.

As a reward for his early progress under the guidelines, the superintendent lost three Democratic school board members in the recent election, large on the race issue, and his most recent effort to plan for further desegregation next year was rebuffed by the board. At issue: proposed closing of a Negro elementary school, Rubonia, and reassignment of the 70 students to predominantly white schools. At a meeting of the board, the plan was rejected by the Negro faculty and parents, as well as by some outspoken white citizens and the new board members. Manatee County's days as an example of progress are numbered, although it would still be worthwhile to get the superintendent on film with his views. An elected official himself, the superintendent—J. Hartley Blackburn—fully expects to be defeated when he faces the voters again in about 22 months. He has been in office 22 years.

The school which is the center of the current flap in Manatee is a run-down frame building in a little shanty town several miles from the bigger and better downtown schools (in Bradenton). The principal is a Negro woman who has opposed faculty desegregation in her school on the rather tenuous grounds that "We aren't good enough yet. Give us a year." The school system has 25 teachers in desegregated situations.

With all its apparent drawbacks, Manatee County is worth a visit for a chance to get the superintendent on film, for his advocacy of desegregation in the face of fierce local opposition, including front-page editorials blasting all the major decisions that he has made.

Some Negro guidance counselors in the Manatee school system, operating as part of a Title IV project, could talk authoritatively about what happens to Negro children going into a desegregated situation for the first time.

Jonesboro, Arkansas (Craighead County)

White students, 4522; Negro students, 529.

Jonesboro School District has admitted two-thirds of its Negro student enrollment to formerly white schools, moving from 6 percent a year ago to about 63 percent this year.

The school system has an all-Negro school, grades 1-8, which it expects to close in the coming school year to complete desegregation. Like most other school districts in this part of the country, Jonesboro is struggling over a plan to salvage the Negro school facility which apparently is a good building. The probable solution will be to turn it into a vocational school for white and Negro students, and give it a new name. Present name, Booker T. Washington.

Superintendent C. H. Geis and his board chairman, James Lalley, feel they have had excellent community support for their administrative decisions. The board chairman is a young (mid-thirties) executive for a local General Electric plant, which he says is also desegregating. The school system has three teachers "across racial lines," one for each school, and apparently plans no major change in its policy regarding faculty.

Jonesboro is a rather unexciting example of progress. The school district is in the Northeastern part of the State and well ahead of the State average in desegregation. The officials are willing but not eager to take part in a documentary. In the presence of his board chairman, the superintendent contributed little of interest during the interview. He provided no leads on community or faculty people who might be helpful in putting together a documentary picture. The key figure in Jonesboro is the board chairman, Lalley, who could be quite helpful with a little encouragement from a TV network or the State education agency.

Searcy School District, Arkansas (White County)

White students, 2,351 ; Negro students, 168.

Searcy School District adopted a freedom of choice plan for the 1965-66 school year, ceased providing education for some 40 to 50 Negro children from neighboring districts, and proceeded to desegregate its own.

What formerly served as a Negro school for all grades from 1-12 has been converted into a desegregated elementary school with more white students than Negroes. With only a small percentage of Negro students, Searcy does not consider desegregation a major problem nor has it been one. The community has quietly accepted the changes proposed by the school administration. One factor in the community support was the favorable attitude of the Searcy Daily Citizen, which has backed the school board in its decisions. The editor, Perrin Jones, is said to be progressive in his attitude toward desegregation and influential in State education policy.

School Superintendent James W. Ahlf says that all actions leading to desegregation were carefully and thoroughly explained to community leaders, including the P-TA, Chamber of Commerce, and other civic organizations.

Searcy is about 50 miles North of Little Rock, the biggest trade center for miles around.

The school district has at least one Negro teacher in all its schools. Its only difficulty in the beginning was that it dropped half-a-dozen Negro teachers whose salaries had been paid by neighboring districts who sent their Negro children to Searcy. For this, the school district was investigated by the FBI but nothing came of it. Ahlf is aware of his vulnerability on faculty desegregation but believes the issue is dead. His district has moved from 441-B to 441 status this year.

Guy Perkins School District, Arkansas (Faulkner County)

White students, 167 ; Negro students, 117.

The residents of this small rural school district voted, in effect, to desegregate. The vote came about because Superintendent I. H. Fielder proposed to close the Negro elementary school and absorb all the students in the comprehensive school system that has already desegregated at the high school level. A new wing was needed on the white elementary school. The residents voted for the increased tax knowing that the purpose was to achieve complete desegregation. The vote: 93 to 26.

