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THE AMENDMENTS AND THE STATES.  
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OUTLINED IN THIS REPORT ARE PLANS FOR IMPLEMENTING THE  
DECEMBER 1967 CONGRESSIONAL REQUIREMENT THAT 75 PERCENT OF  
ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE III FUNDS BE  
ADMINISTERED BY THE STATES. TITLE III AUTHORIZES FEDERAL  
FUNDING OF SUPPLEMENTARY EDUCATIONAL CENTERS AND OTHER  
INNOVATIVE PROJECTS TO IMPROVE EDUCATION. SPECIFICALLY  
DISCUSSED ARE (1) STATE PLANS FOR THE ADMINISTRATION OF THESE  
FUNDS, (2) ARGUMENTS FOR AND AGAINST STATE CONTROL, AND (3)  
MULTIDISTRICT COOPERATION IN THE IMPLEMENTATION OF TITLE III.  
A PROFILE OF TITLE III COORDINATORS AND THE COMPLETE TEXT OF  
THE DECEMBER 1967 AMENDMENTS ARE ALSO FURNISHED. THIS  
DOCUMENT IS THE "PACEREPORT," JANUARY-FEBRUARY 1968. (LB)

# *PACER* report

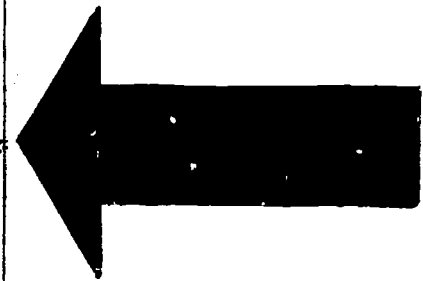
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**JANUARY-FEBRUARY 1968**

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*THE AMENDMENTS*

*AND*

*THE STATES*



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## NEW DIRECTIONS FOR PACE

*The PACEreport staff checked the facts in the following article with USDE officials as of January 17, 1968.*

Congress has voted to turn over Title III funds to the states during the next two and a half years. In fiscal 1969 (which begins this coming July 1), the U. S. Office of Education will retain control of 25 per cent of the Title III appropriation, while the states will gain control of 75 per cent of the appropriation. And in fiscal 1970 (which begins July 1, 1969), states and the USOE each will have control of about the same proportions of funds.

▶▶▶ Contrary to some stories that have appeared in the press (including the Hechinger article reproduced on pages eight and nine of this issue of PACE-report), states will not receive 100 percent of the Title III appropriation in fiscal 1970. A careful reading of the Amendments (reproduced elsewhere in this issue) will verify this point.

The extent of turnover to the states came as a surprise. Some turnover--about 50 per cent--was expected for the first year, with a total turnover taking two or three more years. Obviously, Title III is in for some drastic changes in the months ahead. There is much work to be done--especially at the federal and state levels. New federal guidelines will need to be written, spelling out in detail the new procedures which will be required for applications to the states and to the federal government. And states must come up with acceptable "state plans" if they wish to continue to participate significantly in the Title III program.

The Title III amendments were passed as part of the "Elementary and Secondary Education Amendments of 1967," which also encompasses the massive Title I (aid to the disadvantaged) program, the remaining titles of the Elementary and Secondary Education Act, plus a few new provisions.

Passage of the two-year, \$9.3 billion bill came on December 15, the last day the 90th Congress held session, after long (and at times bitter) debate. The Senate had wanted a three-year, \$14.5 billion extension of ESEA; the House, on the other hand, wanted a one-year, \$4.1 billion extension. Major Congressional disagreements which slowed passage of the ESEA Amendments involved:

- the allocation formula for Title I funds;

- the constitutionality of federal aid to church-related schools;
- the procedures for withholding federal funds from school districts intentionally maintaining segregated schools;
- and, of course, the question of whether Title III should be turned over to the states--and if so, when.

In the case of the latter dispute, the House wanted to shift complete control over the allocation of Title III funds from the USOE to the states as of July 1, 1968. The Senate, on the other hand, had recommended that this be done gradually, over a three-year period.

A compromise agreement was reached by a House-Senate conference committee the night before the final vote. The agreement gives the states 75 percent of the funds on July 1, 1968, and approximately the same amount a year later.

The final ESEA bill also cleared the way for Congress to appropriate school funds a year in advance--which would allow schoolmen to better estimate the amounts of federal funds they can expect, and which will ease their planning and budgeting problems. But in order to put this new concept into action, Congress will have to vote two years' worth of appropriations in one year in order to get the advanced funding underway. Congress may decide to do so later this year....

However, the actual appropriations of Title III funds for fiscal 1969 and thereafter have not yet been made.

#### FUNDING LEVELS

For the remainder of fiscal 1968 (from now through June 30, 1968), Title III will have something less than \$188 million for operations. (Originally, Congress had authorized up to \$500 million for this fiscal year--but appropriated only \$208 million. The further reduction--to \$188 million--was made in keeping with a Congressional request that all federal non-defense spending be reduced by at least 15 percent.)

Authorizations (not appropriations) for fiscal years 1969 and 1970 are \$512.5 million and \$550 million respectively.

Generally speaking, there will be no Title III money available for initiating new Title III projects in either fiscal 1969 or fiscal 1970. It is expected that most of the Title III appropriations for those two years will be used for the continuation of projects now in existence. If there is money available for new projects in fiscal 1969 or 1970, it will be determined on a state-by-state basis after "continuation" pro-

jects have been given first consideration. (Incidentally, the new Amendments do not affect the Title III "minigrant" program as reported on pages 18 and 19 of the November PACE report.)

#### TURNOVER TO STATES

As we stated, 75 per cent of the PACE appropriation will be turned over to the states for their control in fiscal 1969 (beginning July 1, 1968) under terms of approved "state plans". The remaining 25 per cent of each state's Title III allotment will remain under USOE control, where it will be dispersed for projects which show promise of making "a substantial contribution to the solution of critical educational problems common to all or several states".

In fiscal 1970 (beginning July 1, 1969), states will again receive 75 per cent of the Title III appropriation, under terms of approved state plans. The USOE will have available to it up to 25 per cent of the appropriation for the continuance of projects previously funded.

#### COMMISSIONER'S VETO POWER OVER STATE PLANS

The U. S. Commissioner of Education must approve state plans for fiscal 1969 and each subsequent year according to the requirements set forth in the Amendments. However, the Commissioner may withhold up to 50 per cent of a state's allotment if the state plan doesn't comply with the state-plan criteria--as set forth in the Amendments. (These criteria will be further defined in regulations to be issued by the Commissioner.)

