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ABSTRACT

Presented are the proceedings of the hearings before the Subcommittee on Handicapped of the Committee on Labor and Public Welfare on Senate Bills 896, 6, 34, and 808 which would provide financial assistance to the states for improved educational services for handicapped children, support research and development in the care and treatment of autistic children, and authorize a screening program to identify children with specific learning disabilities. The full texts of the four bills are provided. The statements given before the committee and the full statements of the approximately 30 witnesses are presented. The following persons are among the listed witnesses: Dr. Marianne Frostig, clinical professor of education; Hon. Joe Foss, former governor of South Dakota; William Geer, executive director, Council for Exceptional Children; Hon. Ernest Hollings, U.S. Senator from South Carolina; Edward Palmer, research director, Children's Television Workshop; Rafer Johnson, Olympic decathlon champion; Nanette Fabray MacDougall, television and broadway actress; and Dick Dowling, director of governmental affairs, American Speech and Hearing Association. Additional information includes articles and publications, communications to senators on the committee, and questions and answers. (DB)

EDUCATION FOR THE HANDICAPPED, 1973

HEARINGS

BEFORE THE

SUBCOMMITTEE ON HANDICAPPED

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

S. 896

TO AMEND THE EDUCATION OF THE HANDICAPPED ACT, AND FOR OTHER PURPOSES

S. 6

TO PROVIDE FINANCIAL ASSISTANCE TO THE STATES FOR IMPROVED EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN

S. 34

TO PROVIDE FOR ACCELERATED RESEARCH AND DEVELOPMENT IN THE CARE AND TREATMENT OF AUTISTIC CHILDREN, AND FOR OTHER PURPOSES

S. 808

TO AUTHORIZE THE COMMISSIONER OF EDUCATION TO UNDERTAKE A PROGRAM TO SCREEN ELEMENTARY SCHOOL CHILDREN IN ORDER TO IDENTIFY CHILDREN WITH SPECIFIC LEARNING DISABILITIES

MARCH 20, 21, AND 23, 1973

Printed for the use of the Committee on Labor and Public Welfare

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MARCH 20, 21, AND 23, 1973

Printed for the use of the Committee on Labor and Public Welfare

U.S. GOVERNMENT PRINTING OFFICE
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EDUCATION FOR THE HANDICAPPED—1973

TUESDAY, MARCH 20, 1973

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 in room 4232, Dirksen Senate Office Building, Senator Jennings Randolph, chairman of the subcommittee, presiding.

Present: Senators Randolph, Williams, and Stafford.

Committee staff present: Mrs. Patria Forsythe, professional staff member, and Roy H. Millenson, minority professional staff member.

Senator RANDOLPH. A pleasant morning to all of you. This day I am sure will be a good day because we have those persons who are intensely interested in this subject matter who have come long distances. Some have reshuffled their schedules that they might appear and help us in this Subcommittee on the Handicapped as we open a series of hearings that have to do with special educational problems of the handicapped.

We are going to have testimony on S. 896. Many of you know this bill has as its focus the extension of the existing programs in the Bureau of Education for the Handicapped.

In addition, there are three new programs before us for consideration—S. 6, the "Education for All Handicapped Children Act," a bill to provide payment for the excess costs of services to handicapped children; S. 34, the "Autistic Children Research Act"; and S. 808, the "Screening for Learning Disabilities Act".

[The bills referred to follow:]

93D CONGRESS
1ST SESSION

S. 896

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1973

Mr. RANDOLPH (for himself, Mr. WILLIAMS, Mr. STAFFORD, Mr. CRANSTON, Mr. SCHWEIKER, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. HATHAWAY, Mr. JAVITS, Mr. DOMINICK, Mr. MAGNUSON, Mr. DOLE, and Mr. BENTSEN) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

---

A BILL

To amend the Education of the Handicapped Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Amendments of 1973".

BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 2. (a) Section 603 of the Education of the Handicapped Act is amended by inserting "(a)" After "SEC. 603." and by adding at the end thereof the following new subsection:

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"(b) (1) The bureau established under subsection (a) shall be headed by an Associate Commissioner of Education who shall be appointed by the Commissioner and who shall report directly to the Commissioner, be compensated at the rate specified for, and placed in, grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) In addition to such Associate Commissioner, there shall be placed in such bureau four positions for persons to assist the Associate Commissioner in carrying out his duties, and such positions shall be placed in grade 16 of the General Schedule set forth in section 5332 of title 5, United States Code."

(b) (1) The positions created by subsection (b) of section 603 of the Education of the Handicapped Act shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code, and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this Act.

GRANTS TO THE STATES

SEC. 3. (a) Subsection (b) of section 611 of the Education of the Handicapped Act is amended to read as follows:

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $300,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $500,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

CENTERS AND SERVICES

SEC. 4. (a) Section 626 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 626. For the purpose of carrying out this part, there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1974, $90,000,000 for the fiscal year ending June 30, 1975, and $110,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

PERSONNEL TRAINING

SEC. 5. (a) Section 636 of the Education of the Handicapped Act is amended by striking out that part thereof which follows "this part", and inserting in lieu thereof "$103,000,000 for the fiscal year ending June 30, 1974, $110,000,000 for the fiscal year ending June 30, 1975, and $115,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted July 1, 1973.

RESEARCH

SEC. 6. (a) Section 644 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, and $60,000,000 for the fiscal year ending June 30, 1976."

(b) The amendment made by subsection (a) shall become effective, and shall be deemed to have been enacted on July 1, 1973.

INSTRUCTIONAL MEDIA

SEC. 7. (a) (1) That part of section 652 (b) of the Education of the Handicapped Act which precedes clause (1) is amended by inserting "(either directly or by grants or contracts)" after "authorized".

(2) Section 654 of such act is amended by striking out "$20,000,000" and inserting in lieu thereof "$35,000,000".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1973.

SPECIFIC LEARNING DISABILITIES

SEC. 8. (a) Section 661(c) of the Education of the Handicapped Act is amended by striking out "$12,000,000" and all that follows down to but not including the period at the end of such section and inserting in lieu thereof the following: "$35,000,000 for the fiscal year ending June 30, 1974, $40,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976".

(b) The amendments made by subsection (a) shall become effective, and shall be deemed to have been enacted on, July 1, 1973.

93D CONGRESS
1ST SESSION

S. 6

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1973

Mr. WILLIAMS (for himself, Mr. BENTSEN, Mr. BIBLE, Mr. BROOKE, Mr. CANNON, Mr. CHILES, Mr. HART, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. McGEE, Mr. MAGNUSON, Mr. MONDALE, Mr. MOSS, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, Mr. STEVENSON, and Mr. TUNNEY) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

---

A BILL

To provide financial assistance to the States for improved educational services for handicapped children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for All Handicapped Children Act".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) there are more than seven million handicapped children in the United States today;

(2) close to 60 per centum of these children do not

receive appropriate educational services which would enable them to have full equality of opportunity;

(3) one million of these children are excluded entirely from the public school system and will not go through the educational process with their peers;

(4) the States have a responsibility to provide this education for all handicapped children; but are operating under increasingly constrained fiscal resources; therefore,

(b) It is the purpose of this Act to insure that all handicapped children have available to them not later than 1976 a free appropriate public education, to insure that the rights of handicapped children and their parents or guardian are protected, to relieve the fiscal burden placed upon the States and localities when they provide for the education of all handicapped children, and to assess the effectiveness of efforts to educate handicapped children.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "handicapped children" means mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children, or children with specific learning disabilities who by reason thereof require special education, training, and related services;

(2) the term "Commissioner" means the Commissioner of Education;

(3) the term "per pupil expenditure for handicapped children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for the operation of any such agency for handicapped children, and the additional cost to the State or local educational agencies within that State for the provision of education to handicapped children in homes, institutions, and other agencies other than public elementary and secondary schools, divided by the aggregate number of handicapped children in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Education of the Handicapped Act, the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(4) the term "per pupil expenditure for all other children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local edu-

cational agencies in that State, plus any direct current expenditure by the State for operation of any such agency for all other children not included in the determination made under paragraph (6) of this section, divided by the aggregate number of all other children in attendance daily to whom such agency has provided free appropriate public education, and such expenditure shall not include any financial assistance received under the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(5) the term "free appropriate public education" means education, training, and related services which shall be provided at public expense, under public supervision and direction and without charge, and meeting the standards of the State educational agency, which shall provide an appropriate preschool, elementary, or secondary school education in the applicable State and which is provided in conformance with an individualized written program;

(6) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(7) the term "State educational agency" means the State board of education or other agency or officer

primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(8) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(9) the term "individualized written program" means a written educational plan for a child developed and agreed upon jointly by the local educational agency, the parents or guardians of the child and the child when appropriate, which includes (A) a statement of the child's present levels of educational performance, (B) a statement of the long-range goals for the education of the child, and the intermediate objectives related to the

attainment of such goals, (C) a statement of the specific educational services to be provided to such child, (D) the projected date for initiation and anticipated duration of such services, and (E) objective criteria and evaluation procedures and schedule for determining whether intermediate objectives are being achieved.

AUTHORIZATION

SEC. 4. (a) The Commissioner is authorized to make grants pursuant to this Act for the purpose of assisting the States in providing a free appropriate public education for handicapped children at the preschool, elementary, and secondary school levels.

(b) There are authorized to be appropriated for the fiscal years beginning July 1, 1973, and ending June 30, 1977, such sums as may be necessary for carrying out the purposes of this Act.

BASIC GRANTS: AMOUNT AND ENTITLEMENT

SEC. 5. (a) (1) From the sums appropriated pursuant to section 4 of this Act for each fiscal year, each State is entitled to an amount which is equal to the amount by which the per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, exceeds the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in the public elementary and secondary schools in that State, multiplied by the Federal share specified in section 8 (a) (2) for each handicapped child for which the State is providing free appropriate public education during the current fiscal year. Funds so allotted shall be used by the State to initiate, expand, and improve educational services for handicapped children in conformance with a State plan.

(2) The per pupil expenditure for handicapped children, aged three to twenty-one years, inclusive, and the per pupil expenditure for all other children, aged five to seventeen years, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent data available to him.

(b) The portion of any State's entitlement under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such entitlement is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original entitlements to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its entitlement under subsection (b) for such year.

ELIGIBILITY

SEC. 6. (a). In order to qualify for assistance under this Act in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met.

(1) A State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

(2) The State has a plan which details the procedures and implementation strategies for insuring that a free appropriate public education will be available for all handicapped children within the State not later than 1976, and which includes a detailed timetable for accomplishing such a goal, and the necessary facilities, personnel, and services.

(3) The State has made adequate progress in meeting the timetable of its plan.

(4) Each local educational agency in the State will maintain an individualized written program for each handicapped child and review at least annually and amend when appropriate with the agreement of the parents or guardian of the handicapped child; that in the development of the individualized written program, parents or guardian are

afforded due process procedures which shall include: (A) prior notice to parents or guardian of the child when the local or State educational agency proposes to change the educational placement of the child, (B) an opportunity for the parents or guardian to obtain an impartial due process hearing, examine all relevant records with respect to the classification or educational placement of the child, and obtain an independent educational evaluation of the child, and (C) procedures to protect the rights of the child when the parents or guardian are not known, unavailable, or the child is a ward of the State, including the assignment of an individual, not to be an employee of the State or local educational agency involved in the education or care of children, to act as a surrogate for the parents or guardian; and that when the parents or guardian refuse to agree to the provisions of the individualized written program, that the decisions rendered in the impartial due process hearing are binding on all parties pending appropriate administrative or judicial appeal.

(5) Tests and other evaluation procedures utilized for the purpose of classifying children as handicapped are administered so as not to be racially or culturally discriminatory.

(6) To the maximum extent appropriate, handicapped children, including children in public or private institutions

or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(7) An advisory panel broadly representative of individuals involved or concerned with the education of handicapped children, including teachers, parents or guardian of handicapped children, administrators of programs for handicapped children, and handicapped individuals, has (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) assists the State educational agency in determining priorities within the State for educational services for handicapped children, (C) reviews the State plan and reports to the State educational agency and the public on the progress made in the implementation of the plan and recommends needed amendments to the plan, (D) comments on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this Act, and (E) assists the State in developing, conducting, and reporting the evaluation procedures required under section 7 of this Act.

(8) To the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this Act.

(9) Federal funds made available under this Act will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case supplant such State and local funds.

(10) The State educational agency will be the sole agency for administering or supervising the preparation and administration of the State plan, and that all educational programs for handicapped children within the State will be supervised by the persons responsible for educational programs for handicapped children in the State educational agency and shall meet educational standards of the State educational agency.

(11) The State has identified all handicapped children with the State and maintains a list of the local educational agency within the State responsible for the education of each such child (whether the child remains in the area served by the local educational agency or is sent out of the jurisdiction for services), the location of the child, and the services the child receives.

(b) Any State meeting the eligibility requirements set forth in subsection (a) and desiring to participate in the program under this Act shall submit to the Commissioner an application at such time, in such manner, and containing or accompanied by such information as he deems necessary. Each such application shall—

(1) set forth programs and procedures for the expenditure of the funds paid to the State under this application, either directly or through individual local educational agencies or combinations of such agencies to initiate, expand, or improve programs and projects, including preschool programs and projects, which are designed to meet the educational needs of handicapped children throughout the State;

(2) provide satisfactory assurance that the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property;

(3) provide for (A) making such reports in such form and containing such information as the Commissioner may require to carry out his functions under this Act, including reports of the objective measurements required by paragraph 9 of subsection (a), and (B) keeping such records and affording such access thereto as the Commissioner may find necessary to assure

the correctness and verification of such reports and proper disbursement of Federal funds under this Act;

(4) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this Act to the State, including any such funds paid by the State to local educational agencies;

(5) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children, in accordance with such criteria that the Commissioner shall prescribe pursuant to section 7.

(c) The Commissioner shall approve an application and any modification thereof which—

(1) is submitted by an eligible State in accordance with subsection (a);

(2) complies with the provisions of subsection (b);

(3) provides for the distribution of funds under this Act in such a way which reflects the relative percentage contribution within each State of funds spent within the State on education of handicapped children by State and local educational agencies; and

(4) provides that the distribution of assistance under this Act within each State is made on the basis of

consideration of (A) the relative need for special educational services in certain geographical areas within the State as developed under the State plan, and (B) the relative need for special educational services for certain subgroups of the population of handicapped children within the State as developed under the State plan. The Commissioner shall disapprove any application which does not fulfill all such conditions, but shall not finally disapprove a State application except after reasonable notice and opportunity for a hearing to the State.

(d) As soon as practicable after the enactment of this Act, the Commissioner shall prescribe basic criteria to be applied by State agencies in submitting an application for assistance under this Act. In addition to other matters, such basic criteria shall include—

(1) uniform criteria for determining the handicapped children to be served;

(2) uniform criteria to be used by the State in determining categories of expenditures to be utilized in calculating State and local expenditures for the education of handicapped children.

EVALUATION AND REPORTING

SEC. 7. (a) The Commissioner shall measure and evaluate the impact of the program authorized under this Act, and shall submit annually to the Congress a report on progress being made toward the goal of making available to all handicapped children a free appropriate public education by 1976. Such report shall include a detailed evaluation of the education programs provided in accordance with individualized written programs, and shall include an evaluation of the success or failure of the State and local educational agencies to meet the long-range goals and intermediate objectives for education, to deliver specific services detailed in the individualized written program, and to comply with the projected timetable for the delivery of such services.

(b) The Commissioner shall also include in the report required by subsection (a)—

(1) an analysis of the procedures undertaken by each State to insure that handicapped children are to the maximum extent appropriate educated with children who are not handicapped, pursuant to paragraph 6 of subsection (a) of section (6) of this Act;

(2) an evaluation of the State's procedures for the institutionalization of handicapped children, including classification and commitment procedures, services provided within institutions, and an evaluation of whether institutionalization best meets the educational needs of such children; and

(3) recommended changes in provisions under this Act, and other Acts which provide support for the

education of handicapped children which will encourage education of such children in public preschool, elementary and secondary schools where appropriate and improve programs of instruction for handicapped children who require institutionalization.

PAYMENTS

SEC. 8. (a) (1) The Commissioner shall pay to each State from its allotment determined pursuant to section 3, an amount equal to its entitlement under that section.

(2) (A) From funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State the amount for which its application has been approved except that the aggregate amount of such payment in any State shall not exceed the amount allotted to that State pursuant to section 5 (a).

(B) To the extent that any State in which the State educational agency is wholly or partially providing free appropriate public education for handicapped children, the provisions of subparagraph (A) of this paragraph shall not apply.

(b) For each fiscal year the Federal share shall be 75 per centum.

(c) (1) The Commissioner is authorized to pay to each State amounts equal to the amounts expended for the proper and efficient performance of its duties under this Act, except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total of the amounts of the grants paid under this Act for that year to the State educational agency; or

(B) $75,000, or $25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(d) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.

WITHHOLDING

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of section 6, the Commissioner shall notify the agency that payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies whose actions or omissions caused or are involved in such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

93d CONGRESS
1st Session

S. 34

IN THE SENATE OF THE UNITED STATES

January 4, 1973

Mr. HOLLINGS introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

---

A BILL

To provide for accelerated research and development in the care and treatment of autistic children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Autistic Children Research Act".

AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT

Sec. 2. Part E of the Public Health Service Act is amended by adding at the end thereof the following:

"RESEARCH PROGRAM ON AUTISM

"Sec. 446. (a) The Director of the National Institute of Child Health and Human Development shall—

II

"(1) plan and develop a coordinated autism research program encompassing the programs of the National Institutes of Health and related programs of other research institutes, and other Federal and non-Federal programs;

"(2) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of autism; and

"(3) establish comprehensive, coordinated diagnostic and evaluation procedures that provide for early detection and effective guidance for autistic children.

"(b) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

"LEARNING AND CARE CENTERS

"SEC. 447. (a) The Secretary may make grants, loans, and loan guarantees to any public or private nonprofit entity operating or proposing to operate a residential or nonresidential center with education programs for autistic children.

"(b) A grant, loan, or loan guarantee under this section may be made only after the Secretary approves a plan submitted by such entity submitted in such form and containing such information as the Secretary may require.

"(c) There are authorized to be appropriated to carry out the provisions of this section $500,000 for fiscal year 1974 and $5,000,000 per annum for fiscal years 1975, 1976, 1977, and 1978.

"(d) For the purposes of this section and section 446 the term 'autistic' means severe disorders of communication and behavior such as infantile absorption in fantasy as escape from reality, childhood schizophrenia, and other child psychoses."

93d CONGRESS
1st Session

S. 808

IN THE SENATE OF THE UNITED STATES

February 7, 1973

Mr. Gravel (for himself and Mr. Pastore) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

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A BILL

To authorize the Commissioner of Education to undertake a program to screen elementary schoolchildren in order to identify children with specific learning disabilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Screening for Learning Disabilities Act".

Sec. 2. Section 662 of the Education of the Handicapped Act is amended to read as follows:

"SCREENING PROGRAM FOR IDENTIFYING CHILDREN WITH SPECIFIC LEARNING DISABILITIES

"Sec. 662. (a) The Commissioner is authorized and directed to conduct, either directly or by way of grant, contract, or other arrangement with State educational agencies, a program under which local educational agencies within a State administer a screening program to the elementary schoolchildren in the schools of such agencies, prior to their entrance into the third grade, in order to identify children with specific learning disabilities.

"(b) In carrying out the program authorized by this section, the Commissioner, after consultation with the Director of the National Institute of Education, and whenever appropriate, with the State educational agency concerned, shall develop an appropriate screening device designed to identify children with specific learning disabilities.

"(c) The screening device designed to identify children with specific learning disabilities shall be approved by the Commissioner and shall be administered to such children not later than December 1, 1973, and December 1, 1974.

"(d) Whenever the Commissioner determines to carry out the provisions of this section through a grant, contract, or other arrangement with a State educational agency, the Commissioner is authorized to pay to that agency the costs incurred by that agency in administering the screening device to identify children with specific learning disabilities.

"(e) No grant or other arrangement may be made and no contract entered into, with a State educational agency under this section, unless an application is made to the

Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner may reasonably require.

"(f) Not later than June 30, 1974, and again not later than June 30, 1975, the Commissioner shall prepare and submit to the President and the Congress a detailed and complete report of the administration of the screening program authorized by this section, including a description of the type of specific learning disabilities identified and the number of children involved, together with such recommendations, including recommendations for additional legislation, as he deems appropriate.

"(g) In conducting the program under this section, the Commissioner shall not permit the disclosure of any individual test score obtained pursuant to this section, except to the parents or guardians of any such child, but the Commissioner is authorized to disclose aggregate test scores in order to carry out the provisions of subsection (f).

"(h) There are authorized to be appropriate to carry out the provisions of this section $100,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975."

Introductory Statement of Senator Jennings Randolph

Senator RANDOLPH. This Nation's most precious resource is its children.

The opportunity an individual possesses to contribute to society and to receive its rewards is based to large degree on education, and I think that well reasoned education helps to bring that into being.

Since the beginning of this century, more and more of our children have received improved education. Today we have a school system which includes the majority of our children. Unfortunately, however, there is one group of children who are all too often excluded from this system—our handicapped children.

How many of them are there in this country? Perhaps a figure could be estimated at 7 million deaf, blind, retarded, speech impaired, emotionally disturbed, crippled, or other health impaired children in the United States. They could well represent a large percentage of our population of school age children.

They represent approximately 10 percent of the school age population. Current data indicates that less than approximately 40 percent of these children are receiving an adequate education in our country. A handicapped child's chance for an education is partially dependent upon geography: It is four times more likely that a handicapped child will receive an education in some States than in others. In 1972, some States offered less than 20 percent of their handicapped children an opportunity for schooling of a meaningful nature.

Good educational programs yield great human and economic dividends. I never feel that when we spend money to help a handicapped person, we are just spending. We are investing dollars. Even the most severely handicapped child can be made less dependent through education; and given an opportunity, many handicapped persons can become self-sufficient, productive members of society rather than dependent upon that society.

Experience has demonstrated that with quality early education experience, good basic educational opportunities, and career education, most handicapped children in their future years can be good contributing members in our society.

Failure to invest in education for these children almost always results in dependency, either within their own families or at the expense of the community. It costs the taxpayers about $250,000 to support a totally dependent handicapped person over his lifetime.

The choice is clear, both from a humanitarian and an economic standpoint: education must be made available now for the handicapped. The inability of the States to provide for more than 50 percent of these children and the high cost of education for the severely handicapped, places a critical responsibility on the Federal Government to share costs with States and local communities.

Programs of education for the handicapped should be reviewed, extended, and adequately funded so that no handicapped child will be forced to wait for his share of America's opportunities. A handicapped child has a right to an education, just as any other individual. We must convert dependence to independence and futility to productivity.

I think a handicapped child not only has a right to education, I think we have the responsibility to see this comes into being.

Someone once said to me one day, "I am only blind; I am not handicapped." Someone else said, "I am somewhat deaf; I am not handicapped."

In other words, these people who do have impairments of one type or another need encouragement. They need the strength of counseling; they need the help that people can give to them through a Government that must be responsive to worthwhile needs. It is my genuine hope that the work of this subcommittee will aid in achieving that goal.

There is no wiser investment, either for our dollars or for our energy. It is a wise investment which I think people will respond to when people know the facts more fully. That is what you, the witnesses, will help us understand today.

Albert Camus said: "Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don't help us, who else in the world can help us do this?"

INTRODUCTION OF WITNESSES

We will need the help of you citizens who are awakened and, yes, alarmed to the problems that exist. It is a vital effort. It is one that brings a challenge to us as we begin these hearings with the testimony this morning, first of the Honorable James Waddell, Jr., a member of the State Senate of South Carolina.

We know of his work, and we welcome him to the witness table. Of course, I know you from having flown with you, and we hope you will come to West Virginia again.

You have dipped deeply into this responsibility in your State. You are not only the chairman of the joint legislative committee of the Governor of that State on mental health and mental retardation, but you have been a vice chairman of the Education Commission of the States Task Force on Education of Handicapped Children, and you have been forceful in this job.

You have been a committed spokesman for the right to education of handicapped children, not only in South Carolina but throughout the country. You have been a consultant for many States as they attempted to write legislation concerning the handicapped. Now you come before our subcommittee, and we are delighted that you are here.

If you will proceed at this time with your testimony.

STATEMENT OF HON. JAMES WADDELL, JR., STATE SENATOR, COLUMBIA, S.C.

Mr. WADDELL. Senator, I am going to present a prepared statement, but I will probably deviate from it, but I would like, in effect to save time, to work from this prepared statement.

Mr. Chairman, I appreciate the opportunity to speak to you briefly about handicapped children and the problems they face in obtaining the educational services to which they are entitled.

We all know that handicapped children have the same needs as other children. They have the same desires, they have the same motives, and they have the same fears.

We also know the handicapped are found in every socioeconomic level and in all segments of our culture. However, for many years, handicapped children have constituted an obscure population, because we have not taken note of the complexities of their handicapping conditions, and we have many times erroneously assumed that the needs of the handicapped were being met by general education legislation and programs.

In the last few years we have become aware of the educational problems of the handicapped. We know that large numbers of handicapped children continue to be neglected and ignored in regard to special needs related to transportation or physical facilities because they cannot make use of what is available, neglected with regard to long-term educational opportunities, or neglected because even minimal special education services have not been available.

It is possible to identify a number of positive gains by States in extending equal educational opportunities to the handicapped children. Among these there are more than 40 States which now have enacted some type of legislation for the handicapped. To be sure, not all programs are mandated, but increasingly State legislatures have begun to stress the importance of providing comprehensive educational services for these children.

Now, in the State of South Carolina we have passed mandatory legislation which requires that each school district develop a plan of meeting the needs of the handicapped in the district. The same act charges the State board of education to approve and see that these plans are implemented. We are trying to implement our plan over a 5-year timespan. However, the mere existence of mandatory legislation does not guarantee that problems relating to planning for the program, development, staffing, adequate physical facilities, finance, and due process have been solved.

Recent efforts throughout this country to improve educational opportunities for handicapped children have now become a concern of the Nation's Governors. Recently, Governor Bond of Missouri, Governor Shapp of Pennsylvania, and Governor Anderson of Minnesota have publicly reported comments regarding responsibilities of their respective States to provide for the education of the handicapped.

Recently, there was a meeting of the Task Force on Education of Handicapped Children of the Education Commission of the States of which I am vice chairman, held in conjunction with the Southern Governors Conference. The Governors at this conference expressed great interest in approving educational opportunities for the handicapped.

It was at this conference that the Southern Governors in the form of a resolution expressed their support of efforts to improve educational opportunities for all handicapped children, both regionally and on a national basis.

The increased concern in Congress and in the States over the education of the handicapped is in part due to a series of Federal court cases at the State level concerning the rights of handicapped children to an appropriate education. Until recently parents of handicapped children and other concerned citizens have registered only limited protest to the exclusion of their children from school programs.

The thing that disturbs me, Senator, is that if I were the parent of sons who were not quite "normal" and I were to walk up to the schoolhouse and the principal were to say, "I am sorry, sir, we do not have a desk or a teacher for your children"—if I were a parent, I think there would be a lot of Cain raised with the current board of education.

This has been the condition with the handicapped. They have been turned away. So parents now are becoming more active.

The increased number of suits filed on behalf of the handicapped in our States, and the decisions of the courts signal the increased awareness on the part of the public of the need to better serve our handicapped children in the schools.

However, the court decisions also represent an additional burden on public school systems that are faced with deficits from various court rulings that require equalized expenditure for nonhandicapped children.

In South Carolina we estimate for the fiscal year 1972–73 that we will spend approximately $26 million in special education for the handicapped.

In fiscal 1973–74, $36 million; and in fiscal 1974–75, the cost will increase to $43 million; and in fiscal 1975–76, $55 million.

Last year we had 35,000 children in the public schools. We hope by 1975–76 to have nearly 100,000 children in the schools, and this is going to cost money.

This expenditure per pupil in South Carolina is approximately for the normal child $635. We estimate that the cost above this base cost of $635 to educate special groups of the handicapped to average $600, from a low of educational costs of $119 for a speech handicapped child to a high of $971 for the visually handicapped.

These are estimates. We do not know whether they are good estimates or not, but we do know that this is the course we are working on.

Most States are now heavily engaged in developing comprehensive plans for increasing services to handicapped children. Much of this planning is required in order to qualify for Federal funds.

In addition, State legislatures are calling up State departments of public instruction to develop detailed plans for implementing recently passed and greatly improved legislation.

The planning process and study themselves frequently cover such factors as cost effectiveness of current programs, definition, needs of assessment, recommended means of placement and diagnosis, cost benefits, and recommended means of financing programs.

It is clear the cost benefit must now be evaluated in terms of both human and social costs, and the social costs must be related to primarily the larger costs to be experienced in the child's future.

If adequate educational opportunities are provided in South Carolina, we estimate that at the minimum that each handicapped child, who receives an appropriate education at appropriate levels and does not have to be institutionalized, represents a savings of one-quarter of a million dollars over the life expectancy of this child.

For every four children, Senator, we keep out of an institution, we save the taxpayers $1 million.

These savings in South Carolina are in terms of welfare reduction, lack of institutionalization, and increased productivity.

Most States are now engaged in studying the financial implications of recently passed legislation. That is to say, States are developing better data concerning actual and projected expenditures for special education programs.

A study for the Department of Health, Education, and Welfare, Bureau of Education for the Handicapped, of five States which have exemplary programs for the handicapped show that the average additional cost of educating a handicapped child ranges from $400 to $800 a year.

The study prepared by Rossmiller estimated a minimum of $3 billion should be added to existing school budgets to provide adequate services for the handicapped.

At the present time there are several million handicapped children in this country. Opportunities for the handicapped children vary widely from State to State. In some cases special programs are provided only if local support for such services is available.

I have tried to make the point that in the past few years, States have increased their efforts to provide improved legislation for program development as increased numbers of legislators, Governors, general educators, and private citizens have become aware of the plight of the handicapped child.

However, it is clear that if those States are to meet the responsibilities of educating all handicapped children, they will have to find additional ways of meeting the costs of these programs.

In South Carolina some type of improved State-Federal partnership is needed, and it is my opinion that S. 6 provides the proper type of relationship.

It is my feeling that if we do not have categorical funding for the education of the handicapped, they will be left by the wayside when funding for educational purposes is being placed under heavier and heavier demands each year.

Historically special education for the handicapped has received the least funds, and the most inadequate space in physical facilities. It is my firm belief that if we are to meet the goal of providing an educational opportunity for all handicapped children of this Nation, the Federal Government must join in partnership with the States.

That concludes my prepared statement, Senator.

Senator RANDOLPH. Thank you very much, Senator Waddell. You have mentioned S. 6.

Mr. WADDELL. Yes, sir.

Senator RANDOLPH. The chief sponsor of that legislation is Senator Williams of New Jersey who is the knowledgeable and helpful chairman of our Senate Committee on Labor and Public Welfare. He had hoped to be present earlier, but because of other commitments could not come until just the last few minutes.

I will defer any questions I have, Senator, to give our chairman of the full committee an opportunity to make a comment on your remarks, or to question you, or to make any statement that he might feel would be appropriate.

His leadership has been of the highest type. We are privileged to serve with him, and are gratified that he shows his increasing interest by the introduction of this bill and his attention to the subject matter that is before us today.

Senator WILLIAMS. Thank you very much, Senator Randolph.

I am pleased to join my colleagues, Senators Randolph and Stafford, here today to open hearings on the education of handicapped children. We are undertaking consideration of S. 6, the Education for All Handicapped Children's Act, S. 896, to extend authority for present programs authorized under the Education of the Handicapped Act, and legislation to provide special attention to children with learning disabilities and autism.

These hearings mark the formal beginning of our attention to the rights of handicapped children to full and appropriate educational services through the public educational system. The fact that this Nation, through the efforts of the States, localities, and the Federal Government, continues to provide full educational services for little more than 40 percent of these children, should weigh very heavily on our minds as we proceed today and in future committee meetings.

It is indeed significant that we have before us extension legislation for the Bureau of Education for the Handicapped and programs authorized by the Education of the Handicapped Act. These efforts have, after all, been responsible in large part for the growth in State programs over the last few years, and have enabled the States to gather leadership personnel, and to stimulate the creation of strong and vibrant programs in preschool education, research, personnel training, the development of technology, and the use of specialized media and materials, and the creation of programs for children with learning disabilities. I believe I speak for all of us here when I say that we must continue to support these programs and insure their continuity in the States.

Yet the successes which have emanated from these programs make clear that they are only a beginning and that we have a long way to go in this endeavor. Today, more than 1 million of these handicapped children are excluded entirely from the public educational system, and less than 40 percent of all handicapped children throughout the United States are being provided minimal special education programs. This and other data demonstrate that we must plan for a future when we can say that all handicapped children are being provide with appropriate educational programs.

It is their right to this education which we must reflect on throughout these hearings. In the last year, there have been a series of court decrees and decisions which mandate this right. On August 1 in the District of Columbia, U.S. District Court Judge Joseph C. Waddy declared that handicapped and emotionally disturbed children have a constitutional right to a public education. He ordered the District to make these services available by September 1. His decision has been the most sweeping of cases which extend the right to education for handicapped children: For example, an earlier consent decree in the Commonwealth of Pennsylvania ordered the State to provide education and full due process to all mentally retarded children.

But these decisions do not stand alone. In the last year at least 22 cases in 16 States were filed or completed on the right to education for handicapped children. In at least four more States cases are presently being prepared, and this trend will undoubtedly continue.

It is with this background of legal action that our hearings open today. The time has come for the Congress to act on these legal rights. It is for this reason that we have all joined in introducing S. 6, and that we look forward to passing this bill out of committee. We must keep in mind during these hearings that any legislation that we contemplate for the future must make very clear that we intend to insure that the rights of handicapped children to a free and appropriate education are being protected.

I expect that under leadership of the able Senator from West Virginia and my colleague from Vermont, Senator Stafford, we will continue these hearings throughout the country and will take testimony from parents, teachers, State and local officials and other advocates for full educational services of these children.

I would like at this time to enter into the hearing record a summary of litigation on the right to education for handicapped children, and the court opinions on many of these cases.

[The information referred to follows:]

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A CONTINUING SUMMARY OF PENDING AND COMPLETED LITIGATION REGARDING THE EDUCATION OF HANDICAPPED CHILDREN

edited by

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Number 6
January 20, 1973

With increasing frequency U.S. courts are being confronted with civil actions dealing with the denial of the civil rights of handicapped children and adults. The majority of these actions have focused on the public responsibility to provide education and treatment for the nation's handicapped citizens. The decisions reported here dealing with children have substantiated the right of handicapped children to equal protection under the law - including being provided with an education and full rights of notice and due process in relation to their selection, placement, and retention in educational programs.

Recognizing that the litigation represents an important avenue of change. The Council for Exceptional Children's State-Federal Information Clearinghouse for Exceptional Children (SFICEC), a project supported by the Bureau of Education for the Handicapped, U.S. Office of Education, has collected and organized this summary of relevant litigation. A variety of sources including attorneys, organizations, and the plaintiffs involved in the cases were contacted. The focus of the cases included in the summary is directed to education.

This summary does not include all cases filed to date. Information is continuously being received about new cases, and, thus, there is always something too recent to be included. SFICEC will continue to acquire, summarize, and distribute this information. Those interested in more in-depth information should contact SFICEC. Each new edition of the summary contains all the information presented in earlier editions; thus, there is no necessity for readers to obtain previous editions.

In addition to this material, SFICEC has access to extensive information regarding law, administrative literature (rules and regulations, standards, policies), and attorney generals' opinions of the state and federal governments regarding the education of the handicapped. For further information about the project's activities and services contact:

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A.A.
January 20, 1973

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RIGHT TO AN EDUCATION

MILLS v. BOARD OF EDUCATION
Civil Action No. 1939-71 (District of Columbia).

In August of 1972, a landmark decision was achieved in a right to education case in the District of Columbia. In Mills v. D.C. Board of Education, the parents and guardians of seven District of Columbia children brought a class action suit against the Board of Education of the District, the Department of Human Resources, and the Mayor for failure to provide all children with a publicly supported education.

The plaintiff children ranged in age from seven to sixteen and were alleged by the public schools to present the following types of problems that led to the denial of their opportunity for an education: slightly brain damaged, hyperactive behavior, epileptic and mentally retarded, and mentally retarded with an orthopedic handicap. Three children resided in public, residential institutions with no education program. The others lived with their families and when denied entrance to programs were placed on a waiting list for tuition grants to obtain a private educational program. However, in none of these cases were tuition grants provided.

Also at issue was the manner in which the children were denied entrance to or were excluded from public education programs. Specifically, the complaint said that "plaintiffs were so excluded without a formal determination of the basis for their exclusion and without provision for periodic review of their status. Plaintiff children merely have been labeled as behavior problems, emotionally disturbed, hyperactive." Further, it is pointed out that "the procedures by which plaintiffs are excluded or suspended from public school are arbitrary and do not conform to the due process requirements of the fifth amendment. Plaintiffs are excluded and suspended without: (a) notification as to a hearing, the nature of offense or status, any alternative or interim publicly supported education; (b) opportunity for representation, a hearing by an impartial arbiter, the presentation of witnesses, and (c) opportunity for periodic review of the necessity for continued exclusion or suspension."

A history of events that transpired between the city and the attorneys for the plaintiffs immediately prior to the filing of the suit publicly acknowledged the Board of Education's legal and moral responsibility to educate all excluded children, and although they were provided with numerous opportunities to provide services to plaintiff children, the Board failed to do so.

On December 20, 1971, the court issued a stipulated agreement and order that provided for the following:

1. The named plaintiffs must be provided with a publicly supported education by January 3, 1972.

2. The defendants by January 3, 1972, had to provide a list showing (for every child of school age not receiving a publicly supported education because of suspension, expulsion or any other denial of placement): the name of the child's parents or guardian; the child's name, age, address, and

telephone number; the date that services were officially denied; a breakdown of the list on the basis of the "alleged causal characteristics for such non-attendance;" and finally, the total number of such children.

3. By January 3, the defendants were also to initiate efforts to identify all other members of the class not previously known. The defendants were to provide the plaintiff's attorneys with the names, addresses, and telephone numbers of the additionally identified children by February 1, 1972.

4. The plaintiffs and defendants were to consider the selection of a master to deal with special questions arising out of this order.

A further opinion is presently being prepared by United States District of Columbia Court Judge Joseph Waddy which will deal with other matters sought by the plaintiffs including:

1. A declaration of the constitutional right of all children regardless of any exceptional condition or handicap to a publicly supported education.

2. A declaration that the defendants' rules, policies, and practices which exclude children without a provision for adequate and immediate altern ative educational services and the absence of prior hearing and review of placement procedures denied the plaintiffs and the class rights of due process and equal protection of the law.

On August 1, 1972, Judge Waddy issued a Memorandum, Opinion, Judgment and Decree on this case which in essence supported all arguments brought by the plaintiffs. This decision is particularly significant since it applies not to a single category of handicapped children, but to all handicapped children.

In this opinion, Judge Waddy addressed a number of key points reacting to issues that are not unique to the District of Columbia but are common throughout the nation. Initially he commented on the fact that parents who do not comply with the District of Columbia compulsory school attendance law are committing a criminal offense. He said, "the court need not belabor the fact that requiring parents to see that their children attend school under pain of criminal penalties presupposes that an educational opportunity will be made available to the children. ... Thus the board of education has an obligation to provide whatever specialized instruction that will benefit the child. By failing to provide plaintiffs and their class the publicly-supported specialized education to which they are entitled, the board of education violates the statutes and its own regulations."

The defendants claimed in response to the complaint that it would be impossible for them to afford plaintiffs the relief sought unless the Congress appropriated needed funds, or funds were diverted from other educational services for which they had been appropriated. The court responded: "The defendants are required by the Constitution of the United States, the District of Columbia Code, and their own regulations to provide a publicly-supported education for these 'exceptional' children. Their failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly-supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds. In <u>Goldberg</u> v. <u>Kelly</u>, 397 U.S. 254 (1969) the Supreme Court, in a case that involved the right of a welfare recipient to a hearing before termination of his benefits, held that Constitutional rights must be afforded citizens despite the greater expense involved.... Similarly the District of Columbia's interest in educating the excluded children clearly must outweigh its interest in preserving its financial resources. If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly-supported education consistent with his needs and ability to benefit therefrom. The inadequacies of the District of Columbia Public School System, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the 'exceptional' or handicapped child than on the normal child."

Regarding the appointment of a master the court commented, "Despite the defendants' failure to abide by the provisions of the Court's previous orders in this case and despite the defendants' continuing failure to provide an education for these children, the Court is reluctant to arrogate to itself the responsibility of administering this or any other aspect of the public school system of the District of Columbia through the vehicle of a special master. Nevertheless, inaction or delay on the part of the defendants, or failure by the defendants to implement the judgment and decree herein within the time specified therein will result in the immediate appointment of a special master to oversee and direct such implementation under the direction of this Cour~ "

Specifically, the judgment contained the following:

1. "That no child eligible for a publicly-supported education in the District of Columbia public schools shall be excluded from a regular public school assignment by a Rule, Policy or Practice of the Board of Education of the District of Columbia or its agents unless such child is provided (a) adequate alternative educational services suited to the child's needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative."

2. An enjoiner to prevent the maintenance, enforcement or continuing effect of any rules, policies and practices which violate the conditions set in one (above).

3. Every school age child residing in the District of Columbia shall be provided "... a free and suitable publicly-supported education regardless of the degree of the child's mental, physical or emotional disability or impairment..." within thirty days of the order.

4. Children may not be suspended from school for disciplinary reasons for more than two days without a hearing and provision for his education during the suspension.

5. Within 25 days of the order, the defendants shall present to the court a list of every additionally identified child with data about his family, residence, educational status, and a list of the reasons for non-attendance.

6. Within 20 days of the order individual placement programs including suitable educational placements and compensatory education programs for each child are to be submitted to the court.

7. Within 45 days of the order, a comprehensive plan providing for the identification, notification, assessment, and placement of the children will be submitted to the court. The plan will also contain information about the curriculum, educational objectives, and personnel qualifications.

8. Within 45 days of the order, a progress report must be submitted to the court.

9. Precise directions as to the provision of notice and due process including the conduct of hearings.

Finally, Judge Waddy retained jurisdiction in the action "to allow for implementation, modification and enforcement of this Judgment and Decree as may be required."

PENNSYLVANIA ASSOCIATION FOR RETARDED CHILDREN v. COMMONWEALTH OF PENNSYLVANIA, Civil Action No. 71-42 (3 Judge Court, E. D. Pennsylvania).

In January, 1971, the Pennsylvania Association for Retarded Children (P.A.R.C.) brought suit against Pennsylvania for the state's failure to provide all retarded children access to a free public education. In addition to P.A.R.C., the plaintiffs included fourteen mentally retarded children of school age who were representing themselves and "all others similarly situated," i.e. all other retarded children in the state. The defendants included the state secretaries of education and public welfare, the state board of education, and thirteen named school districts, representing the class of all of Pennsylvania's school districts.

The suit, heard by a three-judge panel in the Eastern District Court of Pennsylvania, specifically questioned public policy as expressed in law, policies, and practices which excluded, postponed, or denied free access to public education opportunities to school age mentally retarded children who could benefit from such education.

Expert witnesses presented testimony focusing on the following major points:

1. The provision of systematic education programs to mentally retarded children will produce learning.

2. Education cannot be defined solely as the provision of academic experiences to children. Rather, education must be seen as a continuous process by which individuals learn to cope and function within their environment. Thus, for children to learn to clothe and feed themselves is a legitimate outcome achievable through an educational program.

3. The earlier these children are provided with educational experiences, the greater the amount of learning that can be predicted.

A June, 1971 stipulation and order and an October, 1971 injunction, consent agreement, and order resolved the suit. The June stipulation focused on the provision of due process rights to children who are or are thought to be mentally retarded. The decree stated specifically that no such child could be denied admission to a public school program or have his educational status changed without first being accorded notice and the opportunity of a due process hearing. "Change in educational status" has been defined as "assignment or re-assignment, based on the fact that the child is mentally retarded or thought to be mentally retarded, to one of the following educational assignments: regular education, special education, or to no assignment, or from one type of special education to another." The full due process procedure from notifying parents that their child is being considered for a change in educational status to the completion of a formal hearing was detailed in the June decree. All of the due process procedures went into effect on June 18, 1971.