Superintendent Fielder has arranged for testing of all his students by a nearby college and expects to know within a few days where each stands. He is certain that the Negro children are behind white children of the same age at least two or three years and hopes to use the specific test information to gear his curriculum to the change.

The superintendent is a dairyman who presides over his red-dust domain in a khaki shirt and trousers.

Among the possibilities for camera coverage is a breakfast program conducted for about 60 Negro elementary students under Title I, ESEA.

The superintendent says all the children in his district are from poor families. He is quite willing, in fact anxious, to participate in the proposed TV

documentary. One reason: the white children and parents in his district have been the target of jibes from neighboring communities because of their progress in desegregation and he obviously would like to see the school districts that are making progress get some recognition for it.

It would be difficult to find a better example of rural South than the Guy Perkins district. The superintendent is confident that his white and Negro teachers could handle themselves on national television.

Okeechobee County, Florida

White students, 2,100; Negro students, 300.

Superintendent Carl Durrance says Okeechobee County has 41 percent of its Negro children in school with white children. The school district plans to assign white and Negro children to all its five school buildings next year, but will not achieve 100 percent desegregation. A group of grades will be assigned to each of the schools, including what is now the Negro elementary school. The Negro high school was closed last year. However, Okeechobee is considering allowing Negro children in the neighborhood of the present Negro elementary school a free choice for grades one, two, and three. Consequently some children in these grades will still be in school with students only of their own race, although white children at another grade level will be attending the same school on a desegregated basis. This dual use of what is presently the Negro elementary school will prevent 100 percent desegregation by class, and is typical of the flaws in most of the plans examined as possible "success stories." Even so, Okeechobee is ahead of other school districts in Florida on a percentage basis, has exceeded guidelines minimum requirements, and has effected some desegregation with little or no difficulty.

Okeechobee is using a Title IV consultant on desegregation, from the Florida Atlantic University. It has met minimum standards on faculty desegregation, about one teacher per school.

Twenty years ago, Okeechobee was still arguing over whether to educate its Seminole children—and some from neighboring counties—but now the community has accepted the Negro students without a ruffle.

State	Total school districts having enrollment of 1,200 or more students	School districts responding to survey	School districts reporting summer programs serving prekindergarten children	School districts reporting summer programs serving kindergarten children
Alabama.....	113	91	7	14
Arkansas.....	90	88	55	10
Florida.....	62	49	4	8
Georgia.....	175	174	12	40
Kentucky.....	150	150	3	25
Louisiana.....	67	67	4	9
Mississippi.....	136	126	4	10
North Carolina.....	165	164	12	53
South Carolina.....	103	101	8	21
Tennessee.....	123	97	8	15
Texas.....	313	307	38	130
Virginia.....	122	114	12	39
West Virginia.....	54	54	3	7
Total.....	1,673	1,582	170	381

LIST OF COMPLAINTS FROM SEPT. 1 THROUGH MAR. 22, BROKEN DOWN BY STATE

	Total	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia
COMPLAINTS										
Received	441	79		1	25	1			2	
Awaiting investigation	88	8			3					
Being investigated	129	8			6				2	
Investigated and found invalid	35	1		1	7	1				
Found valid	189	62			9					

NOTE. Total of 6 complaints for other than public elementary and secondary schools. Complaints indicated by asterisk.

	Total	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky
COMPLAINTS										
Received		15	42			3				10
Awaiting investigation		2	*10			2				
Being investigated		3	10			1				9
Investigated and found invalid		3	7							
Found valid		7	15							1

* 1 college complaint—Georgia Tech.

	Total	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana
COMPLAINTS										
Received		*19		2				*51	1	1
Awaiting investigation		17						1	1	
Being investigated		2		2				2		1
Investigated and found invalid		0						0		
Found valid		0						48		

*Louisiana—Private school complaint; Mississippi—Complaint under review in Catholic school.

	Nebraska	Nevada	Hew Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma
COMPLAINTS										
Received					2		*32			7
Awaiting investigation					0					2
Being investigated					0		30			1
Investigated and found invalid					1					2
Found valid					1		2			

*North Carolina—2 special schools.

	Total	Oregon	Pennsyl- vania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont
COMPLAINTS										
Received			3		25		* 14	62		
Awaiting investigation					15		1	26		
Being investigated					3		1	9		
Investigated and found invalid					2		0	10		
Found valid			3		5		12	17		

*University of Tennessee housing complaint and nonathletic scholarship for Negro athletes.

	Total	Virginia	Washington	West Virginia	Wisconsin	Wyoming
COMPLAINTS						
Received		40		4		
Awaiting investigation						
Being investigated		37		2		
Investigated and found invalid						
Found valid		3		2		

1618 ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

MEMORANDA FROM COMMISSIONER HOWE TO CHIEF STATE SCHOOL OFFICERS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., April 15, 1966.