#### STATE ADVISORY COUNCILS AND STATE PLANS

Any state wishing to receive its full 75 per cent allotment of Title III funds in fiscal 1969 (and thereafter, too) must first draw up, submit to the USOE, and receive complete approval on its state plan. And in order to receive funds to carry out the state plan under Title III, the state education department must appoint a "state advisory council" which is "broadly representative of the cultural and educational resources of the State...and of the public...."

The responsibilities of the state advisory council will include:

- (a) advising the state education department on criteria for proposal approval;
- (b) reviewing and making recommendations on each application submitted under terms of the state plan;
- (c) evaluating state programs and projects; and
- (d) preparing and submitting reports on state Title III activities to a "national advisory council."

## NATIONAL ADVISORY COUNCIL

As required by the Amendments, the President has already appointed a National Advisory Council on Supplementary Centers and Services. The Council will--

- (1) "review the administration of general regulations for, and operation of this title...
- (2) "review, evaluate, and transmit to the Congress and the President the reports submitted ... (by the States).
- (3) "evaluate programs and projects carried out under this title and disseminate the results thereof...
- (4) "make recommendations for the improvement of this title, and its administration and operation."

## ADMINISTRATIVE EXPENSES FOR STATES

Beginning in fiscal 1969 (next July 1), each state may receive up to 7 1/2 per cent of its allotment ( \$150,000, whichever is greater, for three purposes: (1) dissemination and evaluation, (2) running the state advisory council, and (3) administering the state plan. In fiscal 1970 the amount of money each state receives for administrative purposes will be roughly the same as in fiscal 1969.

▶ Note: USOE officials are now looking into the legality of granting funds for administrative purposes to the states during the current fiscal year, in order to help states prepare for their July 1 takeover.

## FIFTEEN PERCENT FOR HANDICAPPED CHILDREN

The Amendments require that "not less than 15 per centum" of the amount which a state receives to carry out the plan in any upcoming fiscal year "shall be used for special programs or projects for the education of handicapped children."

## PROJECTS NOW IN OPERATION

As we stated previously, projects now in operation will be given first consideration for fiscal 1969 and 1970 Title III funds. This point was emphasized in both House and Senate reports which accompanied the Amendments--and holds true for both USOE-administered and state-administered funds.

## EDITORIAL NOTE

A major problem in some states will be to prevent Title III from becoming a political pork-barrel. Some state Title III coordinators--admittedly, only a few--have in the past automatically recommended approval of all Title III project applications submitted from districts within their states. This they probably did to avoid political pressures at home. But now, they will have to face up to such pressures.

We believe that most state coordinators will meet the challenge--and hope that all will. We believe it is essential, as the coordinators gain increasing control over PACE funds, that the focus be kept on innovative and creative approaches.

Further, state coordinators will need to exercise every influence to keep the high-quality project directors that have characterized the program thusfar. Out-of-state personnel should be sought in many cases to bring different perspectives and approaches to the local scene.

Said Washington's Governor Daniel J. Evans in his January 1967 inaugural address: "State governments are unquestionably on trial today. If we are not willing to pay the price, if we cannot change where change is required, then we have only one recourse. And that is to prepare for an orderly transfer of our remaining responsibilities to the federal government."a/

The first national study of PACE concluded: "Considering everything--weaknesses and strengths, blunders and triumphs, politics and purity--Title III has thusfar achieved outstanding success, probably more so than other ESEA titles." Very soon, state departments of education will have the heavy responsibility of continuing the high quality that PACE thusfar has achieved.

A small, courageous, and dedicated USOE staff has done an outstanding job with PACE, and American education owes them a genuine debt of gratitude. They have set a high standard for state coordinators. All of us who have continuing faith in Title III must pitch in to help the states in every way possible to maintain--and improve--the unique PACE program.

Richard I. Miller

Richard W. Gores

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a/ Quoted in Committee for Economic Development, Modernizing State Government. New York: the Committee, 1967, p. 10.



## CAN THE STATES 'GEAR UP' BY JULY 1?

Shortly after Congress passed the ESEA Amendments we phoned--at random--a dozen state Title III coordinators: We asked them whether they'd be able to gear up between now and July 1 to handle the 75 per cent of the Title III appropriation which they can begin to administer at that time. To a man, they said they could do it. A sampling of additional comments:

From Wayne Tayson, ARIZONA: "It will be a matter of timing; a matter of setting up the machinery. We've been working on a state plan.... We'll be set by July 1."

From Donald W. Johnson, CALIFORNIA: "Frankly, I'm optimistic...although there may be some problem over setting up contracting procedures at the state level. But our state procedures work well with Title I, so I don't anticipate any problem."

From A. R. Nestoss, NORTH DAKOTA: "We may have some problem gearing up by July 1, but I think we can do it."

From Robert N. Shigley, GEORGIA: "We have a written state plan, which we wrote in anticipation of the amendments. We feel we can do a better job with Title III funds, or a portion of them, administered by the state."

From Alvin Luke, IDAHO: "I assume we (all state Title III coordinators) will be able to meet together to design our state plans."

From Roger E. Richards, CONNECTICUT: "We're very pleased with this action (passage of the amendments in their present form), very enthusiastic about it....We had been dissatisfied before in terms of national administration...because of delays in grant awards and funds issued."

From James B. Ellingson, OREGON: "We have an advisory committee which will help us draw up a state plan....We've had good working relationships with the USOE, and don't anticipate much difference...but it will be hard for us to replace the (functions performed by the USOE's) Contracts Office."

"We intend to continue using PACE as a force for innovation...but will emphasize the supplementary education center concept more than in the past....I have just one reservation: I hope the (other) states don't just use the money for general federal aid."

From Gene A. Maguran, WEST VIRGINIA: "This is a 'yes and no' proposition, because we don't yet know how much money we'll receive....We will have no problem handling it, provided the USOE can give up up-to-date fiscal figures."

## PROS AND CONS ON STATE CONTROL

Below are two opposing views of the effects the amendments to ESEA will have on Title III. The first view presented is that of a noted education columnist; the second (written in reply to the first) is from a state Title III coordinator.

### POLITICS OVER AID

*Following are excerpts from "Politics Over Aid," an article written by Education Columnist Fred M. Hechinger which appeared in the December 17 issue of The New York Times. © 1967 by The New York Times Company. Reprinted by permission.*

....In another regressive move, the House which, contrary to the historical tradition, has become more states-rights-minded than the Senate, has been pushing hard to terminate special powers enjoyed by the United States Office of Education under one relatively small but important Title of the (ESEA) bill and to return those powers to the States.

Under Title III, which has been providing annual amounts ranging from \$100-million to \$135-million for the creation of "supplementary education centers" and other special projects to upgrade schooling, local school boards must submit proposals via the state education departments to the Federal education office. While the state authorities are expected to analyze and improve the proposals, the U. S. Office has the final say.