The October decrees provided that the state could not apply any law which would postpone, terminate, or deny mentally retarded children access to a publicly-supported education, including a public school program, tuition or tuition maintenance, and homebound instruction. By October, 1971, the plaintiff children were to have been reevaluated and placed in programs, and by September, 1972, all retarded children between the ages of six and twenty-one must be provided a publicly-supported education.

Local districts providing preschool education to any children are required to provide the same for mentally retarded children. The decree also stated that it was most desirable to educate these children in a program most like that provided to non-handicapped children. Further requirements include the assignment of supervision of educational programs in institutions to the State Department of Education, the automatic re-evaluation of all children placed on homebound instruction every three months, and a schedule the state must follow that will result in the placement of all retarded children in programs by September 1, 1972. Finally, two masters or experts were appointed by the court to oversee the development of plans to meet the requirements of the order and agreement.

The June and October decrees were formally finalized by the court on May 3, 1972.

CATHOLIC SOCIAL SERVICES, INC. v. BOARD OF EDUCATION
(Delaware)

Catholic Social Services of Delaware as part of its responsibilities places and supervises dependent children in foster homes. In the process of trying to obtain educational services for handicapped children, the agency found "... the special education facilities in Delaware totally inadequate."

The three children named in the suit included:

Jimmy, age 10, a child of average intelligence who has had emotional and behavioral problems which from the beginning of his school career, indicated a need for special education. Although special education program placement was recommended on two separate occasions, the lack of programs available prevented enrollment.

Debbie, age 13, has been diagnosed as a seriously visually handicapped child of normal intelligence who, because of her handicap, could not learn normally. She has had a limited opportunity to participate in a special education program, but as of September, 1971, none was available.

Johnnie, age 13, had for years demonstrated disruptive behavior in school which led, because of his teachers' inability to "cope" with him, to a recommendation for placement in an educational program with a small student-teacher ratio, possibly in a class of "emotionally complex children." Until the time of the suit, he had not been able to receive such training.

Adrian, age 16, had a long history of psychiatric disability which prevented him from receiving public education. Following the abortive attempts of his mother to enroll him in school, he was ultimately placed in a state residential facility for emotionally disturbed children. This placement was made without psychological testing and with no opportunity for a hearing to determine whether there were adequate school facilities available for him. Approximately one year later he was brought to the Delaware Family Court on the charge of being "uncontrolled," and after no judgment as to his guilt or innocence, he was returned to the residential school on probationary status. If his behavior did not improve, as judged by the staff, he could later be committed to the State School for Delinquent Children. In July, 1970, the latter transfer was made without Adrian being represented by counsel or being advised of this right. Since that time, Adrian has received "some educational service ... but little or no specific training."

The complaint quotes the Constitution and laws of Delaware that guarantees all children the right to an education. Delaware Code specifies that "The State Board of Education and the local school board shall provide and maintain, under appropriate regulations, special classes and facilities wherever possible to meet the need of all handicapped, gifted and talented children recommended for special education or training who come from any geographic area." Further, the code defines handicapped children as those children "between the chronological ages of four and twenty-one who are physically handicapped or maladjusted or mentally handicapped."

Because the respondents (Board of Education and others named in the complaint) have failed to provide the legally guaranteed education to the named children, the complaint urges that the respondents:

1. Declare that the petitioners have been deprived of rightful educational facilities and opportunities.

2. Provide special educational facilities for the named petitioners.

3. Immediately conduct a full and complete investigation into the public school system of Delaware to determine the number of youths being deprived of special educational facilities and develop recommendations for the implementation of a program of special education for those children.

4. Conduct a full hearing allowing petitioners to subpoena and cross-examine witnesses and allow pre-hearing discovery including interrogatories.

5. Provide compensatory special education for petitioners for the years they were denied an education.

The three named plaintiffs were placed in education programs prior to the taking of formal legal action.

<u>REID</u> v. <u>NEW YORK BOARD OF EDUCATION</u>, Civil Action No. 71-1380 (U.S. District Court, S.D. New York)
<u>REID</u> v. <u>BOARD OF EDUCATION</u>, Administrative Procedure Before the State Commissioner of Education

This class action was originally brought in federal court to prevent the New York Board of Education from denying brain-injured children adequate and equal educational opportunities. Plaintiffs alleged that undue delays in screening and placing these children prevented them from receiving free education in appropriate special classes, thus infringing upon their state statutory and constitutional rights, guarantees of equal protection and due process under the fourteenth amendment.

In this 1971 case it was alleged that over 400 children in New York City were, on the basis of a preliminary diagnosis, identified as brain damaged, but could not receive an appropriate educational placement until they participated in final screening. It would take two years to determine the eligibility of all these children. An additional group of 200 children were found eligible but were awaiting special class placement.

The plaintiffs further alleged that the deprivation of the constitutional right to a free public education and due process operated to severely injure the plaintiffs and other members of their class by placing them generally in regular classes which constituted no more than custodial care for these children who were in need of special attention and instruction. In addition, providing the plaintiffs with one or two hours per week of home instruction is equally inadequate. It was further argued that if immediate relief was not forthcoming all members of the class would be irreparably injured because every day spent either in a regular school class or at home delayed the start of special instruction.

On June 22, 1971, Judge Metzner, of the U.S. District Court for the Southern District of New York, denied the motion for a preliminary injunction and granted the defendants' motion to dismiss. The Court applied the abstention doctrine, reasoning that since there was no charge of deliberate discrimination, this was a case where the State Court could provide an adequate remedy and where resort to the federal courts was unnecessary.

On appeal, the Second Circuit Court of Appeals, ruling on the District Court order, on December 14, 1971 decided that federal jurisdiction should have been retained pending a determination of the state's claims in the New York State Courts.

In January 1972, a class action administrative hearing was held before the New York State Commissioner of Education in accordance with the opinions of the United States Court of Appeals for the second circuit of December 14, 1971 and January 13, 1972. "The order directed the United States District Court for the Southern District of New York to abstain from deciding those claims of plaintiffs which were based on the United States Constitution pending a determination by New York State's authorities of relevant but as yet unanswered questions of state law."

The substance of the new complaint submitted to the commissioner concerns the alleged failure of the respondents (the New York City Board of Education) to "fulfill their obligation to provide petitioners who represent all handicapped children, with suitable education services, facilities and/or programs in either a private or public school setting as mandated by ..." the New York Constitution and education laws.

Petitioners in this action are nine school age children with learning disabilities attributed to brain injury and/or emotional disturbance although two children also possess orthopedic handicaps. The class they represent is estimated to be 20,000 children. An additional petitioner is the New York Association for Brain Injured Children, a state-wide organization invovled in promoting educational, medical, recreational programs and facilities, social research, and public education regarding the needs of brain injured children.

The named children range in age from seven to 12 and have school histories including misplacement, medical or other suspension from school with no provision for continuing instruction, multiple screening and evaluation sessions, miscommunication between the parents and school personnel, home instruction ranging from one to three hours a week, and long-term assignment to waiting lists for placement in public special education programs.

In addition to the board of education of the city of New York, the respondents also include Harvey Scribner, Chancellor of the New York School District.

Specifically, it is alleged that respondents' violation of the law include "... failure to do so within a reasonable time in order to meet the child's educational needs; failure to place a handicapped child or failure to find a suitable placement; the unavailability of placements in violation of the mandate that education services, facilities and/or programs must be provided for handicapped children; suspension of handicapped children from classes without adequate notice or alternatives; unreasonable lapses of time between placements or between placements and evaluation; failure to endeavor to secure public or private school for a handicapped child placing the burden on parents to search for private school placements, provision of entirely unsuitable home instruction." Finally, it is alleged that petitioners and their class have been caused serious and irreparable harm.

The petition also contains the following arguments:

1. The failure of the respondents to provide for the suitable education of the petitioners and their class and the manner in which this occurs including coercion of parents to withdraw their children from school, suspension of children without procedural safeguards and the time delay between screening, diagnosis, and placement places the burden of finding an education for their children on parents rather than the schools.

2. It is maintained by respondents that for the 20,000 handicapped children included in the class, placements are not made because "... they have not developed special classes which are suitable to the need of those children" or they "... have classes suitable for that particular handicap but do not have room in them." It is also pointed out that 65,000 children are presently enrolled in city special education programs.

3. The home instruction program offered is not a suitable educational service because it was initially designed for children who needed physical isolation and not for children who require specialized learning situations including special personnel, equipment, and material. As stated in the petition "the lack of intensity of home instruction, the fact it is only offered a few hours a week to a child who needs a full day in the classroom so that he can learn and relearn apply his learning daily and hourly, makes it dramatically unsuitable."

The petition seeks the following:

1. "... immediate relief in the nature of suitable education services, facilities and/or programs beginning fall 1972" for all named children.

2. Similarly, all children in the class must be provided "... with suitable education services, facilities, and/or programs in a school and classroom environment beginning with the fall 1972 semester."

3. The relief requested in 1 and 2 may be provided " ... within a public school setting or by contracting with a private institution within the vicinity of the child's home for such services, facilities and/or programs pursuant ..." to state law.

4. The diagnosis and evaluation of "... all children suspected of being handicapped in a prompt and timely manner."

5. All children henceforth found to be handicapped be provided with suitable education services, facilities, and/or programs in a school and classroom environment.

6. "... provide all children now receiving home instruction with suitable education services, facilities, and/or programs in a classroom and school environment."

7. An order requiring "... the repondents to submit a plan to the Commissioner, subject to this modification, approval, and continual supervision, to

ensure compliance with the above orders ... to include a complete listing of available services, facilities and/or programs, the number of children enrolled and attending public school special classes and classes in private institutions with which the respondents have contracted, the number of children on waiting lists for special classes and private school classes, an approximation of the number of children annually who may need special classes, the number of children in the screening units, the number of children on waiting lists or probably in need of screening, a projection in detail of the number of new classes and class spaces that must be made available for respondents to provide the relief herein granted; and further order that the plan specify the detailed timetable for screening, diagnosis, classification, and placement by respondents of petitioners and the class herein represented; and further order the inclusion in the plan of any other items not herein listed."

This proceeding is scheduled to be heard before the New York Commissioner of Education on January 16, 1973.

DOE v. MILWAUKEE BOARD OF SCHOOL DIRECTORS, (State of Wisconsin, Circuit Court, Civil Division, Milwaukee County)

The plaintiffs in this class action are represented by John Doe, a 14 year old trainable mentally retarded student. The suit against the Milwaukee Board of School Directors focused on the fact that although John Doe was tested by a school board psychologist who determined that he was mentally retarded and in need of placement in a class for the trainable mentally retarded, he was put on a waiting list for the program. It is alleged that this is a violation of the equal protection clause of the 14th amendment of the United States Constitution.

Plaintiffs argued that this violation occurred on two counts. First, John Doe, as a school age resident of the city of Milwaukee, is guaranteed an education by the Wisconsin constitution. It is pointed out that public education is provided to "the great bulk of Milwaukee children... without requiring them to spend varying and indefinite amounts of time on waiting lists waiting for an education."

The second alleged violation occurred because, under the law, the school directors are required "to establish schools sufficient to accommodate children of school age with various listed handicaps, including children with mental disabilities." It is further argued that at the same time of the complaint 400 trainable mentally retarded children were attending such classes. Thus, by denying the plaintiff participation in the program, the defendants are denying them equal protection of the law.

The plaintiffs sought:

1. A temporary order requiring immediate enrollment of plaintiffs in an appropriate class for trainable mentally retarded children.

2. An order enjoining the defendants from maintaining a waiting list that denies public education to those requiring special education.

A temporary injunction was ordered and the public schools were required to admit the plaintiffs into the program for trainable mentally retarded children with all reasonable speed which was defined as 15 days. This order delivered in 1969 is still in effect.

MARLEGA v. MILWAUKEE BOARD OF SCHOOL DIRECTORS, Civil Action No. 70-C-8 (U.S. District Court, Wisconsin)

This case, completed in 1970, was a class action suit with Douglas Marlega as the named plaintiff. He brought suit against the board of school directors of the public schools of Milwaukee on the basis of denial of constitutionally guaranteed rights of notice and due process.

At issue was the exclusion of Marlega from public school attendance because of alleged medical reasons involving hyperactivity "...without affording the parents or guardians an opportunity to contest the validity of the exclusion determination." Marlega, of average intelligence, was completely excluded from February 16, 1968, to October 7, 1968. His parents were not given justification for the exclusion, nor were they given any opportunity for a due process hearing. Throughout the period of exclusion, "... no alternative public schooling is furnished on a predictable basis" and "no periodic review of the condition of excluded students is apparently made nor is home instruction apparently provided on a regular basis."

The following was sought by the plaintiff:

1. a temporary restraining order to reinstate Marlega and his class in school;

2. an order to defendants to provide the plaintiffs a due process hearing; and

3. an order to prevent the board of school directors of Milwaukee from excluding any children from school for medical reasons without first providing for a due process hearing except in emergency situations.

A temporary restraining order was awarded on January 14, 1970. On March 16, 1970, the Court ordered that no child could be excluded from a free public education on a full-time basis without a due process hearing. The school directors submitted to the court a proposed plan for the handling of all medically excluded children which was approved on September 17, 1970.

WOLF v. STATE LEGISLATURE, Civil Action No. 182646 (Third Judicial Court, Utah)

A 1969 ruling in the Third Judicial Court of Utah guaranteed the right to an education at public expense to all children in the state. This action was brought on behalf of two trainable mentally retarded children who were the responsibility of the State Department of Welfare. The children were not being provided with suitable education. The judge, in his opinion, stated that the framers of the Utah constitution believed "in a free and equal education for all children administered under the Department of Education." He further wrote that "the plaintiff children must be provided a free and equal education within the school districts of which they are residents, and the state agency which is solely responsible for providing the plaintiff children with a free and public education is the State Board of Education."

MARYLAND ASSOCIATION FOR RETARDED CHILDREN v. STATE OF MARYLAND, Civil Action No. 72-733-K (U.S. District Court, Maryland)

A class action suit is being brought by the Maryland Association for Retarded Children and 14 mentally retarded children against the state of Maryland and its state board of education, state superintendent of education, secretary of health and mental hygiene, director of the mental retardation administration, and local boards of education for their failure to provide retarded or otherwise handicapped children with an equal and free public education.

The 14 plaintiff children range from those classified as severely retarded to the educable. The majority of the children, whether living at home or in an institution, are not receiving an appropriate education with some children being denied any education to those inappropriately placed in regular education programs. For example, two educable children, residing in Baltimore city, have been placed and retained in regular kindergarten programs because they are not yet eight years old though their need for a special class placement has been recognized.

The complaint emphasizes the importance of providing all persons with an education that will enable them to become good citizens, achieve to the full extent of their abilities, prepare for later training, and adjust normally to their environment. It is further argued that "the opportunity of an education, where the state has undertaken to provide it, is a right that must be made available to all on equal terms."

The contention of the plaintiffs is indicated in the following:

"There are many thousands of retarded and otherwise handicapped school-age children (children under age 21) in the state of Maryland. Defendants deny many of these children (including each of the individual plaintiff children herein) free publicly-supported educational programs suited to their needs, and for transportation in connection therewith.

"More specifically, defendants deny such educational programs to many children who are retarded, particularly to those who are profoundly or severely retarded, or who are multiply disabled; or who are not ambulatory, toilet trained, verbal, or sufficiently well behaved; or who do not meet requirements as to age not imposed on either normal or handicapped children comparably situated. As a result of their exclusion from public education, the plaintiff children's class (including plaintiffs) must either (a) remain at home without any educational programs; or (b) attend nonpublic educational facilities partly or wholly paid for by their parents; or (c) attend 'day care' programs that are not required to provide structured, organized, professionally run programs of education; or (d) seek placement in public or nonpublic residential facilities, partly or wholly paid for by their parents, which do not provide suitable educational programs for many of these children.

"Like children for whom defendants provide suitable publicly-supported educational programs, including other retarded and otherwise handicapped children, the plaintiff children's class can benefit from suitable educational programs. The defendants' failure to provide these children with publicly-supported educational programs suited to their needs is arbitrary, capricious, and invidiously discriminatory and serves no valid state interest. The denial of such programs violated the plaintiffs' rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States."

The plaintiffs allege that the state's tuition assistance program provides insufficient funds to educate these children and thus parents are forced to use their own resources. "Thus, defendants have conditioned the education of these children on their parents' ability to pay. That action is arbitrary, capricious, and invidiously discriminatory, serves no valid state interest, and violates the said plaintiffs rights under the due process and equal protection clauses of the Fourteenth Amendment...."

Another allegation is that the state when making placement decisions does not provide for notice and procedural due process.

The plaintiffs are seeking:

1. Declaration that the "unequal imposition of charges for programs for school-age children at state institutions are (is) unconstitutional."

2. Declaration that the provision of unequal amounts of tuition money depending on the category of handicap is unconstitutional.

3. Enjoiner to prevent the defendants from violating the due process and equal protection clauses of the Fourteenth Amendment including providing free publicly-supported education to plaintiff children and their class within 60 days of the order and a number of other action steps involving the identification of children, advertising the availability of programs, creating hearing and other due process procedures, planning, and reporting back to the court. The plaintiffs also asked the court to require that any public institutional or day care program in which a child is placed be structured to meet individual children's needs under "standards and criteria reasonably calculated to insure that the program provided is in fact a suitable program of education." They are also seeking compensatory education for the plaintiff children and the class they represent who were excluded or excused from school because of a physical, mental, emotional, or behavioral handicap. Finally, they seek appointment of a master.

This action was introduced on July 19, 1972, and is expected to be heard shortly.

NORTH CAROLINA ASSOCIATION FOR RETARDED CHILDREN, INC. v. THE STATE OF NORTH CAROLINA, Civil Action No. 72-72 (U.S. District Court, North Carolina, Raleigh Division)

On May 18, 1972, a suit was introduced in the Raleigh Division of the Eastern District Court of North Carolina by the North Carolina Association for Retarded Children, Inc. and thirteen mentally retarded children against the state of North Carolina, various state agencies and their department heads, a city school district, and a county school district for failure to provide free public education for all of the state's estimated 75,000 mentally retarded children.

The class action suit names thirteen severely and moderately mentally retarded children as plaintiffs. The children's histories include never having been in public school, having been excluded from public school, delayed entrance into public school programs, or in some cases receiving an education through private programs at their parents' expense. Plaintiff children who had been receiving a public education were excluded because of alleged lack of facilities or failure of the children to meet certain behavioral criteria such as toilet training. In summary, the suit is being brought on behalf of "residents of North Carolina, six years of age and over, who are eligible for free public education but who have by the defendants (1) been excluded, or (2) been excused from attendance at public schools, or (3) had their admission postponed, or (4) otherwise have been refused free access to public education or training commensurate with their capabilities because they are retarded."

The defendants include the state, the state superintendent of public education, the department of public education, the state board of education, the department and the secretary of the department of human resources, the commissioner and the state board and the state department of mental health, the treasurer and the department of the state treasurer, the state disbursing officer and the controller of the state board of education, the Wake County board of county commissioners. The two school districts are named as typical of all the state's local city or county education agencies. The board of county commissioners is also named as representative of all of the state's county boards that "have the authority and duty to levy taxes for the support of the schools."

Plaintiffs' attorneys quote the North Carolina constitution which provides that "equal opportunities shall be provided for all students for free public school education." Further support for the legal obligations of the state to provide for the education of the mentally retarded comes from the following section of a 1967 North Carolina attorney general's opinion:

> It is unconstitutional and invalid, therefore, to operate the public school system in a discriminatory manner as against the mentally retarded child and to allocate funds to the disadvantage of the mentally retarded child. Often a mentally retarded child develops fair skills and abilities and becomes a useful citizen of the state but in order to do this, the mentally retarded child must have his or her chance.

The complaint specifically alleges that the school exclusion laws (G.S. Sec. 115-165) deprive the plaintiffs of the equal protection of the law in violation of the 14th amendment of the U.S. Constitution in the following manner:

1. Discriminates between handicapped and non-handicapped children by allowing a county or city superintendent of schools to decide that a "Child cannot substantially profit from the instructions given in the public school as now constituted and as such discriminates against the severely afflicted by mental, emotional or physical incapacity children in favor of those children who are not so afflicted in that these unfortunate children are deprived of any and all educational training whereas the children who do not fall in this classification or category obtain complete free public education."

2. "Arbitrarily and capriciously and for no adequate reason" denies mentally retarded children educational opportunities to become self-sufficient and contributing citizens as guaranteed by the North Carolina constitution and laws and further "subjects them to jeopardy of liberty and even of life."

3. Denial of the plaintiff children from attendance in public schools imposes the unfair criterion of family wealth as the determining factor of their receiving an education. In effect, children from poor families are unable to obtain private education as can children from financially able families.

4. Plaintiffs' parents, although paying taxes for the support of public schools, are unable to have their children admitted and thus in order to obtain an education for them must pay additional funds.

Other counts included in the complaint are as follows:

1. In the implementation of the school attendance law plaintiffs are denied procedural due process of law as guaranteed in the 14th amendment of the U.S. Constitution including provisions for notice, hearing, and cross examination.

2. The North Carolina statute requiring parents to send their children to school contains an exception which relieves parents of children "afflicted by mental, emotional, or physical incapacities so as to make it unlikely that such child could substantially profit by instruction given in the public schools" from this responsibility. Plaintiffs argue however that this statute which is "to forgive what otherwise would be violations of compulsory attendance requirements and to preserve to the parents the decision of whether the child shall attend school" is in fact used to "mandate non-attendance contrary to parents' wishes and thus justify the exclusion of retarded children from the public schools "in violation of their constitutional rights."

3. The defendants have ignored the law that all children are eligible for public school enrollment at age six and have excluded retarded children until they are older.

4. In addition to preventing the enrollment of plaintiff children in public schools, the defendants also are alleged to exclude, excuse, and postpone admission to public schools and to provide education for children at state schools, hospitals, institutions, and other facilities for the mentally retarded.

The suit seeks the following remedies:

1. Declaration that all relevant statutes, policies, procedures, and practices are unconstitutional.

2. Permanently enjoin the defendants from the practices described as well as "giving differential treatment concerning attendance at school to any retarded child."

3. A permanent injunction requiring that the defendants operate educational programs for the retarded in schools, institutions, and hospitals, and, if necessary, at home with all costs being charged to the responsible public agency.

4. A permanent mandatory injunction directing the defendants to provide compensatory years of education to each retarded person who has been excluded, excused, or otherwise denied the right to attend school while of school age and further enjoin the defendants to give notice of the judgment herein to the parents or guardians of each such child.

5. Provision to the plaintiffs the cost of the suit including "reasonable counsel fees."

On July 31, 19·2, an expanded complaint was filed naming in addition to the North Carolina Association for Retarded Children, 22 plaintiff children. The new complaint joins the original North Carolina Association for Retarded Children suit with Crystal Rene Hamilton v. Dr. J. Iverson Riddle, Superintendent of Western Carolina Center, et. al. (Civil Action No. 72-86). The additional plaintiffs include children whose histories permitted the addition of the following allegations regarding the state's failure to provide for their education: "... who have by the defendants ... (5) been denied the right of free homebound instruction or (6) been denied the right of tuition or costs reimbursement in private schools or institutions or (7) been denied the right of free education, training or habilitation in institutions for mentally retarded operated by the State of North Carolina."

A further distinction is the allegation that there are state statutes which operate to grant "aid to the mentally retarded children below the age of six years in non-profit private facilities for retarded children and excluding such aid to mentally retarded children above six years attending the same type of institutions."

It is further alleged that the defendants further "failed to provide for appropriate free education, training and habilitation of the plaintiffs in their homes after excluding the plaintiffs from free education and training in the public schools and thus condition the plaintiffs education in the homes upon the impermissible criteria of wealth, denying training, education, and habilitation to those children whose parents are poor."

In the expanded suit an additional count has been introduced that focuses on the state institutions for the mentally retarded. Specifically, it is alleged that the centers for the retarded are "warehouse institutions which, because of their atmosphere of psychological and physical deprivation, the institutions are wholly incapable of furnishing habilitation to the mentally retarded and are conducive only to the deterioration and the debilitation of the residents." It is also charged that the institutions are understaffed, overcrowded, unsafe and do not provide residents with "education, training, habilitation, and guidance as will enable them to develop their ability and maximum potential."

The plaintiffs are seeking in addition to the remedies originally sought the granting of a permanent injunction:

1. to prevent the defendants from denying the right of any retarded child of six years and older to free homebound instruction;

2. to prevent the defendants from denying the reimbursement of tuition and costs to the parents of retarded children in private schools or facilities;

3. to direct the defendants to establish publicly-supported training programs and centers for all mentally retarded children without discrimination;

4. to direct the defendants "to provide such education, training and habilitation outside the public schools of the district or in special institutions or by providing for teaching of the child in the home if it is not feasible to form a special class in any district or provide any retarded child with education in the public schools of the district ..."

HAMILTON v. RIDDLE, Civil Action No. 72-86 (U.S. District Court, W.D. of North *Carolina*, Charlotte Division)

This case was filed on May 5, 1972, in the Charlotte Division of the Western District Court of North Carolina as a class action on behalf of all school age mentally retarded children in North Carolina. Defendants include the superintendent of the Western Carolina Center, a state institution for the mentally retarded; the secretary of the North Carolina department of human resources; the state superintedent of public instruction; and the chairman of the Gaston County board of education.

Crystal Rene Hamilton is an eight year old mentally retarded child who on November 1, 1971, when admitted to the Western Carolina Center had until that time received only nine hours of publicly-supported training. She was admitted to the Center "under the provision that she would be able to remain in said Center for a period of only six months, after which time it would be necessary for her to return to her home and be cared for by her parents; that she has been diagnosed as a mentally retarded child and needs a one-to-one ratio of care and treatment." The complaint alleges that the parents are unable to provide "this care and treatment," that the state does not have other facilities to provide the care and the Center administrator has notified Crystal's parents to take her home.

The cause of action cited in the complaint is that the state, through its board and agencies, "has failed to provide equal educational facilities for the plaintiff and has denied to her access to education and training ..." Thus it is alleged that the plaintiff has been denied equal protection of the law and equal education facilities as "guaranteed" by the United States constitution and the constitution and statutes of North Carolina. The statutes "guarantees equal free educational opportunities for all children of the state between the ages of six and twenty-one years of age."

Also at issue is the classification scheme used by the state which "selects some students as eligible for education and some as not ..." Further, the complaint argues that the state's practice of making financial demands upon the parents of mentally retarded children for the care and treatment of their children" ... is repugnant to the provision of the law and is denying equal protection to said children..."

Arguing that Crystal Rene Hamilton and the members of her class have suffered and are now suffering irreparable injury, the plaintiffs are seeking the following relief:

1. A three-judge court be appointed to hear the case;
2. Enforcement of state statutes providing equal educational opportunities and declare null and void statutes that do otherwise;
3. An injunction be issued to prevent the Western Carolina Center from evicting Crystal Rene Hamilton;
4. That this action be joined with civil action No. 72-72 (North Carolina Association for Retarded Children, Inc., James Auten Moore, et. al. v. The State of North Carolina, et. al.); and
5. Plaintiff costs and counsel fees.

This case has been joined as requested in number 4 above. The number of plaintiffs has been expanded and the case is expected to be heard by a three-judge court.

HARRISON v. STATE OF MICHIGAN, Civil Action No. 38357 (U.S. District Court, E. D. Michigan Southern Division)

On May 25, 1972, the Coalition for the Civil Rights of Handicapped Persons, a non-profit corporation formed to advance the rights of handicapped children, and twelve handicapped children filed suit in the Southern Division of the United States District Court for the Eastern District of Michigan against the state of Michigan, the department of education, the department of mental health, the Detroit school board and officers, and the Wayne County intermediate school district and its officers for their failure to provide a publicly-supported education for all handicapped children of Michigan.

The suit seeks class action status and divides the plaintiff children, all of whom are alleged to have mental, behavioral, physical or emotional handicaps, into the three distinct groups:

1. Children denied entrance or excluded from a publicly-supported education;

2. Children who are state wards residing in institutions receiving no education;

3. Children placed in special programs but that are alleged not to meet their learning needs.

The plaintiff children present a full range of handicapping conditions including brain damage, mild, moderate, or severe mental retardation, autism, emotional disturbance, cerebral palsy, and hearing disorders. The complaint suggests that the children named represent a class of 30,000 to 40,000 who are handicapped three times over. They are first handicapped by their inherited or acquired mental, physical, behavioral, or emotional handicap. Secondly "by arbitrary and capricious processes by which the defendants identify, label, and place them, and finally by their exclusion from access to all publicly-supported education."

The complaint argues that the right of these children to an education is based on Michigan law stating that "the legislature shall maintain and support a system of free public elementary and secondary schools as defined by law." Further, Article VIII, Section 8 of the Michigan Constitution indicates that the state shall foster and support "institutions, programs, and services for the care, treatment, education, or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped."

Further, as in all of the right to education litigation, the role of education in preparing children to be productive adults and responsible citizens is emphasized and can be summarized by this quote: "No child can reasonably be expected to succeed in life if he is denied the opportunity of an education."

Of importance in this suit is that recognition is given in the complaint to a mandatory special education law effective July 1, 1972. However, since that law will not be fully implemented until the 1973-74 school year, the plaintiffs are presently being denied rights. In addition, it is pointed out that the mandatory act does not provide for compensatory education or the right to hearing and review as the educational status and/or classification of the children is altered.

The complaint seeks the following relief:

1. That the acts and practices of the defendants to exclude plaintiff children and the class they represent from an adequate publicly-supported education is a violation of due process of law and equal protection under the 14th amendment of the U.S. Constitution.

2. That the defendants be enjoined in continuing acts and practices which prevent plaintiffs from a regular public school education without providing (a) adequate and immediate alternatives and (b) a constitutionally adequate hearing and review process.

3. That plaintiffs and all members of the class be provided with a publicly-supported education within 30 days of the entry of such an order.

4. That within 14 days of the order defendants present to the court a list which includes the name of each person presently excluded from a publicly supported education and the reason, date, and length of his expulsion, suspension, exclusion, or other type of denial.

5. That parents or legal guardian of each named person be informed within 48 hours of the submission of that report of the child's rights to a publicly-supported education and his proposed placement.

6. That within 20 days of the entry of the order all parents in Michigan be informed that all children, regardless of their handicap or alleged disability, have a right to an education and the procedures available to enroll these children in programs.

7. That constitutionally adequate hearings on behalf of a person appointed by the court be conducted for any member of the plaintiff class who is dissatisfied by the education placement.

8. That plaintiffs be provided with compensatory services to overcome the effects of wrongful past exclusion.

9. That within 30 days from the entry of the order a plan for hearing procedures regarding refusal of public school admission to any child, the reassignment of the child to a regular public school and the review of such decisions be submitted to the court.

10. That within 30 days from the entry of the order a plan for adequate hearing procedures regarding suspension or expulsion of any student from school be submitted to the court.

11. Grant other relief as necessary including payment of attorney fees.

On October 30, 1972, U.S. District Judge Charles W. Joiner issued a memorandum, opinion, and order dismissing the plaintiff's complaint. In his decision Judge Joiner recognized that prior to the passage of Public Act 198 in 1971 [a law requiring education for all children to take effect September, 1973] "... the state of Michigan was making little effort to educate children who are suffering from a variety of mental, behavioral, physical and emotional handicaps, many children were denied education." He further indicated that until Public Act 198, there existed serious questions as to "whether such persons were denied equal protection of the law." He then stated that "if that condition still existed, this court would have no difficulty, or exercise the slightest hesitation, relying on the Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1257 (E.D. Pa. 1971), in denying the motions to dismiss." Finally the judge pointed out that the passage of the law renders the complaint moot.

In the process of rendering his opinion Judge Joiner made the following key points:

1. To provide education for some children while not providing it for others is a denial of equal protection.

2. The development of a comprehensive plan for the education of handicapped children "... is not the sort of problem which can be resolved by the issuance, no matter how well intended, of a judicial order."

3. "The law suit must be dismissed as to plaintiffs' denial of equal protection claim because the court finds that it could not possibly, no matter how much it might like to, do anything more to solve the equal protection problem before proposals already being implemented under the leadership of the Michigan legislature, Michigan Public Act 198, 1971."

4. Although the complaint argued that Public Act 198 does not require a due process hearing prior to an alteration in a child's educational status "... it would be premature to hold that the statute will be applied in an unconstitutional fashion ... the court must assume that the statute will be applied in a constitutional fashion, whether it be in reference to equal protection, or in reference to due process."

5. "The most that should be done at this stage is to indicate clearly that, although the matter is at this time premature because the process of implementation is proceeding in good fashion, and because there is no way which this court could proceed with implementation faster, if it should turn out either that the act is not fully and speedily implemented and funded or that procedures do not comply with due process, judicial remedies would then be available to the injured persons."

6. In considering whether to retain jurisdiction of the 12 individual plaintiffs, the court indicated that "their case, compelling as it is, is no more compelling than that of the thousands who are to be the beneficiaries of Public Act 198." The judge continued, "... the court must assume that the state will act constitutionally, rather than unconstitutionally ...."

7. The fact that the legislature had acted to affirm the constitutional equal protection principle prior to the "cause" being presented to the court provides a situation where "... the executive department can face up to the problems of due process in implementing the act before the act is fully operative." Further, Judge Joiner says "had the same foresight and leadership on the part of other branches of government been evidenced in the school desegregation problems, it is clear there would have been fewer controversies, less stress and probably quicker and more widespread results."

ASSOCIATION FOR MENTALLY ILL CHILDREN v. GREENBLATT, Civil Action No. 71-3074-J (U.S. District Court, Massachusetts)

This class action suit is being brought by emotionally disturbed children against officers of the Boston school system, all other educational officers in school districts throughout the state, and the Massachusetts state departments of education and mental health for the alleged "arbitrary and irrational manner in which emotionally disturbed children are denied the right to an education by being classified emotionally disturbed and excluded both from the public schools and an alternative education program."

Lori Barnett, an eight year old child classified as emotionally disturbed, has never been provided with a public education by the Commonwealth. The situation has persisted even though she has sought placement in both the Boston special education program and residential placement in a state-approved school.

The suit specifically charges that as of July, 1971, a minimum of 1,371 emotionally disturbed children, determined by the Commonwealth as eligible for participation in appropriate educational programs, were denied such services. Instead they were placed and retained on a waiting list "for a substantial period of time." Although some of the children were receiving home instruction, this is not considered to be an appropriate program.

Secondly, it is alleged that the plaintiff children are denied placement in an arbitrary and irrational manner, and no standards exist on state or local levels to guide placement decision in either day or residential programs. It is argued that, in the absence of state standards, the placement of some students while denying placement to others similarly situated violates the plaintiffs' rights of due process and equal protection.

Another issue in this case concerns the allegation that the plaintiff children are denied access to appropriate educational programs without a hearing thus violating their rights to procedural due process.

Finally, it is charged that the failure to provide the plaintiff children with an education, solely because they are emotionally disturbed "... irrationally denies them a fundamental right, to receive an education and to thereby participate meaningfully in a democratic society, in violation of the due process and equal protection clauses of the Fourteenth Amendment to the U.S. Constitution."

Declaratory judgment is sought to declare unconstitutional excluding or denying an emotionally disturbed child from an appropriate public education program for which he is eligible without a hearing. Also sought is a judgment of unconstitutionality regarding the denial of placement to eligible emotionally disturbed children in the absence of "... clear and definite ascertainable standards established for admission to that program;" the refusal of placement to eligible children in programs while similarly situated children are admitted to such programs; and the denial of education to a child solely because he is emotionally disturbed. Permanent injunction is also sought to prevent the defendants from violating plaintiffs' rights. Finally, an order is requested to require the defendants to prepare a plan detailing how the plaintiffs' rights will be fully protected and to appoint a master to monitor development and implementation of the plan.

The case is pending in the United States District Court for the District of Massachusetts.

PANITCH v. STATE OF WISCONSIN, Civil Action No. 72-L-461 (U.S. District Court, Wisconsin)

This suit is being brought against the state by Mindy Linda Panitch as representative of a class of children "who are multi-handicapped, educable children between the ages of four and twenty years, whom the state of Wisconsin through local school districts and the department of public instruction is presently excluding from, and denying to, a program of education and/or training in the public schools or in equivalent educational facilities."

The issue in this action is a Wisconsin statute and policy enabling handicapped children to attend "a special school, class or center" outside the state. When this occurs and depending upon the population of the child's residence, either the county or school district is required to pay the tuition and transportation. The policy limits the enrollment of children under this act to "public institutions." The rationale is that "constitutional and statutory limitations preclude in-state handicapped pupils attending private educational facilities and receiving the benefits of tuition. This policy maintains a consistency of treatment for out-of-state school attendees as well. Experience with the program to date has indicated that the potential costs accruing to counties in utilizing both public and private facilities would be a prohibitive factor. Similarly, the department lacks sufficient staff, resources, and authority to assess the adequacy of private school facilities."

The complaint alleges that the plaintiff and members of the class are denied equal protection of the laws since the "defendant does not, either through local school districts or the department of public instruction, provide any facility within the state to provide an education and/or training to plaintiff and other members of the class." This violation of the laws, it is alleged, occurs even though special education programs are available outside the state.

The relief sought includes:

1. the declaration that the statute and policy referred to above are unconstitutional and invalid;

2. direction from the court to the defendant to provide to the plaintiff and other members of the class "... a free elementary and high school education;" and

3. all plaintiff costs.

On November 16, 1972, Judge Myron L. Gordon of the Eastern District Court of Wisconsin issued a decision and order providing initially that this suit could proceed as a class action. The plaintiff class includes "... all handicapped educable children between the ages of four and twenty who are residents of Wisconsin and are presently being denied, allegedly, a program of education in public schools or in equivalent educational facilities at public expense." The defendent class also includes all school districts in the state. Finally, the court ordered the parties in the action to meet and devise plans for providing notice.

In December, 1972, the state and the named representative of the school districts filed answers to the complaint. At the same time, the school district, also filed a cross complaint.

In essence the state's answer to the complaint question whether the claims made by the plaintiff are representative of the class and whether the named school district has denied or is continuing to deny public education to the plaintiff and whether the named school district is typical of all the school districts in the state. The state further denies that no facilities are provided within the state at public expense for the "education and/or training" of the plaintiff and other members of the class. It is admitted that appropriate facilities potentially available to the plaintiffs do exist outside the state but denies that all such facilities have been made unavailable to the plaintiff and the class at public expense. The state denies that the plaintiff and the class have or are continued to be denied equal protection of the laws as required by the 14th amendment of the U.S. Constitution.

In presenting affirmative defenses, the state alleges that:

1. No justifiable controversy exists because "the complaint is a mere statement of unsupported legal conclusions."

2. The court should abstain "because a decision under state law might obulate the necessity of a federal constitutional determination."

3. The state has recognized the right of all handicapped children to be appropriately educated at public expense and has offered such opportunities to the plaintiff and members of the class.

4. The plaintiff is trainable, not educable, and will profit more from a training program than the academic program made available to all educably retarded and handicapped children.

5. A training program had been offered to the plaintiff's parents who would rather place the child in an out-of-state school for the visually handicapped at public expense.

6. The state does provide an equal opportunity for education and equal protection of the law to all children "... according to their physical and mental ability."

7. No grounds have been presented for temporary or permanent injunctive relief.

In conclusion, the state seeks a dismissal of the complaint.

The answer from the school district is essentially the same as for the state with the following exceptions.

1. No attempt was made to enroll the child in the district to educate the child.

2. Denies it is representative of all the state's school districts.

In the cross complaint against the defendants it is alleged that if the complaint is successful that inequities will occur among the school districts in the financial responsibility for providing for the education of the plaintiff and the class.

The relief sought by the school district includes a dismissal of the complaint but also that if the complaint is successful, the statute regarding the financial responsibility for children placed in programs outside the state be declared unconstitutional as different burdens are assessed on the basis of the populations of the child's resident school district and/or country.

This case is continuing.

CASE v. STATE OF CALIFORNIA, Civil Action No. 101679 (California Superior Court, Riverside County).

Lori Case is a school age child who has been definitively diagnosed as autistic and deaf and who may also be mentally retarded. After unsuccessfully attending a number of schools, both public and private for children with a variety of handicaps, Lori was enrolled in the multi-handicapped unit at the California School for the Deaf at Riverside, California. Plaintiff attorneys maintain that this unit was created specifically to educate deaf children with one or more additional handicaps requiring special education. Lori began attending the school in May 1970, and is alleged to have made progress - a point which is disputed by the defendants. The plaintiffs argue that to exclude her from Riverside would cause regression and possibly nullify forever any future growth. As a result of a case conference called to discuss Lori's status and progress in school, it was decided to terminate her placement on the grounds that she was severely mentally retarded, incapable of making educational progress, required custodial and medical treatment, and intensive instruction that could not be provided by the school because of staffing and program limitations.

The plaintiffs sought an immediate temporary restraining order and a preliminary and permanent injunction restraining defendants from preventing, prohibiting, or in any manner interfering with Lori's education at Riverside. A temporary restraining order and a preliminary injunction were granted by the Superior Court of the State of California for the County of Riverside.

The arguments presented by the plaintiffs are those seen in other "right to education" cases. The question of the definition of education or educability is raised. The plaintiff attorneys state that "if by 'uneducable' defendants mean totally incapable of benefiting from any teaching or training program, then plaintiffs are in agreement, but defendants' own declaration demonstrate that Lori is not uneducable in this sense. However, if by 'educable' defendants mean 'capable of mastering the normal academic program offered by the public schools,' then defendants are threatening to dismiss Lori on the basis of a patently unconstitutional standard. Application of such a narrow and exclusionary definition, in view of the extensive legislative provisions for programs for the mentally retarded, the physically handicapped, and the multi-handicapped would clearly violate both Lori's rights to due process and equal protection. The right to an education to which Lori is constitutionally entitled is the right to develop those potentials which she has."

Assuming acceptance of Lori's educability, the attorneys argue that "there is absolutely no distinction in law, or in logic, between a handicapped child and a physically normal child. Each is fully entitled to the equal protection and benefits of the laws of this State. Thus, to deprive Lori of her right to an education ... would violate her fundamental rights."

The issue raised by the defendants regarding staffing and program limitations was answered by pointing out that the courts have ruled that the denial of educational opportunity solely on the basis of economic reasons is not justifiable. And finally the manner in which the disposition of Lori's enrollment at the school was determined was "unlawful, arbitrary and capricious and constituted a prejudicial abuse of discretion." It is pointed out that Lori's right to an education "... must be examined in a court of law, offering the entire panaply of due process protections ..."

The case was filed on January 7, 1972, and a temporary restraining order was granted the same day. A preliminary injunction was granted on January 28, 1972. Plaintiffs' first set of interrogatories were filed on March 10, 1972, and a trial date set for May 8, 1972. Trial was held on September 5, 1972. A decision is expected in the near future.

BURNSTEIN v. THE BOARD OF EDUCATION--(California Superior Court, Contra Costa County).

The plaintiff children are described as autistic for whom inappropriate or no public education programs have been provided. Thus, there are within this suit two sets of petitioners and two classes. The first class includes autistic children residing in Contra Costa County, California, who have sought enrollment in the public schools but were denied placement because no educational program was available. The second class of petitioners includes five children also residing in Contra Costa County and classified as autistic. These children have been enrolled in public special education classes but not programs specifically designed to meet the needs of autistic children.

The complaint alleges that no services were provided to any of the children named until the plaintiffs in October, 1970, informed the defendants that "they were in the process of instituting legal action to enforce their rights to a public education, pursuant to the laws of the state of California and the Constitution of the United States." The children named in the second class were placed in special education programs, but as indicated, not a program designed specifically to meet their needs.

It is argued in the brief that "education for children between the ages of six and sixteen is not a mere privilege but is a legally enforceable right" under both the state laws of California and the United States. Further, it is pointed out that specialized programs to meet the needs of autistic children are required to enable these children to participate fully in all aspects of adult life. It is also indicated that autistic children are educable and that when they are provided with appropriate programs they can become qualified for regular classroom placement.

Based on the allegation that the petitioners have been denied their rights to an education by the school board who, although knowing of their request for enrollment in programs, "wrongfully failed and refused and continued to fail and refuse..." enrollment, the petitioners request the court to command the school board "to provide special classes and take whatever other and further steps necessary to restore to petitioners the right to an education and an equal educational opportunity..."