MEMORANDUM

To: Chief State School Officers.
From: Harold Howe II, U.S. Commissioner of Education.
Subject: Title VI Guidelines.

Several chief State school officers have inquired about the approval of Elementary and Secondary Education Act Title I projects for school districts which have not submitted 441-B compliance forms by April 15.

This letter is your authorization to continue approvals under Title I until May 6, at which time any commitment of new Federal funds will be subject to deferral. We shall take a similar position in regard to various programs for which we approve funds in this Office. We will be in further communication with you.

This extension has been arranged to give school districts time to complete their compliance arrangements. I hope that it is helpful.

Within the next few days we shall be notifying school districts in your State which have not filed the appropriate documents for compliance about the forms and information which are still necessary. In the meantime, I hope that you will encourage superintendents to proceed with compliance procedures as rapidly as possible.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., May 5, 1966.

BUREAU OF ELEMENTARY AND SECONDARY EDUCATION

To: Title I Coordinators, ESEA.
From: John F. Hughes, Director, Division of Program Operations.
Subject: Compliance with the Civil Rights Act with Respect to the Projects to be filed for Fiscal Year 1967 under Title I.

As stated in the Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964, local educational agencies whose voluntary desegregation plans have been accepted by the Commissioner may continue their status as applicants in compliance by filing Form HEW 441-B.

Grants based on project applications filed for 1967 may be approved for all applicants who have established compliance as soon as funds are available. Any subsequent action that the Commissioner may take, prior to the effective date of a final order, will not affect the continuation of a previously approved project. However, any review or investigation disclosing that the applicant may not be in compliance could, of course, result in a notification by the U.S. Commissioner of Education to defer any new commitments of funds which would otherwise be approved for an applicant under Title I.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., July 1, 1966.

MEMORANDUM

To: Chief State School Officers.
From: Harold Howe II, U.S. Commissioner of Education.
Subject: Responsibilities of State Education Agencies in Assuring Compliance for State Approved Projects.

Recently a number of State departments of education have raised questions concerning their responsibility for assuring compliance with the nondiscrimination requirements of the Civil Rights Act of 1964. Several State systems have objected that their agencies are not enforcement agencies and have no responsibility to assure that federally assisted programs funded through their agency are in compliance with the Act.

I feel that it is most important that State agencies be reminded of their responsibilities in this area. The intent of Congress in enacting Title VI was that no further Federal assistance should be provided for programs in which there is discrimination on the basis of race, color, or national origin. Since, in many Federal education programs, the Congress has also prescribed that much of the educational leadership and administrative responsibility for the program shall be borne by the State departments of education, it is evident that State educational agencies have an important responsibility for carrying out the non-discrimination policies now written into all of these programs.

Each State educational agency has filed with the Office of Education a Statement of Compliance giving its assurance that it will fulfill these responsibilities as a condition for the receipt of Federal financial assistance through the Office of Education and outlining the methods of administration to be used by the State department of education in carrying them out. Each agency has set out, among other things, the methods it will use to "Review periodically the practices of the State agency, school districts, and other agencies participating in these programs, to ascertain and assure that these practices are in conformity with the Regulation and the Statement of Compliance." The instructions accompanying the Statement of Compliance forms, issued December 1964, stated that "While it is recognized that some discriminatory practices may occur in school districts and other agencies which are not within the control of the State agency, the methods of administration must describe the efforts that the State agency will make to effect compliance (such as advice and consultation), and must provide that where such efforts fail, the U.S. Commissioner of Education will be so advised." Such methods must also provide for the evaluation of compliance, for taking timely action to correct discriminatory practices found to exist, and for keeping the Office of Education informed regarding the disposition of complaints.

Failure of the States to carry out these responsibilities violates the intention of Congress to maintain the decentralization of educational responsibility in the States and local school districts. It invites Federal action where it may not be needed. It furthermore constitutes a violation of Title VI of the Civil Rights Act which could jeopardize the continued participation of the entire State in federally assisted programs.

The recent examples which have given rise to these questions of State responsibility have come up under the summer programs financed through Title I of the Elementary and Secondary Education Act. My memorandum of April 25 called attention to the importance of State educational agencies reviewing summer projects to make sure that they would be operated on a nondiscriminatory basis. Some State departments of education have informed local school districts of the April 25 memorandum and have undertaken to review all projects to assure compliance. Others have not done so. We are now receiving complaints of segregated summer programs conducted in violation of Title VI. There is particular concern about those school districts which have purposely switched the funding of their summer preschool programs from the Office of Economic Opportunity to the Elementary and Secondary Act in the hope of avoiding the nondiscrimination requirement.