The Senate wanted to keep things pretty much as they were for at least three years, with a view to making the transition to greater state control thereafter. The House wanted to return all powers to the states by next July. In the compromise, 75 per cent of the funds under this Title will be given to the states on that date and 100 per cent one year later.

The issue is symptomatic of the politics of American education. The state education authorities, which are the center of gravity of educational policy-making, have generally been anti-urban in ideology and conservative in educational approach. The purpose of the relationship created between local schools and the U. S. Office under Title III was to use a limited amount of "seed money"--foundation style--and put the emphasis on new ideas, outside the establishment's routine, and on educational slum-clearing.

The state- and establishment-oriented House resented this and, even though progress under Title III was noted in some school districts, the approach will now be called off before there is a chance to test its long-term success. Some observers feel that the House, in its conservative mood, wants to prevent results which, though important to educa-

tion, especially in the urban crisis areas, might strengthen the hands of those who seek greater Federal influence in educational planning and reforms.

--Fred M. Hechinger

### REBUTTAL FROM A STATE COORDINATOR

*Following is a personal letter to Hechinger rebutting his views, written by Connecticut's ESEA Title III Coordinator Roger E. Richards. Excerpts printed in PACereport courtesy of Dr. Richards.*

....I have always looked to your column for accurate and sound analysis of education matters. Your fair-minded and perceptive approach is most valuable. These compliments are honest and serve to emphasize my disappointment with the position you took in the article "Politics Over Aid"....

I refer particularly to your comments regarding the assumption of Title III administration by the states which you called "a regressive move". Further in the article you categorically described state education authorities as "generally...anti-urban in ideology and conservative in educational approach". Your implication is clear that retention by the U. S. Office of Education would assure objective, creative handling of Title III. On the other hand, you assume that all state departments of education are incapable of effective direction of this promising program. These assumptions are misleading.

The other side of the case deserves to be heard. One could cite examples of unworthy projects funded over state objections because of political pressures exerted on the U. S. Office of Education. One could speak of the unreasonable delays in making grant awards and in issuing contracts which have often caused financial hardships for local school systems. The truth is that the understaffed and segmented U. S. Office of Education is not able to keep up with the administrative aspects of Title III. As a result, increasing demands have been made on state personnel to evaluate local programs and to conciliate local problems without provision for decision-making or for the administrative costs required. Either you are unaware of these critical aspects or you choose to ignore them.

Contrary to your contention that the long-term success of Title III is now in jeopardy, we consider this readjustment essential to final success of the program in Connecticut. This is not to say that all states share this feeling or are equally prepared to assume this responsibility. But we are ready to carry out the intent of Title III and we are pleased that the difficult restrictions under which we have been working are now removed.

--Roger E. Richards

## A LOOK AT MULTI-DISTRICT COOPERATION

The idea of regionalization--of school districts joining together for a common purpose across political boundaries--is getting attention in all parts of the country....The legislatures in some states are acting on it now; others have already done so; and still others are studying it.

There is considerable interest in regionalization--and there's bound to be even more as states get ready to implement their Title III state plans. But actually regionalization is not a new idea. Multi-school district approaches to education have been in effect for a number of years in different parts of the country. Some arrangements have been informal--such as the New England School Development Council which taxes its member school districts to support joint studies. Other arrangements have been formalized.

Two excellent examples of multi-district cooperation date back several decades. The Cooperative Audio-Visual Center in St. Louis County, Missouri, has been operating for 35 years. And Oakland Schools, in Michigan, offered subject matter consultants and school nursing services to rural schools as early as 1928.

### HOW IOWA DEVELOPED ITS REGIONS

For many years Iowa has operated a county intermediate unit structure (which is a form of regionalization itself). Under this traditional arrangement each county school system in Iowa included all the local school districts in the county, and was governed by a fiscally independent county board which appointed its own administrative officer and levied taxes to support its interdistrict activities.

Substantial service programs were developed in some Iowa counties under this structure. But in other counties (there are 99 in all), the population was too sparse for the establishment of significant programs. A series of statewide studies pointed out the need for further modifications, and statutory changes were enacted on a permissive basis. As a result, a number of joint multi-county and multi-board operations have been established there.

A more recent modification, enacted in 1965, led to the development of 16 intermediate districts for the state, and provided legal machinery for the merging of several counties into a single operation under one multi-county school board.

Scott County (Davenport) and Muscatine County were the first to take advantage of the new law: They merged as of July, 1966. The new Muscatine-Scott County School System offers six specific service programs: In special education, curricular and instructional services, pupil testing, data processing, research and development, and instructional materials.

Under the latter (instructional services) the two-county agency operates a center for booking and delivery of films, supplementary textbooks, and other curriculum materials. From this center the agency also distributes ESEA Title II materials, and soon will process and distribute 100,000 library books and 2500 films to the public and private schools in three counties. All this without federal funds.

The intermediate district structure is not officially connected with Title III in Iowa, and (as of this writing) the state has no Title III regional plan. But almost half of the state's Title III projects have been sponsored by the intermediate districts. The remaining Title III projects in Iowa are sponsored by individual school districts.

Michigan has much the same regional arrangement as Iowa: A state-wide network of intermediate school districts. Some serve a single county (such as the Oakland County Service Center in Pontiac). Others serve multi-county areas.

### CALIFORNIA AND NEW YORK

The states with the most advanced regionalized structures are California and New York. California has 21 supplementary centers which blanket all parts of the state. They operate at an annual cost of \$5 million (\$2 million of which the state contributes).

California's state plan requires that its regions serve geographic areas with between 100,000 and 300,000 students. But the state has allowed four exceptions to this rule--it has approved two regions in and around Los Angeles which serve more than 300,000 students, and two in the northern part of the state which serve fewer than 100,000.

The 11 regions in New York State are a direct outgrowth of Title III. There is a center in each region reflecting local needs. Right now the centers are supported entirely with Title III funds. Common functions of the centers are:

- Planning and designing programs to meet regional needs, and assisting local school districts in planning their programs. Also, undertaking pilot or demonstration projects which the local districts will later take over.
- Evaluating programs in local districts.
- Disseminating information on effective programs.
- Serving as liaison among all educational and cultural agencies.
- Coordinating regional resources.
- Accelerating adaptation and change at all levels of education. (This is the long-range goal of the other pro-

grams. Its achievement will depend upon the adequacy of the center's analysis of the needs of the region, and on its ability to marshal ideas and resources to meet the needs.)

On the matter of size, New York has taken an experimental and pragmatic approach--which it justifies on the grounds that there was no valid experience to go by and that conditions in different parts of the state made different arrangements possible. Thus there are one-county regions, an eleven-county region, and in New York City, a single-district region. Some districts and counties are in two regions, or in one region for one service and another for a second.