The arguments presented by the attorneys for the petitioners justify on a variety of legal bases their rights to publicly-supported educational opportunities. In addition to citing the equal protection provisions of both the United States and California Constitutions, it is also pointed out that "denial of a basic education is to deny one access to the political processes. Full participation in the rights and duties of citizenship assumes and requires effective access to the political system..." Further, the attorneys argue that "one may be denied his economic rights through denial of an education." In addition, the petitioners are not only denied the same educational benefits as non-handicapped children, but also are denied that which is provided to other school-age children suffering from mental or physical disabilities. Finally, the attorneys provide an argument that refutes the frequently used high cost rationale for the denial of special education programs. They say that "granting an education to some while denying it to others is blatant grounds that providing one with rights to which he is entitled but unlawfully denied will result in additional expense. If the respondent in this case is unable to receive funding for the required classes from the state, it is incumbent on it to reallocate its own budget so as to equalize the benefits received by all children entitled to an education."

This case is presently expected to go before the Superior Court of the State of California in and for the County of Contra Costa this winter.

<u>TIDEWATER ASSOCIATION FOR AUTISTIC CHILDREN</u> v. <u>COMMONWEALTH OF VIRGINIA</u>, Civil Action No. 426-72-N, (U.S. District Court, E. D. Virginia).

In August, 1972, suit was entered in the Norfolk Division of the U.S. District Court for the Eastern District of Virginia on behalf of the class of autistic children who as plaintiffs against the state of Virginia and the state board of education for their alleged legal right to be provided with a free public program of education and training appropriate to each child's capacity.

The complaint is based upon the "basic premise" that "... the class of children which the plaintiff seeks to represent are entitled to an education and that they have a right under the United States Constitution to develop such skills and potentials which they, as a handicapped child, might have or possess. The plaintiff asserts that to deny an autistic child a right to an education is a basic denial of their fundamental rights."

It is also charged in the complaint that discrimination is being practiced against autistic children "since they are educable and no suitable program of training or education is available for them." It is also pointed out that the state has wrongfully failed to provide a program for these children on the basis that "there is not enough money available." The complaint also contains a history of the state's failure to establish pilot programs for approximately 22 children in the Tidewater Virginia area. After the request for funds from the state was reduced from $100,000 to $70,000, the state appropriated $20,000 to serve seven children in the four to seven year age range. Finally, it is alleged that if the requested relief is not granted, there are teen-age members of class "... who will not have an opportunity to receive any training or education whatsoever."

Specifically, the relief sought includes:

1. Granting of declaratory judgment that the practices alleged in the complaint violates the Fourteenth Amendment of the U.S. Constitution.

2. Immediate establishment of free and appropriate programs of education and training geared to each child's capacity.

3. "Determine that each and every child, regardless of his or her mental handicap, is entitled to the equal protection of the law and a right to an education in accordance with the child's capacity."

4. Awarding of court and attorney fees to the plaintiffs.

On the 7th of September, the Commonwealth of Virginia submitted to the Court a motion to dismiss the suit for the following reasons:

1. "Plaintiff fails to state a claim upon which relief may be granted."

2. Suits may not be filed against the Commonwealth of Virginia.

3. The complaint should first be heard by a state rather than a federal court.

In December, 1972, the court issued a memorandum, opinion, and order that dismissed the plaintiff's complaint. In making this judgment, Judge MacKenzie of the Eastern District of Virginia reasoned that although the importance of an equal education is widely recognized, there is nothing in the United States Constitution that "... addresses itself to any explicit or implicit guarantee of a right to a free public education." He further explained that because such a right is guaranteed by the Virginia Constitution and state laws, abridgement of that right should first be pursued through appropriate state remedies. Consequently, the court refused "on the basis of comity and the doctrine of equitable abstention ... the premature attempt to enforce this untested Virginia law."

The argument made by the plaintiffs was that even if the United States Constitution does not provide for the right to free public education, the equal protection clause does provide for equal treatment meaning that if education is provided for some autistic children, it must be provided for all. In responding to this arguement, the court recognized the 1972 Virginia legislation calling for mandatory surveying and planning for the eudcation of the handicapped as well as annually reporting progress and statutes that provide tuition for parents of autistic children to use to obtain private school placement for their children in the absence of public programs as a "... firm commitment by the state to live up to its equal protection obligation under the fourteenth amendment, as well as its own state constitution." In the decision, the court states the assumption that the above statutes would be applied "... in a constitutional fashion and at this time it would be premature to hold otherwise." Support for this position is taken from the decision in Harrison v. Michigan.

Finally, the court ruled that no violation of equal protection occurred when a selected group of autistic children were selected for a pilot program while other similarly situated children did not have access to the program because the state's action was rationally based and "free of invidious discrimination" and that further "... the equal protection clause does not require that a state choose between attacking every aspect of a problem at once or not attacking the problem at all."

UYEDA v. DEPARTMENT OF EDUCATION (California)

In June, 1972, suit was initiated by the mother of Craig Uyeda, a profoundly deaf 10-year old boy against the California School for the Deaf at Riverside, its superintendent, Dr. Richard Brill, and the associate state superintendent of special education for an alleged violation of the child's civil rights.

Craig, a profoundly deaf child described as being "exceptionally bright" had been placed in the Riverside program since September, 1967. In September 1971, Craig was transferred from the regular program at Riverside to the multi-handicapped unit because of behavior problems that were interferring with his academic progress. The defendants informed the parents in May, 1972, that because Craig was a danger to the staff and other children, his enrollment was to be terminated.

The essence of the plaintiff's complaint is that in the absence of a compelling need and overwhelming necessity, "... to deprive Craig of his right to an education, which defendants seek to do, would violate his fundamental rights." It is also argued that "there is absolutely no distinction, in law or in logic, between a handicapped child and physically normal child. Each is fully entitled to the equal protection and benefits of the laws of this state." Finally, it is pointed out that California state law is clear in providing for the education of children with severe handicaps in special programs and that "to then expect such children to perform as well as those children with less severe educational handicaps makes a mockery of the school's duty and constitutes a flagrant violation of the severely handicapped student's right to an education."

Although the relief ultimately being sought is a permanent injunction, the initial request for a temporary restraining order and a preliminary injunction is made on the grounds that expulsion of the child from his present school will result in injury and irreparable harm and possibly the loss of any academic progress made to date. Further, it is alleged that although the defendants indicate there is another appropriate program available in the state, the staff at that program feel that the child is too old. Further, the defendants' original recommendation for the child's placement in the Riverside multi-handicapped unit was based on the availability of the needed behavior modification programs which does not exist at the other school. Finally, plaintiffs allege that Craig's behavioral problems which are the alleged reason for his dismissal are not unique to him and are seen in comparable degrees to other children in the multi-handicapped unit.

While Craig's parents signed a form acknowledging their responsibility to remove the child from school if notified by the superintendent, it is alleged that this consent is suspect for a variety of reasons including the absence of "... notions of due process or a prior hearing . .." Further, it is indicated that the defendants "... failed to specify in advance the basis upon which such determination was to be made, failed to afford an adequate hearing on Craig's termination, and failed to provide a fair record for review or any right of review at all." The plaintiff concludes that "defendants attempt to summarily terminate Craig's constitutional and statutory right to an education at defendant school by such a unilaterial, coercive procedure is wrongful and is violative of the procedural guarantees owing to Craig and his parents under the due process provisions of the United States and California Constitutions."

In addition to seeking a temporary restraining order, a preliminary injunction and a permanent injunction preventing the defendants from interferring in Craig's education at Riverside, the plaintiff is also seeking the cost of the suit.

On June 14, 1972, the court ordered the defendants to show cause why a preliminary injunction should not be granted and in the interim restrained and enjoined the defendants from dismissing Craig from the school.

KIVELL v. NEMOITIN, No. 143913, (Superior Court, Fairfield County at Bridgeport, Connecticut).

In a Memorandum of Decision issued by Superior Court Judge Robert J. Testo on July 18, 1972, the mother of 12-year old Seth Kivell, "a perceptually handicapped child with learning disabilities" was awarded $13,400 to pay for the out-of-state private education the child received for two years when it was held that the defendant Stamford, Connecticut Board of Education did not offer an appropriate special education program for him.

The suit was brought by the mother of Seth Kivell when the child was initially classified by a Stamford Public School diagnostic team as a child in need of special education. The same team recommended a program to the parents who, on the basis of an independent evaluation and recommendation by a consulting psychologist transferred Seth to an out-of-state private school. The parents pursued their alleged rights through a local board hearing at which their appeal was denied and a state board hearing. After a state investigation, the state commissioner of education agreed with the plaintiff that the program offered for that year would not have met the child's needs. The commissioner indicated that if the Stamford board reversed its decision and assumed the tuition costs, the state under existing statutes would reimburse the district. This course was rejected by the Stamford board. The commissioner then ordered the district to submit a plan for his approval for the provision of appropriate special education services. Such a plan was approved and the parents were notified approximately two months after the start of the second school year for which the judgment applied.

Judge Testo wrote after reviewing the state's statutory obligation to handicapped children that "it is abundantly clear from the statutes that the regulation and supervision of special education is within the mandatory duty of the state board of education and that the local town board is its agent charged with the responsibility of carrying out the intent of the law which the minor needs and is entitled to."

An order was also issued "directing the Stamford Board of Education and Superintendent of Schools of said City to furnish the minor with the special education required by the statutes of this State. Compliance of this order shall mean the acceptance and approval by the State Board of Education of the program submitted by the local board of education."

It is worthy of note that the judge anticipated that on the basis of his decision a multitude of similar suits might be filed. Consequently he stated that "this court will frown upon any unilateral action by parents in sending their children to other facilities. If a program is timely filed by a local board of education and is accepted and approved by the state board of education, then it is the duty of the parents to accept said program. A refusal by the parents in such a situation will not entitle said child to any benefits from this court."

IN RE HELD, Docket Nos. H-2-71 and H-10-71, N.Y. FAMILY COURT, WESTCHESTER COUNTY, NEW YORK

This case heard in Westchester County, New York Family Court concerned the failure of the Mt. Vernon Public Schools to adequately educate eleven year old Peter Held. These proceedings were initiated after Peter Held had been enrolled in the public schools for five years, three of which in special education classes. During that time the child's reading level never exceeded that of an average first grade student. After the child was removed from the public school and placed in a private school, his reading level, in one year increased about two grades and he "...became a class leader."

In his decision, Judge Dachenhausen "... noted with some concern, the lack of candor shown by the representative of the Mount Vernon city school district in not acknowledging the obvious weaknesses and failure of its own special education program to achieve any tangible results for this child over a five year period." In commenting about the progress made by the child in the private school, the judge said, "It seems that now, for the first time in his young life, he has a future." Further, the judge noted that "This court has the statutory duty to afford him an opportunity to achieve an education."

The court in its ruling issued November 29, 1971, noted that since the child "to develop his intellectual potential and succeed in the academic area" must be placed in a special education setting such as the private school and since, "It is usually preferable for a child to continue at the school where she is making satisfactory progress" (Knauff v. Board of Education, 1968, 57 Misc 2d 459) ordered that the cost of Peter Held's private education be paid under the appropriate state statute provisions for such use of public monies. The costs of transporting the child to the private school was assumed by the local district.

It is important to note that a year earlier, the child's mother applied for funds under the same statute for the payment of this private tuition but the application was not approved. This occurred even though "The superintendent of the Mount Vernon public schools" certified that the special facilities provided at the private school were not available in the child's home school district. Also of interest is that in June of 1971, an initial decision rendered on this matter required the state and the city of Mount Vernon, where the child resides to each pay one half of the private school tuition. That decision was vacated and set aside because the city argues that the court lacked jurisdiction over the city because "no process was ever served upon it and it never appeared in any proceeding."

NORTH DAKOTA ASSOCIATION FOR RETARDED CHILDREN v. PETERSON (U.S. District Court, North Dakota)

In late November 1972, a class action right to education suit was introduced in the southwestern division of the North Dakota District Court on behalf of all retarded and handicapped children of school age residing in North Dakota. The plaintiffs include the North Dakota Association for Retarded Children and 13 children who represent all other children similarly situated. The defendants include the state superintendent of public instruction, the state board of education, the state director of institutions, the superintendent of the state school for the mentally retarded, and six local school districts in the state as representative districts.

The 13 named children, ranging in age from 6 to 19 possess levels of intellectual functioning from profound to moderate. In addition, some of the children possess physical handicaps and specific learning disabilities. It is alleged that in order to obtain an education, many of the children have to attend private programs paid for by parents or have to live in a foster home paid for by parents in a community where special education programming is available. In addition, some children, although being of school age, are presently receiving no education or are attending a private day care program or reside in the state school for mentally retarded where no educational programs are provided.

The importance of an education to all children and in particular to the handicapped is pointed out in the complaint where it is also alleged that only about 27% of the 25,000 children in North Dakota needing special education services are enrolled in such programs. It is indicated that the remaining 73% are:

1. "enrolled in private educational programs because no public school program exists, usually at extra expense to the child's family;

2. "are attending public schools, but receiving no education designed to meet their needs and receiving social promotions while they sit in the classroom and until they discontinue their education or become old enough to be dismissed;

3. "are institutionalized at the Grafton State School where insufficient programs exist to meet their educational needs; or

4. "are at home, receiving no education whatsoever."

The specific alleged violations of the law are as follows:

1. The deprivation of the equal protection clause of the 14th amendment of the United States Constitution in that the state compulsory school attendance laws "... arbitrarily and capriciously discriminate between the child whose physical or mental condition is such as to render his attendance or participation in regular or special education programs inexpedient or impractical, and the child deemed to be of such physical and mental conditions as to render his attendance and participation in regular or special education programs expedient and practical." It is also alleged that children excluded from the public school and assigned to "the state school for the mentally retarded are not all offered an education." Further "the superintendent of any of [state] institutions may excuse the child from such institution without any reason or hearing thereon, and upon such exclusion the child is without any educational opportunities in the state of North Dakota." Because the state school does not have sufficient capacity for all the children on its waiting list, some children are simply excused from admission by denying their request for admission.

2. The deprivation of plaintiffs' rights of "... due process of law in violation of the 14th amendment of the United States Constitution in that it arbitrarily and capriciously and for no adequate reason denies to retarded and handicapped children of school age the education and opportunity to become self-sufficient, contributing members to the State of North Dakota, guaranteed by the Constitution and laws of the State of North Dakota and subjects them to jeopardy of liberty and even of life."

3. The deprivation of plaintiffs' rights "... of equal protection of the law in violation of the 14th Amendment of the Constitution of the United States, in that, excluding plaintiffs from the public schools, it conditions their education to those children whose parents are poor and unable to provide for their children's education otherwise."

4. The deprivation of plaintiffs' rights of "... equal protection of the law in violation of the 14th Amendment to the Constitution of the United States, in that plaintiffs' parents are taxed for the support of a system of public education, nevertheless the children are denied the benefits thereof, and they must pay additional monies to secure an education for their children."

5. The deprivation of plaintiffs' rights "... of procedural due process of law in violation of the 14th Amendment to the United States Constitution, in that there is no provision for notice or for hearing of any kind, let alone any impartial hearing, with right of cross-examination, prior to or after the exclusion."

6. The use by the defendants of the state compulsory attendance law to permit violations that provide to parents, the decision of whether their child will attend school and further "... to mandate non-attendance contrary to the parents' wishes."

7. The confusion by the defendants of the compulsory attendance requirements that exclude "... retarded children from school until the age of 7 years and excluding retarded children after age 16, despite their parents' election to the contrary, and the clear statutory guarantee that every child may attend public schools between the ages of 6 and 21 years."

8. The denial of the plaintiffs' "...right to attend public school and to an education ... by excluding and excusing them from school, by postponing their admission to school, by terminating their attendance at 16 years, and by failing to provide education for ..." the children in residence at the state school for the mentally retarded. This allegation is also based on the equal protection provisions of the 14th amendment.

9. It is also alleged that in many cases where handicapped children are admitted to school they still are deprived of a meaningful education and "that the failure of the defendants to provide a meaningful education suited to the educational needs of such retarded and handicapped children deprives such children of an education just as certainly as said children were physically excluded from public schools.

10. Finally, the allegation that the exclusion clause of the state compulsory attendance law is unconstitutional and "... provides no meaningful or recognizable standard of determining which children should be excused [excluded] from public schools and when used ..." is a violation of the constitutions of North Dakota and the United States.

The relief the plaintiffs are seeking includes the following:

1. The convening of a three-judge court.

2. Declaration that selected statutes, related regulations and practices are unconstitutional and must not be enforced.

3. Enjoin the defendants from "denying admission to the public schools and an education to any retarded or handicapped child of school age."

4. Enjoin the defendants from "denying an educational opportunity to any child at the Grafton State School" [for the mentally retarded].

5. Enjoin the defendants from "otherwise giving differential treatment concerning attendance at school to any retarded or handicapped child."

6. Require the defendants "to provide, maintain, administer, supervise and operate classes and schools for the education of retarded and handicapped children throughout the state of North Dakota and specifically where hearing shows an inadequate number of classes or schools are provided for the education and training of such retarded or handicapped children." This also applies to the state's institutions.

7. Require the defendants to provide compensatory education to plaintiff children and their class who, while of school age, were not provided with a meaningful education suited to their needs.

8. Plaintiffs' costs for prosecuting the action.

COLORADO ASSOCIATION FOR RETARDED CHILDREN v. STATE OF COLORADO (U.S. District Court, Colorado)

In December, 1972, the Colorado Association for Retarded Children and 19 named physically and mentally handicapped children filed a class action suit against the state of Colorado, the governor, the state departments of education and institutions, the state board of education and 11 Colorado school districts. The substance of the action is the state's alleged failure to provide equal educational opportunities to 20,000 handicapped children.

RIGHT TO TREATMENT

WYATT v. ADERHOLT, 334F Supp. 1341 (M. D. Alabama, 1971), 32FF. Supp. 781 (M. D. Alabama, 1971)

This action, originally focused on the claim of state hospitalized mentally ill patients to receive adequate treatment, began in September, 1970, in Alabama Federal District Court. In March, 1971, Judge Johnson ruled that mentally ill patients involuntarily committed to Bryce Hospital were being denied the right "to receive such individual treatment as (would) give each of them a realistic opportunity to be cured or to improve his or her mental condition." The court gave the defendants six months to upgrade treatment, to satisfy constitutional standards, and to file a progress report. Prior to the filing of that report, the court agreed to expand the class to include another state hospital for the emotionally ill and the mentally retarded at the Partlow State School and Hospital.

The defendants' six month progress report was rejected by the court and a hearing was scheduled to set objective and measurable standards. At the hearing in February, 1972 evidence was produced which led the court to find "the evidence ... has vividly and undisputably portrayed Partlow State School and Hospital as a warehousing institution which because of its atmosphere of psychological and physical deprivation, is wholly incapable of furnishing habilitation to the mentally retarded and is conducive only to the deterioration and the debilitation of the residents." The court further issued an emergency order "to protect the lives and well-being of the residents of Partlow." In that order the court required the state to hire within 30 days 300 new aide-level persons regardless of "former procedures," such as civil service. The quota was achieved.

On April 13, 1972, a final order and opinion setting standards and establishing a plan for implementation was released. In the comprehensive standards for the total operation of the institution are provisions for individualized evaluations and plans and programs relating to the habilitation ("the process by which the staff of the institution assists the resident to acquire and maintain those life skills which enable him to cope more effectively with the demands of his own person and of his environment and to raise the level of his physical, mental, and social efficiency.") Habilitation includes, but is not limited to, programs of formal structured education and treatment of every resident. Education is defined within the order as "the process of formal training and instruction to facilitate the intellectual and emotional development of residents." The standards applying to education within the order specify class size, length of school year, and length of school day by degree of retardation.

Finally, the court requires the establishment of a "human rights committee" to review research proposals and rehabilitation programs, and to advise and assist patients who allege that the standards are not being implemented or that their civil rights are being violated. Further, the state must present a six-month progress report to the court and hire a qualified and experienced administrator for the institution.

In December, 1972, the U.S. Court of Appeals for the 5th Circuit heard arguments on the appeals of both Wyatt and Burnham (CA.) which had been joined. The court is presently preparing a decision.

BURNHAM v. DEPARTMENT OF PUBLIC HEALTH, Civil Action No. 16385 (U.S. District Court, N. D. Georgia)

This is a suit seeking class action status on behalf of all patients voluntarily or involuntarily committed to any of the six state-owned and operated facilities named in the complaint and operated for the diagnosis, care and treatment of mentally retarded or mentally ill persons under the auspices of the Department of Public Health of the State of Georgia. Each of the named plaintiffs is or has been a patient at one of these institutions. The case was filed on March 29, 1972, in the United States District Court for the Northern District of Georgia.

Defendants in this case are the Department of Public Health, the Board of Health of the State of Georgia, and Department and Board members and officials; the superintendents of the six named institutions; and the judges of courts of ordinary of the counties of Georgia, which are the courts specifically authorized by Georgia law to commit a person for involuntary hospitalization.

The complaint alleges violations of the 5th, 8th, and 14th Amendments to the U.S. Constitution. It seeks a preliminary and permanent injunction and a declaratory judgment. Specifically, the declaratory relief sought includes a court finding that the patients in the defendant institutions have a constitutional right to adequate and effective treatment; a court finding that each of the institutions named in the complaint is currently unable to provide such treatment; and a holding by the Court that constitutionally adequate treatment must be provided to the patients in the institutions named in the complaint.

The plaintiffs requested the following:

1. That defendants be enjoined from operating any of the named institutions in a manner that does not conform to constitutionally required standards for diagnosis, care and treatment;

2. That defendants be required to prepare a plan for implementing the right to treatment;

3. That further commitments to the defendant institutions be enjoined until these institutions have been brought up to constitutionally required standards; and

4. That the Court award reasonable attorney's fees and costs to counsel.

Defendants filed an answer to plaintiffs complaint on April 21, 1972, in which they raise several legal defenses, such as lack of jurisdiction, and moved to dismiss on several grounds.

On August 3, 1972, Judge Sidney D. Smith, Jr. granted the defendants' motion for summary judgment and dismissed this case. The ruling of the court centered on the following major points:

1. The court could find no legal precedent to allow for the declaration that there exists a "federal constitutional right to treatment (to encompass 'care' and 'diagnosis') for the mentally ill." Based on this finding, the judge ruled that the action could not be maintained.

2. Judge Smith, in his decision, disagreed with the Wyatt Alabama decision, primarily on the basis of the absence of a federal statute requiring the right to treatment. He added that "the factual context in those Alabama decisions (budgetary lots by the state legislature causing further deterioration of an existing deficient institutional environment) is also substantially different from the existent situation in the Georgia mental health institutions."

3. The court also held that "... a conclusion as to the lack of jurisdiction over the person of named defendants is also compelled by the eleventh amendment to the U.S. Constitution." This conclusion was based upon the failure to demonstrate the "... denial of a constitutionally protected right nor a federally guaranteed statutory right."

4. Judge Smith also commented about the appropriateness of the courts in defining "adequate" or "constitutionally adequate" treatment.

Specifically he wrote that these questions "... defy judicial identity and therefore prohibits its breach from being judicially defined." Further, he acknowledged the defendants' argument that "the question of what in detail constitutes "adequate treatment" is simply not capable of being spelled out as a mathematical formula which could be applied to and would be beneficial for all patients. Everyone knows that what might be good treatment for one patient could be bad or even fatal for another."

See the last paragraph of Wyatt v. Aderhold for status of this case.

RICCI v. GREENBLATT, Civil Action No. 72-469F (U.S. District Court, Massachusetts)

This is another class action suit regarding the right to treatment in institutions. The plaintiffs were children in the Belchertown State School in Massachusetts and the Massachusetts Association for Retarded Children, who like in the Wyatt, Parisi, and New York Association for Retarded Children actions, alleged violations of their constitutional rights. The defendants were various state officials and officials of the school. Motions for a temporary restraining order and preliminary injunction were granted by the court in February, 1972, which serves to maintain the status quo until litigation is completed.

Among the provisions of those orders was that "the defendants develop comprehensive treatment plans for the residents which include adequate and proper educational services." On April 20, 1972, the defendants had filed answers to all allegations of the plaintiffs' complaint.

This case has been reassigned to another district court judge. A contempt motion was also filed against the defendants for their failure to carry out issued orders.

NEW YORK STATE ASSOCIATION FOR RETARDED CHILDREN v. ROCKEFELLER, 72 Civil Action No. 356. PARISI v. ROCKEFELLER, et. al. (U.S. District Court, E. D. New York)

These two actions were filed in the U.S. District Court for the Eastern District of New York. Both allege that the conditions at the Willowbrook State School for the Mentally Retarded violated the constitutional rights of the residents. These class action suits are modeled after the Wyatt v. Adherholt (Partlow State School and Hospital, Alabama) case.

Extensive documentation was presented by the plaintiffs alleging the denial of adequate treatment. The evidence touched all elements of institutional life including: overcrowding, questionable medical research, lack of qualified personnel, insufficient personnel, improper placement, brutality, peonage, etc. It is alleged in the Parisi, et. al. v. Rockefeller complaint that "No goals are set for the education and habilitation of each resident according to special needs and specified period of time." It was specifically charged that 82.7 percent of the residents are not receiving school classes, 98.3 percent are not receiving pre-vocational training, and 97.1 percent are not receiving vocational training.

The plaintiffs in Parisi, et. al. are seeking: declaration of their constitutional rights, establishment of constitutionally minimum standards for applying to all aspects of life; due process requirements to determine a "developmental program" for each resident; development of plans to construct community-based residential facilities and to reduce Willowbrook's resident population; cessation of any construction of non-community based facilities until the court determines that sufficient community based facilities exist; and appointment of a master to oversee and implement the orders of the court.

Both complaints include specific mention of the necessity for including within "developmental plans" and subsequent programs, appropriate education and training.

The preliminary schedule on these cases, which were to be consolidated, was for plaintiffs and defendants to meet in early May to stipulate standards.

WELSCH v. LIKINS, No. 4-72 Civil Action 451 (U.S. District Court, District of Minnesota, 4th Division)

In this action six plaintiffs are named as representative of a 3,500 member class--persons presently in Minnesota's state hospitals for the mentally retarded. Named defendants are the present and former acting commissioners of public welfare and the chief administrator of each of the state's six hospitals.

The plaintiffs include severely and moderately retarded persons who are allegedly denied their right to due process of law since they do not receive "... a constitutionally minimal level of 'habilitation,' a term which incorporates care, treatment, education, and training." It is specifically charged that the plaintiffs and others similarly situated are not provided with a humane psychological and physical environment. The complaint presents supporting evidence that some residents live in "old, poorly designed and hazardous" buildings not meeting state board of health safety and health standards, 'overcrowded dormitories,' bleak accommodations; and improperly equipped bathroom and toilet facilities. Additionally, it is indicated that residents are "subject to threats and physical assaults by other residents," improperly clothed, and denied any personal privacy.

It is further alleged that there is both an insufficient quantity of staff and insufficiently trained staff necessary to provide appropriate programs of habilitation. Due to staff shortages many residents have been forced to work in the institution as employees yet, according to the complaint, are denied payment as required by the fair labor standards act. Another allegation is that the "defendants have failed and refused to plan for and create less restrictive community facilities ..." even though many members of the class could function more effectively in such programs.

It is further argued that "the final condition for constitutionally adequate habilitation is the preparation for each resident of an individualized, comprehensive habilitation plan as well as a periodic review and re-evaluation of such a plan. On information and belief, defendants have failed to provide plaintiffs and the class they represent with a comprehensive habilitation plan or to provide periodic review of these plans."

The plaintiffs are seeking a judgment to include the following:

1. A declaratory judgment that Minnesota's state institutions "... do not now meet constitutionally minimal standards of adequate habilitation including care, treatment and training."

2. A declaratory judgment specifying constitutionally minimum standards of adequate habilitation for mentally retarded persons confined in the state institutions under the supervision and management of the commissioner of public welfare.

3. Injunctions preventing defendants "from failing or refusing to rectify the unconstitutional conditions, policies and practices" described in the complaint and requiring them to "promptly meet such constitutionally minimal standards as this Court may specify."

4. Injunctions requiring the defendants "to pay plaintiffs and the class they represent working in the named institutions the minimum wage established pursuant to the Fair Labor Standards Act as amended, 29 U.S.C. Sec. 201 et seq."

5. Appointment of a master.

6. Awarding of costs to the plaintiffs.

HORACEK v. EXON, (U.S. District Court, Nebraska)

This late 1972 class action complaint agains Governor James J. Exon of Nebraska, the director of the state department of public institutions, the director of medical services, the director of the state office of mental retardation and the superintendent of the Beatrice State Home for the Mentally Retarded focuses on allegations that the residents of the state home "... are not receiving a constitutionally minimal level of 'habilitation,' a term which incorporates care, treatment, education, and training" and the exercise of constitutional rights including personal liberty.

The plaintiffs include five mentally retarded persons ranging in age from 13 to 26 and demonstrating borderline to severe mental retardation. These persons were residents in Beatrice for 1-1/2 to 10 years and all regressed since they were initially admitted. It is alleged that none were provided with appropriate education and/or training programs during their residence at Beatrice. An additional plaintiff is the Nebraska Association for Retarded Children.

The numerous allegations presented in the complaint include the following:

1. The approximately 1,400 residents of the Beatrice facility are all capable of benefiting from habilitation, yet have been denied from receiving same by the defendants.

2. Although a basis for the provision of habilitation services, individual treatment plans have not been developed for any residents.

3. "The environment at Beatrice is inhumane and psychologically destructive." Substantive charges listed include old, hazardous, and inadequately cooled and ventilated housing, lack of privacy, inadequate toilet and hygenic equipment and facilities, overcrowding, restrictive mail and telephone policies, improper clothing, inadequate diet and food preparation procedures, and finally the lack of sufficient therapy, education, or vocational training opportunities for the residents.

4. A shortage of all types of staff and the presence of many untrained staff, particulary direct-care personnel.

5. The absence of evaluation and review procedures to determine resident status and program needs.

6. Each Beatrice resident "... could be more adequately habilitated in alternatives less drastic than the conditions now existing at Beatrice." In this regard it is asserted that the defendants have failed to discharge residents who could live in less restrictive environments and also failed to plan and develop sufficient community facilities to meet this need.

7. Numerous violations of the equal protection clause of the fourteenth amendment including the unreasonable, arbitrary, and capricious classification of some residents as mentally retarded, the denial of equal education opportunities provided to children in the community, the expenditure of greater funds for the hospitalized mentally ill and the maintenance of standards in the instutition that are "markedly inferior" to community programs.

8. Many residents are required to engage in non-therapeutic work for token or no compensation thus violating constitutional provisions that prohibit enforced labor except as punishment for criminal acts.

9. The use of solitary confinement, strait-jackets and other restrictive devices and practices constitutes unlawfully cruel and unusual punishment.

The following relief is sought:

1. The action to be classified as a class action.

2. The violations alleged are constitutional rights and are present rights which must immediately be respected.

3. A judgment indicating Beatrice does not provide constitutionally minimum standards of care and that the court will specify such minimum standards.

4. An injunction requiring the rectification of all unconstitutional conditions, policies, and practices.

5. A restriction preventing the defendants from building any non-community based facilities until the court determines that such programs are sufficiently available.

6. Enjoin defendants from admitting any more residents to Beatrice until minimum standards are met as determined by the court.

7. Require the provision of sufficient additional habilitation services to compensate for the regression and deterioration the Beatrice residents have suffered.

8. A judgment "... declaring that the community service programs are the contitutionally required least restrictive alternative for the habilitation of the mentally retarded in Nebraska."

9. A master be appointed.

10. The court retain continuing jurisdiction.

11. Plaintiff's attorneys' fees and the costs of the action.

A motion to dismiss the complaint has been filed by the defendants which is modeled after the court's decision in Burnham v. Department of Public Health.

PLACEMENT

LARRY P. v. RILES, Civil Action No. C-71-2270 (U.S. District Court, N. D. California)

This class action suit was filed in late November, 1971, on behalf of the six named black, elementary aged children attending classes in the San Francisco Unified School District. It is alleged that they have been inappropriately classified as educable mentally retarded and placed and retained in classes for such children. The complaint argued that the children were not mentally retarded, but rather "the victims of a testing procedure which fails to recognize their unfamiliarity with the white middle class cultural background and which ignores the learning experiences which they may have had in their homes." The defendants included state and local school officials and board members.

It is alleged that misplacement in classes for the mentally retarded carries a stigma and "a life sentence of illiteracy." Statistical information indicated that in the San Francisco Unified School District, as well as the state, a disproportionate number of black children are enrolled in programs for the retarded. It is further pointed out that even though code and regulatory procedures regarding identification, classification, and placement of the mentally retarded were changed to be more effective, inadequacies in the processes still exist.

The plaintiffs asked the court to order the defendants to do the following:

1. Evaluate or assess plaintiffs and other black children by using group or individual ability or intelligence tests which properly account for the cultural background and experience of the children to whom such tests are administered;

2. Restrict the placement of the plaintiffs and other black children now in classes for the mentally retarded on the basis of results of culturally discriminatory tests and testing procedures;

3. Prevent the retention of plaintiffs and other black children now in classes for the mentally retarded unless the children are immediately re-evaluated and then annually retested by means which take into account cultural background;

4. Place plaintiffs into regular classrooms with children of comparable age and provide them with intensive and supplemental individual training thereby enabling plaintiffs and those similarly situated to achieve at the level of their peers as rapidly as possible;

5. Remove from the school records of these children any and all indications that they were/are mentally retarded or in a class for the mentally retarded and ensure that individual children not be identified by the results of individual or group I.Q. tests;

6. Take any action necessary to bring the distribution of black children in classes for the mentally retarded into close proximity with the distribution of blacks in the total population of the school districts;

7. Recruit and employ a sufficient number of black and other minority psychologists and psychometrists in local school districts, on the admissions and planning committees of such districts, and as consultants to such districts so the tests will be interpreted by persons adequately prepared to consider the cultural background of the child. Further, the State Department of Education should be required in selecting and authorizing tests to be administered to school children throughout the state, to consider the extent to which the testing development companies utilized personnel with minority ethnic backgrounds and experiences in the development of culturally relevant tests;

8. "Declare pursuant to the Fourteenth Amendment to the United States Constitution, the Civil Rights Act of 1964, and the Elementary and Secondary Education Act and Regulations, that the current assignment of plaintiffs and other black students to California mentally retarded classes resulting in excessive segregation of such children into these classes is unlawful and unconstitutional and may not be justified by administration of the currently available I.Q. tests which fail to properly account for the cultural background and experience of black children."

On June 20, 1972 U.S. District Court Judge Robert Peckham of the Northern District of California issued an order and memorandum for a preliminary injunction requiring that "... no black student may [in the future] be placed in an EMR class on the basis of criteria which rely primarily on the results of I.Q. tests as they are currently administered if the consequence of use of such criteria is racial imbalance in the composition of EMR classes."

Judge Peckham in issuing this order determined that the incorrect placement of children in classes for the educable mentally retarded causes irreparable injury. Secondly, he pointed out that the I.Q. test as alleged by the plaintiffs is in fact culturally biased. Third, he discussed the statistical evidence gathered in San Francisco and the state of California that demonstrates that if the assumption is made that intelligence is randomly distributed, then children requiring EMR programs should be proportionately representative of all races. Yet the statistical data indicates that many more black than white children are classified educable mentally retarded and subsequently placed in special programs.

Because this pattern suggests the "suspect classification" of black children as an identifiable class, the judge felt that the burden of demonstrating that the use of the IQ test is not discriminatory falls to the school district. The San Francisco school district while not contesting the alleged bias of standardized IQ tests did point out that "... the tests are not the cause of the racial imbalance in EMR classes, or that the tests, although racially biased, are rationally related to the purpose for which they are used because they are the best means of classification currently available." The court concluded that the school district did not effectively demonstrate "... that I.Q. tests are rationally related to the purpose of segregating students according to their ability to learn in regular classes, at least insofar as those tests are applied to black students."

The court also commented that although California law and regulations regarding the classification of children as educable mentally retarded require the collection of extensive information, it is the I.Q. score which is given the most weight in final decision-making. Finally, the judge indicated that this use of the I.Q. score deprived black children of their right of equal protection of the laws.

In granting the preliminary injunction Judge Peckham stated that "the Court is not now inclined to grant any of the specific forms of relief which plaintiffs seek." He required that black children currently enrolled in EMR programs must stay there "... but their yearly re-evaluations must be conducted by means which do not deprive them of equal protection of the laws." Similarly, no action is required to compensate black students who were wrongfully placed at some time in the past.

<u>LEBANKS</u> v. <u>SPEARS</u>, Civil Action No. 71-2897 (U.S. District Court, E. D Louisiana, New Orleans Division)

Eight black children classified as mentally retarded, have brought suit against the Orleans Parish (New Orleans) School Board and the superintendent of schools on the basis of the following alleged practices:

1. Classification of certain children as mentally retarded is done arbitrarily and without standards or "valid reasons." It is further alleged that the tests and procedures used in the classification process discriminate against black children.

2. The failure to re-evaluate children classified as retarded to determine if a change in their educational status is needed.

3. Failure to provide any "education or instruction" to some of the children on a lengthy waiting list for special education programs, and also denial of educational opportunities to other retarded children excluded from school and not maintained on any list for readmittance.

4. Maintenance of a policy and practice of not placing children beyond the age of 13 in special education programs.

5. Failure "... to advise retarded chilren of a right to a fair and impartial hearing or to accord them such a hearing with respect to the decision classifying them as 'mentally retared,' the decision excluding them from attending regular classes, and the decision excluding them from attending schools geared to their special needs."

6. The unequal opportunity for an education provided to all children who are classified as mentally retarded; unequal opportunity between children classified as mentally retarded and normal; and unequal opportunity between black and white mentally retarded children.

The attorneys for the plaintiffs in summary indicate that many of the alleged practices of the parish* violate the equal protection and due process provisions of the fourteenth amendment. They further state that "continued deprivation (of education) will render each plaintiff and member of the class functionally useless in our society; each day leaves them further behind their more fortunate peers."

The relief sought by the plaintiffs includes the following:

1. A $20,000.00 damage award for each plaintiff;

2. Preliminary and permanent injunction to prevent classification of the plaintiffs and their class as mentally retarded through use of procedures and standards that are arbitrary, capricious, and biased; the exclusion of the plaintiffs and their class from the opportunity to receive education designed to meet their needs; discrimination "in the allocation of opportunities for special education, between plaintiffs, and other black retarded children, and white retarded children," the classification of plaintiffs and their class as retarded and their exclusion from school or special education classes without a provision of a full, fair, and adequate hearing which meets the requirements of due process of law."

*Parish is the Louisiana term for county.

GUADALUPE ORGANIZATION, INC. v. TEMPE ELEMENTARY SCHOOL DISTRICT, Civil Action No. 71-435 (Phoenix District, Arizona, January 24, 1972)

This Arizona case was brought by the Guadalupe Organization, Inc. regarding the disproportionate number of bilingual children enrolled in classes for the mentally handicapped. The action which has now been stipulated provides for the following:

1. Re-evaluation of children assigned to the Tempe special education program for the mentally retarded to determine if any bilingual children had been incorrectly assigned to such placements.

2. Prior to the assignment of a bilingual child to the program for the mentally retarded, the child must be retested in his primary language and have his personal history and environment examined by an appropriate "professional advisor," such as a psychologist or social worker.

3. The records of children found to be incorrectly assigned to the programs must be corrected.

4. All communications from the school to the family of a bilingual child must be in the family's primary language and must include information about the success of the special education program and notice of their right to withdraw their children from it.

STEWART v. PHILIPS, Civil Action No. 70-119 F (U.S. District Court, Massachusetts)

In this 1970 class action seven poor children placed in Boston public special school classes for the mentally retared contest the manner in which they were classified for and placed in those programs. The children range in age from eight to 12 and have spent from one to six years in special class programs for the mentally retarded. The named plaintiffs are subdivided into three groups as follows:

Group I - Poor or black Boston children who are not mentally retarded and "... have been, are, or may be denied the right to a regular public school education in a regular class by being misclassified mentally retarded."

Group II - Poor or black Boston children who are not mentally retarded and "... have been, are, or may be denied the right to be assigned to an educational program created for their special education needs [under applicable state statute] by being misclassified mentally retarded."

Group III - "All parents of students who have been, are, or may be placed in a special class placement, an opportunity to review test scores or the reasons for special class placement, or an opportunity to participate in any meaningful or understanding way in the decision to place the student in a 'special' class."

The defendants include the members of the Boston School Committee (board), the superintendent and his assistants, the director of the department of testing and measurements, the director of special education, two state education officials, and the state commissioner of mental health.

It is alleged in the complaint that the Group I plaintiffs have simply been misclassified and placed in classes for the mentally retarded while the Group II plaintiffs have been misclassified as mentally retarded and incorrectly placed in special classes for the mentally retarded while in fact they were in need of special programs but for the remediation of handicaps other than mental retardation. It is further alleged that the plaintiff children were so placed because *they were perceived as behavior problems.*

Specific allegations regarding the misclassification are as follows:

1. The process of classification "... is based exclusively upon tests which discriminate against [plaintiffs] in that the tests are standardized on a population which is white and dissimilar to the [plaintiffs] "

2. The administration and interpretation of the tests by Boston school officials fail "... to distinguish among a wide rage of learning disabilities, only one of which may be mental retardation."

3. Classification and placement is made on the basis of a single test score standard and other necessary information is neither gathered nor considered.

4. Boston's "school psychologists" are unqualified to interpret the limited classification devices used in the Boston schools.

Further, the complaint alleges that children in "special classes" which are segregated from the regular class population receive a substantially different education than children retained in regular programs. Such placements, it is alleged results in "... substantial educational, psychological, and social harm ..." which is cumulative. Thus, the longer children are incorrectly retained in special classes, the greater the damage. It is also indicated that even when such children are returned to the regular class they remain irreparably harmed because counterpart children will have continued to make academic progress while the former remained in the special class, educationally static. Reference is also made to the negative stigmatic effect upon the child himself and the educational community by the assigning of the label, mental retardation.

Assigning of the Group I plaintiffs to classes for the mentally retarded when they are not mentally retarded is arbitrary and irrational and "... deprives them of the right to equal protection of the laws in violation of the fourteenth amendment in that students who are similar to the Group I plaintiffs with respect to their educational potential are not placed in classes for the mentally retarded and are permitted to receive a regular education in a regular class." A similar allegation is made of the denial of equal protection of the laws on behalf of the Group II plaintiffs on the basis that similar children are not placed in classed for the mentally retarded and are placed in classes specifically organized to meet their special education needs.

The final series of allegations concerns the Group III plaintiffs and in summary charges that in the process of classifying children mentally retarded and subsequently placing them in special classes the Boston city schools have deprived the plaintiffs of procedural due process as guaranteed by the fourteenth amendment.

The relief sought is as follows:

1. An award of $20,000 to each named plaintiff and members of the class for compensatory and punitive damages.

2. A permanent injunction specifying that children may neither be placed or retained in a special class unless a Commission on Individual Educational Needs with members from state agencies, professional associations, the mayor of Boston, the chairman of the Boston school committee and two Boston parents is established to specify appropriate classification procedures, to monitor that tests are administered by qualified psychologists, to establish procedural safeguards for the classification and placement of chidren in special programs.

3. All children in special classes or on waiting lists be re-evaluated and reclassified and placed as necessary.

4. All children requiring reassignment shall be provided with transitional programs to serve specific individual needs.

5. No child may be placed in special classes solely on the basis of an I.Q. score.

The state and city responded to the suit by seeking a dismissal on the grounds that no claim was presented. In addition the state also asserted that they were not proper parties to the action and that the plaintiffs did not exhaust available administrative remedies.

Plaintiffs' attorneys responded to the motion to dismiss on the basis of no claim by asserting the following:

1. "The arbitrary, irrational and discriminatory manner in which Boston public school students are classified mentally retarded denies them equal protection and due process of law."

2. "The failure to accord Boston public school students an opportunity to be heard prior to denying them the right to receive a regular education, by classifying them as mentally retarded, violates their right to procedural due process."

3. "The plaintiffs have no obligation to exhaust a state administrative remedy under the civil rights act when that remedy is in fact inadequate."

It is not clear at this time if the case has been abandoned or if action is pending.

RUIZ v. STATE BOARD OF EDUCATION, Civil Action No. 218294 (Superior Court of California, Sacrament County)

The three children named in this December, 1971 class action are Mexican-Americans from Spanish speaking homes. They all have or will be administered group intelligence tests. It is alleged that the I.Q. scores obtained from these tests will be used to their detriment in the process of teaching, placing, and evaluating them in school.

The defendants are the state superintendent of public instruction and the members of the state board of education.