We are now planning visits to some of these programs to review these charges, member to work with our staff in remedying any noncompliance. If we cannot I hope that if any such visit is required in your State you will assign a staff count upon State agency responsibility in this matter we will have to review the status of compliance of the State educational agency with its Statement of Compliance.

I am sorry to say that we have heard of some instances in which local school districts have canceled their summer programs rather than comply with the nondiscrimination requirements. I hope that the strongest leadership can be exercised from the State level to prevent local school districts from taking such action. Already we have received strong pleas from local groups for the Federal Government to finance directly programs to help disadvantaged youngsters where local school authorities have abdicated their responsibility for using the available funds for the purpose intended by the Congress. I am sure you feel that direct Federal funding or operation of such programs is not desired by most people, but you should recognize that failure of local school districts to take responsible action will certainly increase the pressure for such an alternative.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., February 1967.

MEMORANDUM FOR SCHOOL DISTRICTS OPERATING UNDER FREE CHOICE
DESEGREGATION PLANS

We believe it will help school districts this year if they are more fully informed of the procedures the Office of Education will use in reviewing the operation of "free choice" desegregation plans.

GENERAL PROCEDURE

Each school district with a plan is required to file with the Office of Education by April 15 a report of its anticipated staff and student assignments for next fall. School districts using free choice plans should file the report of their anticipated student assignments within 15 days of the end of the choice period. As soon as we receive the report we will make a preliminary determination of the probable compliance status of the district.

Generally speaking those districts operating under free choice plans which meet the criteria set out below will receive a letter indicating that on the basis of the progress reported they appear to be in compliance with the Act and will require no further review this year. If we later receive information indicating less progress than anticipated or other compliance problems, then a review which looks at all aspects of the desegregation plan may be necessary.

CRITERIA FOR EXEMPTION FROM REVIEW ON THE BASIS OF SPRING REPORTS

Student desegregation

For progress in student desegregation beyond what has been achieved in 1966-67, the criteria for preliminary review are those already set out in Section 181.54 of the guidelines.

It should be noted that the guideline percentages apply only in cases where there is a "sizeable percentage of Negro students." In many districts with a small percentage (e.g., less than 15%-20%) of Negro students more substantial progress in eliminating the dual system than that indicated in Section 181.54 would be expected.

Staff desegregation

Last year school districts requesting a rough guide to expected progress were told that the equivalent of one classroom teacher assigned on a desegregated basis in each school normally would be adequate evidence of a sufficient start on staff desegregation, so that no review would be required. For the coming school year double that degree of progress and staff desegregation in both formerly white and Negro schools would be expected to assure that a plan is operating effectively. It should be recognized, again, that this can only be a very rough measure. For instance, in districts with a few large schools more progress would be expected, and in districts with a great many small schools less might be expected.

Other factors

Other factors that will be considered in making preliminary reviews include: existence of complaints affecting free operation of the plan, existence of small, inadequate segregated schools and other evidence of unequal programs, evidence of building programs which would perpetuate the dual system, and discriminatory transfers in or out of the districts. Factors which might indicate adequate progress despite failure to meet the student and staff criteria above might include such consideration as the special difficulties presented in school districts where there is a very high percentage of Negro enrollment in the schools (such as 70% or 80% or more).

Districts requiring review

Districts which do not meet the above criteria on the basis of their April 15 reports will be considered to require further review because of probable compliance problems. These will be divided into two groups: (a) those districts whose performance falls substantially below the criteria listed above and (b) those districts coming closer to the above criteria but still requiring review.

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Each district in these two groups will be notified of its status, and those in category (a) above will be visited for a review on a priority basis. Districts in category (b) will not be visited immediately and should review their own plans carefully and take every possible step to improve their progress before school opens in the fall. Review of these districts is likely to fall during the school year, and adjustments to achieve compliance are always more of a problem while school is in session.

Summer programs

In addition to the operation of their regular desegregation plans, school districts should be alert to the requirement that their special summer programs cannot be operated on a segregated basis. State officials have responsibility for reviewing carefully the proposals for these programs to make certain that ineligible projects are not approved. A bulletin about the requirements for summer programs is attached.

HAROLD HOWE II,
U.S. Commissioner of Education.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., February 8, 1967.

MEMORANDUM FOR CHIEF STATE SCHOOL OFFICERS

Subject: Civil Rights Compliance in Summer Programs Operated Under Title I of the Elementary and Secondary Education Act of 1965, as Amended.