\* \* \*

Obviously, there are many ways to develop a regional service agency, or develop a statewide or even nationwide network of agencies--with differing types of organization and responsibility, different types of financing, and different types of program determination and control.

For the most part, though, before the advent of Title III, the really extensive regional program developments were limited to areas in and around large cities. This was because the metropolitan areas were able to bring together enough pupils and enough money to make specialized programming practical. (This is certainly true of the Oakland, California, arrangement, which includes 29 independent local school districts serving about 220,000 youngsters.)

\* \* \*

Last year the NEA's Department of Rural Education prepared for the USOE a report on regional educational service agencies in which it listed nine criteria for the establishment of such centers. (These criteria don't necessarily have to do with regional centers set up under Title III--yet they raise definite implications for Title III.) They are:

1. The center's services should be "highly specialized, never duplicating other operations in the state system," and should be "highly complementary to local school efforts and closely supplementary to state level operations."

2. The center's services should be "physically accessible to its constituents and, by and large, should be accessible as a matter of right--without charges, tuition, or whatever."

3. "The center, being a public school enterprise, should be financed with public school funds."

4. In order to economically justify a center, it should serve a school population of at least 50,000 ADM.

5. The programs which the center offers must "meet some standards:" They must be appropriate for regional rather than state or local operation, must be specialized, must be needed, and must be sophisticated.

6. "Staffing of the center should be based on a division of labor by specialty." Every staff member should be expert in his particular field, and should not be assigned to work outside of his field.

7. "The organization which operates the center should be an integral part of the state system of schools." The organization will be more responsive to the demands of its constituents, and more responsible to the state system, according to the extent that it is legally and operationally "in the line" as a part of the state system.

8. "Institutional integrity" is necessary in order to maintain standards of service, staffing, behavior, accessibility, and responsibility. "Integrity is not achieved by casual arrangement; corporate structure is required."

9. Formal arrangements must be made within the state system so that the regional center will be serviceable and viable. "Formal arrangements of a political, legal, or fiscal nature" must "tie the state system together and ensure meaningful communication within the system."

There are a number of reasons, said the NEA in its report, why state-wide systems of regional centers would make a big difference to the state educational systems. Among them:

- For the first time in certain states technology and highly specialized educational programing would get effective and economical exposure.
- For the first time in any state there would be the prospect of an equitable distribution of such programing and technology.
- The very fact of the introduction of technology into a state system would change the system.
- Schoolmen would start looking at and thinking about state school organization as a system rather than as a group of unrelated corporate entities. (This last is perhaps the most significant and lasting difference which regional centers could make).

**R**egionalization has been greatly speeded up as a result of ESEA Title III--and USOE area desk chiefs report that it is the most noticeable trend in the Title III program.

In some states, which were organized on a regional basis prior to the Elementary and Secondary Education Act, Title III projects have fitted into the existing state structure. West Virginia is a good example: That state was formally organized into seven multi-county regions in the mid-1950's. Then, when ESEA Title III became law, the West Virginia education department placed high priority on projects of a regional nature. As a result, the state now has a PACE center serving each of its seven regions: The state is now 100 percent "covered" by Title III on a regional basis.

But this is only part of the West Virginia story--because the state has an additional 12 county (as opposed to regional) projects at work. (Five of these are minigrants.) Most of the 12 "local" projects are outgrowths of the regional PACE centers.

Utah, on the other hand, has an informal regional arrangement--although the state education department has never advocated regional setups. Utah has helped and supported those regional centers which emerged from the local districts, though. And it's likely that the next session of the Utah legislature will pass a bill which provides for voluntary organization, and which would provide some state funds to help.

The Texas legislature recently passed a bill with wide implications for Title III regionalization. (Some of the states bordering Texas are not organized regionally, and so will watch to see how the Texas plan develops. If it works well, they may adapt it for themselves.)

There are 20 regional educational service centers in Texas, serving groups of between 50,000 and 400,000 students. Each local district within the geographic area served by a center appoints a representative to serve on a joint committee--which in turn elects a seven-member board of directors as the governing body. Legislation passed last summer created potential, and appropriated funds, for the establishment of an instructional media component in each center. The state has appropriated up to \$1 per pupil in average daily attendance to finance the media components. Local districts match the state funds. Then the state and local funds are paid to the center. Title III money supports the planning component of each center.

Nearly two-thirds of the 50 states have either formal or informal regional Title III arrangements. And of those states which are not regionalized, almost all have stated a preference for becoming so in the near future. The major drawback has been a lack of funds (Title III funds, Title V funds, state funds). Thus we find that in some states the Title III coordinator has worked alone, without help, or worked as Title III coordinator only part-time. The lack of funds leads directly to two other drawbacks to immediate regionalization: lack of adequate staff, and lack of enough time for planning.

Another obstacle which stands in the way of regional structures--although it does not appear to be a widespread problem--is the need for states to develop goals and procedures before they undertake regionalization. The overall picture, however, shows a steady advance, both formally and informally, toward regionalization.



## PROFILES ON STATE COORDINATORS....

*The following article is based upon preliminary findings of a survey conducted during the fall months of 1967 by Norman D. Kurland, director of New York State's Center on Innovation (which manages that state's Title III program). Dr. Kurland undertook the survey on behalf of the national Title III evaluation effort, which we covered in the November and December issues of PACERreport.*

*Kurland mailed survey questionnaires to all state Title III coordinators, and received 37 replies.*

### WHO WORKS WHAT HOURS

Twelve of the 37 respondents to Kurland's questionnaire indicated that they worked full-time as Title III coordinators. Seven reported working 3/4 time, eight reported working half time, eight said they worked 1/4 time, and two reported working less than 1/4 time on Title III activities. All said they had secretarial and clerical help.

Fifteen of the coordinators were first appointed in 1965, 10 in 1966, and 12 in 1967.

### SALARIES

Salary range: \$9500 to \$21,000. Typical salary: About \$14,000.

### WHAT THEY DID BEFORE

Immediately before being named coordinators--

- 19 held posts in state education departments in areas ranging from instruction and curriculum directors, subject matter consultants, special service director, and a research assistant to a state ETV director;
- nine were former school principals, superintendents, or supervisors;
- four were former administrators of ESEA Title I and/or NDEA Title III;
- two were formerly associated with a university;
- one was a former state representative;
- one was a county project director; and
- one was with the NEA in Washington.

### STATE TITLE III FUNCTIONS

Ten coordinators reported that they had already "developed a state plan for the over-all development and administration of Title III;" 18 reported they would be able to do so if staff, funds or authority were provided; and five answered that they did not see the development of such a plan as a responsibility of the state Title III office.