Such tests are required by state law to be administered to all sixth and twelfth grade students, the purpose is to obtain gross measures of public school effectiveness for the public, state agencies and the legislature. However, while individual scores are not reported to the state, they are, it is alleged, recorded in students' permanent records. It is alleged that these records influence teacher expectations of children's ability to learn, are utilized to place children in tracks or at specific academic levels, are used by school counselors as a basis to encourage participation in college preparatory or vocational programs, and are used by counselors to identify children for further evaluation for possible placement in classes for the mentally retarded.

The complaint contains documentation including personal views, professional opinion and scientific evidence that the IQ score by itself is an invalid predictor of educational attainment in non-middle class culture children. Further, the inadequacies of group test scores both from the view of the inadequacies of the testing environment itself and in the absence of background information about the child is discussed. It is further alleged that rather than predicting ability to learn, the tests only report what has been learned.

It is further alleged that when scores such as the group tests are attached to individual children such as the plaintiffs they will "...be irreparably harmed in that they will be denied their right to an education equal to that given all other students" which it is argued is a denial of equal protection of the law as guaranteed by the fourteenth amendments.

The final allegation is that the use of given gross IQ information by the state and legislature for planning and development is meaningless since the depressed scores are not truly indicative of the needs of districts with large minority-group populations. Decisions, for example, about the location of vocational programs based on this data would be faulty.

The relief sought by the plaintiffs includes:

1. An order preventing the placing of group intelligence test scores in children's school records.

2. An injunction preventing the attaching of a score obtained from a group intelligence test with the child who obtained the score.

3. An injunction requiring the defendants to remove from all school records, IQ scores obtained from a group intelligence test.

4. An injunction preventing the use of group intelligence tests for the purpose of determining aggregate or individual ability for the purpose of allocating funds.

This action is presently in process.

WALTON v. CITY SCHOOL DISTRICT OF GLEN COVE, Index No. 18209/71 (Supreme Court of the State of New York, County of Nassau)

Lynn Walton is 15 years old and up until November 5, 1972, was in regular attendance at Glen Cove City High School. On that date Lynn was suspended from school for 5 days, the maximum period of time for a suspension without convening a hearing. The reason for Lynn's suspension was for "verbally abusing a teacher and refusing to follow her directions." It is alleged in the petition that school authorities informed the petitioner (Lynn Waltons mother) that at the conclusion of the suspension period, Lynn would not be readmitted to school "... but would be placed on home tutoring pending transfer to the board of cooperative educational services (BOCES) school for the emotionally disturbed."

The respondents are the town board of education, the superintendent of schools, and the principal of Glen Cove High School.

It is specifically alleged that the respondents deprived Lynn of her right to receive an education equal to that of her peers at the regular high school without due process of law as guaranteed by the fourteenth amendment. It is further alleged that the suspension was continued in excess of five days by labeling Lynn as "handicapped" or "emotionally disturbed" pending her assignment to the BOCES school. It is argued that the assignment of the labels "handicapped" or "emotionally disturbed" "... was improperly, arbitrarily, and capriciously made, not on the basis of the Infant's educational needs, but to justify her permanent exclusion from "her regular school without procedural due process. Finally, it is alleged that the assignment of labels result in Lynn Walton being stigmatized as inferior and unfit.

Relief sought includes:

1. Annulling the suspension from regular school attendance.

2. Annulling the misclassification of Lynn and assignment of the labels "handicapped" or "emotionally disturbed."

3. Annulling the transfer of Lynn to the BOCES school.

In the ensuing memorandum of law and answer an issue receiving attention was whether the reassignment of Lynn Walton from her regular high school to home instruction and ultimately to the school for the emotionally disturbed was simply an educational reassignment thus not requiring procedural due process. The petitioner asserts that "it is now well settled that the standards of due process may not be avoided by the simple label which a party chooses to fasten upon its conduct." The respondent answered that the classification and recommendations "... was made according to good and proper and lawful educational practice and policy."

On December 3, 1971, the court issued a show cause order to the respondents. On February 4, 1972, the court granted the relief sought by the petitioner recognizing the school district's violation of procedural due process. On February 28, 1972, a motion by the respondents for vacating the February 4 judgment was denied.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

PETER MILLS, et al.,	)	
Plaintiffs,	)	
v.	)	Civil Action
BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA, et al.,	)	No. 1939-71
Defendants.	)	

MEMORANDUM OPINION, JUDGMENT AND DECREE

This is a civil action brought on behalf of seven children of school age by their next friends in which they seek a declaration of rights and to enjoin the defendants from excluding them from the District of Columbia Public Schools and/or denying them publicly supported education and to compel the defendants to provide them with immediate and adequate education and educational facilities in the public schools or alternative placement at public expense. They also seek additional and ancillary relief to effectuate the primary relief. They allege that although they can profit from an education either in regular classrooms with supportive services or in special classes adopted to their needs, they have been labelled as behavioral problems, mentally retarded, emotionally disturbed or hyperactive, and denied admission to the public schools or excluded therefrom after admission, with no provision for alternative educational placement or periodic review. action was certified as a class action under Rule 23(b)(1) and (2) of Federal Rules of Civil Procedure by order of the Court dated December 17, 1971.

The defendants are the Board of Education of the District of Columbia and its members, the Superintendent of Schools for the District of Columbia and subordinate school officials, the Commissioner of the District of Columbia and certain subordinate officials and the District of Columbia.

THE PROBLEM

The genesis of this case is found (1) in the failure of the District of Columbia to provide publicly supported education and training to plaintiffs and other "exceptional" children, members of their class, and (2) the excluding, suspending, expelling, reassigning and transferring of "exceptional" children from regular public school classes without affording them due process of law.

The problem of providing special education for "exceptional" children (mentally retarded, emotionally disturbed, physically handicapped, hyperactive and other children with behavioral problems) is one of major proportions in the District of Columbia. The precise number of such children cannot be stated because the District has continuously failed to comply with Section 31-208 of the

District of Columbia Code which requires a census of all children aged 3 to 18 in the District to be taken. Plaintiffs estimate that there are "... 22,000 retarded, emotionally disturbed, blind, deaf, and speech or learning disabled children, and perhaps as many as 18,000 of these children are not being furnished with programs of specialized education." According to data prepared by the Board of Education, Division of Planning, Research and Evaluation, the District of Columbia provides publicly supported special education programs of various descriptions to at least 3880 school age children.[1] However, in a 1971 report to the Department of Health, Education and Welfare, the District of Columbia Public Schools admitted that an estimated 12,340 handicapped children were not to be served in the 1971-72 school year.[2]

1/ See the following reports compiled by the District of Columbia Board of Education, Division of Planning, Research and Evaluation:

(1) Regularly Funded Special Education Programs in the District of Columbia Public Schools, 1970-71;

(2) ESEA Title III Federal Programs of Special Education in the District of Columbia Public Schools, 1970-71;

(3) Membership: Special Education Programs and Services, 1970-71: Non Public School Resources.

2/ See report entitled, "Description of Projected Activities for Fiscal Year 1972 for the Education of Handicapped Children," March 15, 1971.

Each of the minor plaintiffs in this case qualifies as an "exceptional" child.

Plaintiffs allege in their complaint and defendants admit as follows:

> "PETER MILLS is twelve years old, black, and a committed dependant ward of the District of Columbia resident at Junior Village. He was excluded from the Brent Elementary School on March 23, 1971, at which time he was in the fourth grade. Peter allegedly was a 'behavior problem' and was recommended and approved for exclusion by the principal. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Furthermore, Defendants have failed to provide for his reenrollment in the District of Columbia Public Schools or enrollment in private school. On information and belief, numerous other dependent children of school attendance age at Junior Village are denied a publicly-supported education. Peter remains excluded from any publicly-supported education.
>
> "DUANE BLACKSHEARE is thirteen years old, black, resident at Saint Elizabeth's Hospital, Washington, D. C., and a dependent committed child. He was excluded from the Giddings Elementary School in October, 1967, at which time he was in the third grade. Duane allegedly was a "behavior problem." Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Despite repeated efforts by his mother, Duane remained largely excluded from all publicly-supported education until February, 1971. Education experts at the Child Study Center examined Duane and found him to be capable of returning to regular class if supportive services were provided. Following several articles in the Washington Post and Washington Star, Duane was placed in a regular seventh grade classroom on a two-hour a day basis without any catch-up assistance and without an evaluation or diagnostic

interview of any kind. Duane has remained on a waiting list for a tuition grant and is now excluded from all publicly-supported education.

"GEORGE LIDDELL, JR., is eight years old, black, resident with his mother, Daisy Liddell, at 601 Morton Street, N. W., Washington, D. C., and an AFDC recipient. George has never attended public school because of the denial of his application to the Maury Elementary School on the ground that he required a special class. George allegedly was retarded. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. George remains excluded from all publicly-supported education, despite a medical opinion that he is capable of profiting from schooling, and despite his mother's efforts to secure a tuition grant from Defendants.

"STEVEN GASTON is eight years old, black, resident with his mother, Ina Gaston, at 714 9th Street, N. E., Washington, D. C. and unable to afford private instruction. He has been excluded from the Taylor Elementary School since September, 1969, at which time he was in the first grade. Steven allegedly was slightly brain-damaged and hyperactive, and was excluded because he wandered around the classroom. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Steven was accepted in the Contemporary School, a private school, provided that tuition was paid in full in advance. Despite the efforts of his parents, Steven has remained on a waiting list for the requisite tuition grant from Defendant school system and excluded from all publicly-supported education.

> "MICHAEL WILLIAMS is sixteen years old black, resident at Saint Elizabeth's Hospital, Washington, D. C., and unable to afford private instruction. Michael is epileptic and allegedly slightly retarded. He has been excluded from the Sharpe Health School since October, 1969, at which time he was temporarily hospitalized. Thereafter Michael was excluded from school because of health problems and school absences. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Despite his mother's efforts, and his attending physician's medical opinion that he could attend school, Michael has remained on a waiting list for a tuition grant and excluded from all publicly-supported education.
>
> "JANICE KING is thirteen years old, black, resident with her father, Andrew King, at 223 Anacostia Avenue, N. E., Washington, D. C., and unable to afford private instruction. She has been denied access to public schools since reaching compulsory school attendance age, as a result of the rejection of her application, based on the lack of an appropriate educational program. Janice is brain-damaged and retarded, with right hemiplegia, resulting from a childhood illness. Defendants have not provided her with a full hearing or with a timely and adequate review of her status. Despite repeated efforts by her parents, Janice has been excluded from all publicly-supported education.
>
> "JEROME JAMES is twelve years old, black, resident with his mother, Mary James, at 2512 Ontario Avenue, N. W., Washington, D. C., and an AFDC recipient. Jerome is a retarded child and has been totally excluded from public school. Defendants have not given him a full hearing or a timely and adequate review of his status. Despite his mother's efforts to secure either public school placement or a tuition grant, Jerome has remained on a waiting list for a tuition grant and excluded from all publicly supported education." 3/

Although all of the named minor plaintiffs are identified as Negroes the class they represent is

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3/ The Court is informed that since the filing of this action some of the named plaintiffs have been placed in private schools, some in public schools, and others remain excluded.

not limited by their race. They sue on behalf of and represent all other District of Columbia residents of school age who are eligible for a free public education and who have been, or may be, excluded from such education or otherwise deprived by defendants of access to publicly supported education.

Minor plaintiffs are poor and without financial means to obtain private instruction. There has been no determination that they may not benefit from specialized instruction adapted to their needs. Prior to the beginning of the 1971-72 school year minor plaintiffs, through their representatives, sought to obtain publicly supported education and certain of them were assured by the school authorities that they would be placed in programs of publicly supported education and certain others would be recommended for special tuition grants at private schools. However, none of the plaintiff children were placed for the 1971 Fall term and they continued to be entirely excluded from all publicly supported education. After thus trying unsuccessfully to obtain relief from the Board of Education the plaintiffs filed this action on September 24, 1971.

THERE IS NO GENUINE ISSUE OF MATERIAL FACT

Congress has decreed a system of publicly supported education for the children of the District of Columbia.[4] The Board of Education has the responsibility of administering that system in accordance with law and of providing such publicly supported education to all of the children of the District, including these "exceptional" children.[5]

Defendants have admitted in these proceedings that they are under an affirmative duty to provide plaintiffs and their class with publicly supported education suited to each child's needs, including special education and tuition grants, and also, a constitutionally adequate prior hearing and periodic review. They have also admitted that they failed to supply plaintiffs with such publicly supported education and have failed to afford them adequate prior hearing and periodic review. On December 20, 1971 the plaintiffs and defendants agreed to and the Court signed an interim stipulation and order which provided in part as follows:

> "Upon consent and stipulation of the parties, it is hereby ORDERED that:
>
> "1. Defendants shall provide plaintiffs Peter Mills, Duane Blackshear, Steven Gaston and Michael Williams with a publicly-supported education suited to their (plaintiffs') needs by January 3, 1972.

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[4] District of Columbia Code, 31-101- *et seq.*

[5] District of Columbia Code, 31-103.

"2. Defendants shall provide counsel for plaintiffs, by January 3, 1972, a list showing, for every child of school age then known not to be attending a publicly-supported educational program because of suspension, expulsion, exclusion, or any other denial of placement, the name of the child's parent or guardian, the child's name, age, address and telephone number, the date of his suspension, expulsion, exclusion or denial of placement and, without attributing a particular characteristic to any specific child, a breakdown of such list, showing the alleged causal characteristics for such non-attendance and the number of children possessing such alleged characteristics.

"3. By January 3, 1972, defendants shall initiate efforts to identify remaining members of the class not presently known to them, and also by that date, shall notify counsel for plaintiffs of the nature and extent of such efforts. Such efforts shall include, at a minimum, a system-wide survey of elementary and secondary schools, use of the mass written and electronic media, and a survey of District of Columbia agencies who may have knowledge pertaining to such remaining members of the class. By February 1, 1972, defendants shall provide counsel for plaintiffs with the names, addresses and telephone numbers of such remaining members of the class then known to them.

"4. Pending further action by the Court herein, the parties shall consider the selection and compensation of a master for determination of special questions arising out of this action with regard to the placement of children in a publicly-supported educational program suited to their needs."

On February 9, 1972, the Board of Education passed a Resolution which included the following:

"Special Education

"7. All vacant authorized special education positions, whether in the regular, Impact Aid, or other Federal budgets, shall be filled as rapidly as possible within the capability of the Special Education Department. Regardless of the capability of the Department to fill vacant positions, all funds presently appropriated or allotted for special education, whether in the regular, Impact Aid, or other Federal budgets, shall be spent solely for special education.

"8. The Board requests the Corporation Counsel to ask the United States District Court for an extension of time within which to file a response to plaintiffs' motion for summary judgment in Mills v. Board of Education on the grounds that (a) the Board intends to enter into a consent judgment declaring the rights of children in the District of Columbia to a public education; and (b) the Board needs time (not in excess of 30 days) to obtain from the Associate Superintendent for Special Education a precise projection on a monthly basis the cost of fulfilling those budgets.

"9. The Board directs the Rules Committee to devise as soon as possible for the purpose of Mills v. Board of Education rules defining and providing for due process and fair hearings; and requests the Corporation Counsel to lend such assistance to the Board as may be necessary in devising such rules in a form which will meet the requirements of Mills v. Board of Education.

"10. It is the intention of the Board to submit for approval by the Court in Mills v. Board of Education a Memorandum of Understanding setting forth a comprehensive plan for the education, treatment and care of physically or mentally impaired children in the age range from three to twenty-one years. It is hoped that the various other District of Columbia agencies concerned will join with the Board in the submission of this plan.

"It is the further intention of the Board to establish procedures to implement

> the finding that all children can benefit from education and, have a right to it, by providing for comprehensive health and psychological appraisal of children and the provision for each child of any special education which he may need. The Board will further require that no change in the kind of education provided for a child will be made against his wishes or the wishes of his parent or guardian unless he has been accorded a full hearing on the matter consistent with due process."

Defendants failed to comply with that consent order and there is now pending before the Court a motion of the plaintiffs to require defendants to show cause why they should not be held in contempt for such failure to comply.

On January 21, 1972 the plaintiffs filed a motion for summary judgment and a proposed order and decree for implementation of the proposed judgment and requested a hearing. On March 1, 1972 the defendants responded as follows:

> "1. The District of Columbia and its officers who are named defendants to this complaint consent to the entrance of a judgment declaring the rights of the plaintiff class to the effect prayed for in the complaint, as specified below, such rights to be prospectively effective as of March 1, 1972:
>
> That no child eligible for a publicly supported education in the District of Columbia public schools shall be excluded from a regular public school assignment by a Rule, policy, or practice of the Board of Education of the District of Columbia or its agents unless such child is provided (a) adequate alternative educational services

> suited to the child's needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative.
>
> It is submitted that the entrance of a declaratory judgment to this effect renders plaintiffs' motion *for summary judgment* moot.
>
> "2. For response to plaintiffs' motion for a hearing, defendants respectfully request that this Court hold a hearing as soon as practicable at which defendants will present a plan to implement the above declaratory judgment and at which the Court may decide whether further relief is appropriate."

The Court set the date of March 24, 1972, for the hearing that both parties had requested and specifically ordered the defendants to submit a copy of their proposed implementation plan no later than March 20, 1972.

On March 24, 1972, the date of the hearing, the defendants not only had failed to submit their implementation plan as ordered but were also continuing in their violation of the provisions of the Court's order of December 20, 1971. At the close of the hearing on March 24, 1972, the Court found that there existed no genuine issue of a material fact; orally granted plaintiffs' motion for summary judgment, and directed defendants to submit to the Court any proposed plan they might have on or before March 31, 1972.[6] The defendants, other than Cassell, failed to file any proposal within the time directed. However, on April 7, 1972, there was sent to the Clerk of the Court on behalf of the Board of Education and its employees who are defendants in this case the following documents:

1. A proposed form of Order to be entered by the Court.

2. An abstract of a document titled "A District of Columbia Plan for Identification, Assessment, Evaluation, and Placement of Exceptional Children".

3. A document titled "A District of Columbia Plan for Identification, Assessment, Evaluation, and Placement of Exceptional Children".[7]

4. Certain Attachments and Appendices to this Plan.

The letter accompanying the documents contained the following paragraph:

> "These documents express the position of the Board of Education and its employees as to what should be done to implement the judgment of the Honorable Joseph C. Waddy, the District Judge presiding over this civil action. The contents of these documents have not been endorsed by the other defendants in this case."

None of the other defendants have filed a proposed

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[6] Defendant Cassell filed a separate Answer to the Complaint consenting to the relief prayed for and also filed a memorandum in support of plaintiff's proposed Order and Decree.

[7] The Board of Education has not adopted this plan.

order or plan. Nor has any of them adopted the proposal submitted by the Board of Education. Throughout these proceedings it has been obvious to the Court that the defendants have no common program or plan for the alleviation of the problems posed by this litigation and that this lack of communication, cooperation and plan is typical and contributes to the problem.

PLAINTIFFS ARE ENTITLED TO RELIEF

Plaintiffs' entitlement to relief in this case is clear. The applicable statutes and regulations and the Constitution of the United States require it.

Statutes and Regulations

Section 31-201 of the District of Columbia Code requires that:

> "Every parent, guardian, or other person residing in the District of Columbia who has custody or control of a child between the ages of seven and sixteen years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools of the District of Columbia are in session..."

Under Section 31-203, a child may be "excused" from attendance only when

> ". . . . upon examination ordered by . . . [the Board of Education of the District of Columbia], [the child] is found to be unable mentally or physically to profit from attendance at school: Provided, however, that if such examination

> shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction."

Failure of a parent to comply with Section 31-201 constitutes a criminal offense. D. C. Code 31-207. The Court need not belabor the fact that requiring parents to see that their children attend school under pain of criminal penalties presupposes that an educational opportunity will be made available to the children. The Board of Education is required to make such opportunity available. It has adopted rules and regulations consonant with the statutory direction. Chapter XIII of the Board Rules contain the following:

> 1.1 - All children of the ages hereinafter prescribed who are bona fide residents of the District of Columbia are entitled to admission and free tuition in the Public Schools of the District of Columbia, subject to the rules, regulations, and orders of the Board of Education and the applicable statutes.
>
> 14.1 - Every parent, guardian, or other person residing permanently or temporarily in the District of Columbia who has custody or control of a child residing in the District of Columbia between the ages of seven and sixteen years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the Public Schools of the District of Columbia are in session, provided that instruction given in such private or parochial school, or privately, is deemed reasonably equivalent by the Board of Education to the instruction given in the Public Schools.

> 14.3 - The Board of Education of the District of Columbia may, upon written recommendation of the Superintendent of Schools, issue a certificate excusing from attendance at school a child who, upon examination by the Department of Pupil Appraisal, Study and Attendance or by the Department of Public Health of the District of Columbia, is found to be unable mentally or physically to profit from attendance at school: Provided, however, that if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall be required to attend such classes.

Thus the Board of Education has an obligation to provide whatever specialized instruction that will benefit the child. By failing to provide plaintiffs and their class the publicly supported specialized education to which they are entitled, the Board of Education violates the statutes and its own regulations.

The Constitution - Equal Protection and Due Process

The Supreme Court in *Brown v. Board of Education*, 347 U.S. 483, 493 (1954) stated:

> "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. *Such an opportunity, where the state has undertaken to provide it, is a right which*

> must be made available to all on equal terms. (underscoring supplied)

Bolling v. Sharpe, 347 U.S. 497, decided the same day as Brown, applied the Brown rationale to the District of Columbia public schools by finding that:

> "Segregation in public education is not reasonably related to any proper governmental objective, and thus it imposes on Negro children of the District of Columbia a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause."

In Hobson v. Hansen, 269 F. Supp. 401 (D.C.D.C. 1967) Circuit Judge J. Skelly Wright considered the pronouncements of the Supreme Court in the intervening years and stated that "...the Court has found the due process clause of the Fourteenth Amendment elastic enough to embrace not only the First and Fourth Amendments, but the self-incrimination clause of the Fifth, the speedy trial, confrontation and assistance of counsel clauses of the Sixth and the cruel and unusual clause of the Eighth." (269 F. Supp. 401 at 493, citations omitted). Judge Wright concluded "(F)rom these considerations the court draws the conclusion that the doctrine of equal educational opportunity--the equal protection clause in its application to public school education--is in its full sweep a component of due process binding on the District under the due process clause of the Fifth Amendment."

In Hobson v. Hansen, supra, Judge Wright found that denying poor public school children educational opportunities equal to that available to more affluent public school children was violative of the Due Process Clause of the Fifth Amendment. A fortiori, the defendants' conduct here, denying plaintiffs and their class not just an equal publicly supported education but all publicly supported education while providing such education to other children, is violative of the Due Process Clause.

Not only are plaintiffs and their class denied the publicly supported education to which they are entitled many are suspended or expelled from regular schooling or specialized instruction or reassigned without any prior hearing and are given no periodic review thereafter. Due process of law requires a hearing prior to exclusion, termination or classification into a special program. Vought v. Van Buren Public Schools, 306 F. Supp. 1388 (E.D. Mich. 1969); Williams v. Dade County School Board, 441 F. 2d 299 (5th Cir. 1971); Cf. Soglin v. Kauffman, 295 F. Supp. 978 (W.D. Wis. 1968); Dixon v. Alabama State Board of Education, 294 F. 2d 150 (5th Cir. 1961), cert. den., 368 U.S. 930 (1961); Goldberg v. Kelly, 397 U.S. 254 (1970).

The Defense

The Answer of the defendants to the Complaint contains the following:

> "These defendants say that it is impossible to afford plaintiffs the relief they request unless:
>
> (a) The Congress of the United States appropriates millions of dollars to improve special education services in the District of Columbia; or
>
> (b) These defendants divert millions of dollars from funds already specifically appropriated for other educational services in order to improve special educational services. These defendants suggest that to do so would violate an Act of Congress and would be inequitable to children outside the alleged plaintiff class."

This Court is not persuaded by that contention.

The defendants are required by the Constitution of the United States, the District of Columbia Code, and their own regulations to provide a publicly-supported education for these "exceptional" children. Their failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly-supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds. In Goldberg v. Kelly, 397 U.S. 254 (1969) the Supreme Court, in a case that involved the right of a welfare recipient to a hearing before termination of his benefits, held that Constitutional rights must be afforded citizens despite the greater expense involved. The Court stated at page 266, that "the

State's interest that his [welfare recipient] payments not be erroneously terminated, clearly outweighs the State's competing concern to prevent any increase in its fiscal and administrative burdens." Similarly the District of Columbia's interest in educating the excluded children clearly must outweigh its interest in perserving its financial resources. If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom. The inadequacies of the District of Columbia Public School System, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the "exceptional" or handicapped child than on the normal child.

IMPLEMENTATION OF JUDGMENT

This Court has pointed out that Section 31-201 of the District of Columbia Code requires that every person residing in the District of Columbia "...who has custody or control of a child between the ages of seven and sixteen years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately ...."8/ It is the responsibility of the Board of Education to provide the opportunities and facilities for such instruction.

The Court has determined that the Board likewise has the responsibility for implementation of the judgment and decree of this Court in this case. Section 31-103 of the District of Columbia Code clearly places this responsibility upon the Board. It provides:

> "The Board shall determine all questions of general policy relating to the schools, shall appoint the executive officers hereinafter provided for, define their duties and direct expenditures."

The lack of communication and cooperation between the Board of Education and the other defendants in this action shall not be permitted to deprive plaintiffs and their class of publicly supported education. Section 31-104b of the District of Columbia Code dictates that the Board of Education and the District of Columbia Government must coordinate educational and municipal functions:

> "(a) The Board of Education and the Commissioner of the District of Columbia shall jointly develop procedures to assure the maximum coordination of educational and other municipal programs and services in achieving the most effective educational system and utilization of educational facilities and services to serve broad community needs. Such procedures shall cover such matters as --
>
> "(1) design and construction of educational facilities to accomodate civic and community avtivities such as recreation,

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8/ This requirement is equally applicable to the Department of Human Resources, Social Services Administration, with respect to wards committed to them pursuant to D.C. Code Sections [illegible] and [illegible].

> adult and vocational education, and training, and other community purposes;
>
> "(2) full utilization of educational facilities during nonschool hours for community purposes;
>
> "(3) utilization of municipal services such as police, sanitation, recreational, maintenance services to enhance the effectiveness and stature of the school in the community;
>
> "(4) arrangements for cost-sharing and reimbursements on school and community programs involving utilization of educational facilities and services; and
>
> "(5) other matters of mutual interest and concern.
>
> "(b) The Board of Education may invite the Commissioner of the District of Columbia or his designee to attend and participate in meetings of the Board on matters pertaining to coordination of educational and other municipal programs and services and on such other matters as may be of mutual interest." (Underscoring supplied).

If the District of Columbia Government and the Board of Education cannot jointly develop the procedures and programs necessary to implement this Court's order then it shall be the responsibility of the Board of Education to present the irresolvable issue to the Court for resolution in a timely manner so that plaintiffs and their class may be afforded their constitutional and statutory rights. If any dispute should arise between the defendants which requires for its resolution a degree of expertise in the field of education not possessed by the Court, the Court will appoint a special master pursuant to the provisions of Rule 53 of the Federal Rules of Civil Procedure to assist the Court in resolving the issue.

Inasmuch as the Board of Education has presented for adoption by the Court a proposed "Order and Decree" embodying its present plans for the identification of "exceptional" children and providing for their publicly supported education, including a time table, and further requiring the Board to formulate and file with the Court a more comprehensive plan,[9] the Court will not now appoint a special master as was requested by plaintiffs. Despite the defendants' failure to abide by the provisions of the Court's previous orders in this case anddespite the defendants' continuing failure to provide an education for those children, the Court is reluctant to arrogate to itself the responsibility of administering this or any other aspect of the Public School System of the District of Columbia through the vehicle of a special master. Nevertheless, inaction or delay on the part of the defendants, or failure by the defendants to implement the judgment and decree herein within the time specified therein will result in the immediate appointment of a special master to oversee and direct such implementation under the direction of this Court. The Court will include as a part of its judgment the proposed "Order and Decree" submitted by the Board of Education,

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[9] The plaintiffs' proposed "Order and Decree" suggests plans, procedures and time tables similar to those proposed by defendant, Board of Education.

as modified in minor part by the Court, and will retain jurisdiction of the cause to assure prompt implementation of the judgment. Plaintiffs' motion to require certain defendants to show cause why they should not be adjudged in contempt will be held in abeyance for 45 days.

JUDGMENT AND DECREE

Plaintiffs having filed their verified complaint seeking an injunction and declaration of rights as set forth more fully in the verified complaint and the prayer for relief contained therein; and having moved this Court for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and this Court having reviewed the record of this cause including plaintiffs' Motion, pleadings, affidavits, and evidence and arguments in support thereof, and defendants' affidavit, pleadings, and evidence and arguments in support thereof, and the proceedings of pre-trial conferences on December 17, 1971, and January 14, 1972, it is hereby ORDERED, ADJUGED AND DECREED that summary judgment in favor of plaintiffs and against defendants be, and it is hereby is, granted, and judgment is entered in this action as follows:

1. That no child eligible for a publicly supported education in the District of Columbia public schools shall be excluded from a regular public school

assignment by a Rule, policy, or practice of the Board of Education of the District of Columbia or its agents unless such child is provided (a) adequate alternative educational services suited to the child's needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative.

2. The defendants, their officers, agents, servants, employees, and attorneys and all those in active concert or participation with them are hereby enjoined from maintaining, enforcing or otherwise continuing in effect any and all rules, policies and practices which exclude plaintiffs and the members of the class they represent from a regular public school assignment without providing them at public expense (a) adequate and immediate alternative education or tuition grants, consistent with their needs, and (b) a constitutionally adequate prior hearing and periodic review of their status, progress and the adequacy of any educational alternatives; and it is further ORDERED that:

3. The District of Columbia shall provide to each child of school age a free and suitable publicly-supported education regardless of the degree of the child's mental, physical or emotional disability or impairment. Furthermore, defendants shall not exclude any child resident in the District of Columbia from such

publicly-supported education on the basis of a claim of insufficient resources.

4. Defendants shall not suspend a child from the public schools for disciplinary reasons for any period in excess of two days without affording him a hearing pursuant to the provisions of Paragraph 13.f., below, and without providing for his education during the period of any such suspension.

5. Defendants shall provide each identified member of plaintiff class with a publicly-supported education suited to his needs within thirty (30) days of the entry of this order. With regard to children who later come to the attention of any defendant, within twenty (20) days after he becomes known, the evaluation (case study approach) called for in paragraph 9 below shall be completed and within 30 days after completion of the evaluation, placement shall be made so as to provide the child with a publicly supported education suited to his needs.

In either case, if the education to be provided is not of a kind generally available during the summer vacation, the thirty-day limit may be extended for children evaluated during summer months to allow their educational programs to begin at the opening of school in September.

6. Defendants shall cause announcements and notices to be placed in the Washington Post, Washington Star-Daily News, and the Afro-American, in all issues published for a three week period commencing within five (5) days of the entry of this order, and thereafter at quarterly intervals, and shall cause spot announcements to be made on television and radio stations for twenty (20) consecutive days, commencing within five (5) days of the entry of this order, and thereafter at quarterly intervals, advising residents of the District of Columbia that all children, regardless of any handicap or other disability, have a right to a publicly-supported education suited to their needs, and informing the parents or guardians of such children of the procedures required to enroll their children in an appropriate educational program. Such announcements should include the listing of a special answering service telephone number to be established by defendants in order to (a) compile the names, addresses, phone numbers of such childrenwho are presently not attending school and (b) provide further information to their parents or guardians as to the procedures required to enroll their children in an appropriate educational program.

7. Within twenty-five (25) days of the entry of this order, defendants shall file with the Clerk of this Court, an up-to-date list showing, for every additional identified child, the name of the child's

parent or guardian, the child's name, age, address and telephone number, the date of his suspension, expulsion, exclusion or denial of placement and, without attributing a particular characteristic to any specific child, a breakdown of such list, showing the alleged causal characteristics for such nonattendance (e.g., educable mentally retarded, trainable mentally retarded, emotionally disturbed, specific learning disability, crippled/other health impaired, hearing impaired, visually impaired, multiple handicapped) and the number of children possessing each such alleged characteristic.

8. Notice of this order shall be given by defendants to the parent or guardian of each child resident in the District of Columbia who is now, or was during the 1971-72 school year or the 1970-71 school year, excluded, suspended or expelled from publicly-supported educational programs or otherwise denied a full and suitable publicly-supported education for any period in excess of two days. Such notice shall include a statement that each such child has the right to receive a free educational assessment and to be placed in a publicly-supported education suited to his needs. Such notice shall be sent by registered mail within five (5) days of the entry of this order, or within five (5) days after such child first becomes known to any defendant. Provision of notification for non-reading parents or guardians will be made.

9. a. Defendants shall utilize public or private agencies to evaluate the educational needs of all identified "exceptional" children and, within twenty (20) days of the entry of this order, shall file with the Clerk of this Court their proposal for each individual placement in a suitable educational program, including the provision of compensatory educational services where required.

b. Defendants, within twenty (20) days of the entry of this order, shall, also submit such proposals to each parent or guardian of such child, respectively, along with a notification that if they object to such proposed placement within a period of time to be fixed by the parties or by the Court, they may have their objection heard by a Hearing Officer in accordance with procedures required in Paragraph 13 e., below.

10. a. Within forty-five (45) days of the entry of this order, defendants shall file with the Clerk of the Court, with copy to plaintiffs' counsel, a comprehensive plan which provides for the identification, notification, assessment, and placement of class members. Such plan shall state the nature and extent of efforts which defendants have undertaken or propose to undertake to:

(1) describe the curriculum, educational objectives, teacher qualifications,

and ancillary services for the publicly-supported educational programs to be provided to class members; and,

(2) formulate general plans of compensatory education suitable to class members in order to overcome the present effects of prior educational deprivations.

(3) institute any additional steps and proposed modifications designed to implement the matters decreed in paragraph 5 through 7 hereof and other requirements of this judgment.

11. The defendants shall make an interim report to this Court on their performance within forty-five (45) days of the entry of this order. Such report shall show:

(1) The adequacy of Defendants' implementation of plans to identify, locate, evaluate and give notice to all members of the class.

(2) The number of class members who have been placed, and the nature of their placements.

(3) The number of contested hearings before the Hearing Officers, if any, and the findings and determinations resulting therefrom.

12. Within forty-five (45) days of the entry of this order, defendants shall file with this Court a report showing the expunction from or correction of all official records of any plaintiff with regard to past expulsions, suspensions, or exclusions effected in violation of the procedural rights set forth in

Paragraph 13 together with a plan for procedures pursuant to which parents, guardians, or their counsel may attach to such students' records any clarifying or explanatory information which the parent, guardian or counsel may deem appropriate.

13. Hearing Procedures.

a. Each member of the plaintiff class is to be provided with a publicly-supported educational program suited to his needs, within the context of a presumption that among the alternative programs of education, placement in a regular public school class with appropriate ancillary services is preferable to placement in a special school class.

b. Before placing a member of the class in such a program, defendants shall notify his parent or guardian of the proposed educational placement, the reasons therefor, and the right to a hearing before a Hearing Officer if there is an objection to the placement proposed. Any such hearing shall be held in accordance with the provisions of Paragraph 13.e., below.

c. Hereinafter, children who are residents of the District of Columbia and are thought by any of the defendants, or by officials, parents or guardians, to be in need of a program of special education, shall neither be placed in, transferred from or to, nor denied placement in such a program unless defendants shall have first notified their parents or guardians of such proposed placement, transfer or denial, the reasons therefor, and of the right to a hearing before a Hearing Officer if there is an objection to the placement, transfer or denial of placement. Any such hearings shall be held in accordance with the provisions of Paragraph 13.e., below.

d. Defendants shall not, on grounds of discipline, cause the exclusion, suspension, expulsion, postponement, inter-school transfer, or any other denial of access to regular instruction in the public schools to any child for more than two days without first notifying the child's parent or guardian of such proposed action, the reasons therefor, and of the hearing before a Hearing Officer in accordance with the provisions of Paragraph 13.f., below.

e. Whenever defendants take action regarding a child's placement, denial of placement, or transfer, as described in Paragraphs 13.b. or 13.c., above, the following procedures shall be followed.

(1) Notice required hereinbefore shall be given in writing by registered mail to the parent or guardian of the child.

(2) Such notice shall:

(a) describe the proposed action in detail;

(b) clearly state the specific and complete reasons for the proposed action, including the specification of any tests or reports upon which such action is proposed;

(c) describe any alternative educational opportunities available on a permanent or temporary basis;

(d) inform the parent or guardian of the right to object to the proposed action at a hearing before the Hearing Officer;

(e) inform the parent or guardian that the child is eligible to receive, at no charge, the services of a federally or locally funded diagnostic center for an independent medical, psychological and educational evaluation and shall specify the name, address and telephone number of an appropriate local diagnostic center;

(i) inform the parent or guardian of the right to be represented at the hearing by legal counsel; to examine the child's school records before the hearing, including any tests or reports upon which the proposed action may be based, to present evidence, including expert medical, psychological and educational testimony; and, to confront and cross-examine any school official, employee, or agent of the school district or public department who may have evidence upon which the proposed action was based.

(3) The hearing shall be at a time and place reasonably convenient to such parent or guardian.

(4) The hearing shall be scheduled not sooner than twenty (20) days waivable by parent or child, nor later than forty-five (45) days after receipt of a request from the parent or guardian.

(5) The hearing shall be a closed hearing unless the parent or guardian requests an open hearing.

(6) The child shall have the right to a representative of his own choosing, including legal counsel. If a child is unable, through financial inability, to retain counsel, defendants shall advise child's parents or guardians of available voluntary legal assistance including the Neighborhood Legal Services Organization, the Legal Aid Society, the Young Lawyers Section of the D. C. Bar Association, or from some other organization.

(7) The decision of the Hearing Officer shall be based solely upon the evidence presented at the hearing.

(8) Defendants shall bear the burden of proof as to all facts and as to the appropriateness of any placement, denial of placement or transfer.

(9) A tape recording or other record of the hearing shall be made and transcribed and, upon request, made available to the parent or guardian or his representative.

(10) At a reasonable time prior to the hearing, the parent or guardian, or his counsel,

shall be given access to all public school system and other public office records pertaining to the child, including any tests or reports upon which the proposed action may be based.

(11) The independent Hearing Officer shall be an employee of the District of Columbia, but shall not be an officer, employee or agent of the Public School System.

(12). The parent or guardian, or his representative, shall have the right to have the attendance of any official, employee or agent of the public school system or any public employee who may have evidence upon which the proposed action may be based and to confront, and to cross-examine any witness testifying for the public school system.

(13) The parent or guardian, or his representative, shall have the right to present evidence and testimony, including expert medical, psychological or educational testimony.

(14) Within thirty (30) days after the hearing, the hearing Officer shall render a

decision in writing. Such decision shall include findings of fact and conclusions of law and shall be filed with the Board of Education and the Department of Human Resources and sent by registered mail to the parent or guardian and his counsel.

(15) Pending a determination by the Hearing Officer, defendants shall take no action described in Paragraphs 13.b. or 13.c., above, if the child's parent or guardian objects to such action. Such objection must be in writing and postmarked within five (5) days of the date of receipt of notification hereinabove described.

f. Whenever defendants propose to take action described in Paragraph 13.d., above, the following procedures shall be followed.

(1) Notice required hereinabove shall be given in writing and shall be delivered in person or by registered mail to both the child and his parent or guardian.

(2) Such notice shall

(a) describe the proposed disciplinary action in detail, including the duration thereof;

(b) state specific, clear and full reasons for the proposed action, including the specification of the alleged act upon which the disciplinary action is to be based and the reference to the regulation subsection under which such action is proposed;

(c) describe alternative educational opportunities to be available to the child during the proposed suspension period;

(d) inform the child and the parent or guardian of the time and place at which the hearing shall take place;

(e) inform the parent or guardian that if the child is thought by the parent or guardian to require special education services, that such child is eligible to receive, at no charge, the services of a public or private agency for a diagnostic medical, psychological or educational evaluation;

(i) inform the child and his parent or guardian of the right to be represented at the hearing by legal counsel; to examine the child's school records before the hearing, including any tests or reports upon which the proposed action may be based; to present evidence of his own; and to confront and cross-examine any witnesses or any school officials, employees or agents who may have evidence upon which the proposed action may be based.

(3) The hearing shall be at a time and place reasonably convenient to such parent or guardian.

(4) The hearing shall take place within four (4) school days of the date upon which written notice is given, and may be postponed at the request of the child's parent or guardian for no more than five (5) additional school days where necessary for preparation.

(5) The hearing shall be a closed hearing unless the child, his parent or guardian requests an open hearing.

(6) The child is guaranteed the right to a representative of his own choosing, including legal counsel. If a child is unable, through financial inability, to retain counsel, defendants shall advise child's parents or guardians of available voluntary legal assistance including the Neighborhood Legal Services Organization, the Legal Aid Society, the Young Lawyers Section of the D. C. Bar Association, or from some other organization.

(7) The decision of the Hearing Officer shall be based solely upon the evidence presented at the hearing.

(8) Defendants shall bear the burden of proof as to all facts and as to the appropriateness of any disposition and of the alternative educational opportunity to be provided during any suspension.

(9) A tape recording or other record of the hearing shall be made and transcribed and, upon request, made available to the parent or guardian or his representative.

(10) At a reasonable time prior to the hearing, the parent or guardian, or the child's

counsel or representative, shall be given access to all records of the public school system and any other public office pertaining to the child, including any tests or reports upon which the proposed action may be based.

(11) The independent Hearing Officer shall be an employee of the District of Columbia, but shall not be an officer, employee or agent of the Public School System.

(12) The parent or guardian, or the child's counsel or representative, shall have the right to have the attendance of any public employee who may have evidence upon which the proposed action may be based and to confront and to cross-examine any witness testifying for the public school system.

(13) The parent or guardian, or the child's counsel or representative, shall have the right to present evidence and testimony.

(14) Pending the hearing and receipt of notification of the decision, there shall be no change in the child's educational placement unless the principal (responsible to the Superintendent) shall warrant that the continued presence of the child in his

current program would endanger the physical well-being of himself or others. In such exceptional cases, the principal shall be responsible for insuring that the child receives some form of educational assistance and/or diagnostic examination during the interim period prior to the hearing.

(15) No finding that disciplinary action is warranted shall be made unless the Hearing Officer first finds, by clear and convincing evidence, that the child committed a prohibited act upon which the proposed disciplinary action is based. After this finding has been made, the Hearing Officer shall take such disciplinary action as he shall deem appropriate. This action shall not be more severe than that recommended by the school official initiating the suspension proceedings.

(16) No suspension shall continue for longer than ten (10) school days after the date of the hearing, or until the end of the school year, whichever comes first. In

such cases, the principal (responsible to the Superintendent) shall be responsible for insuring that the child receives some form of educational assistance and/or diagnostic examination during the suspension period.

(17) If the Hearing Officer determines that disciplinary action is not warranted, all school records of the proposed disciplinary action, including those relating to the incidents upon which such proposed action was predicated, shall be destroyed.

(18) If the Hearing Officer determines that disciplinary action is warranted, he shall give written notification of his findings and of the child's right to appeal his decision to the Board of Education, to the child, the parent or guardian, and the counsel or representative of the child, within three (3) days of such determination.

(19) An appeal from the decision of the Hearing Officer shall be heard by the Student Life and Community Involvement Committee of the Board of Education which shall provide the child and his parent or guardian with the op[illegible], at which

the child may be represented by legal counsel, to review the findings of the Hearing Officer. At the conclusion of such hearing, the Committee shall determine the appropriateness of and may modify such decision. However, in no event may such Committee impose added or more severe restrictions on the child.

14. Whenever the foregoing provisions require notice to a parent or guardian, and the child in question has no parent or duly appointed guardian, notice is to be given to any adult with whom the child is actually living, as well as to the child himself, and every effort will be made to assure that no child's rights are denied for lack of a parent or duly appointed guardian. Again, provision for such notice to non-attenders will be made.

15. Jurisdiction of this matter is retained to allow for implementation, modification and enforcement of this Judgment and Decree as may be required.

Joseph C. Waddy
United States District Judge

Date: August 1, 1972

Section 8-325 to Regulation Chapter 8: Special Education

In the United States District Court for the Eastern District of Pennsylvania under Civil Action No. 71-42, effective June 18, 1971, the Commonwealth of Pennsylvania entered into and agreed to a Stipulation pursuant to which the Court ordered that certain procedures be adopted and implemented by the State Board of Education. The Stipulation requires compliance with certain procedures before any change in the educational status of a mentally retarded child or a child thought to be mentally retarded whether by exclusion or postponement of admission or excusal or in any other fashion formal or informal.