I want to remind you that procedures instituted in 1966 governing civil rights compliance in Title I summer programs remain in effect for projects undertaken by local educational agencies in the summer of 1967. The revised Title VI desegregation guidelines, issued on January 1, 1967, repeat the 1966 provision (§ 181.14 (b) (4)):

All special educational programs, such as preschool, summer school and adult education, and any educational program newly instituted, must be conducted without segregation or any other form of discrimination. Free choice desegregation procedures normally may not be applied to such programs.

More detailed explanations of the responsibilities of State agencies for enforcing this provision are contained in my memoranda of April 25, 1966, and July 1, 1966, on this topic. I urge you to review these documents, as they clearly spell out your responsibilities for assuring that summer programs are operated in a totally desegregated fashion.

The Office of Education attaches great importance to the effective implementation of these procedures. I hope you will remind the local educational agencies in your State of these requirements. In reviewing and approving applications for summer projects, you are requested to review thoroughly with the applicant the procedures that it will follow to assure that the program will be fully desegregated. If projects have already been approved, they should be reviewed again to assure that this requirement is being met. We hope that a careful review at this time will help avoid the necessity of discontinuing or restructuring a project after it has begun.

Title I staff will visit selected State agencies this spring to review with State Title I Coordinators the procedures your agency is following. In the meantime, I hope you will call upon us if we can be of assistance in clarifying any relevant matters.

HAROLD HOWE II,
U.S. Commissioner of Education.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., February 27, 1967.

To: Chief State School Officers, State Title I Coordinators.
From: Harold Howe II, U.S. Commissioner of Education.
Subject: Use of Title I funds in local school districts undergoing desegregation or in racially segregated attendance areas.

In its report issued on January 31 the National Advisory Council on the Education of Disadvantaged Children made the following comment and recommendation:

"As racial desegregation of school progresses, reports made to the Council indicate that insufficient planning results in some impoverished Negro children being cut off from the benefits of important programs that may exist in their former segregated schools. . . . A major new area for vigilance and administrative care is that of insuring that special educational services follow the eligible child who is transferred under a school desegregation program."

The purpose of this memorandum is to provide (1) the following statement of policy: *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* and (2) guidance for the implementation of this policy.

In this connection your attention is called to my memoranda of April 25, 1966, on summer programs and of July 1, 1966, on the responsibilities of State educational agencies for compliance with the Civil Rights Act. Your attention is also called to my letter to you dated August 9, 1966, concerning the use of Title I funds for children living in racially segregated attendance areas.

Questions have been raised by Title I Coordinators concerning the location of Title I services when children are attending schools under a freedom-of-choice, open enrollment, or other plan designed to bring about desegregation. We realize that with the implementation of such plans local educational agencies may need some special guidance in determining the children who will participate in the Title I program. We ask that you advise all Title I applicants in your State as follows:

1. The revised Title I regulations differ from the previous regulations in two important respects regarding project areas:

- (a) It is no longer permissible to designate as project areas attendance areas with less than average concentrations of children from low-income families.

- (b) The regulations specifically state that projects shall be located where the children can best be served.

2. The purpose of the "attendance area" requirement in Title I is to identify the "target population" from which the children with special needs are to be selected. The children in the target population include all children

- (a) who are attending a particular public school which has a high concentration of children from low-income families (see item 4), (b) who had been attending that school, or (c) who would be attending that school if they were not attending a private school or another public school under a freedom-of-choice, open enrollment, or other plan designed to bring about desegregation.

3. Educationally deprived children from this group should be selected for participation on the basis of the priority of their needs. Appropriate activities and services designed to meet those needs should be provided at locations where the children can best be served which, in most cases, are the schools they now attend.

4. The degree of concentration of children from low-income families for the purpose of determining eligible attendance areas or "target populations" may be *estimated*, if better data are not available, on the basis of the number or percentage of children from low-income families actually attending each of the schools being operated by the applicant local educational agency.

5. The only basis on which Title I services may be offered in schools enrolling children most of whom are not in the "target population" (see item 2) is that those services are designed for and will be serving primarily educationally deprived children selected from that population. Other children who have needs which can be met through such a project may participate in it but the number of such children must be limited so as not to dilute the effectiveness of the project for the children for whom it was designed.

6. The types of services that would be appropriate under these circumstances include special health, nutritional and social services; guidance and counseling; and remedial programs. In applying such services, consideration should be given to the special needs of the children in their new school environment. The types of services that on the surface would not be acceptable would include such activities as field trips for large numbers of children, general cultural enrichment activities, construction, and the installation of equipment.