Nineteen coordinators said they "encourage the dissemination of information on successful Title III projects and promote their adoption;" 13 reported that they do so only occasionally; three said they would do so if staff, funds or authority were provided; and two answered that they did not see this as their responsibility.

Eight coordinators stated that they "coordinate Title III programs with other federal and state programs;" 23 answered that they do so only occasionally; one replied that his office would do so if provided with staff, funds or authority; and five said they didn't see this as a responsibility of the state Title III office.

### STATE PLAN STATUS

Eleven coordinators reported that their states had no state plan, six said their states were without plans but "one will be prepared," 10 replied that a state plan was in the process of being prepared, four reported that the state plan had been prepared, four said the state plan has been officially adopted--and one coordinator reported that his state operates under provisions of an unwritten state plan.

### RELATIONS WITH USOE

The majority of coordinators (27) reported that their relations with the USOE have been "very good". Eight said the relationship was "good", and two found it only "fair".

Asked to list "major problems in relation to USOE," the coordinators included the following:

- Communications (keeping informed).
- Contracts branch extends its influence into program (already approved) instead of confining it to budget.
- USOE should not bypass or ignore state in dealing with local districts.
- Timing of availability of funds.
- Lack of legal authority for state to supervise projects.
- Obtaining project manuals.

- Inability to contact certain department heads for immediate information.
- Slowness in getting final approval and funding.
- Difficulty getting accurate information regarding amount of money spent, how allotted, etc.
- Late notification on disapproved projects, with form letter used.
- Failure to notify applicant of areas to be negotiated in "hold" projects.
- Inability of USOE to secure travel funds to visit projects.

#### STATE PRACTICES USED IN REVIEWING TITLE III APPLICATIONS

Most proposals are read by state education department specialists-- both within and without the state Title III office. About a third of the coordinators reported that applications are reviewed by outside (non-department) specialists.

The typical application gets four readings at the state level, the survey indicates. (Some get only one reading, others get up to 14.)

Kurland included in his survey findings an example of a state review panel which includes outsiders. His example, Texas, includes:

- two members of state board of education;
- two classroom teachers (one elementary, one secondary);
- two superintendents;
- one assistant superintendent (curriculum);
- one foundation director;
- two lay citizens (one is a member of a local board of education); and
- two university professors.

#### EVALUATION

Sixteen coordinators said their states had programs for the evaluation of Title III projects. Nineteen said their states did not.

## REGIONALISM

About half (17) of the respondents said their state had regionalized in connection with Title III. When asked "Is your state planning to regionalize?" 19 coordinators answered "yes", 13 said "no", and five made no reply.

Kurland found that 192 regions had been established within the 37 responding states: Of these, four had been established by the state legislature, nine by the state education department, and nine by local districts themselves.

Major functions of these regions are "leadership and coordination of educational activities", "planning and developing projects", and acting as "liaison between state-local-federal agencies." Other functions include "handling funds", "dissemination and communication", and "helping with evaluation."

Kurland is now preparing a full report on his survey--the final results of which should be available within a month.

\* \* \*

**K**urland has just mailed a second survey questionnaire to his fellow-coordinators (again on behalf of the national Title III evaluation effort). This second survey deals with the upcoming Title III transition from federal to state administration--and the survey results should prove invaluable both to the states and to the USOE in the months ahead.

In a January 5 covering letter sent out with his second questionnaire, Kurland declared:

"The amendments to Title III, of course, create an entirely new situation....(More) staffing will be required by the states in order to fulfill their new responsibilities. It would greatly facilitate the transition if Congress would appropriate the funds for state administration during the current fiscal year as authorized in the Act. This would permit some states to begin adding staff this year and would enable all to get an early start next year. If appropriations are not made until the following year, it may be this time of year or later before there would be administrative funds available--and by then half of the year in which the state is supposed to administer 75% of the funds would be gone.

"If you agree with the need to have these funds appropriated in the next session, it would be well to let your Congressional delegation know."

# TITLE III AND STATE PLANS

by Patrick F. Toole

*Toole is assistant director for curriculum development (Title III coordinator), for the Pennsylvania Department of Public Instruction. During the fall he corresponded with his fellow-coordinators across the country, seeking information on the status of "state plans" for Title III. Toole explains his findings in the following article, written especially for PACERreport.*

If a sampling of 23\* of the 50 states' procedures is a valid indication of the national status of "state plans" for administering ESEA Title III, several observations can be made:

1. Title III is beginning to become serious business in most (if not all) states. More than half (13) of the respondees had plans--either already implemented or on the verge of being implemented--and those states that did not have plans were at least beginning to develop them. State resource commitments (staff, time, dollars) are being proposed or have been made. Some such commitments are rather sizable, as in this writer's state which was minimally estimated at \$150,000 annually, to support the equivalent of more than 15 state-paid staffers.

2. As was expected, none of the plans received in response to the September query would yet satisfy the "Green Amendment" intent....

3. Regionalism is now and will probably increasingly become a pivotal consideration in the operations of all states, if not in their separate plans.

## INCREASING COMMITMENT OF STATE RESOURCES

States' efforts on behalf of ESEA Title III are apparently commanding an increasing share of state resources--people, time and money. Michigan's Don Goodson reports his office's request for the establishment of a Supplementary Educational Centers and Services Unit. In justifying his request, Goodson's office noted that Title III "is beginning to exhibit a potential that is staggering in its implication when viewed as a program that could remake long-established educational traditions, change educational directions, and shake the educational establishment."

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\*Alabama, Arizona, Colorado, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Montana, New York, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Virginia, Wisconsin. In an October 16, 1967, memo to state coordinators for ESEA Title III, Vermont's "informal plan"--not then received--was not included in the tabulation.

Sought from Michigan's Civil Service Department were the positions of a unit supervisor, two consultants and two secretaries, which--with the assistance of Goodson's Lansing colleagues--would enable Michigan "to participate in this program with vigorous guidance" from the state.

Already established was New York's Center on Innovation into which Norman Kurland slipped Albany's ESEA Title III office. So too established in the late 50's and early 60's were Pennsylvania's Area Curriculum Centers, adjuncts of the State Department of Public Instruction. Originally located only in 12 of the 14 state colleges, these state-supported centers have been expanded since the advent of Title III in function, staff and numbers (15 now), and are used to buttress Harrisburg's regional Title III efforts. Now called Education Developmental Centers, these field units serve as nuclei for Title III regional planning and/or operational grants which blanket the entire state.

Lyndon B. Wharton reports that even though Illinois does not have a written state plan, his office conducts "an on-site visitation and evaluation of each project 60 days before the termination of the current grant" and "makes a written recommendation to the USOE about the continued funding of the project.