The State Board of Education was advised by counsel that it had no choice but to adopt Section 8-325.

8-325 Notice and Opportunity of a Due process Hearing

A. In the United States District Court for the Eastern District of Pennsylvania under Civil Action No. 71-42, effective June 18, 1971, the Commonwealth of Pennsylvania entered into and agreed to a Stipulation pursuant to which the Court ordered that certain procedures be adopted and implemented by the State Board of Education. The Stipulation requires compliance with the following procedures before any change in the educational status of a mentally retarded child or a child thought to be mentally retarded whether by exclusion or postponement of admission or excusal or in any other fashion formal or informal.

B. Definitions

1. "Change in educational status" shall mean an assignment or re-assignment, based on the fact that the child is mentally retarded or thought to be mentally retarded, to one of the following educational assignments: Regular Education, Special Education or to no assignment, or from one type of special education to another.
2. "Department" shall mean the Pennsylvania Department of Education.
3. "School District" shall mean any school district in the Commonwealth of Pennsylvania.
4. "Intermediate Unit" shall mean the intermediate units as provided by the Pennsylvania School Code.
5. "Regular Education" shall mean education other than special education.
6. "Special Education" shall mean special classes, special schools, education and training secured by the local school district or intermediate unit outside the public schools or in special institutions, instruction in the home and tuition reimbursement, as provided in 24 Purd. Stat. Sec. 13-1371 through 13-1380.

C. No child, aged 5 years, 6 months through 21 years, who is mentally retarded or who is thought by any school official, the intermediate unit, or by his parents or guardian to be mentally retarded, shall be subjected to a change in educational status without first being accorded notice and the opportunity of a due process hearing as hereinafter prescribed. This provision shall also apply to any child who has never had an educational assignment.

D. A due process hearing shall be followed before a change can be made in the educational status of a child mentally retarded or thought to be mentally retarded.

1. Whenever any mentally retarded or allegedly mentally retarded child, aged five years, six months, through twenty-one years, is recommended for a change in educational status by a school district, intermediate unit or any school official, notice of the proposed action shall first be given to the parent or guardian of the child.

2. Notice of the proposed action shall be given in writing by registered mail, return receipt requested, to the parent or guardian at the last known address of the child.

3. The notice shall describe the proposed action in detail, including specification of the statute or regulation under which such action is proposed and a clear and full statement of the reasons therefore, including specification of any tests or reports upon which such action is proposed.

4. The notice shall advise the parent or guardian of any alternative educational opportunities, if any, available to his child other than that proposed.

5. The notice shall inform the parent or guardian of his right to contest the proposed action at a full hearing before the Secretary of Education, or his designee, in a place and at a time convenient to the parent, before the proposed action may be taken.

6. The notice shall inform the parent or guardian of his right to be represented at the hearing by legal counsel, of his right to examine before the hearing his child's school records including any tests or reports upon which the proposed action may be based, of his right to present evidence of his own, including expert medical, psychological, and educational testimony, and of his right to confront and to cross-examine any school official, employee, or agent of a school district, intermediate unit or the department who may have evidence upon which the proposed action may be based.

7. The notice shall inform the parent or guardian of the availability of various organizations, including the local chapter of the Pennsylvania Association for Retarded Children, to assist him in connection with the hearing and the school district or intermediate unit involved shall offer to provide full information about such organization to such parent or guardian upon request.

8. The notice shall inform the parent or guardian that he is entitled under the Pennsylvania Mental Health and Mental Retardation Act to the Services of a local center for an independent medical, psychological and educational evaluation of his child and shall specify the name, address, and telephone number of the MH-MR center in his catchment area.

9. The notice shall specify the procedure for pursuing a hearing, which procedure shall be stated in the form of a letter such letter form to be prescribed by the Secretary of Education and which form shall distinctly state that the parent or guardian must fill in the form and mail the same to the school district or intermediate unit involved within 14 days of the date of the receipt.

10. If the parent or guardian does not exercise his right to a hearing by mailing in the form requesting a hearing within 14 days of receipt of the aforesaid notice, the school district or intermediate unit involved shall send a second notice in the manner prescribed by paragraphs D 1-9 above in the form of a letter such letter form to be prescribed by the Secretary of Education and which notice shall also distinctly advise the parent or guardian that he has a right to a hearing as prescribed above, that he had been notified once before about such right to a hearing, and that his failure to respond to the second notice within 14 days of the receipt thereoff will constitute his waiver to a right to a hearing. Such form shall provide for requesting a hearing of the type specified in paragraph D 9 above.

11. The hearing shall be scheduled not sooner than 20 days nor later than 45 days after receipt by the parent or guardian of the responded-to request for a hearing from the parent or guardian.

12. The hearing shall be held in the local district and at a place reasonably convenient to the parent or guardian of the child. At the option of the parent or guardian, the hearing may be held in the evening and such option shall be set forth in the form requesting the hearing aforesaid.

13. The hearing officer shall be the Secretary of Education, or his designee, but shall not be an officer, employee or agent of any local district or intermediate unit in which the child resides.

14. The hearing shall be an oral, personal hearing, and shall be public unless the parent or guardian specifies a closed hearing.

15. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.

16. The local school district or intermediate unit shall have the burden of proof.

17. A stenographic or other transcribed record of the hearing shall be made and shall be available to the parent or guardian or his repreaentative. Said record may be discarded after three years.

18. The parent or guardian of the child may be represented at the hearing by legal counsel of his choosing.

19. The parent or guardian or his counsel shall be given reasonable access prior to the hearing of all records of the school district or intermediate unit concerning his child, including any tests or reports upon which the proposed action may be based.

20. The parent or guardian or his counsel shall have the right to compel the attendance of, to confront and to cross-examine any witness testifying for the school board or intermediate unit and any official, employee or agent of the school district, intermediate unit, or the department who may have evidence upon which the proposed action may be based.

21. The parent or guardian shall have the right to present evidence and testimony, including expert medical psychological or educational testimony.

22. No later than 30 days after the hearing, the hearing officer shall render a decision in writing which shall be accompanied by written findings of fact and conclusions of law and which shall be sent by registered mail to the parent or guardian and his counsel.

23. Pending the hearing and receipt of notification of the decision by the parent or guardian, there shall be no change in the child's educational status.

F. Notice and the opportunity of a due process hearing, as set out in paragraph C and D above, shall be afforded on and after June 18, 1971 to every child who is mentally retarded or who is thought by any school official, the intermediate unit, or by his parents or guardian to be mentally retarded, before subjecting such child to a change in educational status as defined herein.

PENNSYLVANIA ASSOCIATION FOR
RETARDED CHILDREN,
NANCY BETH BOWMAN, et al.

Plaintiffs

CIVIL ACTION
NO. 71-42

v.

COMMONWEALTH OF PENNSYLVANIA,
DAVID H. KURTZMAN, et al.

ORDER, INJUNCTION and CONSENT AGREEMENT

AND NOW, this 7th day of October, 1971, the parties having consented through their counsel to certain findings and conclusions and to the relief to be provided to the named plaintiffs and to the members of their class, the provisions of the Consent Agreement between the parties set out below are hereby approved and adopted and it is hereby so ORDERED.

And for the reasons set out below it is ORDERED that defendants the Commonwealth of Pennsylvania, the Secretary of the Department of Education, the State Board of Education, the Secretary of the Department of Public Welfare, the named defendant school districts and intermediate units and each of the School Districts and Intermediate Units in the Commonwealth of Pennsylvania, their officers, employees, agents and successors be and they hereby are enjoined as follows:

(a) from applying Section 1304 of the Public School Code of 1949, 24 Purd. Stat. Sec. 1304, so as to postpone or in anyway to deny to any mentally retarded child access to a free public program of education and training;

(b) from applying Section 1326 or Section 1330(2) of the School Code of 1949, 24 Purd. Stat. Secs. 13-1326, 13-1330(2) so as to postpone, to terminate or in anyway to deny to any mentally retarded child access to a free public program of education and training;

(c) from applying Section 1371(1) of the School Code of 1949, 24 Purd. Stat. Sec. 13-1371(1) so as to deny to any mentally retarded child access to a free public program of education and training;

(d) from applying Section 1376 of the School Code of 1949, 24 Purd. Stat. Sec. 13-1376, so as to deny tuition or tuition and maintenance to any mentally retarded person except on the same terms as may be applied to other exceptional children, including brain damaged children generally;

(e) from denying homebound instruction under Section 1372(3) of the School Code of 1949, 24 Purd. Stat. Sec. 13-1372(3) to any mentally retarded child merely because no physical disability accompanies the retardation or because retardation is not a short-term disability;

(f) from applying Section 1375 of the School Code of 1949, 24 Purd. Stat. Sec. 13-1375, so as to deny to any mentally retarded child access to a free public program of education and training;

(g) to immediately re-evaluate the named plaintiffs, and to accord to each of them, as soon as possible but in no event later than October 13, 1971, access to a free public program of education and training appropriate to his learning capacities;

(h) to provide, as soon as possible but in no event later than September 1, 1972, to every retarded person between the ages of six and twenty-one years as of the date of this Order and thereafter, access to a free public program of education and training appropriate to his learning capacities;

(i) to provide, as soon as possible but in no event later than September 1, 1972, wherever defendants provide a pre-school program of education and training for children aged less than six years of age, access to a free public program of education and training appropriate to his learning capacities to every mentally retarded child of the same age.

The above Orders are entered as interim Orders only and without prejudice, pending notice, as described in Paragraph 3 below, to the class of plaintiffs and to the class of defendants determined in Paragraphs 1 and 2 below.

Any member of the classes so notified who may wish to be heard before permanent Orders are entered shall enter his appearance and file a written statement of objection, with the Clerk of this Court on or before November 10, 1971. Any objections so entered will be heard by the Court at 10 o'clock on November 12, 1971.

S/ Judges Raymond J. Broderick

Arlin M. Adams

Thomas A. Masterson

CONSENT AGREEMENT

The Complaint in this action having been filed on January 7, 1971, alleging the unconstitutionality of certain Pennsylvania statutes and practices under the Equal Protection Clause of the Fourteenth Amendment and certain pendent claims; a three-judge court having been constituted, after motion, briefing and argument thereon, on May 26, 1971; an Order and Stipulation having been entered on June 18, 1971, requiring notice and a due process hearing before the educational assignment of any retarded child may be changed; and evidence having been received at preliminary hearing on August 12, 1971;

Now, therefore, this 7th of October 1971, the parties being desirous of effecting an amicable settlement of this action, the parties by their counsel agree, subject to the approval and Order of this Court, as follows:

I.

1. This action may and hereby shall be maintained by plaintiffs as a class action on behalf of all mentally retarded persons, residents of the Commonwealth of Pennsylvania, who have been, are being, or may be denied access to a free public program of education and training while they are, or were, less than twenty-one years of age.

It is expressly understood, subject to the provisions of Paragraph 44 below, that the immediate relief hereinafter provided shall be provided to those persons less than twenty-one years of age as of the date of the Order of the Court herein.

2. This action may and hereby shall be maintained against defendant school districts and intermediate units as a class action against all of the School Districts and Intermediate Units of the Commonwealth of Pennsylvania.

3. Pursuant to Rule 23, Fed. R. Civ. P., notice of the extent of the Consent Agreement and the proposed Order approving this Consent Agreement, in the form set out in Appendix A, shall be given as follows:

(a) to the class of defendants, by the Secretary of Education, by mailing immediately a copy of this proposed Order and Consent Agreement to the Superintendent and the Director of Special Education of each School District and Intermediate Unit in the Commonwealth of Pennsylvania;

(b) to the class of plaintiffs, (i) by the Pennsylvania Association for Retarded Children, by immediately mailing a copy of this proposed Order and Consent Agreement to each of its Chapters in fifty-four counties of Pennsylvania; (ii) by the Department of Justice, by causing an advertisement in the form set out in Appendix A, to be placed in one newspaper of general circulation in each County in the Commonwealth; and (iii) by delivery of a joint press release of the parties to the television and radio stations, newspapers, and wire service in the Commonwealth.

II.

4. Expert testimony in this action indicates that all mentally retarded persons are capable of benefiting from a program of education and training; that the greatest number of retarded persons, given such education and training, are capable of achieving self-sufficiency, and the remaining few, with such education and training, are capable of

achieving some degree of self-care; that the earlier such education and training begins, the more thoroughly and the more efficiently a mentally retarded person will benefit from it; and, whether begun early or not, that a mentally retarded person can benefit at any point in his life and development from a program of education and training.

5. The Commonwealth of Pennsylvania has undertaken to provide a free public education to all of its children between the ages of six and twenty-one years, and, even more specifically, has undertaken to provide education and training for all of its exceptional children.

6. Having undertaken to provide a free public education to all of its children, including its exceptional children, the Commonwealth of Pennsylvania may not deny any mentally retarded child access to a free public program of education and training.

7. It is the Commonwealth's obligation to place each mentally retarded child in a free, public program of education and training appropriate to the child's capacity, within the context of a presumption that, among the alternative programs of education and training required by statute to be available, placement in a regular public school class is preferable to placement in a special public school class and placement in a special public school class is preferable to placement in any other type of program of education and training.

III.

Section 1304

8. Section 1304 of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1304, provides:

> "Admission of beginners
>
> The admission of beginners to the public schools shall be confined to the first two weeks of the annual school term in districts operating on an annual promotion basis, and to the first two weeks of either the first or the second semester of the school term to districts operating on a semi-annual promotion basis. Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with standards prescribed by the State Board of Education. The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the supervisor of special education or a properly certificated public school psychologist in accordance with standards prescribed by the State Board of Education.
>
> "The term 'beginners,' as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level."

9. The Secretary of Education, the State Board of Education, the named School Districts and Intermediate Units, on their own behalf and on behalf of all School Districts and Intermediate Units in the Commonwealth of Pennsylvania, each of them, for themselves, their officers, employees, agents, and successors agree that they shall cease and desist from applying Section 1304 so as to postpone or in any way to deny access to a free public program of education and training to any mentally retarded child.

10. The Attorney General of the Commonwealth of Pennsylvania (hereinafter "the Attorney General") agrees to issue an Opinion declaring that Section 1304 means only that a school district may refuse to accept into or to retain in the lowest grade of the regular primary school or the lowest regular primary class above the kindergarten level, any child who has not attained a mental age of five years.

11. The Attorney General of the Commonwealth of Pennsylvania shall issue an Opinion thus construing Section 1304, and the State Board of Education (hereinafter "the Board") shall issue regulations to implement said construction and to supersede Sections 5-200 of the Pupil Attendance Regulations, copies of which Opinion and Regulations shall be filed with the Court and delivered to counsel for plaintiffs on or before October 25, 1971, and they shall be issued and promulgated respectively on or before October 27, 1971.

12. The aforementioned Opinion and Regulations shall (a) provide for notice and an opportunity for a hearing as set out in this Court's Order of June 18, 1971, before a child's admission as a beginner in the lowest grade of a regular primary school, or the lowest regular primary class above kindergarten, may be postponed; (b) require the automatic re-evaluation every two years of any educational assignment other than to a regular class, and (c) provide for an annual re-evaluation at the request of the child's parent or guardian, and (d) provide upon each such re-evaluation for notice and an opportunity for a hearing as set out in this Court's Order of June 18, 1971.

13. The aforementioned Opinion and Regulations shall also require the timely placement of any child whose admission to regular primary school or to the lowest regular primary class above kindergarten is postponed, or who is not retained in such school or class, in a free public program of education and training pursuant to Sections 1371 through 1382 of the School Code of 1949, as amended 24 Purd. Stat. Sec. 13-1371 through Sec. 13-1382.

Section 1326

14. Section 1326 of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1326, provides:

> "Definitions
>
> The term 'compulsory school age,' as hereinafter used shall mean the period of a child's life from the time the child's parents elect to have the child enter school, which shall be not later than at the age of eight (8) years, until the age of seventeen (17) years. The term shall not include any child who holds a certification of graduation from a regularly accredited senior high school."

15. The Secretary of Education, the State Board of Education, the named School Districts and Intermediate Units, on their own behalf and on behalf of all School Districts and Intermediate Units in the Commonwealth of Pennsylvania, each of them, for themselves, their officers, employees, agents and successors agree that they shall cease and desist from applying Section 1326 so as to postpone, to terminate, or in any way to deny access to a free public program of education and training to any mentally retarded child.

16. The Attorney General agrees to issue an Opinion declaring that Section 1326 means only that parents of a child have a compulsory duty while the child is between eight and seventeen years of age to assure his attendance in a program of education and training; and Section 1326 does not limit the ages between which a child must be granted access to a free, public program of education and training. Defendants are bound by Section 1301 of the School Code of 1949, 24 Purd. Stat. Sec. 13-1301, to provide free public education to all children six to twenty-one years of age. In the event that a parent elects to exercise the right of a child six through eight years and/or seventeen through twenty-one years of age to a free public education, defendants may not deny such child access to a program of education and training. Furthermore, if a parent does not discharge the duty of compulsory attendance with regard to any mentally retarded child between eight and seventeen years of age, defendants must and shall take those steps necessary to compel the child's attendance pursuant to Section 1327 of the School Code of 1949, 24 Purd. Stat. Sec. 13-1327, and related provisions of the School Code, and to the relevant regulations with regard to compulsory attendance promulgated by the Board.

17. The Attorney General shall issue an Opinion thus construing Section 1326, and related Sections, and the Board shall promulgate Regulations to implement said construction, copies of which Opinion and Regulations shall be filed with the Court and delivered to plaintiffs' counsel on or before October 25, 1971, and they shall be issued and promulgated respectively on or before October 27, 1971.

Section 1330(2)

18. Section 1330(2) of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1330(2) provides:

> "Exceptions to compulsory attendance
>
> The provisions of this action requiring regular attendance shall not apply to any child who:
>
> (2) Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of Education."

19. The Secretary of Education, the State Board of Education, the named School Districts and Intermediate Units, on their own behalf and on behalf of all School Districts and Intermediate Units, each of them, for themselves, their officers, employees, agents, and successors agree that they shall cease and desist from applying Section 1330(2) so as to terminate or in any way to deny access to a free public program of education and training to any mentally retarded child.

20. The Attorney General agrees to issue an Opinion declaring that Section 1330(2) means only that a parent may be excused from liability under the compulsory attendance provisions of the School Code when, with the approval of the local school board and the Secretary of Education and a finding by an approved clinic or public school psychologist or psychological examiner, the parent elects to withdraw the child from attendance. Section 1330(2) may not be invoked by defendants, contrary to the parents' wishes, to terminate or in any way to deny access to a free public program of education and training to any mentally retarded child. Furthermore, if a parent does not discharge the duty of compulsory attendance with regards to any mentally retarded child between eight and seventeen years of age, defendants must and shall take those steps necessary to compel the child's attendance pursuant to Section 1327 and related provisions of the School Code and to the relevant regulations with regard to compulsory attendance promulgated by the Board.

21. The Attorney General shall issue an Opinion so construing Section 1330(2) and related provisions and the Board shall promulgate Regulations to implement said construction and to supersede Section 5-400 of the Pupil Attendance Regulations, a copy of which Opinion and Regulations shall be filed with the Court and delivered to counsel for plaintiff on or before October 25, 1971, and they shall be issued and promulgated respectively on or before October 27, 1971.

Pre-School Education

22. Defendants, the Commonwealth of Pennsylvania, the Secretary of Education, the State Board of Education, the named School Districts and Intermediate Units, on their own behalf and on behalf of all School Districts and Intermediate Units in the Commonwealth of Pennsylvania, the Secretary of Public Welfare, each of them, for themselves, their officers, employees, agents and successors agree that they shall cease and desist from applying Section 1371(1) of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1371(1) so as to deny access to a free public program of education and training to any mentally retarded child, and they further agree that wherever the Department of Education through its instrumentalities, the School Districts and Intermediate Units, or the Department of Public Welfare through any of its instrumentalities provides a pre-school program of education and training to children below the age of six, they shall also provide a program of education and training appropriate to their learning capacities to all retarded children of the same age.

23. Section 1371(1) of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1371(1), provides:

> "Definition of exceptional children; reports; examination
>
> (1) The term 'exceptional children' shall mean children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services and shall include all children in detention homes."

24. The Attorney General agrees to issue an Opinion declaring that the phrase "children of school age" as used in Section 1371 means children aged six to twenty-one and also, whenever the Department of Education through any of its instrumentalities, the local School District, Intermediate Unit, or the Department of Public Welfare, through any of its instrumentalities, provides a pre-school program of education or training for children below the age of six, whether kindergarten or however so called, means all mentally retarded children who have reached the age less than six at which pre-school programs are available to others.

25. The Attorney General shall issue an Opinion thus construing Section 1371 and the Board shall issue regulations to implement said construction, copies of which Opinion and Regulations shall be filed with the Court and delivered to counsel for plaintiffs on or before October 25, 1971, and they shall be issued and promulgated respectively on or before October 27, 1971.

Tuition and Tuition and Maintenance

26. The Secretary of Education, the State Board of Education, the named School Districts and Intermediate Units, on their own behalf and on behalf of all School Districts and Intermediate Units in the Commonwealth of Pennsylvania, each of them, for themselves, their officers, employees, agents and successors agree that they shall cease and desist from applying Section 1376 of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1376, so as to deny tuition or tuition and maintenance to any mentally retarded person.

27. The Attorney General agrees to issue an Opinion, and the Council of Basic Education of the State Board of Education agrees to promulgate Regulations, construing the term "brain damage" as used in Section 1376 and as defined in the Board's "Criteria for Approval . . . of Reimbursement" so as to include thereunder all mentally retarded persons, thereby making available to them tuition for day school and tuition and maintenance for residential school up to the maximum sum available for day school or residential school, whichever provides the more appropriate program of education and training. Copies of the aforesaid Opinion and Regulations shall be filed with the Court and delivered to counsel for plaintiff on or before October 25, 1971, and they shall be issued and promulgated respectively on or before October 27, 1971.

28. Defendants may deny or withdraw payments of tuition or tuition and maintenance whenever the school district or intermediate unit in which a mentally retarded child resides provides a program of special education and training appropriate to the child's learning capacities into which the child may be placed.

29. The decision of defendants to deny or withdraw payments of tuition or tuition and maintenance shall be deemed a change in educational assignment as to which notice shall be given and an opportunity for a hearing afforded as set out in this Court's order of June 18, 1971.

Homebound Instruction

30. Section 1372(3) of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1372(3), provides in relevant part:

> "Standards; plans; special classes or schools
>
> (3) Special Classes or Schools Established and Maintained by School Districts.
>
> . . .If. . .it is not feasible to form a special class in any district or to provide such education for any ((exceptional)) children in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions, or by providing for teaching the child in his home. . . ."

31. The Secretary of Education, the State Board of Education, the named School Districts and Intermediate Units, on their own behalf and on behalf of all School Districts and Intermediate Units in the Commonwealth of Pennsylvania, each of them, for themselves, their officials, employees, agents and successors agree that they shall cease and desist from denying homebound instruction under Section 1372(3) to mentally retarded children merely because no physical disability accompanies the retardation or because retardation is not a short-term disability.

32. The Attorney General agrees to issue an Opinion declaring that a mentally retarded child, whether or not physically disabled, may receive homebound instruction and the State Board of Education and/or the Secretary of Education agrees to promulgate revised Regulations and forms in accord therewith, superseding the "Homebound Instruction Manual" (1970) insofar as it concerns mentally retarded children.

33. The aforesaid Opinion and Regulations shall also provide:

(a) that homebound instruction is the least preferable of the programs of education and training administered by the Department of Education and a mentally retarded child shall not be assigned to it unless it is the program most appropriate to the child's capacities;

(b) that homebound instruction shall involve education and training for at least five hours a week;

(c) that an assignment to homebound instruction shall be re-evaluated not less than every three months, and notice of the evaluation and an opportunity for a hearing thereon shall be accorded to the parent or guardian, as set out in the Order of this Court dated June 18, 1971.

34. Copies of the aforementioned Opinion and Regulations shall be filed with the Court and delivered to counsel for plaintiffs on or before October 25, 1971, and they shall be issued and promulgated respectively on or before October 27, 1971.

<u>Section 1375</u>

35. Section 1375 of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1375, provides:

> <u>"Uneducable children provided for by Department of Public Welfare</u>
>
> "The State Board of Education shall establish standards for temporary or permanent exclusion from the public school of children who are found to be uneducable and untrainable in the public schools. Any child who is reported by a person who is certified as a public school psychologist as being uneducable and untrainable in the public schools, may be reported by the board of school directors to the Superintendent of Public Instruction and when approved by him, in accordance with the standards of the State Board of Education, shall be certified to the Department of Public Welfare as a child who is uneducable and untrainable in the public schools. When a child is thus certified, the public schools shall be relieved of the obligation of providing education or training for such child. The Department of Public Welfare shall thereupon arrange for the care, training and supervision of such child in a manner not inconsistent with the laws governing mentally defective individuals."

36. Defendants the Commonwealth of Pennsylvania, the Secretary of Education, the State Board of Education, the named School Districts and Intermediate Units, on their own behalf and on behalf of all School Districts and Intermediate Units in the Commonwealth of Pennsylvania, and the Secretary of Public Welfare, each of them, for themselves, their officers, employees, agents and successors agree that they shall cease and desist from applying Section 1375 so as to deny access to a free public program of education and training to any mentally retarded child.

37. The Attorney General agrees to issue an Opinion declaring that since all children are capable of benefiting from a program of education and training, Section 1375 means that insofar as the Department of Public Welfare is charged to "arrange for the care, training and supervision" of a child certified to it, the Department of Public Welfare must provide a program of education and training appropriate to the capacities of that child.

38. The Attorney General agrees to issue an Opinion declaring that Section 1375 means that when it is found, on the recommendations of a public school psychologist and upon the approval of the local board of school directors and the Secretary of Education, as reviewed in the due process hearing as set out in the Order of this Court dated June 18, 1971, that a mentally retarded child would benefit more from placement in a program of education and training administered by the Department of Public Welfare than he would from any program of education and training administered by the Department of Education, he shall be certified to the Department of Public Welfare for placement in a program of education and training.

39. To assure that any program of education and training administered by the Department of Public Welfare shall provide education and training appropriate to a child's capacities the plan referred to in Paragraph 49 below shall specify, inter alia,

(a) the standards for hours of instruction, pupil-teacher ratios, curriculum, facilities, and teacher qualifications that shall be met in programs administered by the Department of Public Welfare;

(b) the standards which will qualify any mentally retarded person who completes a program administered by the Department of Public Welfare for a High School Certificate or a Certificate of Attendance as contemplated in Sections 8-132 and 8-133 of the Special Education Regulations;

(c) the reports which will be required in the continuing discharge by the Department of Education of its duty under Section 2809(1) of the Administrative Code of 1929, as amended, 71 Purd. Stat. Sec. 2809(1), to inspect and to require reports of programs of education and training administered by the Department of Public Welfare, which reports shall include, for each child in such programs an annual statement of educational strategy (as defined in Section 8-123 of the Special Education Regulations) for the coming year and at the close of the year an evaluation of that strategy;

(d) that the Department of Education shall exercise the power under Section 1926 of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 19-1926 to supervise the programs of education and training in all institutions wholly or partly supported by the Department of Public Welfare, and the procedures to be adopted therefor.

40. The Attorney General agrees to issue an Opinion so construing Section 1375 and the Board to promulgate Regulations implementing said construction, which Opinion and Regulations shall also provide:

(a) that the Secretary of Education shall be responsible for assuring that every mentally retarded child is placed in a program of education and training appropriate to his learning capacities, and to that end, by Rules of Procedure requiring that reports of the annual census and evaluation, under Section 1371(2) of the School Code of 1949, as amended, 24 Purd. Stat. 13-1371(2), be made to him, he shall be informed as to the identity, condition, and educational status of every mentally retarded child within the various school districts.

(b) that should it appear that the provisions of the School Code relating to the proper education and training of mentally retarded children have not been complied with or the needs of the mentally retarded child are not being adequately served in any program administered by the Department of Public Welfare, the Department of Education shall provide such education and training pursuant to Section 1372(5) of the School Code of 1949, as amended, 24 Purd. Stat. Sec. 13-1372(5).

(c) that the same right to notice and an opportunity for a hearing as is set out in the Order of this Court of June 18, 1971, shall be accorded on any change in educational assignment among the programs of education and training administered by the Department of Public Welfare.

(d) that not less than every two years the assignment of any mentally retarded child to a program of education and training administered by the Department of Public Welfare shall be re-evaluated by the Department of Education and upon such re-evaluation, notice and an opportunity to be heard shall be accorded as set out in the Order of this Court, dated June 18, 1971.

40. Copies of the aforesaid Opinion and Regulations shall be filed with the Court and delivered to counsel for plaintiffs on or before October 25, 1971, and they shall be issued and promulgated respectively on or before October 27, 1971.

IV.

41. Each of the named plaintiffs shall be immediately re-evaluated by defendants and, as soon as possible, but in no event later than October 13, 1971, shall be accorded access to a free public program of education and training appropriate to his learning capacities.

42. Every retarded person between the ages of six and twenty-one years as of the date of this Order and thereafter shall be provided access to a free public program of education and training appropriate to his capacities as soon as possible but in no event later than September 1, 1972.

43. Wherever defendants provide a pre-school program of education and training for children less than six years of age, whether kindergarten or howsoever called, every mentally retarded child of the same age as of the date of this Order and hereafter shall be provided access to a free public program of education and training appropriate to his capacities as soon as possible but in no event later than September 1, 1972.

44. The parties explicitly reserve their right to hearing and argument on the question of the obligation of defendants to accord compensatory educational opportunity to members of the plaintiff class of whatever age who were denied access to a free public program of education and training without notice and without a due process hearing while they were aged six years to twenty-one years, for a period equal to the period of such wrongful denial.

45. To implement the aforementioned relief and to assure that it is extended to all members of the class entitled to it, Dr. Herbert Goldstein and Dennis E. Haggerty, Esquire are appointed Masters for the purpose of overseeing a process of identification, evaluation, notification, and compliance hereinafter described.

46. Notice of this Order and the Order of June 18, 1971, in form to be agreed upon by counsel for the parties, shall be given by defendants to the parents and guardian of every mentally retarded person, and of every person thought by defendants to be mentally retarded, of the ages specified in Paragraphs 42 and 43 above, now resident in the Commonwealth of Pennsylvania, who while he was aged four years to twenty-one years was not accorded access to a free public program of education and training, whether as a result of exclusion, postponement, excusal, or in any other fashion, formal or informal.

47. Within thirty days of the date of this Order, defendants shall formulate and shall submit to the Masters for their approval a satisfactory plan to identify, locate, evaluate and give notice to all the persons described in the foregoing paragraph, and to identify all persons described in Paragraph 44, which plan shall include, but not be limited to, a search of the records of the local school districts, of the intermediate units, of County MH/MR units, of the State Schools and Hospitals, including the waiting lists for admission thereto, and of interim care facilities, and, to the extent necessary, publication in newspapers and the use of radio and television in a manner calculated to reach the persons described in the foregoing paragraph. A copy of the proposed plan shall be delivered to counsel forplaintiffs who shall be accorded a right to be heard thereon.

48. Within ninety days of the date of this Order, defendants shall identify and locate all persons described in paragraph 46 above,

give them notice and provide for their evaluation, and shall report to the Masters the names, circumstances, the educational histories and the educational diagnosis of all persons so identified.

49. By February 1, 1972, defendants shall formulate and submit to the Masters for their approval a plan, to be effectuated by September 1, 1972, to commence or recommence a free public program of education and training for all mentally retarded persons described in Paragraph 46 above and aged between four and twenty-one years as of the date of this Order, and for all mentally retarded persons of such ages hereafter. The plan shall specify the range of programs of education and training, their kind and number, necessary to provide an appropriate program of education and training to all mentally retarded children, where they shall be conducted, arrangements for their financing, and, if additional teachers are found to be necessary, the plan shall specify recruitment, hiring, and training arrangements. The plan shall specify such additional standards and procedures, including but not limited to those specified in Paragraph 39 above, as may be consistent with this Order and necessary to its effectuation. A copy of the proposed plan will be delivered to counsel for plaintiffs who shall be accorded a right to be heard thereon.

50. If by September 1, 1972, any local school district or intermediate unit is not providing a free public education to all mentally retarded persons 4 to 21 years of age within its responsibility, the Secretary of Education, pursuant to Section 1372(5) of the Public School Code of 1949, 24 Purd. Stat. 1372(5) shall directly provide, maintain, administer, supervise, and operate programs for the education and training of these children.

51. The Masters shall hear any members of the plaintiff class who may be aggrieved in the implementation of this Order.

52. The Masters shall be compensated by defendants.

53. This Court shall retain jurisdiction of the matter until it has heard the final report of the Masters on or before October 15, 1972.

54. As used herein before the phrase "mentally retarded child" shall include, without limitation, any child who is mentally retarded within the definition of "mental retardation" set out in Section 4102 of the Pennsylvania Mental Health and Mental Retardation Act of 1966, 50 Purd. Stat. Sec. 4102, namely: "Mental Retardation means subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of one or more of the following: (1) maturation, (2) learning and (3) social adjustment."

S/ J. Shane Creamer
Attorney General

Ed Weintraub
Deputy Attorney General
Attorneys for Defendants

Thomas K. Gilhool
Attorney for Plaintiffs

Acknowledged:

Dr. David H. Kurtzman
Secretary of Education

Dr. William F. Ohrtman
Director, Bureau of
Special Education

Mrs. Helene Wohlgemuth
Secretary of Public Welfare

Edward R. Goldman
Commissioner of Mental
Retardation

APPENDIX A

NOTICE*

(* the brackett·d portions below will appear in the Notice but not in the newspaper advertisement)

To: (1) All parents and guardians of mentally retarded persons resident in the Commonwealth of Pennsylvania

(((2) All School Districts and Intermediate Units in the Commonwealth of Pennsylvania))

Notice is hereby given (1) that a proposed Order approving a Consent Agreement and issuing certain Injunctions in Pennsylvania Association for Retarded Children, et al. v. Commonwealth of Pennsylvania, E. D. Pa., C.A. No. 71-42, is on file with the Clerk of the United Sta. - District Court ((and available for inspection there and in the offices of the Superintendent of each School District and Intermediate Unit in the Commonwealth of Pennsylvania and of each County Chapter of the Pennsylvania Association for Retarded Children.))

(2) That the above mentioned action, on behalf of all mentally retarded persons who have been denied access to a free, public program of education and training, was begun on January 7, 1971, raising certain procedural and substantive claims against the laws and practices of the Commonwealth of Pennsylvania, the Department of Education, the Department of Public Welfare, 12 named School Districts and Intermediate Units and the class of all School Districts and Intermediate Units in the Commonwealth, because of their failure to provide a free public education to all mentally retarded children.

(3) That the proposed Order would approve a Consent Agreement entered into by the named parties on October 7. 1971, providing that each mentally retarded child shall be accorded access to a program of education and training, that notice and an opportunity for a hearing shall be accorded before any change in the educational assignment of mentally retarded children, that certain sections of the Public School Code shall be so construed, and that certain Regulations so providing shall be promulgated thereunder, and that a Special Master shall be appointed to oversee the identification by defendants of all mentally retarded children who have been denied an education and the formulation and implementation by defendants of a plan to provide a free, public program of education and training to all mentally retarded children as soon as possible and no later than September 1, 1972, and would also issue certain Injunctions consistent with the Consent Agreement.

(4) That any school district or intermediate unit which may wish to make an objection to the Proposed Order approving the Consent Agreement may do so by entering an appearance and filing a statement of objections with the Clerk of the United States District Court for the Eastern District of Pennsylvania, 9th and Chestnut Streets, Philadelphia, on or before November 10, 1971. Hearing thereon shall be held before the Court at 10:00 o'clock A.M., November 12, 1971.

SYRACUSE LAW REVIEW

SYMPOSIUM

THE LEGAL RIGHTS OF THE MENTALLY RETARDED

LEADING ARTICLES

GROUP LEGAL SERVICES: EQUAL JUSTICE IN FACT—A PROGNOSIS FOR THE SEVENTIES

—*Lou Ashe*

Book Review by
Peter E. Herzog

VOL. 23 · NO. 4 1972

APPROPRIATE EDUCATION FOR ALL HANDICAPPED CHILDREN: A GROWING ISSUE

FREDERICK J. WEINTRAUB*
ALAN R. ABESON**

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.[1]

With these words the Supreme Court of the United States ruled illegal the provision of educational services to any child on a basis unequal to that provided any other child. That historic 1954 decision focused on the elimination of racial segregation in the nation's public education programs. The same words have relevance today, but are being seen in recent judicial decisions to affirm the rights of another segregated group of children, the handicapped, to an equal education.

Today in the United States, there are an estimated seven million children with mental, physical, emotional or learning handicaps that require, at some point in their educational careers, the provision of some special education services.[2] Unfortunately, only forty percent or 2,800,000 of these children are receiving the education they need and are entitled to receive. The children who are in need of services, the type of services they need, their inability to receive these services, and the legislative and judicial efforts which are increasingly occurring to rectify this gap, will be the focus of this article.

While it is estimated that there are seven million handicapped children in the United States today, this figure is subject to considerable variation because of: poor or non-existent census procedures; varying educational, psychological, and legal definitions; the assessment of handicap in relation to the environment in which children are found; and constantly changing perceptions of the definition of the word "handicapped."

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* Assistant Executive Director for Governmental Relations: The Council for Exceptional Children; B.S., Shippensburg State College, 1963; M.A., Trenton State College, 1966.

** Director, State-Federal Information Clearinghouse for Exceptional Children: The Council for Exceptional Children; B.S., Ohio State University, 1961; M.A. and Ed.D., Columbia University, 1962, 1971.

[1] Brown v. Board of Educ., 347 U.S. 483, 493 (1954).

[2] STATE-FEDERAL CLEARINGHOUSE FOR EXCEPTIONAL CHILDREN, SUMMARY STATISTICS—CHILDREN (1972).

The question of the incidence of such children is continually raised by public policymakers and others so that programs requiring the use of public resources can be planned. Consequently, many persons, some scientifically, and others not so scientifically, have attempted to count and project the number of these children who are often synonymously described as being handicapped or exceptional. Despite the limitations in data gathering, the figure most frequently used is that ten to twelve percent of the total school-age population is handicapped.[3] It must be added that of the seven million handicapped children, one million are of pre-school age and one million others, although of school age, are totally excluded from public education.

That portion of the population described as handicapped primarily includes children who demonstrate learning problems resulting from mental retardation, emotional disburbance, visual impairment, hearing impairment, speech impairment, physical handicaps, or other physical or mental disabilities.

Classifying the handicapped by categorical labels, such as trainable mentally retarded, as practiced in the nation's schools produces four major problems. First, children who are so classified tend to become the victims of significant stigma, often resulting in isolation from normal school experiences, taunting by other children and rejection by many school personnel.

Secondly, it is increasingly being recognized that the assignment of a label to a child suggests to those who work with him stereotyped expectations of behavior. Frequently, this contributes to a "self-fulfilling prophecy" in that the child, once assigned a label, is expected to conform to behavior associated with that label and ultimately so behaves. Further, it has been found that once a child is labeled, and placement has been made on the basis of that label, there is often no escape from that placement or that label. Much of the wave of current litigation regarding the education of the handicapped focuses on classification and labeling procedures as a result of the use of biased evaluation procedures and the denial of procedural safeguards.

The third negative effect of labeling is that public and private agencies offering services, such as education, often determine the population they will serve on the basis of previously assigned labels. Thus, a child who is labeled mentally retarded but who also has a hearing impairment, may be shunned from the attention of the agency providing speech and hearing services because he was classified as being retarded. The

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[3] S.A. KIRK, EDUCATING EXCEPTIONAL CHILDREN 24 (1962).

problem of categorizing children with specific labels has led to depriving some children of services they vitally need. Some improvement in state laws regarding the education of the handicapped is being made[4] by replacing specific category lists of children eligible for services with definitions that specify that the handicapped are children "who because of mental, physical, emotional, or learning problems require special education services."[5]

The fourth predicament concerning labeling and placement is that the assignment of a label, such as physically handicapped, often results in a child being placed in a special education program regardless of whether or not it is needed. In this instance, there are many children with handicaps (most often of a physical nature including orthopedic, hearing, and vision impairments) which may not require a special education program. Procedural safeguards must be provided to all children in order to prevent misplacements from occurring. More will be said about these provisions later.

It must be recognized that some type of labeling will probably always be needed for the purpose of designating governmental services to the population they are intended to serve. What must occur, however, to eliminate the problems associated with labeling, is for government agencies to re-examine their present systems of defining children, and determine whether their system stigmatizes children beyond the point which is minimally necessary. As was pointed out in *Wolf v. Utah*,[6] "the worst form of stigma is that which is governmentally sanctioned, particularly when such stigma is unnecessary."

The necessity for the use of procedural safeguards in determining the educational placement of handicapped children is especially important since a wide variety of services are often needed, and can be provided in a wide variety of settings. One conceptual approach to the range of placement options is the "Cascade System"[7] (Figure I). The largest number of children are placed at the first level, which is a regular classroom in a regular school, and gradually smaller numbers of children require greater levels of resources. Thus a child who is visually handicapped may simply need corrective glasses which, when provided, enables the child to function as a non-handicapped child in a regular

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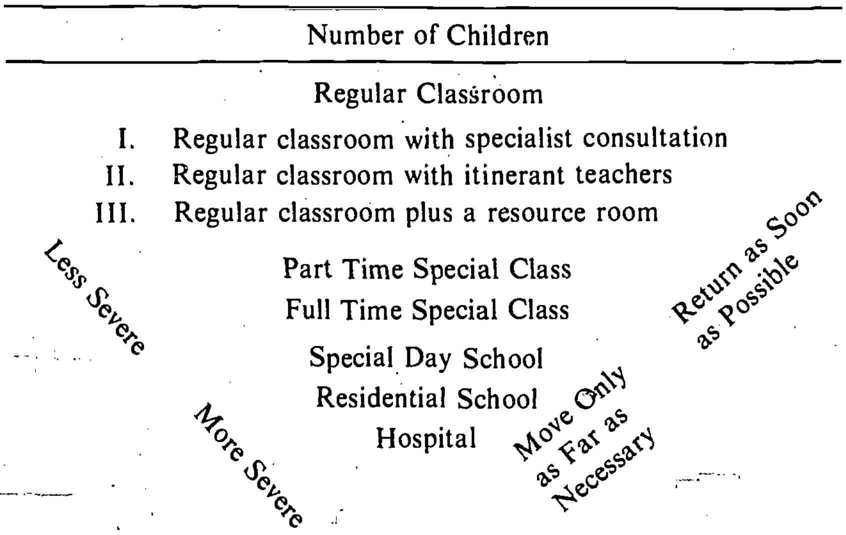
[4] Abeson & Trudeau, *Handicapped Children Redefined—Legal Eligibility for Services Expanded*, 37 EXCEPTIONAL CHILDREN 305-07 (1970).

[5] TENN. ACTS OF 1972, ch. 389.

[6] Wolf v. Utah, No. 182646 (3d Dist. Ct., Salt Lake Co. 1969).

[7] Reynolds, *A Framework for Considering Some Issues in Special Education*, 28 EXCEPTIONAL CHILDREN 367-70 (1962).

education program. Another visually handicapped child, however, may need instruction in braille requiring the services of an itinerant teacher who periodically takes the child from the regular classroom to provide instruction in the use of braille. The decision to place a child on any level should only be made on the basis of individual examinations which assess the child's ability to perform and his need for special services.



The flow of service provisions in the cascade progresses from minimal to maximal. The regular classroom is the level at which the least amount of special resources are needed. There are, however, three modifications of the regular classroom which allow the minimally handicapped child the maximum opportunity to obtain and participate in a normal educational experience.

Modification I provides the regular classroom teacher with the opportunity to obtain consultation with a number of educational and related specialists in instructional materials, reading, psychology, guidance, speech, and others. In this situation, the regular classroom teacher, who is ultimately responsible for the child is searching for a better understanding of the child and his problems, and is seeking improved instructional and management techniques. Modification II involves itinerant specialists and differs from I in that these individuals actually work with the child. Modification III includes the placement of the child in a regular classroom, but with some time spent in a special resource area where specific remedial instruction occurs. Specialists working in this area confer with the classroom teacher, and together they plan appropriate programs for the child.