Additionally, Illinois Title III application reviews require that a "minimum of ten people read and evaluate each proposal." (Complementing Springfield's internal review is a preliminary review of applications by a seven-member committee from Illinois public and private colleges.) All this--reviews, visits and evaluations--without a "written plan". Obviously a written plan is no index of resource commitment.

Nor does Connecticut have a formal plan, according to Roger E. Richards, but it was planning to ask for a sizable commitment from the Connecticut Assn. of Public School Superintendents in return for regional and individual district participation in Title III activities.

#### THE "GREEN AMENDMENT" INTENT--ANY MODELS?

Looked for in the survey was one or more state plans that could meet the criteria for state plans embodied in the "Green Amendment", which would have turned Title III funds over to the states during a three-year period. Among the 23 responses received, some of them, like New York's, were only parts of the states' total approach or were only progress or status reports on state-plan developmental activity. None encompassed the Green Amendment intent. Hence, no "models" against which other states can benchmark their efforts are presently available.

Nevertheless, and among others, Pennsylvania's plan needs minimal additions if a "bare-bones" state plan is to be acceptable to other state coordinators looking for "benchmarks".

Fiscal control may be the "hardest nut to crack" for program-oriented state coordinators. If state comptrollers do not have ready-made solutions for concerned state coordinators, an appendix entitled "Auditing Procedures for ESEA, Title III Funded Projects" in the New York

State Supplement to USOE Manual for Project Applicants - May, 1967, edition, dated October, 1967, provides extensive treatment of fiscal control and will give harried state coordinators much to mull over.

#### REGIONALISM--AN EMERGING NECESSITY?

If the 13 states submitting formal and informal plans or guidelines for their ESEA Title III operations had any generally common procedure, it was a reliance on regionalism (with varying degrees of regional autonomy).

Colorado's Walter Turner reported 16 "natural regions" historically used "in the administration of state-wide programs". Colorado's guidelines include as one of six principles "to follow when working with school districts" the following:

Regional efforts should be encouraged so as to assure that every school district has some possibility of gaining from the establishment of (ESEA Title III) centers.

Connecticut's approach, already referred to, would encourage broad, general-purpose approaches to cooperative educational centers, and participation in a special project of narrower focus might require at least a minimal commitment to such a center.

"The pattern of pooling limited financial resources by multi-district operation is not new to Kentucky," the state's guidelines declare. Consequently, a grouping of seven regions by county has been established there. "Title III envisions an administrative region as an organization framework for a number of school districts and counties within a state ....Title III calls for an 'equitable distribution of assistance within each state," the guidelines further declare.

Minnesota's Sigurd J. Ode, in describing his state's "tentative plan" which was to be further "formulated and solidified" in an end-October meeting, reported "assistance from the six educational research and development councils located strategically throughout the state", and added that "cooperative projects will be encouraged" as two of ten salient factors being considered for inclusion in the plan. Minnesota echoes Kentucky's emphasis on "equitable distribution of assistance" by planning to apportion Title III money "by per capita of population".

New York, in addition to national needs, has already given priority "to the establishment of a coordinated network of Title III projects. Applications will be favored at the state level which further this network concept." Fourteen such regions are now in existence, ranging in size up to an eight-county consortium in western New York. But despite this priority, New York's guidelines alone among those received have quite specific autonomy curbs: "Regional directors and the board of trustees have no approval or disapproval authority concerning proposals from the region."

**Pennsylvania's** 18 regions, each with its own regional advisory committee broadly representing educational and regional interests, work within flexible regional sub-allocations of the state's Title III allotment. Cooperative projects receive the highest priority, and the state education department asks for committee recommendations on all projects developed within a region. Further complementing the activities of the regional committees are the Title III regional grants (planning or operational) which come under their purview.

South Dakota's Ervin Peregrine reports that his state has been divided into four regions for purposes of Title III, and that a regional center has been established in each. "Approved projects are handled by the regional service center....The supervision of the project and fiscal accounting...are handled both by the regional service center and the business manager of the regional applicant school district."

Vermont reports that aside from support for "successful existing Title III projects" and an additional 15 per cent of the remaining state allotment for the support of "locally initiated projects in the order of \$10,000", all other state Title III money "will be used to support five 'action centers', which hopefully will become a vehicle for some rather sweeping improvements...."

According to an informal Vermont state plan for Title III now being supported by the state department of education and local school personnel, the "main thrust of activities of each center will be directed at making school a place for children rather than teachers.

"We hope to do away with some of the artificial distinctions between various subjects and grade levels in the elementary school, develop a program of choice, freedom, and responsibility for all children, eliminate the restraint of school walls and extend the school into the community and community into the school, and personalize the pupil-teacher relationship. The centers will concentrate upon the specific areas of concern identified by local educators as being most critical for their particular region," says Richard S. Staudt.

#### SOME TENUOUS CONCLUSIONS

Again, if this sampling of activity in 23 of the 50 states has any validity, perhaps the spectre of state take-over of Title III may not be as grim as it seemed a year ago. Certainly the developmental activity is uneven and much remains to be done, even in those 23 states responding to the query (to say nothing of those whose non-responses may have been based on having nothing to report).

Nevertheless, it seems that nearly half the states--and probably a good deal more than half--are concerned, are working hard and will work harder to preserve the intent of Title III.

With Congressional built-in, fail-safe controls on state plans, the spirit of Title III which has been so catchy may be more contagious than once thought--and may yet acquire epidemic status.



# A LOOK AT THE FUTURE OF CALIFORNIA EDUCATION....

By Donald W. Johnson

*Dr. Johnson is Director of Program Planning and Development and Title III Coordinator for the California State Department of Education.*

If education is the basic tool by which people are prepared to cope with the world in which they live, the demands upon the public school system will increase both in number and complexity. The individual district will become increasingly less able to respond to the demands placed upon it if it continues to depend solely upon its own resources. Each district has three courses of action available:

- (1) React to local pressures with short-range and generalized goals;
- (2) Agressively, seek to "innovate" within its own boundaries, insisting that its educational problems are unique and solutions developed in other districts and states are not applicable to it;
- (3) Seek to achieve a planned interdependency between it and the other units within the system of public education, accepting "learning" rather than "teaching" as the prime task of the schools.

Each course of action will have certain foreseeable consequences:

(1) To continue to drift, letting local forces move the district at will, eventually will result in the abolition of school districts as political entities. (The Nation cannot afford the luxury of ineffective education.)

(2) To "innovate" within the confines of a district will achieve only short-term reward; the "innovations" will achieve only limited success, and the frantic search for panaceas will gradually tire the professional staff and bore the community--for the problems will remain unresolved.