Children who cannot participate or achieve in one of the above modifications of the regular classroom can split their school day by spending part of it in the regular class and the remainder in a special class. In this program option, the special class is staffed by a trained special educator who works with the child in a special adaptation of the regular classroom program as well as other specialized instructional areas. Also in this situation, the special education and regular classroom teachers confer, and jointly plan to insure that the child is provided with a meaningful and coordinated education.

If a child is unable to participate successfully in most regular classroom activities, he may be placed in a full-time special education class where all of his education, with the exception of non-academic areas such as physical education, art, shop, and music, will be provided. In this placement the total curriculum is adapted to each child's individual needs. The special class teacher in this program is ultimately responsible for the children.

Special day schools for handicapped children offer facilities and programs generally unavailable in the regular school. These include adaptive physical education, smaller pupil-teacher ratios, and the availability of greater amounts of supportive personnel. The children live at home and are frequently transported from large geographic areas extending beyond single school districts.

The residential school is reserved for those children so severely handicapped that they cannot live at home because they require full-time supervision and maintenance. Education programs for these children focus on enabling them to improve their capacity for dealing with their own needs including toileting, eating, and communicating. Wherever possible, these children should receive their education in settings outside the institution. Although educational programs in residential institutions are most often not directed by the state education agency, there are legislative and judicial trends to create this transition so that education can be provided equally to all in all settings.

For some severely handicapped children who possess major medical problems, an educational program, again provided by a trained special educator, occurs in hospitals. Like all special education programs, the goals and programs are flexible and determined by each child's needs.

Provision for this continuum of service option is rarely found in single school districts, although some elements are found in most districts. Most frequent are self-contained special classes, but movement to the part-time placement of children in regular programs is increasing. One major impediment to the provision of more flexibile program options is that many state funding formulas are based on self-contained units. Another observable trend is that as the need for a continuum of program options is recognized by individual school districts, none of which is able to provide all the options for limited numbers of children, various forms of cooperation for the provision of services including contracting, regionalization, and the creation of special school districts is occurring.

The presence of a subject as the education of handicapped children in a law journal may be unique but it is proper since handicapped children have been and are continuing to be deprived of their rights to an education and due process within the educational system. The parents of these children in letters to various agencies describe most effectively the type of injustices they experience.

> My-wife and I have exhausted all local agencies in an effort to get schooling for our thirteen year old autistic son. With only two years of schooling (in private school) our son can read at eleventh grade level, can do some arithmetic, and shows an interest in social and geographical subjects. He reads encycloedias, and is knowledgable in natural science. He is at home and needs desperately to attend school.
>
> * * *
>
> Our son William, a fourteen year old, is presently receiving no education at all. He has a measured intelligence quotient of approximately seventy and reads on a second grade level, does three number arithmetic, draws, and is able to spell syllabically. For two years, from 1964 to 1966, he attended public school special classes. Gradually, during the next few years his attendance in public school changed from full time to two days a week. This was supplemented by limited tutoring for which we paid. In September, 1968, he returned to public school but after eight days was put out of school, excluded as 'unable to profit from school attendance.' In 1969 and 1970, we tried first to obtain tutoring and second to obtain placement in public schools. All the requests were denied and the only education he received was two hours a week of tutoring and summer camp, both paid for by us. In August, 1970, William was accepted for placement in private school at a cost of $5,400 a year but has since been on a waiting list for admission.
>
> * * *
>
> I have an emotionally disturbed son, one of five children. He is now nine years old. I have tried to get him in special education for almost two years. I keep hearing that he is on a wait-list. He had all the tests,

I talked to teachers, principals, and psychologists. That does no good, if they go on ignoring the problem. I am very concerned and I wonder how many other children are neglected like this. Maybe it is only in my area. I hope it isn't a widespread problem. My son is very unhappy. I hear so often, 'I want to die.' Sometimes I wonder if you even know how little help is given to the ones who really need it.

* * *

Our county's school system has tested my son in the past, and seems to be thoroughly willing to test him again. However, after the testing is completed and the evaluation is made, the county has no program in order to help the child. This seems to me a complete waste of time and money to the taxpayer. What is the point in finding out more about a problem when there is no program set up to do something about a certain problem. The school administrators claim it would be too expensive to hire the necessary trained personnel. This has been going on since my son was eight and he is now fourteen.

* * *

Our nine year old daughter Kathy was diagnosed at age four as having petit mal epilepsy. The doctor told us that by taking regular medications, all seizures could be eliminated. This did occur and as Kathy approached school age, she was a normal and happy child. When she turned six, I took Kathy to school for registration and when the principal saw the medical form with the notation epilepsy and that Kathy had had seizures he told me that she could not come to school, that the class would be overcrowded and that neither he nor the teacher could take on responsibility for her. He suggested that I keep Kathy home for a year and arrange for a home tutor to come to the house. Not knowing what to do, I kept Kathy home for several months. After contacting the principal again by telephone, I was able to get a tutor to come an hour a day three days a week. Kathy, however, seemed quite withdrawn and upset, something very unusual for her. Concerned and because I felt Kathy was not receiving a good education, I contacted a counselor at a family service agency. After talking with Kathy, my husband, and me, we were told that Kathy's mood seemed to develop because she was not allowed to go to school, something that had been a big disappointment for her. The counselor suggested that together we try to get Kathy into public school. The counselor talked with the principal, who said that because it was almost mid-year, Kathy should wait until next year. Finally, the counselor was able to get Kathy into a private school for crippled children. Though she wasn't crippled, they accepted her on a temporary basis until she was to go to public school in the fall. The next fall, when I took Kathy to school, the principal said that because Kathy had attended the special school, it would be best for her to continue there. Not wanting to cause Kathy more distress, I took

> Kathy back to the school for crippled children and the director agreed to let her continue there because of the unusual circumstances. She is now nine years old and has never been in public school.
>
> * * *
>
> Harris, my only son is ten and is somewhat small for his age but has always been very active, playing with friends in his neighborhood. Last spring I got a note asking me to come to school. The pupil adjustment counselor told me that Harris and another boy, who had once been his friend, had been fighting and that Harris was not to return to school for a week. When he returned to school he was immediately sent home again for no specific length of time, but with the message that he couldn't return again until he 'learns to behave.' When I again went to school to see his teacher, I learned that Harris had been placed in a class for retarded children since last year. I became very upset because I had never been told of this. I did get a note from someone last year saying that Harris was receiving some special help with his studies, but it said nothing about a class for retarded children. I visited the school several times about this and asked to see Harris' records and test scores, but was told that I couldn't because the information was 'confidential.' The teacher did say that Harris' work had been better than the others, and that he could be smart when he wanted to, and that she didn't really understand him. It seemed as though he had been placed in the class because of his behavior. Since I wasn't satisfied, I had him tested at a private clinic and was told by the psychologist that he had an IQ of 96, a normal score and that he definitely should not be in a class for mentally retarded children since that probably would only cause him to act up more, rather than helping him. Finally, a lawyer at the agency called the principal and the Director of the Department of Special Classes (for mentally retarded), and got Harris into a regular class. I'm happy now and Harris is doing better, but a neighbor told me that several other parents whose children go to Harris' school are upset because their children also have been put in those classes.

These letters describe the two major types of violations that occur to prevent handicapped children from receiving an appropriate free public education. The first four letters describe the all too-common situation in which handicapped children are simply denied entry to the public schools. A variety of means are used by school authorities including postponement, exclusion, suspension and outright denial. These behaviors occur despite the existence in most state constitutions of the responsibility of the state to provide all children with an education.

The legal basis which has been used for blocking the schoolhouse door to handicapped children frequently comes from state compulsory attendance laws which for some handicapped children become compulsory non-attendance laws. Typically these provide for the exclusion of "children with bodily or mental conditions rendering attendance inadvisable"[8] as in Alaska or in Nevada where "the child's physical or mental condition or attitude is such as to prevent or render inadvisable his attendance at school or his application to study."[9]

The legality of denying a public education to handicapped children by exclusion, postponement, or any other means is increasingly being challenged. In 1969, Judge D. Frank Wilkens, Third Judicial District Court of Utah, required that two mentally retarded children who had been excluded from education and placed under the Department of Welfare be provided education within the public education system. Judge Wilkens noted:

> Today it is doubtful that any child may reasonably be expected to succeed in life if he is denied the right and opportunity of an education. In the instant case the segregation of the plaintiff children from the public school system has a detrimental effect upon the children as well as their parents. The impact is greater when it has the apparent sanction of the law. The policy of placing these children under the Department of Welfare and segregating them from the educational system can be and probably is usually interpreted as denoting their inferiority, unusualness, and incompetency. A sense of inferiority and not belonging affects the motivation of a child to learn. Segregation, even though perhaps well intentioned, under the apparent sanction of law and state authority has a tendency to retard the educational, emotional, and mental development of the children.[10]

In January, 1971, the Pennsylvania Association for Retarded Children (PARC) brought suit against the Commonwealth of Pennsylvania for the state's failure to provide all retarded children access to a free public education.[11] In addition to PARC, the plaintiffs included fourteen mentally retarded children of school age who were representing themselves and "all others similarly situated," *i.e.*, all other retarded children of school age in the state. The defendants included the state secretaries of education and public welfare, the state board of education, and thir-

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[8] ALAS. STAT. tit. 14, ch. 30 (1971).

[9] NEV. REV. STAT. § 392.050 (1963).

[10] Wolf v. Utah. No. 182646 (3d Dist. Ct.. Salt Lake Co. 1969).

[11] Pennsylvania Ass'n for Retarded Children v. Pennsylvania, 334 F. Supp. 1257 (E.D. Pa. 1971).

teen named school districts, representing the class of all of Pennsylvania's school districts.

The suit, heard by a three-judge panel in the U.S. District Court of the Eastern District of Pennsylvania, specifically questioned public policy as expressed in law, policies, and practices which excluded, postponed, or denied free access to public education opportunities to school age mentally retarded children who could benefit from such education.

Expert witnesses presented testimony focusing on the following major points:

> 1. The provision of systematic education programs to mentally retarded children will produce learning.
>
> 2. Education cannot be defined solely as the provision of academic experiences to children. Rather, education must be seen as a continuous process by which individuals learn to cope and function within their environment. Thus, for children to learn to clothe and feed themselves is a legitimate outcome achievable through an educational program.
>
> 3. The earlier these children are provided with educational experiences, the greater the amount of learning that can be predicted.

A June 1971 stipulation and order and an October 1971 injunction, consent agreement, and order resolved the suit. The June stipulation focused on the provision of due process rights to children who are or are thought to be mentally retarded.

The October decrees provided that the state could not apply any law which would postpone, terminate, or deny mentally retarded children access to a publicly supported education, including a public school program, tuition or tuition maintenance, and homebound instruction. By October 1971, the plaintiff children were to have been reevaluated and placed in programs, and by September 1972, all retarded children between the ages of six and twenty-one must be provided a publicly supported education.

Local districts providing preschool education to any children are required to provide the same for mentally retarded children. The decree also stated that it was most desirable to educate these children in a program most like that provided to non-handicapped children. Further requirements include the assignment of supervision of educational programs in institutions to the State Department of Education, the automatic re-evaluation of all children placed on homebound instruction every three months, and a schedule the state must follow that will result in the placement of all retarded children in programs by September 1, 1972. Finally, two masters were appointed by the court to oversee the development of plans to meet the requirements of the order and agreement.

Shortly after the conclusion of the Pennsylvania case, another landmark was achieved in a similar case in the District of Columbia.[12] In *Mills v. Board of Education*, the parents and guardians of seven District of Columbia children brought a class action suit against the Board of Education of the District, the Department of Human Resources, and the mayor for failure to provide all children with a publicly supported education.

The plaintiff children ranged in age from seven to sixteen and were alleged by the public schools to present the following types of problems that led to the denial of their opportunity for an education: slightly brain damaged, hyperactive behavior, epileptic and mentally retarded, and mentally retarded with an orthopedic handicap. Three children resided in public, residential institutions with no education program. The others lived with their families and when denied entrance to programs were placed on a waiting list for tuition grants to obtain a private educational program. However, in none of these cases were tuition grants provided.

Also at issue was the manner in which the children were denied entrance to or were excluded from public education programs. Specifically, the complaint said that

> plaintiffs were so excluded without a formal determination of the basis for their exclusion and without provision for periodic review of their status. Plaintiff children merely have been labeled as behavior problems, emotionally disturbed, or hyperactive.

Further, it was pointed out that

> the procedures by which plaintiffs were excluded or suspended from public school are arbitrary and do not conform to the due process requirements of the fifth amendment. Plaintiffs are excluded and suspended without: (a) notification as to a hearing, the nature of offense or status, any alternative or interim publicly supported education; (b) opportunity for representation, a hearing by an impartial arbiter, the presentation of witnesses, and (c) opportunity for periodic review of the necessity for continued exclusion or suspension.

The history of events that transpired between the city and the attorneys for the plaintiffs immediately prior to the filing of the suit demonstrated the Board of Education's legal and moral responsibility to educate all excluded children, and although they were provided with numerous opportunities to provide services to plaintiff children, the Board failed to do so.

On December 20, 1971, the court issued a stipulated agreement and order that provided for the following:

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[12] Mills v. Board of Educ., C.A. No. 1939-71 (D.D.C. 1971).

> 1. The named plaintiffs must be provided with a publicly supported education by January 3, 1972.
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> 2. The defendants by January 3, 1972, had to provide a list showing (for every child of school age not receiving a publicly supported education because of suspension, expulsion, exclusion or any other denial of placement): the name of the child's parents or guardian; the child's name, age, address, and telephone number; the date that services were officially denied; a breakdown of the list on the basis of the "alleged causal characteristics for such non-attendance"; and finally, the total number of such children.
>
> 3. By January 3, the defendants were also to initiate efforts to identify all other members of the class not previously known. The defendants were to provide the plaintiffs' attorneys with the names, addresses, and telephone numbers of the additionally identified children by February 1, 1972.
>
> 4. The plaintiffs and defendants were to consider the selection of a master to deal with special questions arising out of this order.

The defendants failed to comply with the order resulting in plaintiffs filing, on January 21, 1972, a motion for summary judgment and a proposed order and decree for implementation of the proposed judgment.

On August 1, 1972, U.S. District Judge Joseph Waddy issued such an order and decree providing:

> 1. A declaration of the constitutional right of all children regardless of any exceptional condition or handicap to a publicly supported education.
>
> 2. A declaration that the defendant's rules, policies, and practices which excluded children without a provision for adequate and immediate alternative educational services and the absence of prior hearing and review of placement procedures denied the plaintiffs and the class rights of due process and equal protection of the law.

In commenting on compulsory school education provisions the court pointed out that

> failure of a parent to comply with Section 31-201 constitutes a criminal offense. D.C. Code 31-207. The Court need not belabor the fact that requiring parents to see that their children attend school under pain of criminal penalties presupposes that an educational opportunity will be made available to the children. The Board of Education is required to make such opportunity available.

The defendants claimed in response to the complaint that it would be impossible for them to afford plaintiffs the relief sought unless the Congress appropriated needed funds or funds were diverted from other educational services for which they had been appropriated. The court responded:

> The defendants are required by the Constitution of the United States, the District of Columbia Code, and their own regulations to provide a publicly-supported education for these 'exceptional' children. Their failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly-supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds. In *Goldberg v. Kelly*, 397 U.S. 254 (1969) the Supreme Court, in a case that involved the right of a welfare recipient to a hearing before termination of his benefits, held that Constitutional rights must be afforded citizens despite the greater expense involved. . . . Similarly the District of Columbia's interest in educating the excluded children clearly must outweigh its interest in preserving its financial resources. If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom. The inadequacies of the District of Columbia Public School System, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the 'exceptional' or handicapped child than on the normal child.

Regarding the issue of appointment of a master the court commented,

> Despite the defendants' failure to abide by the provisions of the Court's previous orders in this case and despite the defendants' continuing failure to provide an education for these children, the Court is reluctant to arrogate to itself the responsibility of administering this or any other aspect of the Public School System of the District of Columbia through the vehicle of a special master. Nevertheless, inaction or delay on the part of the defendants, or failure by the defendants to implement the judgment and decree herein within the time specified therein will result in the immediate appointment of a special master to oversee and direct such implementation under the direction of this Court.

At the time of writing there are many cases before the courts on right to an education for handicapped children. Several of these cases are bringing interesting new dimensions to the issue. In *Association for Mentally Ill Children v. Greenblatt*,[13] plaintiffs have attacked the placement system as "arbitrary" and "irrational" since some children

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[13] Association for Mentally Ill Children v. Greenblatt, C.A. No. 71-3074-J (D. Mass. 1971).

are placed while others remain on waiting lists. In *Kivell v. Nemointin*,[14] in Fairfield County, Connecticut, the Superior Court ordered the Stamford Board of Education to pay $13,000 in back tuition costs to the parents of a handicapped child who obtained private education for their child after the public school was unable to provide an appropriate program.

In the ruling, the court said it would

> frown upon any unilateral action by parents in sending their children to other facilities, if a program is filed by a local board of education and is accepted and approved by the state board of education. Then it is the duty of the parents to accept the program . . . a refusal by parents in such a situation will not entitle their child to any benefits from this court.

Other avenues of legal change in assuring the right to an education are occurring. Increasingly, attorney generals are being confronted by the issue and ruling favorably. On December 22, 1971, the Attorney General of the State of New Mexico, issued an opinion upholding handicapped childrens' rights to an education.[15] He noted:

> In providing equal learning opportunities for all children, the state, in our opinion, is required to offer equal educational opportunities to all children in the state. Thus, children who qualify for special education are entitled to a free public school education. . . .
>
> Obviously, if these children are entitled to the same free education as all other children, they are also entitled to free textbooks and transportation, as long as free textbooks and transportation are offered to all other children. The state's obligation is to provide equal educational opportunities to all children in the state, regardless of their physical or mental capabilities. . . .
>
> Section 77-11-3.2, *supra* [Chapter 109, Laws of 1971] refers to the availability of state financial support as a condition of offering special education programs. Because the state has the obligation of offering equal opportunities to all children regardless of learning ability this condition cannot be presumed valid. In the past this phrase has been interpreted as meaning only state financial support directly earmarked for special education, but under the reasoning of this Opinion, the condition can be tied only to the total availability of state funds for free public school education.

Another active avenue for legal change has been state legislatures. During 1971, 899 bills promoting education of the handicapped were

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[14] Kivell v. Nemointin, No. 143913 (Fairfield Co., Conn. 1972).

[15] New Mexico Attorney General's Opinion (NMAG 71-125) (1971).

introduced in state legislatures; of these 237 were enacted into law.[16] Approximately seventy percent of the states have enacted laws mandating educational programs for the handicapped,[17] a substantial increase from the less than fifty percent of several years ago. In 1971, the Council for Exceptional Children published a set of model state laws for the elimination of exclusion provisions in compulsory attendance laws and the establishment of comprehensive educational services for the handicapped.[18] On April 25, 1972, the major provisions of the model were signed into law in Tennessee.

Former U.S. Commissioner of Education Sidney P. Marland set in 1971 the goal of full educational opportunity for all handicapped children by 1980.[19] While this commitment is laudable, and as the movements noted above imply, attainable, it assumes that these children have no present rights. The right to an education is not something that educators, politicians or the public grant when it is convenient. Certainly, it will take some time to develop the needed programs and personnel, but the right to an education can not be postponed and must be guarded with judicial overview.[20] For law is the only means that minorities have to assure appropriate behavior from the majority, when such behavior can not be expected.[21]

The case of Harris described earlier represents misclassification. As a result Harris was incorrectly and unnecessarily placed in a special education program.

There has been, since 1970, an increasing amount of litigation questioning the placement of children in special education on the basis of evaluation instruments which are prejudical to the children on the basis of spoken language, cultural background and normative standardization. Much of the logic utilized in these cases is derived from *Hobson v. Hansen.*[22] In ruling that the "tracking" educational placement system utilized by the Washington, D.C. Public Schools was illegal, Judge Skelly Wright considered the evaluation procedures the district utilized.

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[16] STATE-FEDERAL CLEARINGHOUSE FOR EXCEPTIONAL CHILDREN, TRENDS IN STATE LEGISLATION FOR THE EDUCATION OF HANDICAPPED CHILDREN (1972).

[17] Abeson, *Movement and Momentum: Government and the Education of Handicapped Children*, 39 EXCEPTIONAL CHILDREN 39, 63-6 (1972).

[18] F.J. WEINTRAUB, STATE LAW AND THE EDUCATION OF HANDICAPPED CHILDREN: ISSUES AND RECOMMENDATIONS (1971).

[19] Martin, *Individualism and Behaviorism as Future Trends in Evaluating Handicapped Children*, 38 EXCEPTIONAL CHILDREN 517-25 (1972).

[20] Watson v. Memphis, 373 U.S. 526, 532-33 (1963).

[21] M. BERGER, EQUALITY BY STATUTE: THE REVOLUTION IN CIVIL RIGHTS 1 (1967).

[22] Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967).

> [E]vidence shows that the method by which track assignments are made depends essentially on standardized aptitude tests which, although given on a system-wide basis, are completely inappropriate for use with a large segment of the student body. Because these tests are standardized primarily on and are relevant to a white middle class group of students, they produce inaccurate and misleading test scores when given to lower class and Negro students. As a result, rather than being classified according to ability to learn, these students are in reality being classified according to their socio-economic or racial status, or—more precisely—according to environmental and psychological factors which have nothing to do with innate ability.[23]

In January, 1970 a suit was filed in the District Court of Northern California on behalf of nine Mexican-American students, ages eight to thirteen.[24] The children came from homes in which Spanish was the major language spoken. All were in classes for the mentally retarded in Monterrey County, California. Their IQs ranged from thirty to seventy-two with a mean score of sixty-three and one half. When they were retested in Spanish seven of the nine scored higher than the IQ cutoff for mental retardation, and the lowest score was three points below the cutoff line. The average gain was fifteen points.

The plaintiffs charged that the testing procedures utilized for placement were prejudicial because the tests placed heavy emphasis on verbal skills requiring facility with the English language, the questions were culturally biased, and the tests were standardized on white, native born Americans. The plaintiffs further pointed out that in "Monterrey County, Spanish surname students constitute about eighteen and one-half percent of the student population, but nearly one-third of the children in educable mentally retarded classes."

Studies by the California State Department of Education corroborated the inequity. In 1966-67, of 85,000 children in classes for the educable mentally retarded in California, children with Spanish surnames comprised twenty-six percent while they accounted for only thirteen percent of the total school population.

The plaintiffs sought a class action on behalf of all bilingual Mexican-American children then in classes for the educable mentally retarded and all such children in danger of inappropriate placement in such classes. On February 5, 1970, a stipulated agreement order was signed by both parties. The order required that:

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[23] *Id.* at 514.

[24] Diana v. State Board of Educ., C-70 37 RFR (N.D. Cal. 1970).

1. children are to be tested in their primary language. Interpreters may be used when a bilingual examiner is not available.
2. Mexican-American and Chinese children in classes for the educable mentally retarded are to be retested and evaluated.
3. Special efforts are to be extended to aid misplaced children readjust to regular classrooms.
4. The state will undertake immediate efforts to develop and standardize an appropriate IQ test.

As a result of *Diana* the U.S. Department of Health, Education and Welfare's office for Civil Rights issued a memorandum to school districts with substantial bilingual populations.[25] The memo informed the districts that they would be in violation of Title VI of the Civil Rights Act if students whose predominant language is other than English were assigned to classes for mentally retarded on the basis of criteria which essentially measured or evaluated English language skills.

Since *Diana* several cases have been filed on behalf of other minority groups primarily blacks and Indians. Only one, *Larry P. v. Riles*,[26] has reached some form of judicial decision. This class action suit was filed in late November 1971, on behalf of six black, elementary school aged children attending classes in the San Francisco Unified School District. It was alleged that they had been inappropriately classified as educable mentally retarded and placed and retained in classes for such children. The complaint argued that the children were not mentally retarded, but rather the victims of a testing procedure which fails to recognize their unfamiliarity with the white middle class cultural background and which ignores the learning experiences which they may have had in their homes. The defendants included state and local school officials and board members.

It is alleged that misplacement in classes for the mentally retarded carries a stigma and "a life sentence of illiteracy." Statistical information indicated that in the San Francisco Unified School District, as well as the state, a disproportionate number of black children are enrolled in programs for the retarded. It is further pointed out that even though code and regulatory procedure regarding identification, classification, and placement of the mentally retarded were changed to be more effective, inadequacies in the processes still exist.

The plaintiffs asked the court to order the defendants to do the following:

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[25] Memorandum dated May 25, 1970 by Stanley Pottinger, Director of Health, Education and Welfare's Office for Civil Rights.

[26] Larry P. v. Riles, 41 U.S.L.W. 2033 (U.S. June 21, 1972).

1. Evaluate or assess plaintiffs and other black children by using group or individual ability or intelligence tests which properly account for the cultural background and experiences of the children to whom such tests are administered;

2. Restrict the placement of the plaintiffs and other black children in classes for the mentally retarded on the basis of results of culturally discriminatory tests and testing procedures;

3. Prevent the retention of plaintiffs and other black children now in classes for the mentally retarded unless the children are immediately re-evaluated and annually retested by means which take into account cultural background;

4. Place plaintiffs into regular classrooms with children of comparable age and provide them with intensive and supplemental individual training thereby enabling plaintiffs and those similarly situated to achieve at the level of their peers as rapidly as possible;

5. Remove from the school records of these children any and all indications that they were/are mentally retarded or in a class for the mentally retarded and ensure that individual children not be identified by the results of individual or group IQ tests;

6. Take any action necessary to bring the distribution of black children in classes for the mentally retarded into close proximity with the distribution of blacks in the total population of the school districts;

7. Recruit and employ a sufficient number of black and other minority psychologists and psychometrists in local school districts, on the admissions and planning committees of such districts, and as consultants to such districts so the tests will be interpreted by persons adequately prepared to consider the cultural background of the child. Further, the State Department of Education should be required in selecting and authorizing tests to be administered to school children throughout the state, to consider the extent to which the testing development companies utilized personnel with minority ethnic backgrounds and experiences in the development of culturally relevant tests;

8. Declare pursuant to the Fourteenth Amendment to the United States Constitution, the Civil Rights Act of 1964, and the Elementary and Secondary Education Act and Regulations, that the current assignment of plaintiffs and other black students to California mentally retarded classes resulting in excessive segregation of such children into these classes is unlawful and unconstitutional and may not be justified by administration of the currently available IQ tests which fail to properly account for the cultural background and experience of black children.

On June 20, 1972 the court enjoined the San Francisco Unified School District

> from placing black students in classes for the educable mentally retarded on the basis of criteria, which places primary relevance on the results

of IQ tests as they are currently administered, if the consequence of use of such criteria is racial imbalance in the composition of such classes.

Legal activity may in fact make it possible for handicapped children to receive their constitutional right to an education. "Education for all" is a relatively new concept for the American educational system although it has been emerging for almost a century. The system has long believed in equality, but equality meaning sameness. As Bedau notes "Persons have (received) an equal distribution, equal treatment or equal rights, etc., if and only if they have (received) the same distribution, treatment, rights, etc."[27] Tom Watson, the Georgia populist, epitomized this concept best when he stated, "close no entrance to the poorest, the weakest, the humblest. Say to ambition everywhere, 'the field is clear, the contest fair; come and win your share if you can!' "[28]

Even today many judicial decisions such as *Hobson v. Hansen*[29] and *Serrano v. Priest*[30] still define equality on a "sameness" doctrine, equal resources to "children whose needs are unequal." Such a philosophy may have been appropriate for a society that was based on family economic production that could absorb those who could not compete equally in the nation's economic system. Today, however, the education of a child is a community concern, for if he is not given skills sufficient for economic participation then he will become dependent upon the community.

If our society reveres economic participation and independence and if education is the major societal process for achieving these goals then a new concept of educational equality is needed for the age in which we live. Coleman defines such a concept as "equality of results given different individual inputs."[31] This would imply that equality exists when students, no matter what their entry behaviors or conditions may be, successfully achieve educational objectives. More simply, equality is achieved when all children learn to read, regardless of the differentiated resources committed to that purpose.

The basic flaw in this concept is that it assumes that all children have innate capabilities for common educational attainments. Thus, using Watson's analogy we need only provide crutches, or other reme-

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[27] Bedau, *Equalitarianism and the Idea of Equality*, in EQUALITY 7 (J. Pennock & J. Chapman eds. 1967).

[28] C. WOODWARD, TOM WATSON, AGRARIAN REBEL (1958).

[29] Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967).

[30] Serrano v. Priest, 10 Cal. App.3d 1110, 487 P.2d 1241, 89 Cal. Rptr. 345 (1970).

[31] Coleman, *The Concept of Equality of Educational Opportunity*, 38(1) HARVARD EDUCATIONAL REVIEW 17 (1968).

dial assistance to assure that all children complete the same race. The Coleman definition needs modification to be relevant to the plight of handicapped children. Educational equality should be defined as equality of access to different resources to attain different individual goals.

It is this concept of equality that is now being utilized by the courts in right to education suits. The court in *PARC* ordered the Commonwealth of Pennsylvania to provide every retarded person between the ages of six and twenty-one "*access* to a free public program of education and training *appropriate to his learning* capacities."[32] In *Mills* the court ordered that the District of Columbia "shall provide plaintiffs . . . with a publicly supported education *suited to their plaintiffs' needs*. . . ."[33]

The burden is thus on the educational system to assure that the education program provided to each child is appropriate to the child's needs. The question facing schools is how is appropriateness determined? Certainly the issue has many professional considerations, but the courts and other governmental branches are beginning to exert their influence in the decision making process.

In June 1971, the court in *PARC* stipulated and ordered the Commonwealth of Pennsylvania to place into regulations twenty-three due process steps to be implemented by all school districts. The decree stated specifically that no child thought to be mentally retarded could be denied admission to a public school program or have his educational status changed without first being accorded prior notice and the opportunity of a due process hearing. "Change in educational status" was defined

> as assignment or re-assignment, based on the fact that the child is mentally retarded or thought to be mentally retarded, to one of the following educational assignments: regular education, special education, or to no assignment, or from one type of special education to another.[34]

The hearings are to be conducted by persons independent of the school district. Parents are to be informed of their right to be represented by counsel, an independent evaluation of their child to be provided free of charge if necessary, examine all relevant records, cross examine witnesses, obtain a transcript of the hearing and appeal the decision of the hearing. It is interesting to note that the court felt so strongly about the right to due process that the order was issued before the court considered the children's right to an education.

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[32] Pennsylvania Ass'n for Retarded Children v. Pennsylvania, 334 F. Supp. 1257, 1258-66 (E.D. Pa. 1971) (emphasis added).

[33] Mills v. Board of Educ., C.A. No. 1939-71 (D.D.C. 1971) (emphasis added).

[34] Pennsylvania Ass'n for Retarded Children v. Pennsylvania, 334 F. Supp. 1257 (E.D. Pa. 1971).

In *Mills*[35] the court reaffirmed the *PARC* due process principles and extended their availability placement procedures for all exceptional children. In addition the court established the right to a full due process hearing before a child may be suspended from school for two or more days.

The movement to due process is seen by some educators as a substantial threat to the stability of the education system. Their main concern is that they believe that it turns total decision making over to the parents. This is not the case. But it does provide to the child and parents the opportunity to have status in the decision making process. All that due process demands of schools is that recommended educational programs be defended in an advocacy setting on the basis of appropriateness to a child's individually determined educational need.

In this age of growing accountability demands on public education, the due process placement concept may prove to be of benefit to the educator. Gallagher[36] has suggested that placement procedures lead to a formal contract between the school and the parent. The contract would specify the obligations of all parties, the educational objectives to be achieved, criteria for assessing their achievement, a timetable for evaluation, and procedures for renegotiating the contract. The purpose of education is to foster learning, not simply to provide programs. Thus appropriateness can only be finally determined if the prescribed learning actually occurs. This type of procedure should enable schools to avoid the situation found in *In re Held*.[37] In this case a physically handicapped child was enrolled in the public school system for five years, three of which were in special education. During that period the child's reading level never exceeded that of an average first grade pupil. After a year in private school the child's reading skills increased by two grade levels. Thus, the court ordered the state and school district to pay the tuition for the child to attend a private, special school, on the basis that the child's intellectual potential and academic success could only be achieved in that setting.

Educating handicapped children has always been considered by the public educational system to be a "frill" to take care of after every other school need. The reasons used for the denial of educational services to handicapped children are many. They include such statements as the handicapped cannot learn, their presence in school will negatively affect

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[35] Mills v. Board of Educ., C.A. No. 1939-71 (D.D.C. 1971).

[36] Gallagher, *The Special Education Contract for Mildly Handicapped Children*, 38 EXCEPTIONAL CHILDREN, 527-35 (1972).

[37] *In Re* Held, Nos. H-271 & H-10-71 (N.Y. Fam. Ct. 1971).

the learning of normal children, these children make non-handicapped children and adults uncomfortable, the cost of their education is too great, and the teachers and facilities are in short supply. Most of these reasons are mere "wives tales." Those relating to the additional resources necessary are reality. Yet the advocacy of law is clear. Appropriate educational opportunity for handicapped children is a present right that must be provided.

Senator WILLIAMS. Senator Waddell, I am sorry that I was not here to hear all of your testimony. Obviously I will study it later with a great deal of interest. I know all about your work in this area, in meeting the needs of handicapped children, and I applaud it.

I have two or three questions, and perhaps your statement has covered them. We will see if I am being redundant.

The administration is proposing a revenue sharing package for education which would combine part B of the education of the handicapped, title I of the Elementary and Secondary Education Act, title III of the Elementary and Secondary Education Act, and vocational education formula grants.

Could you give us your evaluation of this and how you feel that this approach will affect education for the handicapped.

Mr. WADDELL. Senator, I do not want to be flippant, but, No. 1, in discussing revenue sharing, I have not been able to find out how many dollars they are going to put in it. You know this is the big answer.

Now, if they are going to just transfer programs—my understanding is consolidation of some 33 programs in education—and just transfer dollars, and then let the States redistribute these dollars, in my opinion, as it has historically proven, the handicapped will come out on the bottom of the list.

If the funds are not categorically marked for the handicapped, then I am afraid that they are going to be left out as usual.

Senator WILLIAMS. It would seem that way to me, and yet we know of the special attention that handicapped youngsters have in the educational system of South Carolina. I am just wondering whether your response to the needs of these young people will change. I suppose there is some evidence that revenue sharing will work and I am being sort of a devil's advocate here. You have passed a mandatory specialized education law which will require each school district to develop a plan to serve all children in its district, and this is over a 5-year period. Am I right on that?

Mr. WADDELL. Yes, you are correct.

Senator WILLIAMS. How many children in South Carolina are you serving now; I would like to know about the cost of this effort.

Mr. WADDELL. Senator, last year we served approximately 35,000 handicapped children. This is about 35 percent of what we think is there. We do not know the extent of the problem. I do not think any State can tell you the extent.

These 35,000 children that we served in 1972–73 would cost the State Department of Education approximately $26 million. That is a little less than our general revenue sharing that we received.

The next year we anticipate adding to that base approximately 60,000 children served at a cost of $37 million.

The following year some 79,000 or 80,000, at a total cost of $43 million; and by 1975 we hope to have approximately 100,000 children served at a cost of $55 million.

Now, that is one of the problems that we face. How long can we sustain enough pressure to continue the funding of these programs, particularly when we are met with other pressing needs that are much more glamorous sometimes and much more apparent, and they represent the majority. We are representing the minority group, Senator.

Senator WILLIAMS. I appreciate that, and that is why we certainly applaud so completely what you are doing.

You are in a position to give us a judgment of what the attitudes are and opportunities and capabilities in other States. You are vice chairman of the Education Commission of the States Task Force on the Education of Handicapped Children.

Mr. WADDELL. That is correct, sir.

Senator WILLIAMS. Are the other States generally meeting the education needs of handicapped children as you are in South Carolina?

Mr. WADDELL. Senator, it varies up and down the line. We have some States where it is practically nil. We have other States that exceed or excel us. But I feel that South Carolina falls, if I had to judge by my experience over the last 2 years on this task force, somewhere above middle. I am sincere with you that I think that we have gone further in funding than some other States.

You know just passing compulsory education legislation does not insure that that child is going to receive the benefits. We find that there are problems throughout the country, Senator, and that there are no plan in some instances. We have other States that are well along in the process and have been engaged in it a long, long time.

We tried this act not on a mandatory basis, but on a voluntary basis, and it was not successful, Senator; in other words, letting each school district meet these needs and the State putting the funds in to help them.

But the districts themselves did not meet them. Some of our large metropolital districts, yes, developed a very fine program under voluntary education, but in the long run it will take mandatory legislation in all States in my opinion to accomplish this task.

Senator WILLIAMS. I have many questions here that you are so qualified to address yourself to. I wonder if I could in the interest of time submit these for our record for written answers.

Senator RANDOLPH. Mr. Chairman, whatever you desire.

Senator WILLIAMS. Will that be agreeable to you, Senator Waddell?

Mr. WADDELL. Yes, it would.

[The questions submitted to Senator Waddell, with response, follow:]

QUESTIONS SUBMITTED BY HON. HARRISON A. WILLIAMS TO HON. JAMES WADDELL, JR., STATE SENATOR FROM THE STATE OF SOUTH CAROLINA, WITH RESPONSE

The State of South Carolina has passed a Mandatory Special Education Law which will require each school district to develop a plan to serve all children in their district over a five year period.

I.

A. Q. How many children is South Carolina serving now, and how much does this education cost?

A. Thirty Thousand Children at a cost of twenty-six Million Dollars

B. Q. How many children will you be adding each year, and how much will that cost the State?

A. 1973-74 will be serving sixty-four thousand children at a cost of thirty-seven million.
1974-75 will be serving eighty thousand children at a cost of forty-three and one half million.
1975-76 will be serving one hundred million children at a cost of fifty-five million.

C. Q. Does the State pay the entire cost of special education?

A. No, the State does not pay the entire cost. Local school districts pay teacher supplement, provide space and pay part of the cost of administration and supervision.

II. It has been our experience with Federal Legislation that general education programs will exclude handicapped children unless the law mandates a set aside of funds or specifies a mandatory level of enrolling of handicapped children. Even then, we [illegible]

Miss Lisa Walker

find that the law is not implemented in line with the intent of the Congress. Has this been your experience in South Carolina?

A. Yes.

III.

As I understand it, your plan for implementation of the Mandatory Legislation in South Carolina calls for doubling the number of children served several times over.

A. Yes.
a. Five year time span: 35,000 to 100,000
a. What to you see as the problems that South Carolina will face in implementing this Legislation?
A. I feel that we will have the same problems as other States will have which are: planning for program development staffing, adequate physical facilities, due process and financial.

B. Q. One of your greatest needs will be for trained personnel to teach handicapped children. Will you be able to train enough teachers?

A. At the present I am having an investigation made for the need of special education teachers for the next 5 years and also an investigation of all resources to provide these teachers over over the next 5 years. We have started a project at the College of Charleston, with the assistance of OEO funds, where we are training teacher assistants to aid in the staffing of the classes for the trainable retardeds. This has been a very successful pilot project and I hope that we can expand it to a full scale resource.

IV. Q. I understand that South Carolina has been using Educational Television for the education of handicapped children. Would you describe some of the ways you have used educational television, and how has this been funded?

A. See attached copy. (Appendix)

V. Q. How much money did South Carolina get under general revenue sharing. Has any of this money been used on Education of Handicapped children?

A. Twenty-four million dollars. Under Revenue Sharing. None has been spent for education of the Handicapped, The Ways and Means Committee has recommended for fiscal 73-74, that twenty-one million dollars be allocated to the State Department of Education for the education of the handicapped.

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APPENDIX

In South Carolina we are fortunate to have a comprehensive educational television system and it has become a focal point for all of our agencies dealing with mental health, mental retardation, and the physically handicapped.

Some of the programs that have been produced and broadcast in the past include:

AS THE FOG LIFTS -- An in-depth documentary on all aspects of mental health activites in the State. This series is now being replaced with a new, color film about our 14 mental health centers and clinics ... about their services... and about their education programs in the community.

150 YEARS OF PROGRESS -- A public information film produced by S. C. ETV and seen throughout the State. It is a progress report on our Department of Mental Health. It is a dramatization of its impact, emphasizing its work in crisis intervention, planned re-entry for former patients, and alcohol and drug prevention programs.

South Carolina has received a HEW grant to produce THE OTHER 3%, a series of programs aimed at the parent of the mentally retarded, as well as the general public.

ETV's NINE30 NEWSROOM program has devoted, just recently, four half-hours to an in-depth examination of our Department of Mental Retardation.

THE NEW FANGLED PASTORS -- A training program for ministers produced by ETV jointly with Mental Health on the psychology of assisting the retarded and their families.

THAT ALL MIGHT SPEAK -- A series for parents of the physically handicapped. A few years ago, an incidence of a strain of German measles in South Carolina made it absolutely predicatable that an increased number of children would be born with hearing defects. South Carolina ETV set about to produce a series for the parents of these children even before they were born. The programs concentrated on how to recognize, and how to handle, hearing problems in your own child -- all leading to early and careful treatment of hearing and speech disabilities.

CHANCE TO LIVE -- A series on birth defects and their impact on mental retardation with topics like "The Withdrawn Child," "The Overactive Child," "The Over-Anxious Child," "Learning Disorders," etc.

We have not dealt only with the mentally handicapped, however. In addition to a special television production (OUT OF DARKNESS -- INTO LIGHT) about the blind, South Carolina is one of three states to use our educational radio network on a full-time basis, 12½ hours per day, for the blind. The blind man in South Carolina goes to work just as informed as his fellows on the community news not available to him otherwise on radio or television. He is just as conversant with current periodicals and novels as his co-worker -- not the novels that are 12 to 18 months old that he can get from talking books. And, the blind man in South Carolina is even better informed than his fellows on special ways to economically use his dollar and to order his life around his handicap, to overcome his problem on all fronts.

In addition, we have installed antennas at special education schools, and have helped them with the purchase of TV receivers. One of our special education schools has portable video tape recording and playback so they can maximize the exploitation of existing ETV materials. Many courses are proving to be an excellent means of direct instruction when broken down bit by bit and used with the mentally retarded.

These efforts have been financed in a multiplicity of ways. Most have been funded jointly between the State's ETV system and funds from the most appropriate State agency concerned with each given topic.

In some cases U. S. Department of Health, Education, and Welfare grants have made the final productions possible. However, typically these efforts have been hampered by the necessity of reaching into existing state and local budgets to stretch already limited funds to include new concepts of harnessing the power of television to the education of the handicapped.

Efforts to date are only the beginning of things that can be done. Properly planned funding to utilize the very great economy of the broadcast media, as well as its powerful impact, should be organized in order to make the full benefits of televised education specifically designed for the handicapped possible to a far greater degree than ever before in the past.

Senator WILLIAMS. I know that you have had personal experience with the problem of the handicapped child, and I wonder if you could give us your personal experience as to the adequacy of testing and evaluation techniques for handicapped children, and the availability of programs for children with special needs.

Mr. WADDELL. Mr. Chairman, and Senator, I have had a very unique experience. I have three sons, one of which, the middle son—and I do not mind talking about it—has had a problem. He was dyslexic, but let us not use labels. He had learning disabilities.

All through the first grade, the second grade, the teachers said, "Do not worry about this child. He is just a slow bloomer, and he will blossom forth." When he arrived at the third grade, we went through the traditional system in public schools that if the child is not doing well, hold him back in the third grade.

Really this did nothing, but cost the State of South Carolina an additional $700; he did not benefit from it.

Not only was it affecting his school life but affecting relationships of the family, the child's mental health. We went so far as to go to the mental health clinic to seek help.

We had to go to a private psychologist to have this child tested. They were not available in the school system.

They all came up with the idea that this child had a learning disability. If we had not recognized that he had a problem of translating what he saw with his eyes through the brain to the written word, he would not have bloomed; he would have grown into a weed and he would probably have been one of the many dropouts by now that are in this Nation.

For example, in South Carolina we have a dropout rate of 50 percent. In other words, out of every 100 children that start the first grade, only 50 finish high school.

I attribute a lot of the dropouts to children with learning disabilities who have had no special education experience.

The child of mine has a very high IQ, and this is what mystified us, but finally we were fortunate to discover this, and we took the time to bring this young man along, and this year he will graduate from high school. We did put him through special courses. But for years you could not get the public educators and the professional educators to admit, in my opinion, that there were physical problems in learning to read and translate into the written word.

Senator WILLIAMS. But the diagnosis was not made in a routine testing that was available within the school?

Mr. WADDELL. No, sir. Any other child that did not have the desire or means to solve a problem would have just drifted on.

Another example I hate to give, but to show you what can happen at the medical university, I was looking through a two-way mirror, and they had a black child in there. I said, What is she doing? They said, We are teaching her to talk. I said, What do you mean? This child looks like she is about 11 or 12 years old.

They said, she is. How did you find that she could not talk? They said, she was in the fourth grade, had passed through the first, second, and third grades, before they found out she could not talk.

She was sent to the emergency room—she had cut her hand severely—and the interns picked it up. So they were then teaching this child to communicate.

I do not see how she got through the third grade. Those are some of the examples I have run across, and maybe they are way out, but there is a need for individual help for these children. You cannot do it on a mass basis. That is the expensive part of the program.

Senator WILLIAMS. Thank you very much. It is so important to our record to have your observations on other matters, and I would like to submit these to you in writing. We are most grateful to you.

Mr. WADDELL. Thank you for your courtesy.

Senator RANDOLPH. Thank you.

I am going to only ask one question of you, Senator Waddell, at this time, because we do have many witnesses, and we need the time to hear them.

What do you feel is the role of the Federal Government in helping South Carolina, other States and local political subdivisions to do the job which apparently you feel is not being done at the present time?

Mr. WADDELL. Senator, I think that the major thing we need, and the major problem that I guess every State legislature faces—I have been there 20 years, and this is the first time that I have had a surplus to deal with; frankly, I would rather have a deficit; it is easier.

But if we are going to see these programs successful, and see them successful on a broad basis, there must be set up some partnership between Federal and State governments to help finance this additional cost that we are faced with.

I do not believe that you are going to find any State in the Nation that will be able to fulfill its role in the proper perspective without some additional aid in this field. I think it is one of the most important because I think it is an economic investment.

I think we are going to have to work with you in setting up a partnership relationship where we can cover this excess cost.

Senator RANDOLPH. Thank you very much.

We would appreciate it if Dr. Marianne Frostig and Mr. Tony Curtis would come forward.

Dr. Frostig, we know of your background. We know of your Frostig Center for Educational Therapy, of the work you have done as a psychologist, and of the assistance and leadership you have given the learning disabilities programs. You have given your life in a very real and wonderful way to helping to solve learning problems.

You have a clinic where you have been carrying forward an important effort. I believe you are now professor, are you not, at St. Mary's College?

Dr. FROSTIG. Yes.

Senator RANDOLPH. Are you working in graduate studies now?

Dr. FROSTIG. Yes. I do have the title of clinical professor of education, University of Southern California, but since the Center has established teacher training programs together with Mount St. Mary's, I am not teaching any longer at the University of Southern California.

Senator RANDOLPH. For all of your work in writing, speaking, tutoring, counseling, for your efforts to advance this form of education, we are very, very grateful.

Do you have a statement to make, Dr. Frostig?

Dr. FROSTIG. Yes. I would like to emphasize some of the points which I have put into my written statement.

STATEMENT OF DR. MARIANNE FROSTIG, FROSTIG CENTER OF EDUCATIONAL THERAPY, LOS ANGELES, CALIF., ACCOMPANIED BY TONY CURTIS, MOVIE AND TV ACTOR, LOS ANGELES, CALIF.

Dr. FROSTIG. What I would like to emphasize mainly now is that I believe the cost to society of permitting a considerable proportion of all school children to fail is exceedingly high. Universal free compulsory education is necessary for any industrial society. Universal education leads to special education because special methods have to be developed for the atypical child.

You have spoken about the tortured children, Mr. Chairman, and I do think this is the correct term. The suffering of these children is indeed very great because the children are required to sit in public schools from 6 to 7 hours a day, 5 days a week, 9 to 10 months a year, year in and year out, always knowing that they are failing.

As a result the correlation between retardation and academic learning, school failure, school dropout, and delinquency, is exceedingly high.

Ramsey Clark has suggested that about 80 percent of the children who are delinquent have had learning disabilities.

It has recently been recognized that many children with disabilities must remain in regular classes. The regular classroom teacher has to teach them. In California, for example, there is a strong trend away from the special classroom, because there are so many children, as well as litigation about sending children to special classes.

We must therefore develop individualized programs in regular classes as well as special classes in terms of the specific strengths and weaknesses in the child's learning abilities. There must be programs which can be used in regular and special classrooms in public schools.

We must not be concerned primarily with the etiology, with the causes, of learning disabilities because labeling a child as "minimally brain damaged" or "emotionally disturbed" does not tell us how to help that child. Knowing his deficits and knowing his assets does.

As national legislators, you ask the question, "Why do children fail?" because you are concerned with taking measures designed to prevent or at least ameliorate such failures.

The measures provided in the 1970 act—research, training of personnel, and establishment of model centers—are excellent beginnings. I would also urge you to keep in mind that such aspects of our society as minority status, increased geographical mobility, lack of medical care, but also higher survival rates in spite of abnormal birth or birth defect, and malnutrition also affect the incidence of learning disabilities.

Learning disabilities are highly correlated with minority status. Many Americans today move their residences frequently. "Migratory children" is no longer a term used only for the children of agricultural workers. The school turnover rate may be 150 percent or more during the school year. As the child's necessary adaptation to the new home and school involves severe stress, it tends to retard his development and especially his ability to learn in school.

I have mentioned briefly some of the individual and the societal factors involved in learning disabilities, because I believe strongly that such disabilities must be viewed within a comprehensive framework. No simple panacea will succeed. We cannot view learning disabilities in a manner similar to pneumonia, and trust that some day we will discover the educational equivalent of penicillin.

Research basic to learning disabilities is being conducted in such diverse fields as neurology, nutrition, cultural anthropology, information processing, and many others, as well as in almost all the subspecialties of psychology and education. There are various schools of thought stemming from such various orientations. I have recently compared four theoretical points of view—behavioral modification, psychoanalysis, humanism, and cognitive-developmental—and have shown that methods, ideas, and focus of these various schools as applied to the field of learning disabilities are more often complementary than opposing.

A national coordinating agency, such as the Bureau of Education for the Handicapped, is needed to encourage the required broadly based research and to test various models of remediation, with the proviso that emphasis in research is changed.

Research results have often confused rather than clarified the issues with which we are concerned. Research in the United States usually employs only large group techniques. Findings from such research are frequently confounded. There are several reasons for this. I should like to mention four.

(1) There is lack of agreement on operational definitions of the basic concepts, or variables, used. For instance, we at our center regard visual perceptual abilities as a composite of functions, of which only certain subfunctions may have an influence on learning; other workers, such as Sabatino, also view visual perceptual functions in this way. Others, however, regard visual perception as a unitary function which can be tested with some very simplistic and unstandardized tests.

(2) Statistical methods currently in wide use in this country have severe limitations, which are frequently misunderstood, and results cannot be taken at face value. Moreover, research is often poorly de-

signed, and the most powerful statistical technique cannot overcome the design weakness, nor can increasing the sample size. Leading statisticians, such as Cronbach and Guilford, are well aware of the fact, for example, that we cannot isolate specific abilities by doing a factor analysis of a test battery which has only one test for each hypothesized ability. Comparison of group means do not reflect possible aptitude treatment interactions.

(3) In a new field inductive methods are at least as important as deductive ones. Single methods, single classes, and single cases have to be studied so that we can become more aware of the possible reasons for success or failure. We have to learn to ask the right questions. Research which studies carefully those children who have benefited greatly from special education and those who have not, successful approaches for helping children with learning difficulties and those which have failed, could generate fruitful hypotheses for the possible reasons behind such results, so that the most effective methods and programs could be duplicated.

(4) Finally, the oversimplistic belief in assigning a single cause—emotional disturbance, perceptual disturbance, or whatever—must be abandoned. We do not yet know very much about the interaction of a child's different abilities and why some children, for example, can learn to read in spite of visual perceptual difficulties, while others cannot. The human organism poses such riddles in every aspect of its development. Emotional reactions can also not be predicted.

I also urge the funding of long-term research. We have many innovative projects funded, but labor and money have often been wasted because some excellent results were not followed up because of a lack of Federal funds.

We are indeed lucky that funds were available to our Center from a private agency for intensive in-service training of teachers.

At the present time I am giving a course in Los Angeles to 127 schoolteachers. Numerous other courses are given by us for regular classroom teachers as well as for special classroom teachers.

With the increasing number of children who cannot progress with the usual public school approach, we can no longer think only of special classes or clinic schools, regardless of our theoretical preferences.

An educational therapist, a master teacher in the field of learning disabilities, must be able to perform a great many highly skilled tasks.

She must take the social and emotional needs of the child into account. Children who move frequently, for example, can adjust well to changes and overcome their feelings of loss and loneliness when changes occur, only if the school environment is supportive and friendly. A child who has experienced years of school failure because of perceptual dysfunctions must experience acceptance, warmth, and understanding if he is to overcome his anxiety and be able to concentrate on a learning task.

The teacher of children with learning difficulties must also acquire great skill in diagnosing each child's deficits and teaching him with the specific methods which will enable him to progress. The use of a single uniform program can never be the optimal approach for all children. The teacher has to be trained to adjust the teaching methods to each individual's pattern of abilities and disabilities. To give a very simple example, some children learn best by listening, others through visual presentation. They should be taught accordingly.

An educational therapist needs to acquire skills needed in assisting parents and other teachers. The ability to establish good community relations may be crucial for the success of the program.

All these abilities require time to learn, and they must be practiced in circumstances in which skilled assistance is available. The training, in other words, requires a relatively lengthy period of time and must include an internship. Our own program at the Center is built around teaching experiences in classes of children with moderate to severe learning difficulties.

All of these services and training needs could be rendered by continuing the present educational facilities and extending them with the help of the Government.

The provisions for training of professionals in the bill now being considered must be implemented. In 1972 there were 162,887 teachers receiving degrees or credentials in special education, but of these only a very small percent were trained as specialists in learning disabilities.

I believe private schools have a special role to play in developing innovative programs and effective teacher training.

We send a questionnaire each year to the parents of the children who have graduated from our Center. A followup study shows that more than four out of five children are functioning in their regular classroom. In academic basic skill areas, the children are rated by their parents as especially high in reading. Only 1 percent of the parents indicated that their child's experience at the Center was not helpful.

Private schools should not serve the education of a few privileged children only. Their greatest value lies in the education of leadership personnel and in research, because they can use experimental methods much more freely than can the public schools. At the same time, however, we need successful innovative programs established in the public school systems, and continued for a sufficiently long period of time to insure their further continuation and dissemination.

I would like to give examples from the situations which I know best in addition to our Center. One school district which I have followed for some time is that in Hartford, Conn., which has established a followthrough program independently from Federal funds. This program—in which many minority children and those from migratory families are educated—has resulted in happy teachers, happy children, and a happy community. When the possibility of cutting funds was discussed at a meeting of the board of education, 600 parents whose children were in the program attended to explain their objections. The point of this example is that it seems that the school may have a positive impact on society as a whole, for parents who are satisfied with the school are more likely to be positively involved citizens.

As I have mentioned, many children need to study in regular classes, others in special classes. Supervision in the school is absolutely necessary and has to be done by specially trained teachers. When a system is available to the classroom teachers in these special classes, then these children can return to the regular classrooms much faster.

Such a system can be organized and fostered by the Bureau of Education for the Handicapped.

I therefore regard it as of the utmost importance that funds be available for promoting special education and providing the means of gaining achievement and self-respect in life for children who cannot progress without special methods. Money is necessary for research and for teacher training, to find ways in which more children with special needs can have their needs satisfied in regular classes. Successful, innovative, long-term programs in special education in private and public schools may point the way to educate children to be happy, cooperative, socially concerned, and intellectually adequate in those schools in which they are now destructive, delinquent, and hostile.

Senator RANDOLPH. Thank you very much, Dr. Frostig. We know of your work, of course, as I have indicated. Do you have Federal funding for your program?

Dr. FROSTIG. We have never had Federal funds for the program.

Senator RANDOLPH. Have you applied for Federal funds?

Dr. FROSTIG. One time we asked for funds for teacher training, and we were told there were too many programs already.

Senator RANDOLPH. Do you need Federal funds?

Dr. FROSTIG. We are very, very busy collecting funds wherever we can, spending a lot of time and effort that could be used much more effectively.

Senator RANDOLPH. You work with handicapped children. Are you able to place these children back in, let us say, the mainstream?

Dr. FROSTIG. Yes. Four-fifths of the children go back to their regular classes.

Senator RANDOLPH. In the public schools?

Dr. FROSTIG. Yes. And what is so remarkable is that we have about 15 percent of children who come to us with an original diagnosis of mental retardation and, all in all, we have four-fifths of the children going back to regular classes.

Senator RANDOLPH. There is a real challenge in diagnosing a child.

Dr. FROSTIG. Yes.

Senator RANDOLPH. Does that vary? Does it take a longer period for one than the other? How long a period do you need to diagnose the learning disabilities and decide on the treatment, and then what happens to these children in later life?

Dr. FROSTIG. In our Center we have a very intensive and broad evaluation program performed by an interdisciplinary staff, because we are continuously working on getting better methods and refining our methods—in other words because of research. Such an evaluation is not feasible for the number of children with learning disabilities in the public schools because of time, cost, and staffing factors. The Center's evaluation takes about six to eight weeks, because there is an observational period. The teachers observe each child and see how he learns; this is as important as scores on any formal test.

So far as the future of these children is concerned, at the present time of those children who have left the school, we have 47 percent who have college ambitions. We have a great number of children who are now lawyers and physicians. We have a great number of children who are blue-collar workers. We have some children who are unskilled workers, but I do not remember any who are not working.

Senator Randolph. How many have you worked with during your lifetime?

Dr. Frostig. In my life? Many thousands.

Senator Randolph. Many thousands?

Dr. Frostig. Yes. I have been very long in this profession.

Senator Randolph. You have seen the results, you know that it can be done. Is that right?

Dr. Frostig. Yes.

Senator Randolph. Your testimony is very valuable to the members of the subcommittee and the full committee.

You have Tony Curtis with you, and we know him, of course, for his starring roles in many motion pictures and more recently perhaps for his efforts toward a successful TV series. I believe, Mr. Curtis, you are working on one called the "Persuaders"? Is that correct.

Mr. Curtis. Yes, Senator.

Senator Randolph. Do you think you can persuade us?

Mr. Curtis. I will certainly try.

Senator Randolph. Well, I know you can, sir. I marvel, of course, at your performances. Would swashbuckling be all right as a way to describe how you have approached this task?

Mr. Curtis. Yes. Right.

Senator Randolph. We are delighted to have you here, and your concern comes from personal experience; is that correct?

Mr. Curtis. Yes, it does.

Senator Randolph. Senator Williams and I would like to hear you tell the story in your own way.

Mr. Curtis. Yes. I would like to direct myself to you gentlemen, if I may, as a father and an American citizen. I have a brother who is 32 years old who has been in and out of mental institutions now since maybe age 14 or 15.

During that period of time, I have worked in films. I have been in films for 25 years. Not one penny of the money that I pay as a taxpayer have I ever been able to use to help my brother. This money has had to come out of my own pocket. It is quite expensive, and it has been a very destructive period of time for my brother.

If my brother would have had the opportunity to attend Dr. Frostig's center, perhaps his problems would not have occurred; perhaps he would not now be in a mental institution. Suppose at 7 or 8 his learning disability or his emotional disability would have been noticed. If someone had been around to help him through that particular period, perhaps his life could have been saved. Perhaps he would not have to spend the great number of years he has spent trying to get himself together.

I have two younger daughters who are 8 and 6, of whom I now have full custody. These children would have been lost if I had not had the money to be able to send them to a school where they could be brought up to their learning abilities, and then be able to go to a public school. One of my daughters is now in a regular class, and the younger girl will be going at the end of this semester or the end of this year.

How despairing it is for a parent, a mother or a father, to look at their children and realize that they will not have the opportunity in our country to be able to make a living for themselves, have a life for themselves, develop for themselves all the wonderful pleasures that one can have being alive and also being an American citizen.

To me there should be no question about the funding for this kind of program. Think of all those fathers and mothers who cannot afford to get the necessary special help for their children. Those 7 million children in our country with learning disabilities—how many of these children are getting any special aid? I know in California there are 90,000 children who just cannot get this kind of education or help. More than 5,000 young people are on lists. What good is a list?

There should be clinics for these young people right in the schools so that as soon as some emotional or learning problem is discovered, the child gets immediate aid and help.

To me the foundation of our country is our young people. They are our future, and if we do not address ourselves to them, we create, I feel, young people who may grow up to become the Lee Harvey Oswalds, the Charles Mansons, the really incorrigible young people growing up to be incorrigible adults.

I feel that we can directly help these young people, directly help them in a specific manner, not in some kind of illusory way. That is why this funding and these moneys that we get from the Federal Government to help all young people are so necessary.

If our heritage is that we have a free educational system, then we must give our children a free education, but we must also make it possible for them to absorb that education. Otherwise it is like giving a child a rowboat without any oars.

I feel we must provide education that is therapeutic and provide clinics so that any child that has any kind of disability can be helped. I feel the statistics that we all know about are quite conservative. I feel that there is a much larger percentage of young people who can use that help. I am sure that some child that does not have visual or emotional or education problems can certainly use some extra help every now and then for some problem.

Anyway, it has been a pleasure coming here this morning, and I hope that it will be possible for these countless young people in our glorious country to get as good a chance as anyone else.

Senator RANDOLPH. Thank you, Mr. Curtis. Your testimony is very eloquent and very moving.

How old are your two daughters?

Mr. CURTIS. My oldest girl is 16 and goes to high school, but the two girls I was speaking of are 8 and 6.

Now, my 8-year-old girl, when I received custody of her, had just barely attained the educational level of a first grade child. At Dr. Frostig's school this girl in just 1 semester or 5 months--is it 5 months?

Dr. FROSTIG. Yes.

Mr. CURTIS (continuing). Has transferred to public school in the third grade and is right up with every child in that class.

Now, is that not wonderful? If this girl had not had those services, her failure would have had terrible effects on her. Think of the effects on the family. How many parents become unhappy over a child? They become frustrated, and this feeling becomes part and parcel of the great obstacles confronted by these young people.

Senator RANDOLPH. Do you feel, Mr. Curtis, that the Federal Government should give direct aid to the parents per se, or simply give funding through the school system to help those children that you know so very much about?

Mr. CURTIS. I feel that it should come through organizations. These organizations, I feel, should have a head-to-head relationship, if I may put it that way, with the parent. One should not feel as if one is dealing with just some big building somewhere. It should have that kind of personal relationship.

I feel that would be the best way for people who cannot afford it to be able to get the best benefits for their children. I feel it is an extremely important problem in our country. It certainly is as important as getting nominated for certain jobs in our country.

Well, we know all the problems that beset us, and I feel that this problem should be one of the most important ones, that should not be considered at the end of a long line of handouts. Our taxes, our passports, give us that privilege, and I feel that we deserve it. It is not something which is not deserved; I feel that we do.

Senator RANDOLPH. Senator Williams, do you have comments or questions?

Senator WILLIAMS. Thank you very much.

I wonder, Mr. Curtis, how you and the Frostig Center became known to each other? How did this happen to you? It has evidently changed the lives of your youngsters?

Mr. CURTIS. When I was awarded full custody of my two daughters—they had been living in Germany with their mother—we came to my home in California. When I arrived in California the attorney who is handling my case knew of Dr. Frostig's school, and he introduced me to her and I can never thank him enough.

It really telescoped a lot of time, Senator, saved an awful lot of time of shopping around, if you know what I mean, to find a school that was so tailor made, so to speak, for these children's problems.

I did not realize until after the girls were at the school that anyone who walked in there with any kind of problem—it was tailor made for that child. Each child was individually treated.

I am fortunate. I have the money to take care of it. So therefore I was able to accomplish this. Look at the short period of time in which both these children have been able to overcome their problems.

The younger girl's behavior in the classroom was very difficult. She could not read nor write. Neither girl could. Yet these children have learned to read and write, have begun to take their place in the classroom, and I now know that there will be no educational problems for them; that they will be able to go on and get as much education as they wish.

You see, that decision will be theirs; there will not be some obstacle standing in their way.

Senator WILLIAMS. It was your great fortune that the Frostig Center of Educational Therapy was there and you had a friend who knew about it, and you came together, but there was nowhere in the regular school system that you discovered help for a problem such as your youngsters had.

Mr. CURTIS. It was just really by accident. Senator, I feel we ought to find a system where it would not be just by accident, where someone immediately would have a phone number to call—you can call the police department and the fire department—where you can say, "I have a kid who needs a little help"; and they say, "Right; I know where to send him."

Senator WILLIAMS. Dr. Frostig, is it realistic to be seeking a better system for meeting the needs of handicapped children?

Dr. FROSTIG. Absolutely. I think it is very realistic, and I do not think the cost would amount to more than we can afford. I think that this can be organized either through the Bureau or through whatever agency you have, and I think the Bureau has done an excellent job. A system must be found so that children do get help in public schools, either in special classes or in the regular class—through resource rooms, through specially trained educational therapists, through programs such as those in Hartford where individualized help is available in the regular classroom.

We have the knowledge now to do that.

Senator WILLIAMS. Now, the next question: Is our formula of applying national resources money to this problem realistic? Seventy-five percent of the national contributions would go to the schools for the excess costs of teaching and meeting the needs of the handicapped youngsters. Is that realistic?

Dr. FROSTIG. From what I have heard, yes, but I am not a very good businesswoman, so I cannot tell you, but this was the figure that was given to me, and my impression is that this is realistic.

Senator WILLIAMS. In other words, with that contribution it should draw forth the local resources. As Mr. Curtis says, it is all our money anyway, but the revenue source or the tax assessor is different. The national taxes would be applied to the community, and then the community taxes would be matched on a 75/25 basis.

Mr. CURTIS. Yes.

Dr. FROSTIG. Senator Williams, the successful programs which I know need help. No public school or private school has enough help. It is an unbelievable struggle. It is never possible to really give the best help to all children when one does not have Federal resources.

Senator WILLIAMS. Is the extra cost readily measurable? We say 75 percent of the additional community expense. Can that be measured?

I think it should be readily ascertainable, the figure for special teachers.

Dr. FROSTIG. Yes, it is. For those children who can stay in the regular class—and I am sure with good teacher training a great many children can stay in the regular class—it probably would only amount to a few hundred dollars a year.

Those children who are in special classes—this is in California—the school district pays the private school, and the school district pays what it costs them, and so we know what the district schools' contribution is. It goes from $1,300 up to over $2,000 per child. But this is not for the majority of children; this is only for those children who need very special treatment.

Senator WILLIAMS. Are there many centers similar to yours in the country that you know of?

Dr. FROSTIG. All of the centers which I know are somewhat different. I think that the center which is most like ours in California is probably the Dubnoff school which is mainly for preschool education. Ms. Dubnoff and I have worked together for over 3 years, and that is how the similarities came about.

There are very few centers. There are not enough. It is just really a drop in the bucket.

Senator WILLIAMS. Do people that you have trained at Mount St. Mary's receive their master's degree, and do they go to various parts of the country, and do they stimulate further education on how to meet handicapped children's needs?

Dr. FROSTIG. Yes. They are nearly all in leadership positions and in charge of growing programs.

Senator WILLIAMS. That is the key.

Dr. FROSTIG. Yes.

Senator WILLIAMS. Thank you very much.

Senator RANDOLPH. Senator Stafford of Vermont, is present. The Senator of course did not have the opportunity to hear your testimony, but I want the record to reflect his intense interest and effort in this field.

Do you have something you would like to say, Senator?

Senator STAFFORD. Thank you, Mr. Chairman. I appreciate what you said, and I just want to say by explanation that I was not here earlier because one of the subcommittee's of the committee which you chair, the Subcommittee on Transportation of which I am the ranking member on the Republican side, has been meeting this morning since 9:30, and I have just been able to leave there and come over here.

Senator RANDOLPH. Of course you are a very good member of both committees, and we appreciate your attendance.

I hope it is not inappropriate, Mr. Curtis. I am going to ask this question of both you and Mr. Nolan. I do it because I am a very strong believer in motion pictures and the strength of motion pictures for entertainment as well as learning all the facets of life.

Do you have any comment about the deterioration of motion pictures in the last 2 or 3 or 4 years?

Mr. CURTIS. That is largely due to the fact that the film profession itself has been ripped off by the people who make money from it. The film industry is one of the few industries I know that does not refurbish or replant part of the value that they take from it.

They take the money and run. There is no funding, for example, for young people to get a chance to try out in the picture business. It is really hit or miss. You show up in that town, and you just hope somebody is going to discover you, whether you are an actor, or a writer, or a director, any one of the creative roles of filmmaking.

Consequently when a film comes out and is successful, a lot of producers rush to make pictures that are carbon copies of it. So you get a lot of pictures that are really ripoffs—nude films, stag films—depending on whether a successful one of that type has made it or not comes along.

But it usually evens out. The business is going through a change. I feel in just a few years from now films will be on cassettes, and people will not be going to theaters as much as they will be viewing films at home, and there will be a choice of many, many varied films.

When that happens, when that system becomes an actuality, I feel that the quality of films will improve. A film's budget is now fattened up by a lot of unnecessary expenditures, things that really are not related to filmmaking itself. They are just added on to it. It is very difficult now for a filmmaker to make some profit. If he does not get any success, and if he does not make any money out of it, he is out of the business.

As soon as that is changed a bit where you and I will have an opportunity to see films at home on a cassette, film quality will change.

Cassette film viewing and distribution has already started. There are hotels in certain parts of our country where they have one open circuit, and you go in and there are five or six of the latest feature films being shown, and you can see them in your hotel room.

I feel once the system changes, the quality of films will improve as well, and there will be films that you, Senator, and I will be able to see with more selection than we get today.

Mr. Nolan, I am sure, has been around as long as I have, so he will probably be able to answer your question as well.

Senator Randolph. I thank you very much. I felt it was an appropriate question because you have had long experience.

Dr. Frostig, you and Mr. Curtis have contributed very much to our hearing. We shall remember what you said as we attempt to draft legislation in response to your urgings and to your counsel.

Mr. Curtis. Thank you. Good day.

Senator Randolph. Mr. Nolan, will you come up, please.

STATEMENT OF LLOYD NOLAN, MOVIE AND TV ACTOR, BRENTWOOD, CALIF., ACCOMPANIED BY MARY AKERLEY, NATIONAL SOCIETY FOR AUTISTIC CHILDREN, SILVER SPRING, MD.

Senator Randolph. Mr. Nolan, we know of your very successful career in motion pictures. Today we are thinking especially of your contributions to the National Society for Autistic Children. I believe you have been honorary chairman, have you not, for some time?

Mr. Nolan. Yes.

Senator Randolph. You proceed in your own way. We know your background. We know of the contributions you have made. We say thanks to you for coming.

Mr. Nolan. Thank you. I have been a part of show business for half a century now, but I am also the father of an autistic son who died 4 years ago. And I am the 1974 honorary chairman of the National Society for Autistic Children and the spokesman for that organization today.

Since autism is still so little known or understood even among the professionals, I ask the committee's indulgence to permit me to speak a bit about the problem itself before discussing the proposed legislation and how it can help our children. We do not want to take up too much of your time and have, therefore, attached some supplementary material to our testimony. We ask that this material as well as our entire statement be made part of the record of testimony.

Senator RADOLPH. That will be done.

Mr. NOLAN. Autism is difficult to diagnose because it plays so many roles: sometimes it appears to be mental retardation, sometimes emotional disturbance or psychosis, sometimes aphasia or some other learning disability. My child was very handsome. But there are certain telltale signs that set autism apart from other early childhood disorders.

Autistic children seem like little robots; they are very compulsive, wanting everything in their daily routine repeated without any variation—those who do take notice of toys usually play with them inappropriately and in the same order day after day. They appear to want little or nothing to do with the world and its inhabitants, even their own families. They look through people, not at them. They cannot use or understand language; those who do speak, do so like tape recorders: in a flat voice they endlessly repeat phrases or entire conversations they have heard earlier, usually on the radio or television. They cannot play imaginatively or imitatively—such play implies an awareness of and relation to the outside world. They occupy themseves by spinning objects such as jar lids or by flapping their hands in front of their faces.

Dr. Lorna Wing, a very well known British researcher, has observed that much of this symptomology is also found in children born deaf-blind. There is a clue here: the autistic child, even though his vision and hearing are unimpaired—even acute—somehow cannot use the information his eyes and ears provide. In the midst of the richness of the sensory world, he remains in heartbreaking isolation.

I have painted a very dark picture; for many years it was completely black. The bit of light now making at least the general outlines discernible has come from special education and research. The burden of providing the former has rested chiefly on the parents of autistic children; most of the schools for autistic children in this country were started by desperate parents who had found every public educational door closed and locked to their children. Nor was any incentive to unlock those doors provided at the Federal level until very recently.

Two schools for autistic children, one on each coast, are currently participating in a joint project under the provisions of Public Law 91-230, whose renewal is being considered today. The goal of this project is to develop a national network of interrelated and cooperating agencies, serving the psychoeducational needs of severely emotionally disturbed children with particular attention to children who are autistic or psychotic. The hope would be for expansion of the network over several subsequent years with the joint team continuing to head up and coordinate the training, interrelated studies, and cooperative research.

That hope will die if the Education of the Handicapped Act dies. Once the first step into the light has been made, we cannot return to the dark. For the first time, autistic children are getting services under a piece of Federal legislation; true, it is only a small group of children—the population of two schools, and the services are really indirect as the thrust of the program is the development of teacher-training methods. But therein lies the greater hope: More and better trained teachers mean more and better programs and, consequently, more children served.

Since 1957 there have been several independent studies on the effectiveness of various types of treatment in alleviating the symptoms of autism; all have come to the same conclusion: Autistic children who are in special education programs show marked improvement and a greater rate of progress than those who are not in school. Mr. Chairman and members of the committee, S. 896, which would extend the Education of the Handicapped Act for 3 years, deserves your favorable attention. I am sure you will not take away from our children what they have only recently been given.

The other major area of assistance for our children has been medical research. Again, the efforts have been largely the result of individual efforts as professionals came to see the purely psychological approach as pretty much of a deadend. And, until the appearance 18 months ago of a new professional journal devoted to autism and childhood schizophrenia, there was no one place where researchers could have access to one another's findings. But a quarterly journal is not enough. In the past decade many promising clues have turned up, biochemical abnormalities which could account for the symptoms of autism. Let me cite some examples.

One of the best-known treatments for autistic and other behavior-disordered children is megavitamin therapy. The children do not suffer from vitamin deficiencies in the usual sense, but rather from a metabolic dysfunction which requires massive doses of certain vitamins in order for the victim to function. Hopeful as this treatment is, it has raised many unanswered questions: Not all autistic children benefit from this approach and no one knows why. Dr. Bernard Rimland, director of the Institute for Child Behavior Research where a great deal of diagnostic and megavitamin research is being conducted, and who appeared before this subcommittee last month to testify on the renewal of the Developmental Disabilities Act, has hypothesized that autism is actually a cluster of illnesses with similar symptoms—further refinements in diagnosis could be based on symptom predominance; correlation of symptoms and reactions to megavitamin therapy would be done by computer, and it would then be possible to predict which children would respond favorably to the treatment. This work is supported by private contribution; Dr. Rimland's funds are almost depleted; he has had to stop his research just when it was beginning to bear fruit.

Serotonin is a substance in our blood which affects brain function and the way our nervous system transmits information. It is present in abnormal amounts in children with mental disorders: Downs Syndrome victims have very low serotonin levels; autistic children have just the reverse.

Several research projects in various parts of the country have isolated serotonin as a significant factor in autism, but there is no way at present for these efforts to be coordinated, other than by personal contact between the researchers.

S. 34, The Autistic Children Research Act, would solve that problem. The Director of the National Institute for Child Health and Human Development would have the power to bring together Federal and local public and private research programs on autism. At last, in one place, there would be a comprehensive picture of what is getting done, and thus a way would be provided to avoid unnecessary duplication and to encourage research in promising areas which have not been sufficiently explored.

The fruits of such research could be used to develop the coordinated diagnosis procedures called for by S. 34. The difficulties in diagnosis I mentioned earlier are due to the meager research data currently available. There is no hard-and-fast test for autism; diagnosis is based on descriptive procedures which are very open to misinterpretation. There is, therefore, every reason to believe that S. 34 would benefit more than just autistic children through spinoffs of some of the research and diagnostic projects.

Recent uric acid studies, for example, are crossing diagnostic lines: early results of one project show the same basic treatment helping certain epileptic and cerebral palsied as well as autistic children, and are pointing to a common diagnostic test.

But even if this were not so, passage of S. 34 would be justified. Autism has been the stepchild of the handicaps. America has not taken adequate care of any of her handicapped children; we know that and are concerned about it, but she has shamefully neglected her autistic offspring—perhaps because there are so few (only 4 in 10,000); perhaps because so little is known about how to help them; perhaps because so many have disappeared into institutions for the retarded or insane.

Whatever the reason or reasons, this subcommittee has before it the opportunity to correct the long years of neglect. Fragmented though the research is, it has shown that autistic children are not retarded or mentally ill, they are constitutionally impaired. This research must be continued and expanded if we are ever to stop wasting a potentially valuable human resource. And this much we do know: Autistic children can and must be educated.

Passage of S. 896 would insure that the first nationally supported, tentative starts in that direction will not be aborted. Passage of S. 34 would, in addition to making a powerful national commitment to research, make possible desperately needed day and residential educational facilities. The professionals trained under the BEH programs could carry out the network concept of those programs via the centers provided by S. 34.

We have not mentioned S. 6 or S. 808 because we understand there will be further hearings on those bills. We have emphasized our children's needs today because this is the very first time Federal programs for them have been considered. We are very enthusiastic about this new potential and hope we have communicated some of that enthusiasm to the subcommittee

Senator RANDOLPH. Thank you very much, Mr. Nolan. I have really not been too familiar with the problems of autism. Frankly Ms. Ruth Sullivan of West Virginia, who is a member of your organization, came and talked with me about this problem.

I know that you speak of course from experience, and this means very much to us. I note that you believe that there are reasons for passing the two bills. You think neither of them is in conflict about approaching these problems.

Do you think perhaps it would be best to put them under one umbrella, to bring the bills together? What is your feeling on that?

Mr. NOLAN. I would think simplifying anything would be a step in the right direction, Mr. Chairman.

Senator RANDOLPH. I know we all seek to approach this problem constructively. I am sure Senator Williams and the staff and all of the committee and subcommittee will find your testimony very helpful to us.

We think when a person who has experienced a problem within his own family circle, gives us a picture of what the problem really is he knows firsthand about it because he draws upon his experience. It has been very evident in what you have had to say.

I believe, Ms. Akerley, that you want to make a presentation. Is that right?

Ms. AKERLEY. Yes.

Senator RANDOLPH. You are national affairs chairwomen of the National Society for Autistic Children.

Ms. AKERLEY. Yes.

I would like to comment further on S. 34 at the risk of seeming to belabor the issue. It is our bill, and it is our first bill, and we are very excited about it.

Mr. Nolan has emphasized the research aspects of the bill. Of course that is its title, but it does provide for educational services, too, and I think it would be appropriate to discuss that here.

The second section of the bill provides for Federal assistance to public or private educational service. Of course Dr. Frostig is a marvelous illustration of what such a private center can do for handicapped children. I feel we need both. This bill would provide for both day and residential centers.

I think the need for more schools can be demonstrated very effectively by telling you a little bit about some of the things that parents I know have gone through. I am in touch with parents of autistic children all over the country. I am, myself, a parent of an autistic child.

There are statistics which show that 55 percent of the families with a handicapped child break up. This is because of the strain that having such a child—and this goes across the board with all handicaps—imposes on the family.

I believe that part of it is the terrible pain when you cannot get a child in school. We have a family in Maryland—maybe I should say we had a family in Maryland, because now only the father lives there. He has stayed in Maryland to retain his job, to pay for the very expensive school in Connecticut that his son attends. This is a day school; so in order for the the boy to go to school, the mother had to take the son and a normal daughter and move to Connecticut.

This man commutes every weekend to see his family. The strain on him is indescribable—the trip, the travel, and the time and financial strain of maintaining two households.

We know of another family in Texas whose child goes to school in Missouri. This particular school involves the parents, quite rightly, quite actively in the child's program, but it is a bit of a handicap if you live in Dallas. That mother goes every week to Missouri to the school so she can participate in the program. Every weekend she flies home to Dallas to be with the rest of her family.

This is a big year for autism. It was exactly 30 years ago that Dr. Leo Kanner separated autism as a distinct medical syndrome. Thirty years is a long time to wait for help. When Dr. Kanner described the syndrome, the prognosis was expressed in thirds:

One-third of the children recovered sufficiently to lead semi-independent lives at least; one-third made enough progress that they could no longer be called classically autistic (they developed some speech and some relationships with other people); one-third remained totally withdrawn and mute.

Now we have learned something about helping the children, and one cannot help but think the rate of recovery is going to be ever-so much better. If I may I would like to tell you about my own child just briefly. He will be just 8 years old in May. When he was three he did not speak. The only member of the family who was permitted to touch him was I. He was in no kind of program.

He cried almost constantly when he was awake, and frankly after I put him to bed I cried too for about 20 minutes just to get the tension out of my system.

Our other children—and this is so common—watched us give all our time and effort and attention to this handicapped child who to them was just a spoiled brat. You know, they do look that way. Think of the feelings those other children had. "I am trying to be a happy, helpful member of our family, and this brat is getting all the attention."

That happens in family after family. It seems we have a clearcut case. We can educate the children, at a cost of as much as $50,000; or we can let them rot, and that will cost us about a quarter of a million. I think it is an obvious case, and I know you do too.

Senator RANDOLPH. How many children fall within the category of the autistic child?

Ms. AKERLEY. Of school-age I would say about 24,000. You know we are talking about such a small number of children, it is really a shame not to do something for them.

Senator RANDOLPH. 24,000.

Ms. AKERLEY. In the Nation.

I know, Senator, from personal experience that my son is going to be at grade level next year.

Senator RANDOLPH. At what?

Ms. AKERLEY. At grade level. This child is a child who would not talk, who would not relate, so it can be done.

Sentator RANDOLPH. It will be done, and we must help you to do that job.

Senator Williams.

Senator WILLIAMS. Thank you.

Would you describe this particular handicap of autism as a severe handicap?

Ms. AKERLEY. Yes. I do not know of any mild cases. It is of its nature a severe handicap.

Senator WILLIAMS. But with proper care the youngster can be integrated into the public school.

Ms. AKERLEY. Yes.

Senator WILLIAMS. That has been your experience.

Ms. AKERLEY. My son is not in public school yet, but I know of many other children who are.

Senator WILLIAMS. But you anticipate that your child will be?

Ms. AKERLEY. Oh, yes; and in his special school he is at academic grade level, and this has been done in about 4 years of specialized help—very costly specialized help, I might add.

Senator WILLIAMS. Are many of these children institutionalized and more or less forgotten in terms of special attention and treatment and care?

Ms. AKERLEY. This is very true of the older children because when many of them were at the right age for help there was no help.

Mr. NOLAN. That was the case with my son, Senator, because they did not have the know-how to bring him out.

As a matter of fact, the word autism was coined by Dr. Kanner just about the time my child was born, 30 years ago. These children are so beautiful and so handsome, people do not know what to do about it. We are just now beginning to develop a means where you can say that is an autistic child.

That is the trouble. Very few people, even professionals as I said, know what an autistic child is. They sometimes think you are saying "artistic".

They have strange abilities, brilliant abilities. With my son it was music. He could hum anything he heard on the radio—hum it back flawlessly—but bit by bit, not being professionally encouraged, this slipped back and back and back until later on it was no more that he hummed music.

Other autistic children have absolutely total recall; they never make a mistake. They can give you dates on anything. I have been presented with so many examples. My son never got to that state. Whether he had that ability or not, I do not know.

I remember teasing him once with a puzzle. It was a pretty tough puzzle for me, and he ignored it and ignored it until finally he put the thing together like that (demonstrating), and then hit it off the table (demonstrating).

So this ability is there. It is an extraordinary ability, but until we know and learn as we are doing now how to bring it out, the child will eventually, as my son did, flip back into a total prison of his own.

Senator WILLIAMS. Is there any work being done at the National Institutes of Health on this particular handicap, do you know?

Ms. AKERLEY. There was a very promising research grant in the Institute of Neurological Diseases and Stroke. That grant ran out and was not renewed. This is one of the serotonic grants Mr. Nolan referred to in his testimony on the serotonin research.

Senator RANDOLPH. When did that run out?

Ms. AKERLEY. I believe it was a year ago. But that is the only one I know of.

NIMH is doing some research. I think they have 24 projects, some of them very encouraging, some of them we feel not so encouraging, because they are based on psychotherapeutic models which have been proven really very ineffective with this particular illness.

Senator WILLIAMS. Thank you very much.

Senator RANDOLPH. Thank you, Mr. Chairman.

Senator Stafford.

Senator STAFFORD. Thank you, Mr. Chairman.

I have just one question. I certainly appreciate the testimony of both witnesses, and it has been an education for me since this is a new subject as far as I am concerned.

I would like to ask either or both of you what role if any you feel the States should play, what responsibility they should have in the education of the handicapped generally, and the autistic child particularly.

Ms. AKERLEY. I think they have the same responsibility as they do to any other child. Why should these children be any different really? They are entitled to a free public education.

Senator STAFFORD. Your feeling would be that the State should share in insuring that the handicapped child generally, and the autistic child in particular, receive whatever education can be made and should be made available?

Ms. AKERLEY. Right. They certainly should spend at least the average of what they spend for other handicapped children, and they are not doing that in many cases.

Senator STAFFORD. At the present time you would testify that the burden is falling principally upon the Federal Government and not on the State. Is that true?

Ms. AKERLEY. I could not even say that, Senator. Nobody is doing anything. We have this one program in BEH, but, as Mr. Nolan pointed out, it is primarily a teacher training program, which is fine. That is the kind of geometric effect we want. But that is the only thing.

It really varies from State to State. I am from Maryland. In many States they will pay a child's tuition at private school.

Senator STAFFORD. If this committee of the Congress should pass S. 34 then it would be your feeling that the States should also join in a program on behalf of autistic children; is that correct?

Ms. AKERLEY. Very definitely.

Senator STAFFORD. Would that be your feeling, too, Mr. Nolan?

Mr. NOLAN. Yes.

Senator STAFFORD. Thank you, Mr. Chairman.

Senator RANDOLPH. Ms. Akerley, I think it is important that we have the record reflect today that there has been clearly indecision among the professionals themselves in this problem.

Ms. AKERLEY. Yes.

Senator RANDOLPH. We do not want to point a finger of blame at anyone, but we do know that it has perhaps been made more difficult for those who want to help because there has been such a wide difference of opinion expressed. That of course must not be allowed to continue.

Is the identification of the autistic child difficult?

Ms. AKERLEY. It is. As Mr. Nolan pointed out, there is no diagnostic tests such as you would have for cerebral palsy. We are coming to one I think eventually, but I do not think it is going to happen tomorrow.

So what you have is a child who if he is classically autistic by the time he is seen by a specialist, who could be a neurologist or a psychologist or a psychiatrist, has probably had his symptoms modified.

In our own case we have three normal children, and this is going to affect the way you handle your handicapped child, so by the time we got professional help for our son, he was no longer considered a classic case. He was only 3 years old. The fact that he related to me fouled up the diagnosis.

I think this is very, very common. The professionals, confronted with the child that has some autistic symptomology often determine he has symptomology that falls more into the psychotherapeutic field. It is very puzzling. I think this is why S. 34 is so good. It says: let's have research, and then develop scientific procedures for these children.

It seems to me a very well coordinated approach to the problem.

Senator RANDOLPH. Mr. Nolan, you have had personal experience for 30 years with this problem. Is that right?

Mr. NOLAN. Yes, it is.

Senator RANDOLPH. Do you feel that we are coming now to the point of an understanding by those like the members of this subcommittee and hopefully the Congress?

Do you feel that we have an ongoing program that will be innovative and hopefully helpful to solve the problem that you know exists and you want to see solved?

Mr. NOLAN. That is true. I hope and pray that this is true, because it looks as though autism has taken its first step through the door.

Senator RANDOLPH. Thank you. When did you first take your first step into motion pictures?

Mr. NOLAN. In 1934, sir.

Senator RANDOLPH. I have been wondering how long I have been an enthusiast of motion pictures. I remember the old nickelodians.