(3) The third alternative has the potential of enabling the schools to guarantee "learning", but will bring with it the need for highly skilled and objective board members, administrators, and teachers --and a loss of many of the time-hallowed practices of public education. "Who" performs a task will be less important than "what" the task is. "Did they learn?" will be the primary criterion for evaluating a new instructional idea.

**A**rthur D. Little, Inc., studied California education in 1964 and 1967 in an effort to create an organization where a planned interdependency is both possible and practical. Significant changes will take place if the Department and other units of the California public school system accept the rationale and recommendations of the Little study. Among changes which might occur over a period of, say, 20 years are the following:

#### POSSIBLE CHANGES ON THE STATE LEVEL

- Probably the state board of education will be elected, while the state superintendent will be appointed--the reverse of today's situation.

- The state education department will have been reorganized several times...and will direct and pay for the development and dissemination of proven alternative instructional and organizational practices for consideration by local school districts.

- Most notable among the innovations in state education department operations will be a long-range planning capability....Since five or six years are needed to develop and test a new instructional program, a planning unit will continually attempt to predict educational needs 15 to 20 years ahead.

Large amounts of state and federal money will be available to the Department, which will contract with research agencies, colleges and universities, county schools offices, and individual school districts to develop the instructional programs which long-range planning indicates are needed. Specifications for the programs will be developed by the Department...but the actual development (including programs of in-service education needed for their use) will be contracted to agencies free from state bureaucracy.

Once developed, the programs will be carefully evaluated by other units of the Department.

Still other units within the Department will provide for the demonstration of those programs in local districts, so that school administrators and board members may observe the new practices and determine on the basis of first-hand (as well as research) evidence the appropriateness of the new program to their teachers and students.

Thus, the basic task of the state education department would be to provide valid and reliable alternative courses of action in instruction, school organization, or finance, from which a school district may select. But one of the alternatives which must be preserved is that of permitting any district to develop its own solution with the assistance of county schools offices and persons from the Department.

If a district chooses to develop its own solution, though, it must accept the responsibility of validating its effectiveness in comparison with the previously-available alternatives.

### POSSIBLE CHANGES ON THE COUNTY LEVEL

- The present trend toward cooperative efforts by two or more offices of county superintendents will have accelerated....

Services provided will include regional data processing for student personnel and business management, long- and short-range educational planning, management of in-service training for teachers involved in new instructional programs, and overseeing the evaluation of experimental programs.

Curriculum coordination will still be a task of the county office, but will consist primarily of adapting tested programs to the unique requirements of individual schools and student groups within the districts served.

### POSSIBLE CHANGES ON THE LOCAL DISTRICT LEVEL

- The most striking factor will be size. All school districts will be unified, and the median district will enroll over 25,000 students. Increased population will force districts to crowd more and more students into each school, and the average urban elementary school will house more than 1500 pupils, while the high school will have soared to 7000 enrollment.

- Pressures to do something about integration will result in a tendency to develop schools serving larger attendance areas, and the educational park idea will have many adherents. However, parks will not be as common as many of its proponents now suggest.

- Both teachers and students will spend more time in school. Teachers will have 12-month contracts, and will be required to spend at least one month during an annual vacation period being retrained for new course offerings.

- The students will enter school at an earlier age, and pre-kindergarten will be an accepted part of the school organization. The students' school day will be the same length, although attendance may be staggered and the hours of school use doubled. The school year will be extended to 200 days. Graduation from junior college will be as common as high school graduation today.

- The continuing shortage of teachers will be only partly resolved through the use of technological devices, and a hierarchy of teaching levels will be in the process of development. (Various titles will be developed for these positions, but as a minimum there will be master teachers, teachers, assistant teachers, and teacher aides.) Opposition to this hierarchy will come from both the profession and the public, but the need for such specialization will make it inevitable.

- Administrators of the schools of the future will probably receive a different type of training than the instructional staff, and will

be responsible for the logistics of operating the school plant. Master teachers will serve many of the functions that the idealized school principal provides now.

- What will be most noticeable to the visitor to the schools of the 1980's, however, will be the number and complexity of the support personnel. The increase in instrumentation in the classroom (e.g., computers, teaching machines, audio-visual equipment, etc.) will require electronic technicians, media specialists, and maintenance personnel.

- The classroom day as currently known will have disappeared. Almost all schools, instead of just one or two, will be known as a place "where no bells ring." Students and teachers will schedule their day's work each morning, with the time spent in learning a task dependent upon successful completion of the task.

- The schools which will be built then will be flexible in a real sense. Space will be controlled, and easily rearranged to suit needs.

\* \* \*

Whether or not these changes take place, and the speed with which they occur, depends largely on our willingness to subjugate our own egos to the needs of the children we educate and the society we serve. If we can adjust our personal and institutional behavior so as to achieve an effective interdependence, we may preserve the right of each district to manage its own destiny by demonstrating that we can guarantee "learning".

But if we cannot change the habitual patterns of action, an impatient society will demand, and get, state and national curriculums and even school systems, so that both children and society may be more effectively served.

## **YOUR MAN IN WASHINGTON: THE AREA DESK CHIEF**

When you have a question about your Title III project which requires that you get in touch with someone at the USOE, your first contact should be with the "area desk chief" who serves your region of the country. If your area desk chief cannot answer your question directly, he's in the best position to direct you to someone who can.

You'll find the name, address, and phone number of the area desk chief who represents your region in the following list (updated as of mid-January). Write your area desk chief c/o the Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education, U.S. Office of Education, 400 Maryland Avenue S.W., Washington, D. C. 20202.

## **REGION I**

Samuel Kavruck--  
chief  
Room 2149  
Phone: (202) 962-5898

Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

## **REGION II**

Samuel Kavruck--  
acting chief  
Room 2149  
Phone: (202) 962-5898

Delaware  
New Jersey  
New York  
Pennsylvania

## **REGION III**

William Gruver--  
chief  
Room 2167  
Phone: (202) 962-0266

District of Columbia  
Kentucky  
Maryland  
North Carolina  
Virgin Islands  
Virginia  
West Virginia

## **REGION IV**

Joseph Pukach--  
acting chief  
Room 2134  
Phone: (202) 962-0250

Alabama  
Florida  
Georgia  
Mississippi  
Tennessee  
South Carolina

## **REGION V**

W. Stanley Kruger--  
chief  
Room 2151  
Phone: (202) 962-6180

Illinois  
Indiana  
Michigan  
Ohio  
Wisconsin

## **REGION VI**

Gerald Randall--  
chief  
Room 2155  
Phone: (202) 962-0160

Iowa  
Kansas  
Minnesota  
Missouri  
Nebraska  
South Dakota  
North Dakota

## **REGION VII**

David Young--  
chief  
Room 2167  
Phone: (202) 962-8075

Arkansas  
Louisiana  
New Mexico  
Oklahoma  
Texas  
Canal Zone

## **REGION VIII**

Ray Warner--  
chief  
Room 2153  
Phone: (202) 962-0149

Colorado  
Idaho  
Montana  
Utah  
Wyoming

## **REGION IX**

Dealous Cox--  
chief  
Room 2167  
Phone: (202) 962-1611

Alaska  
Arizona  
California  
Hawaii  
Nevada  
Oregon  
Washington  
Guam  
Trust Territories

# COMPLETE TEXT OF THE NEW TITLE III AMENDMENTS

*Below are the amendments to Title III of the Elementary and Secondary Education Act, passed by the House and Senate on December 15, 1967. The amendments are reprinted from the December 15 issue of the Congressional Record, pp. 17150-17153.*

## Part C--REVISION OF TITLE III OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

### "TITLE III--SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

#### ▶ "Appropriations Authorized

"Sec. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of \$100,000,000 for the fiscal year ending June 30, 1966; \$175,000,000 for the fiscal year ending June 30, 1967; \$500,000,000 for the fiscal year ending June 30, 1968; \$512,500,000 for the fiscal year ending June 30, 1969; and \$550,000,000 for the fiscal year ending June 30, 1970. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and each of the two succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

#### ▶ "Allotment Among States

"Sec. 302. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1969, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such

assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301 (b), the Commissioner shall allot \$200,000 to each State and shall allot the remainder of such sums among the States as follows:

"(A) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, The Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallocated or used for grants pursuant to section 306 in other States. Funds available for reallocation may be reallocated from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

"(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

#### ► "Uses of Federal Funds

"Sec. 303. (a) Funds appropriated pursuant to section 301 shall, except as provided in subsection (b), be available only for grants in

accordance with applications approved pursuant to this title for--

"(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3), including pilot projects designed to test the effectiveness of plans so developed;

"(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 503 (4) and special programs for handicapped children) in the schools of the State; and

"(3) the establishment, maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as--

"(A) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

"(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing facilities;

"(G) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods, and visiting teachers' programs;

"(H) encouraging community involvement in educational programs; and



"(I) other specially designed educational programs or projects which meet the purposes of this title.

"(b) In addition to the uses specified in subsection (a), funds appropriated for carrying out this title may be used for--

"(1) proper and efficient administration of State plans;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

► "Applications for Grants--Conditions for Approval

"Sec. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such applications shall--

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes set forth in section 303 (a) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

"(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(a). and in no case supplant such funds;

"(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that--

"(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities,

"(B) upon completion of the construction, title to the facilities will be in a State or local educational agency.

"(C) in developing plans for such facilities, (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per cent of the cost of the project), and (ii) there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons, and

"(D) the requirements of section 310 will be complied with;

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and--

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made--

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and

"(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project, makes provision for the participation of such children; and

"(3) has been reviewed by a panel of experts.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

#### ► "State Advisory Councils and State Plans

"Sec. 305. (a) (1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the 'State advisory council') which meets the requirements set forth in paragraph (2), (B) set dates before which local educational agencies must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

"(2) The State advisory council, established pursuant to paragraph (1), shall--

"(A) be appointed by the State educational agency, and be broadly representative of the cultural and educational resources of the State (as defined in section 304 (a) ) and of the public, including persons representative of--

"(i) elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

"(C) review, and make recommendations to the State educational agency on the action to be taken with respect to, each application for a grant under the State plan;

"(D) evaluate programs and projects assisted under this title;

"(E) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council established pursuant to this title, at such times, in such form, and in such detail, as the Secretary may prescribe; and

"(F) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this title.

"(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year--

"(1) sets forth a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307 (a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such program or project) that are fully equivalent to those otherwise required of a local educational agency;

"(2) sets forth the administrative organization and procedures, including the qualifications for personnel having responsibilities in the administration of the plan in such detail as the Commissioner may prescribe by regulation;

"(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different

population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four- and five-year-olds and including where appropriate bilingual education, because some or all of its schools are seriously overcrowded (as a result of growth, or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(7) provides that not less than 50 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303 (a);

"(8) provides that not less than 15 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such informations, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final action with respect to any application (or amendment thereof) (3) regarding the proposed final disposition thereof shall not be taken without first affording the local educational

agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(c) The Commissioner may, if he finds that a State plan for the fiscal year ending June 30, 1969, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan an amount not in excess of 75 per centum of its allotment pursuant to section 302 for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, plus for such fiscal year ending June 30, 1970, such part of the remainder of such allotment as is not used pursuant to section 306.

"(e) (1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"(3) (A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States Court of Appeals for the circuit in which such State is located a petition for

review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(f) (1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

### ► "Special Programs and Projects

"Sec. 306. (a) From the portion described in subsection (c) of the amount allotted to any State, pursuant to section 302, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approval, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for com-

ment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"(c) For the fiscal year ending June 30, 1969, not in excess of 25 per centum of a State's allotment shall be available for the purposes of this section, and for the fiscal year ending June 30, 1970, only such part, not in excess of 25 per centum of such allotment shall be available as is necessary to continue toward completion projects pursuant to this section in such State which were initiated prior to such fiscal year except that, for the fiscal year ending June 30, 1969, any portion of a State's allotment which is not available for grants under an approved State plan shall be available for grants in such State under this section.

#### ► "Payments

"Sec. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303 (b), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7 1/2 per centum of its allotment for that fiscal year or \$150,000 (\$50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan during the fiscal year ending June 30, 1970, shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year or \$100,000 (\$35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined

by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

#### ► "Recovery of Payments

"Sec. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this title--

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

#### ► "National Advisory Council

"Sec. 309. (a) The President shall, by January 31, 1968, appoint a National Advisory Council on Supplementary Centers and Services which shall--

"(1) review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

"(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305 (a) (2) (E);

"(3) evaluate programs and projects carried out under this title and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of three years except that (1) in the case of the initial members, four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.



"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding \$100 per day, including travel-time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

#### ► "Labor Standards

"Sec. 310. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a--276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

#### ► Effective Date

Sec. 132 (a) The amendment made by section 131 shall be effective July 1, 1968, except as specifically provided in subsection (b).

(b) (1) That part of section 305 (a) of the Elementary and Secondary Education Act of 1965, as amended by section 131, concerning State advisory councils, and section 309 of such Act, as so amended, shall be effective upon enactment of this Act.

(2) The second sentence of section 301 (b) of such Act, as so amended, shall be effective upon enactment of this Act.

(c) The Commissioner is authorized, upon enactment of this Act, to take such steps as he may deem appropriate in order to prepare to implement the amendment made by section 131.