Mr. NOLAN. Yes. I remember those well.

Senator RANDOLPH. I remember the young lady who played the piano.

Mr. NOLAN. Yes.

Senator RANDOLPH. There were points in the picture where the action would speed up, and I can remember how she would hit the keys, pedals pumping.

Mr. NOLAN. As a matter of fact, I played with the heavy in the Perils of Pauline—I cannot recall his name—at the Pasadena Playhouse, and Cyrano de Bergerac. He was a huge man; he was very striking, but unfortunately in one of the films of the Perils of Pauline, a dynamite charge had gone off before it was supposed to in the water, and his hearing was very impaired.

But he was very good in the part. I was amazed. They had to give him physical ones, but he was excellent.

Senator RANDOLPH. I remember how Pauline could jump from one boxcar to the other—I never forgot that—as the train would swing around on the rails.

Mr. NOLAN. Those were the days. [Laughter.]

Senator RANDOLPH. On the question I asked of Mr. Curtis, would you care to respond about the quality of films hopefully getting better?

Mr. NOLAN. We would be here quite a long time if I covered the whole subject, and I doubt if I could.

Permissiveness today—just think of the POWs who are coming back now and are amazed at what has happened in 6 years. It is like a new world. They are shocked.

I think history has taught us there is always a pendulum. You know the history of England before Victoria came into power was a pretty gory one, and a sinful one, and then in came Victoria with her consort, and then we had Victorianism.

It is possible that we are swinging away from that again. That happened in China in 75 A.D. They had 50 years of the worst filth and obscenity. Where it came from no one knew. After 50 years it disappeared. So this happens to humanity all over the world.

You do not have the studios with the responsibility that they had formerly.

The studios mostly went to independents. These independents have to make money or they are out of business, and if they think dirt is going to insure their film, they will put dirt in that film.

I think that really there will be a trend away from pornography. This has happened in the Netherlands. Pornography does not pay off there any more, and they were the first to start it. So hopefully there will be a change.

Senator RANDOLPH. Thank you very much for the contributions that you have made and for the information you have given us which has been of such insight, appeal, and strength.

INTRODUCTION OF WITNESSES

Senator STAFFORD (presiding pro tempore). The next witnesses will be Mrs. Shirley Booth, who is a teacher in the Rutland, Vt., public schools, and Ms. Jean Garvin, who is the director of special education for the State of Vermont. I wonder if they would be willing to come up to the witness table.

We are very happy to welcome you, Ms. Garvin and Mrs. Booth, as witnesses. I am very proud of the fact that you are both from the State of Vermont which I have the privilege of representing in the Senate. Ms. Garvin, I know, got her master's degree at the University of Iowa in child welfare research, and I am glad that she reversed the old Horace Greeley trend and came east instead of going west.

She has been the director of special education and pupil personnel services for the State Department of Education in Vermont. That is her present responsibility, and she has a number of other posts of importance.

I would like Ms. Garvin to proceed as she wishes at this point.

STATEMENT OF JEAN GARVIN, DIRECTOR OF SPECIAL EDUCATION FOR THE STATE OF VERMONT, ACCOMPANIED BY SHIRLEY BOOTH, TEACHER, RUTLAND, VT.

Ms. GARVIN. I am pleased to testify before this committee today on S. 896 and S. 6 and to tell you how such bills, if supported, will bring our Vermont handicapped children to new levels of free public education. Vermont has established some very specific goals for appropriately educating its handicapped children. We are determined to meet these goals by 1983. In the past, we have accomplished our objectives by a combination of local, State, and Federal participation and I trust that this cooperative effort will continue.

In September 1972, Vermont still had reached less than 40 percent of its handicapped children with sound appropriate special education. Being more specific, we had provided special education for 17 percent of our children with learning disabilities and behavior disorders, 98 percent of our trainable mentally retarded children, 44 percent of our educable mentally retarded children, 39 percent of our speech and hearing impaired children, 75 percent of our visually handicapped children, 98 percent of our deaf children, 58 percent of our crippled, health impaired, multiple handicapped children, and 3 percent of our children needing early essential education in all areas of the handicapped.

To provide the other 60 percent of our children with the minimum of needed special education services, means that our taxpayers will have to raise an additional $5.4 million, bringing our State special education expenditures to approximately $9 million for 19,000 children. It is expensive to provide free public education.

It is also expensive to ignore the children's rights and our responsibility. However, I am aware that you already understand these rights and your committee is working diligently to overcome these serious deficiencies in our society. Therefore, let me begin by telling you about the importance of the Education of the Handicapped Act in facilitating the growth of special education for the 40 percent of the children that are served in Vermont.

When that act was first passed as ESEA, title VI, Vermont did not have a graduate program in special education. The State department of education had no plan for the 9,000 Vermont children with learning and behavior handicaps but, of course we had the children. That act, along with the enlightened guidelines of the Bureau of Handicapped became the vehicle through which we were able to create a 10-year plan of action and completely turn around in our training efforts and service directions for the children.

You might ask why did this minimum grant of $200,000 make so much difference? The answer is that in our State money was so desperately needed for services to handicapped children in existing programs that it was impossible to convince anyone of the wisdom of using any of this money for planning or program development. The Education of the Handicapped Act provided just that at a time when it was desperately needed.

In addition, the Bureau of the Handicapped provided a very enlightened type of leadership through its training activities, through its own program administration, and in its critical review and acceptance of our new ideas. Consequently, we were able to use a large portion of that $200,000 as a base for a whole new approach to the special education of the learning and behavior handicapped children who did not need to leave the regular teacher and the regular classroom entirely, but who did need assistance in special education. We were subsequently able to document that every Vermont classroom had two of these children already enrolled.

The training program which was appropriate for these teachers also included components that were appropriate for special class and residential teachers. During the first 4 years of the act, we devoted our time, funds, and efforts to the elementary school-aged child. This year, our efforts are beginning to make a real difference to the children served. We have moved from 13 percent to 17 percent and in September we hope to serve 23 percent of the children with learning and behavior handicaps. Remember, this happened because we had the planning and development money to serve children in new ways while also training our staff in a well-planned graduate program. All this took place within the funds made available through the Education for the Handicapped Act.

In addition, this catalytic money made it possible to argue and win a strong case for more university support for special education training and for more legislative support for school district programs now that well-trained staff was available. The result is a plan of action which now includes State department of education, local school district and university commitments.

However, our use of these moneys is just beginning to push back the frontiers of special education in Vermont. Slowly, as the university money replaced the Federal dollars allocated to our State Department title VI project, we were able to do some development of our early essential education program for 2,000 Vermont children of prelegal school age.

In the first year of that project alone, we have learned enough so that we could move ahead in both training and service to children if we had the dollars to proceed with programs. Please remember again that the model for the development was done with money from EHA, in fact, was done on as little as $54,000.

Our latest program development effort has been in the area of secondary school problems. Generally, secondary aged handicapped pupils are ignored in favor of the payoff for early intervention. In Vermont, we find this is not an entirely wise course of action, and we have committed ourselves to the development of a secondary design based upon what we have learned in the elementary consulting teacher design. Two local school district projects funded under our Federal money title VI, have provided us with experience which will form the beginning of both our training and service to the secondary school pupil.

So, I feel confident in reporting to you today that in Vermont the Education of the Handicapped Act has completely revolutionized our thinking, our directions and our services to handicapped children. It has also provided us with two very important staff members to carry through on these commitments.

It has provided us with two instructional materials centers. We have carefully coordinated this money with the part D training money and the part G special projects we have received to support and extend programs for diversified occupations, mentally handicapped pupils in the secondary schools. No funds directed immediately to the education of children on a per pupil basis could have accomplished what this small amount of Federal dollars did in providing much-needed new directions for special education. I look upon this money as problem-solving money and respectfully request that you continue and extend both the EHA moneys and the leadership of the Bureau.

In a very special way, the leadership of the Bureau for the Handicapped has understood the issues of the 1970's and 1980's in special education. They have indeed just been far enough out in front to be helpful to us in this very important national effort to educate all of our handicapped children. They have provided program models, training institutes, and have set a fine example in program administration.

I think for a Vermonter and a bureaucrat, that may be quite a strong statement, but I believe it and would like to submit it to you.

Let us continue the sound beginning of EHA, for without that money, how will we in Vermont search for the answers to the unmet needs of many of our children and adolescents with crippling and multiple handicaps, severe autism, vocational needs; and the answers needed in changing the attitudes and improving the skills of our regular school administrators, the continued development of our deaf-blind programs, and the early education of all of our handicapped children.

The Education of the Handicapped Act has provided us the dollars that are needed for us to solve some of our very important problems. Our commissioner of education and all of my colleagues in special education join with me in reporting to you the great significance this kind of Federal money has for the development of special education in our state.

With that testimony, however, I do not in any way mean to imply that those funds under S. 896 will close the gap between Vermont's present level of funding at $3.6 million and the needed $9 million for comprehensive special education for all our handicapped children. That kind of a leap forward will take another effort from all levels of government.

Our legislature has asked me on several occasions when will the Federal Government help bring us to a respectable level of free public education for our handicapped children.

I believe S. 6 represents a sound and responsible Federal Government answer to help States reach appropriate education for all handicapped children. Senator Williams' bill is a very logical extension of our State funding program. Our State program is providing an excess cost of about 1.6 to the 40 percent of the handicapped children that are enrolled in special programs. The 1.6 figure can be compared with the 1.8 average that is often mentioned in studies such as Rossmiller's resource configurations and costs for programs for exceptional children.

The excess costs in Vermont over the average per pupil costs range from 1.2 to almost 10 times the per pupil costs for a few children. Our expenditure of 1.6 times the average per pupil cost needs to be increased somewhat to make special education services adequate. But more important, we need additional excess cost funds so that the remaining 60 percent of our children can be brought to required levels of special education.

The excess cost formula in essence would represent the fair Federal effort which would both encourage and support the State effort and bring us speedily to the day when all handicapped children could expect an adequate level of special education.

Without such Federal help, it is doubtful that we will reach these levels by the end of the 1980's. For some children, even as yet unborn, that is too late. Help is desperately needed to bring our 9,000 handicapped children the excess cost funds required to make the school district expenditures meaningful and useful. By depriving our children of these excess special education costs, we may indeed be wasting money that is spent on their education at this time.

I say this to you, because we in Vermont believe that these children do have the right to free public and appropriate education. We believe that this education should be provided at public expense under public supervision. We also believe in the individualized written plan required by the Williams bill. To safeguard the children and to insure that the money indeed makes the difference, it is vitally important that special educators require statements of the child's present level of educational performance, the long-range goals for him, and an objective evaluation of each procedure.

I know I speak for our Vermont Legislature because recently they sent a resolution to Senator Stafford asking for just such help as it outlined in S. 6. I speak, too, for the commissioner of education and the State department of education of the handicapped children and their parents in Vermont when I ask your support of the two bills now before the committee, S. 896 and S. 6, as a way of meeting the children's rights and our responsibility.

Senator STAFFORD. Thank you very much, Ms. Garvin, for that excellent statement. I think it is worth noting for the committee and the record and my distinguished colleague, Senator Williams, that Ms. Garvin is one of only two State directors of special education in the Nation who is a woman.

I should like now to invite Mrs. Booth to make whatever statement she cares to, and then we will go to questions after she has completed her statement.

Mrs. BOOTH. I would like to speak very briefly from a strictly personal point of view. Since I knew that I was going to come to Washington and have the honor of appearing before this committee, I have tried to familiarize myself with your proposed bill and our State budget and our local budget for special education, and I am afraid I have become more confused then enlightened, due to my own limitation, but I can perhaps give you a point of view from the person who is handicapped and as a person who has worked with the handicapped children and with the parents of the severely handicapped children.

I myself am legally blind but was able to get a general high school education in Rutland High School during the early 1940's. Because it was a small school and we had dedicated teachers, though they were not especially trained to work with the handicapped, they were able to give me extra time.

At graduation the question was: What does a blind person do who has no special training, no career training? It just happened that vocational rehabilitation funds had been made available to the State of Vermont, and I believe I was the third person in the State of Vermont who received these funds.

I was able because my grades were good to receive my tuition for 4 years at the University of Vermont, but my family could not possibly have paid my board and room, reader's fees which were needed beyond the tuition.

After completing, I went to Columbia University for a while, but my career plans were interrupted for about 5 years for marriage. I found myself suddenly with two young children; we were living in Chicago, and I chose to return very quickly to Vermont to be with my family.

I found myself caught up in special education while my own children were still preschoolers. Not that I felt that I was really ready to leave my own children to go to work, but I was the only person in the area who knew Braille and a few of the other techniques necessary for educating the visually handicapped.

So I found myself tutoring multiple-handicapped blind children who would not fit into the State programs. It had been a custom in Vermont for quite a long time to send the visually handicapped youngsters who were academically capable to Perkins School for the Blind, and they did pay very high tuitions to very excellent out of State residential schools, but many Vermont children did not adjust to these schools because they were homesick or perhaps they were not academically gifted, and the parents of these children were faced with a choice of either keeping these children at home with no educational services or placing them in the Branden training school with no educational program.

Brenden training school is our State residential school for the mentally retarded, and here they were cared for as custodial cases because they had no one specially trained to work with the visually handicapped.

I started tutoring a number of these children, and then because there were Federal funds available through the State special education department, Jean Garvin had me tutoring several of these children. These were sometimes really homebound children because some of them were receiving surgery for orthopedic problems or other handicaps.

We soon found that we could do better with these children as soon as they were able to be up and around in the class, and so we started a class for the multiple handicapped in Rutland.

The thing that we are concerned about is not only our multiple handicapped but all handicapped children; that they receive appropriate services as soon as possible.

Most of the children have started at the age of 10, 11, or 12. Hopefully within the next year or so I will be starting to work with much younger children, because most of the time I spend with these children is spent in unlearning bad habits, bad attitudes, that they have picked up from neglect.

They have a very poor self image, if one at all. Their families have had very heavy burdens put upon them, and some of my children have been rejected by their families. There cannot help but have been times of depression with these children because they did not seem to be developing, and no one in the world seemed to be paying any attention to them, so they themselves in their own subtle ways rejected these children.

So sometimes these children respond quite quickly and start developing toward their true potential, but many times we spend 2 or even 3 years helping them to overcome apprehensions, fears, blocks to learning that were not necessary even though they have been visually handicapped and slow learners. They still have potential. They may not be 100 percent self-sufficient in years to come, but they will be much more independent. They will be less burdensome on their families.

Some of them may be semi-independent economically, perhaps work in a shelter workshop or find protected placement in industry.

I do feel that it is a great waste not to get these children the services they need at an early age, at a time when they need them.

Early diagnosis is very important. Preschool training is very important. Parent counseling is very important.

I do feel also that these programs cannot be carried out without financial support, just as I would not have had a chance to have a college education had vocational funds not been available.

I really shudder to think what my life would have been if that opportunity had been not made possible for me. It would certainly be very bleak I am sure.

These children also in order to fulfill their potential, no matter how great or limited it is, do have this right, and I feel that every year or every month actually that they lose is truly a great waste.

We speak about wasting our environment, and I know this is a really pressing concern for a nation, but I think that our children, our handicapped children included, are a more precious resource.

As I say, I cannot grasp large budgets, but I do know from my own personal experience where some of my tax money is going. It has been a great thrill to me to have an opportunity to earn my own living and to give my own children a richer life.

It is perhaps not with regret that some people have when they pay their taxes that I make out my income tax form.

In looking over my own personal finances for the past year I earned just about $10,000 in my teaching of handicapped children, plus an evening course that I teach at St. Joseph the Provider, helping teachers who will be teaching regular or special education have insight into visual problems; and through lecture fees.

About $400 of the $10,000 I earned was spent to pay my property tax, and I know about 90 percent of that went to support general education in Rutland town. About $300 was spent in income tax to the State, and I would think about $300 more spent in paying the sales tax for services in Vermont, so somewhere around $600 of my income went to the State government.

Over a thousand went to pay my Federal income tax. Seeing the large effort that is being made on the local level to support general education—and Vermont has made a full effort, as Ms. Garvin has indicated—a really good effort has been made to support special education at the State level, but we cannot possibly do this.

I think out of that larger percentage that the average taxpayer is paying the Federal Government some of that has to go back to education, particularly special education. I see no other way that we can possibly provide these services, and I am sure you gentlemen realize this or you would not be having these committee hearings today.

I would like to emphasize this. We do think of special education as being terribly expensive. I think in my own case it can be seen that it does pay off economically, but really we do spend I think more than we realize on our so-called normal or gifted children.

My own son and daughter have had their education at public expense. They are now a sophomore and junior in high school. Part of my property tax money has gone to support this, but this has been completely at public expense that they have received a very good general education.

They have been able to take advantage of this, and I am very thankful for it. Now they are ready to think about going to college, and so they have been looking into what we would like to do, what would be the best colleges.

I was appalled to realize that even as much as it will cost to send them for board and room that will have to be paid by myself, this is only a small percent of what it takes to train a doctor or a lawyer.

So actually our more talented people are receiving Federal help. They are receiving State money. They are receiving private assistance to receive their education, and I really do believe that our handicapped children deserve this special consideration as well as our more gifted children.

Senator STAFFORD. Thank you very much, Mrs. Booth. We certainly appreciate the special effort that you have made to be here as a witness before this committee this morning. We think you have made an especially good case for—to use an overworked word—the benefits of special education. How you have been able to do everything you have done and raise a family and teach school I do not really know.

I know you have done it, and two of your teenage children are here in the committee room with you this morning.

Mrs. BOOTH. I have only been able to do it because I have had a lot of help.

Senator STAFFORD. Well you are to be a lot of help to this committee in helping us understand the problems of the country and the States that make up the country jointly facing the responsibility of our young people who need adequate education, especially those who are handicapped.

I cannot let the record be silent on the fact that you teach in the public school system of my own home town.

Mrs. BOOTH. Right.

Senator STAFFORD. Now let me invite Senator Williams to ask any questions he cares to.

Senator WILLIAMS. Thank you very much, Senator Stafford.

Mrs. Booth, you talked about the right of youngsters to a public education. You used the right word when you said their "right"; it is a legal right and it has been established now in many court cases that handicapped youngsters have a right in this country to an equal education.

Mrs. BOOTH. Yes. I am pleased that the courts are coming out with these favorable decisions for the right of the handicapped children, but I realize that these are decisions, and that these decisions have to be implemented, and this takes a great deal.

Senator WILLIAMS. And there is an additional expense in educating a youngster with handicaps. That is why we are meeting in hearings on this legislation. We recognize the burden on the community is an extra burden, and it must be met. That is why these bills put the national resources in partnership with community resources to meet what under the law must be done.

Just to get a little idea of the cost that you are talking about Ms. Garvin, you obviously have a way of assessing the excess costs related to the special education for handicapped youngsters.

I wonder if you would give us an idea of how you calculate this. This is important under the bill. It has to be calculated because we put it on a percentage of the extra costs under the S. 6 bill.

Ms. GARVIN. I had given quite a bit of thought to that because we have faced that problem in completing costs as we pay for any given special education.

I think first of all it really has to be based on the data that are generated from children because there are lots of excess costs that time may show not to be necessary, and there is a great burden placed on us as special educators to use the information generated from research on what pays off for children.

I say that because I am not entirely in accord with the type of State special education programs which build very very large teams of expertise to deal with certain learning handicaps.

Now this is required by some children, and I really perhaps should not have brought it up because it is too complex an issue to deal with here, but much of what a large portion of our handicapped children need is very careful assessment of where they are, and very careful observation of what makes a difference when you try certain techniques.

This does not have to be done by large numbers of people. It can be done by very well trained people who can do it simply by being excellent observers and excellent teachers.

I feel that we can settle for an excess cost that we can afford, particularly for the largest number of youngsters. That excess cost for our learning disability youngsters that would be our most mildly handicapped hopefully would not exceed twice what it costs for the average child.

I hope it would be less than that, but it is based on some pretty hard-nosed professional decisions about what is worth paying for and how you find that out.

I can see where that presents a problem to you, and perhaps the Congress can only be arbitrary about what is excess costs, what we can afford to call excess costs, and then let the professionals deal with that money.

Senator WILLIAMS. Thank you very much.

If this legislation goes into effect, the Commissioner has to establish criteria. How does it work in Vermont? What criteria do you use in arriving at that extra figure, the excess cost figure?

Ms. GARVIN. Unfortunately perhaps we always have to start with the dollars available and work backward.

One excess cost is to be absolutely certain that there is a basic teacher who knows what she is doing working with these children.

Senator WILLIAMS. Is this an exclusive occupation of this teacher or is this teacher also available for the education of those who are not part of the handicapped?

Ms. GARVIN. We have several models. We do have 150 special class teachers, but we are working on making 4,000 elementary and secondary teachers capable of handling a greater part of this job and adding a support person, either a resource or a consulting specialist, so that the special educator is handling the largest number of children possible in regular education with the support service.

That is of course the most cost beneficial, and I think the most child beneficial, but it takes a high degree of expertise not only to work with a child but to help a teacher work with the child.

That excess cost is about half again the per pupil cost. It would be instead of $860 average per pupil cost, probably $1,200. It would be $400 of special education cost on top of the $800 that would be built into every child's educational cost.

Senator WILLIAMS. In other words, you feel that it can be developed to the point where the extra cost is equal to about half of the regular cost of education.

Ms. GARVIN. For a very large number of children. Now then, moving out from that large number are children where the excess costs go very much higher than that.

Senator WILLIAMS. That is very helpful. Can you also explain how the State and local governments divide educational costs in Vermont.

Ms. GARVIN. Our law is kind of an interesting one. It is different from almost any other in the country I think.

We figure a reasonable cost for a child. We literally put together what is a cost for that child, build a budget for him, and then the town school district pays to us its average-per-pupil cost, so that if we put together a cost for a child let us say that is $2,000, or $4,000, or $6,000, the town school district always pays us back its average-per-pupil cost.

The town school district never exceeds its average-per-pupil cost, and the State then makes up the difference between that cost and the total cost of the child.

Senator WILLIAMS. It is on an individual child basis I see.

It impresses me that Vermont is most enlightened, and I would guess this all started under Governor Stafford.

Ms. GARVIN. I think it did.

Senator WILLIAMS. That was a good guess.

Senator STAFFORD. I want to express the subcommittee's appreciation to both of these witnesses for being here.

In view of some constraints on the subcommittee's time I have one question that I had intended to address to you, Ms. Garvin, on the matter of revenue sharing. I will ask you to answer for the record, if you will, in writing later, and not now.

The question for the written record at a later time is that you comment on the handicapped provisions of the education revenue-sharing proposal. If you will do that later in writing, the subcommittee will appreciate it.

Ms. GARVIN. I will be very happy to.

Senator STAFFORD. We want to thank you both again for appearing as witnesses and helping the subcommittee in its difficult task.

Senator Randolph, did you wish to comment?

Senator RANDOLPH. Thank you, Senator Stafford, for chairing the subcommittee in my absence.

I have listened with interest since I have returned, and with approval to the program in Vermont. I congratulate you and your fellow citizens on your initiative.

Our next witness will be Governor Foss.

STATEMENT OF HON. JOSEPH J. FOSS, FORMER GOVERNOR OF SOUTH DAKOTA

Mr. FOSS. I know the hour is getting late, and I have a prepared statement that I am not going to read. I am a terrible reader.

I represent the National Easter Seal Society, and I note on the prepared statement it said I have been associated with them for 20 years. Actually it has been about 30 years.

I managed to get involved because of the fact that we had a handicapped child, a cerebral palsy child, and we got to looking around the country just to see where we could find some rehabilitation centers. We were willing to pay our own way and could afford it, fortunately, but at that time back in the 1940's those centers were just not available.

I think, as I recall, there were less than 20 centers that the Easter Seal Society had at that time that were involved, and I know now that there are over 1,400, so you can see how it has changed in the meantime.

But with the handicapped person, physical or mental, if they receive treatment at the proper time, they can sometimes go on to become completely self-sufficient, as was the case with our daughter.

She went on and now at age 31 is married. She married a chap who has no legs, and they are completely self-sufficient and have been for several years. They are happier than a lot of people that are physically and mentally alert in every sense of the word.

I will skim over a lot of my prepared statement and probably put in some other things.

Mr. Chairman and members of the Senate Subcommittee on the Handicapped, I am Joe Foss, director of public affairs for KLM Royal Dutch Airlines. I am here to represent the National Easter Seal Society for Crippled Children and Adults with which I have been closely associated for more than two decades.

In 1972, 244,650 physically handicapped children and adults received rehabilitation services in programs operated by Easter Seal Societies throughout the Nation. Of this total, almost 25,000 received educational services. Although the primary population we serve are physically handicapped children with orthopedic and neurological conditions, our education programs also include children with communication disorders, learning disabilities, mental retardation, and emotional problems.

Two thousand six hundred and eighty-six parents received education services to help them understand and cope with the needs, problems, and potentials of their handicapped children. We have always regarded special education as two dimensional—for both the child and his parents. Without the understanding of family members, a handicapped child is further handicapped in trying to achieve intellectually, socially, and emotionally.

Just a word on that. It used to be that a mentally handicapped person was kept in the background, and the parents were hesitant to come forth.

I have worked with the physically and mentally handicapped now for a long time, and have seen it completely turned around, so that we do everything that we can in a great percentage of these cases to see to it that they receive treatment or are given a chance to receive an education.

I would like to say that the evolution of the slow learner has been a really interesting thing, in that when the public schools came out with what they called special education some of the parents objected to it. They did not want their children put in this category.

Senator RANDOLPH. They thought there was a stigma attached.

Mr. Foss. That is right. They thought that there was a stigma attached to it, but now I am happy to say there has been a turn around, and it has brought about a lot of changes in the last few years.

Senator RANDOLPH. Are you familiar with the legislation we are considering?

Mr. Foss. I am not what you would call completely familiar.

Senator RANDOLPH. You do realize that we are attempting to present to the Senate, legislation that would help in the funding of school programs for handicapped children.

Mr. Foss. Yes.

Senator RANDOLPH. That is our basic purpose. Do you feel that this is a role which the Federal Government should share with the States and local political subdivisions?

Mr. Foss. I do. I feel that it should work as a partnership. When you are all involved, and they should be from the local level right on up to the national level, to give these people an opportunity to get in the ball game, as we say, this is as it should be, and any time legislation of that type is up, I am all in accord with it.

Senator RANDOLPH. Governor, I appreciate the consideration you have shown by quoting only portions of your testimony, but it will be placed in the record at the conclusion of your testimony.

Mr. Foss. Thank you.

Senator RANDOLPH. We know that what you have said is helpful. I know of your experience with the Easter Seal program and many other programs in which you are interested and vitally concerned.

I asked you on a personal basis, are you still flying?

Mr. Foss. Yes, sir. I am still an active pilot. I am currently flying jets.

Senator RANDOLPH. How old are you now, Governor?

Mr. Foss. I will be 58 the 17th of next month.

Senator RANDOLPH. You are a durable man. Those of us who know of your record compliment you very much on your leadership in the Air Force Association and many other activities. Thank you very much, Joe Foss. You are a credit to all that I think is good in this country, as a private citizen and as a public official.

Mr. Foss. Thank you, Senator.

Senator WILLIAMS. Governor Foss, I would like to make the observation today that we are dealing with these three legislative matters all focusing on the education of handicapped children, and it is impressive that you and others so active, so prominent in life in this country, are taking time to come here to help us develop this legislation for those who have been pretty generally left out and are low on the list of priorities in terms of attention and expenditure.

You are trying to correct that by all of the activity in which you are engaged as are our other witnesses today. It is most significant.

[The prepared statement of Mr. Foss follows:]

Statement of Joseph J. Foss

for

The National Easter Seal Society for Crippled Children and Adults

Before the

Subcommittee on the Handicapped

of the

Senate Labor and Public Welfare Committee

Jennings Randolph, Chairman

on

S.896
S.6

March 20, 1973

Mr. Chairman and members of the Senate Subcommittee on the Handicapped, I am Joe Foss, Director of Public Affairs for KLM Royal Dutch Airlines. I am here to represent the National Easter Seal Society for Crippled Children and Adults with which I have been closely associated for more than two decades.

As a former President of the National Easter Seal Society and as a parent of a daughter who has cerebral palsy, I am aware of the necessity for continuing the Education of the Handicapped Act and for assisting States in meeting the excess costs of educating handicapped children.

SPECIAL EDUCATION IN A VOLUNTARY AGENCY

20 years ago when I first became active in the work of the National Society, one could barely discern the beginnings of special education programs for crippled children. The National Easter Seal Society and its 1400 affiliates have always had a major concern for the education of handicapped children. In fact, in many States they were responsible for promoting the first special education legislation, in underwriting the salaries of special education personnel in State departments, in pioneering special education classes, in establishing teaching programs for the homebound, in promoting recruitment of promising young people and in training special education teachers.

Although progress has been made since those days, our interest and efforts in special education have continued. The need, as you well know, is still unmet for over 3,000,000 preschool and school age handicapped children. As public school systems gradually assumed increasing responsibility for serving handicapped children of school age, National Easter Seal Society moved to serving the preschool handicapped child in our comprehensive rehabilitation centers, speech and hearing programs, and preschool centers. We can testify to the rewarding results of preparing these children for entry into regular or special classes in the public school system.

In 1972, 244,650 physically handicapped children and adults received rehabilitation services in programs operated by Easter Seal Societies throughout the nation. Of this total, almost 25,000 received educational services. Although the primary population we serve are physically handicapped children with orthopedic and neurological conditions, our education programs also include children with communication disorders, learning disabilities, mental retardation, and emotional problems.

2,686 parents received education services to help them understand and cope with the needs, problems and potentials of their handicapped children. We have always regarded special education as two-dimensional - for both the child and his parents. Without the understanding of family members, a handicapped child is further handicapped in trying to achieve intellectually, socially and emotionally.

Statistics are but part of the whole story of special education. Special education goes beyond cognitive learning. Special education helps shape the handicapped child's capacity to cooperate with other children and to compete with them. It is preparation for adult living and for future employment.

Our preschool programs have demonstrated that progress is more rapid if the child has an opportunity for education, socialization, and supervised group activity at an early age and if provision is made for involving parents in the program. Much that has been learned from the Head Start program for culturally deprived children applies to the handicapped child. Both need an enriched program directed not only towards academic achievement but also towards their total development.

Another key part of the National Easter Seal Society's education program is early identification of infants and very young children with both developmental delays and congenital handicaps, and the training of parents in their care and treatment. Still another group of handicapped children who are receiving major attention by the National Easter Seal Society and its affiliates are the children with learning disorders who are becoming a growing part of our preschool caseloads and the subject of our annual professional training programs for special education teachers. A facet of our work which has an important bearing on educational opportunities for the handicapped is the program to eliminate architectural barriers which prevent many children, especially those who use crutches, braces and wheelchairs, from attending regular public schools.

The education program of the Easter Seal Society we have described is a microcosm of the services provided by public and other private agencies. At present these services are available for only a limited number of handicapped children throughout the country. In the near future, we envision an education program adapted to the individualized needs of all handicapped children, which will be provided through tax supported resources. The extension of the Education

Act you are now considering is basic for the realization of this objective.

PARTNERSHIP

The National Easter Seal Society has had a gratifying and productive relationship with the Bureau of Education for the Handicapped and its predecessor agency. This partnership has been mutually beneficial to public and private organizations and to handicapped children. Easter Seal Societies have been recipients of research and demonstration grants including support for the initiation of an infant stimulation program under the Early Education Assistance Act.

The Bureau of Education for the Handicapped has pointed out that most of the grants to develop model programs for children under 5 years of age have been awarded to non-profit organizations. In almost 100% of these cases, the model programs were continued on a permanent basis, supported by private funds, once grant support was terminated. In addition, these model programs stimulated similar programs in many communities. The impact of the Federal programs has been both lasting and extensive not only under the program of early education but also under the special programs for children with specific learning disabilities. The National Easter Seal Society in cooperation with Federal agencies including the Office of Education, launched the first definitive study on terminology and identification of children with learning disorders. From this initial project, two additional studies were completed by Federal agencies - one on identifying the types of services required in the management of these children and one on research needs in the field. These projects further illustrate the gains that can be made when voluntary and public agencies coordinate their efforts for the benefit of handicapped children.

THE FEDERAL PROGRAM

Over a hundred years after Congress enacted the first legislation for the handicapped, establishing a national college for the deaf, it consolidated a series of programs under one principal administrative structure - the Bureau of Education for the Handicapped. It was expected to - and it did - produce more effective educational programs for handicapped children. This Federal program exercises a catalytic influence by stimulating and encouraging State and local educational agencies to improve education through research, to train personnel, and to expand programs.

We strongly urge the continuation of the Education Act for the Handicapped which may determine whether or not a handicapped child receives an education - and equally as important - an appropriate education. Specifically, we support the extension of all provisions of the Act under the administration of the Bureau of Education for the Handicapped:

Assistance to States for education of handicapped children

Centers and services to meet special needs of the handicapped

Early education for handicapped children

Recruitment and training personnel for the education of the handicapped

Training of physical educators and recreational personnel for handicapped children

Research and demonstration projects in the education of the handicapped

Instructional media for the handicapped

Special programs for children with specific learning disabilities

As one who is keenly interested in the wholesome development of young people, I want to make a plea for the continuation of the programs for research and training in adapted physical education and recreation for the handicapped. Harvey Wheeler of the Center for the Study of Democratic Institutions underlines the importance of the non-academic side of education:

> "Athletics was always a part of the well-rounded curriculum; 'a sound mind in a sound body' was inscribed above the gymnasium door. But the real ahtletic message applied not to the mind and body for its own sake, but to the competitive situation out there. One had to participate in athletics for very practical reasons. The battles of England were won on the playing fields of Eton. American football and baseball taught the cooperative and team-spirit principles, but also the competitive spirit necessary for success in a business world."

We also support the increased authorizations called for in the bill. The levels proposed for each part of the Act reflect confidence in the effectiveness of the program to date. These amounts will permit a gradual and orderly expansion of programs over the next three years. Although Congress must make difficult choices regarding domestic spending, these authorizations are essential to meet the needs of unserved millions of handicapped children. Dr. Joseph A. Pechman, a Brookings Institute economist, has stated that it makes no sense for a nation with a median family income close to $11,000 to pretend that it cannot do many things for its citizens including improving its education system.

The passage of the Education for the Handicapped Act Amendments will move the nation forward in achieving the goal of the Bureau of Education for the Handicapped - namely: to assure that every handicapped child is receiving an appropriately designed education by 1980.

Thank you for the privilege of appearing before you.

BIOGRAPHICAL DATA

JOSEPH J. FOSS

Name: Foss, Joseph Jacob

Born: April 17, 1915
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Education: Washington High School, Sioux Falls, South Dakota
Augustana College, Sioux Falls, South Dakota
Sioux Falls College, University of South Dakota, 1937

Business: Currently, Director of Public Affairs, KLM Royal Dutch Airlines
Established new enterprise Foss-Halmi, Inc., production of television films on wild life, 1966
President, Air Force Association - 1961-1963
First commissioner, American Football League, 1959-1966
Former president, Raven Industries, Inc.

Honors: Currently, a Brigadier General
Awarded Congressional Medal of Honor at age of 28
Awarded the Distinguished Flying Cross for outstanding bravery in action, shooting down 26 Japanese enemy planes during the world conflict.
Leader in the "Flying Circus" unit.
First commissioner, American Football League
Served two terms as Governor of South Dakota

Easter Seal Activities:
Former President and Trustee-at-Large, 1948 - 1956, National Easter Easter Seal Society for Crippled Children and Adults
National Chairman for Easter Seal Campaign, 1956

Note: Father of a child with cerebral palsy

THE NATIONAL EASTER SEAL SOCIETY FOR CRIPPLED CHILDREN AND ADULTS
2023 WEST OGDEN AVENUE / CHICAGO, ILLINOIS 60612 / 312-243-8400 / JAYNE SHOVER, Executive Director
March, 1973

Senator RANDOLPH. Joe, you have been very kind and helpful.

I would like to ask the panel of Mr. Shipman, Dr. Turechek and Mr. Connor to please come to the witness table.

STATEMENT OF ELDON SHIPMAN, SUPERINTENDENT, WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND; DR. ARMINE TURECHEK, SUPERINTENDENT, COLORADO SCHOOL FOR THE DEAF AND BLIND; AND DR. LEO CONNOR, EXECUTIVE DIRECTOR, LEXINGTON SCHOOL FOR THE DEAF, NEW YORK CITY, COMPRISING A PANEL

Senator RANDOLPH. Do you have an order of appearance?

Dr. TURECHEK. Yes; I will start off, Senator and then we will have Mr. Shipman and Dr. Connor.

Senator RANDOLPH. If you will proceed, please.

STATEMENT OF DR. ARMINE TURECHEK, SUPERINTENDENT, COLORADO SCHOOL FOR THE DEAF AND BLIND

Dr. TURECHEK. We will go through our presentation rapidly because I know you are running out of time this morning. I would like to read my presentation and interject a few notes as I go along.

I sincerely appreciate the opportunity to appear here in support of legislation affecting the handicapped. The Council on Education of the Deaf represents 10,000 people with close affiliation with the education of the deaf. Professionals and parents from every State are members of the organizations making up the council.

The need for continuity in Federal funding of programs for the handicapped is great. In our schools we are receiving and working with many more multiple-handicapped children every year. Whatever causes the deafness or blindness tends to affect other sensory organs also, so we find we have more emotionally disturbed, more orthopedically handicapped, more children with learning disabilities, and more with brain injuries. In the past these children were relegated to the State hospitals for the remainder of their lives. However, the number of these children continues to grow, and the need to provide educational programs for them is apparent. The educational programs could not be of the traditional type and other services had to be provided. Classes and dormitory groups had to be smaller and the number of teachers and houseparents increased.

According to national studies, our experiences in Colorado seem to be typical of national trends. Approximately 65 percent of our entering students have at least one additional handicap other than the primary one of deafness or blindness. Fifty-four percent of our blind children and 36 percent of our deaf pupils are so classified. Some of these multiple-handicapped children can make satisfactory progress in the regular classes for the deaf or blind if they are given supportive help and tutoring. There is a group, however, who could not be maintained in any school without specialized educational facilities and ancillary services. About 10 percent of our population fall into this group.

Incidentally this has been a great concern, that is, how long will the Federal money continue to flow. As we establish these more expensive programs, can we be assured that we are safe in going ahead? The assumption is that at some time the Federal dollars are going to disappear, and then the State will have to pick up this cost, which is of concern to the legislators.

Through the use of Federal grants, we have been able to provide the services necessary to enable the child to function in a residential school and to improve educationally, socially, and emotionally. If funds for these special programs are phased out, these children will have to return home or be placed in some institution where an educational program will no longer be available to them.

Our school established a regional center for deaf-blind children 2 years ago, designed to serve the six-State area of Kansas, Nebraska, Wyoming, Utah, New Mexico, and Colorado. Twelve children are presently enrolled in the program and we have applications on file for the admission of seven more for the next year.

This program is designed for the educable deaf-blind child and as services expand and improve, children formerly classified as trainable have now been brought to the point where they are considered educable. This is a hopeful sign and a real indication that funds are accomplishing the desired purpose.

The Bureau of Education of the Handicapped has been of great benefit in promoting innovative programs and disseminating information to all agencies working with handicapped children. Programs for the handicapped are relatively isolated and it is difficult to have interchange of ideas between teachers. This is especially true of programs for the deaf and the deaf-blind where there may be only one such school in a State. This makes it difficult for the teacher to keep abreast of the latest in successful programs and practices. The BEH has been instrumental in developing a free exchange of ideas and has helped to reduce the feeling of frustration and isolation that seems to be the lot of many special education teachers.

As I understand, Commissioner Marland has recommended a 7-year extension so that by 1980 all handicapped children would be provided special education.

We understand that under proposed revenue sharing, 30 percent of the funds available to the State can be spent at the discretion of the Governor. This still would not insure needed funding for programs for the deaf. The hearing handicapped compose one of the smallest minorities in this country—7 per 10,000 persons. Their handicap is not visible and the adult deaf are not vocal or well organized in their requests, and therefore, they tend to be overlooked when funding grants are made. The special provisions in Federal legislation mandating a share for educational programs for the deaf has been assurance that their needs will receive the attention needed.

As you know under the Vocational Rehabilitation Act it was specified 10 percent of the money would be spent for handicapped vocational education. In our State in 1967 we were receiving approximately $6,000 from vocational education. This past year we received $718.

The deaf, being a very quiet minority within the local community of the handicapped, are not vocal in their needs, and so we tend to be overlooked. Their needs tend to be cast back so that other more vocal groups, the groups with larger pressure sections behind them, tend to get more of the attention.

There are two needs apparent at this time in regard to programs for the deaf and the deaf-blind:

1. Continuation of funding so that ongoing programs are not reduced or deleted.

2. Provision for future funding so that every deaf child will have the opportunity to develop to his fullest potential.

To accomplish the first, it would seem that some type of categorical grant would be needed. Perhaps this could best be done through administration of funds through the BEH in the same fashion that funds for deaf-blind programs are handled.

The second would be accomplished by passage of S. 896 which would provide for future funding for all programs for the handicapped.

I sincerely appreciate your interest in assuring good programs for all handicapped children and hope that you will enable us to continue to develop deaf adults who are self-sufficient and proud Americans.

Senator RANDOLPH. Thank you, Dr. Turechek. We will not question you at the moment. We will have the other panelists continue.

The second panelist I feel very close to; Mr. Eldon Shipman has the responsibility of being superintendent of our West Virginia schools for the deaf and blind. He was the principal of the school for the deaf before taking over 10 years ago in the capacity of superintendent.

How many students have you now, Doctor?

Mr. SHIPMAN. We have approximately 300 students in both schools; about 200 in the school for the deaf and about 100 in the school for the blind.

Senator RANDOLPH. If you will proceed, please.

STATEMENT OF ELDON SHIPMAN, SUPERINTENDENT, WEST VIRGINIA SCHOOL FOR THE DEAF AND BLIND

Mr. SHIPMAN. I am here primarily as a member of the executive committee of the Conference of the Schools for the Deaf. This organization, I believe, is the second oldest for the handicapped in this country, having been formed in 1850.

My statement I would like to make, Mr. Chairman, is that special education is special in that the exceptional children served are children who need, in my opinion, special and exceptional attention. Special education or programs for exceptional children in the United States are not new. Indeed, programs for the deaf and for the blind were established in this country in the early 1800's. These early programs, and additional programs were brought about by individuals, primarily parents and close friends, who were closely associated with either handicap. The enlargement and improvement of services were brought about on local and isolated levels. For each child who benefited from such programs, there were many who did not have the opportunity to benefit from these special and exceptional programs.

My point is, not that we have come a long way but rather, we still have a long way to go.

Today, we are seeing a national rendering of services reaching toward all children who need special services. This has come about because of an awareness of the need on the national level. The Bureau for the Education of the Handicapped has been, and is, rendering needed services. An excellent example is the work being done by Media Services and Captioned Films. We have seen a support of training programs for trained and fully certified teachers for the handicapped. There is still a continuing need for many of the services rendered by the Bureau of Education of the Handicapped and a need for the expansion of their services.

I endorse Commissioner Marland's program. I would like to see this bill extended for, I would say probably at least, 7 years in order to fully develop the means for meeting the requirements of handicapped children.

It takes time to do this. Each of our handicapped children is entitled to a sound educational program with trained, certified personnel working under skilled and knowledgeable supervision.

Our handicapped youngsters need someone in the Federal structure to see that they receive what is rightfully theirs. Now that we have had the Bureau for the Education of the Handicapped and have seen excellent results from the Bureau for the Education of the Handicapped, it is felt that it needs to be continued, expanded and given a direct line by the authorization of an Associate Commissioner.

It is my feeling that we need more and better services for the deaf, for the blind, and for the deaf/blind, as well as all other areas of exceptionality. It is my feeling that the Bureau for the Education of the Handicapped should continue and expand. Therefore, I am heartily endorsing Senate bill 896 extending the Act for the Education of the Handicapped.

Thank you for permitting me to make my feelings known.

Senator RANDOLPH. Thank you very much, Mr. Shipman.

Now we will hear the testimony of Dr. Leo Connor, executice director of the Lexington School for the Deaf in New York City. I know he also lectures at Columbia University and is a member of the Advisory Committee on Education of the Deaf.

STATEMENT OF DR. LEO CONNOR, EXECUTIVE DIRECTOR, LEXINGTON SCHOOL FOR THE DEAF, NEW YORK CITY

Dr. CONNOR. Mr. Chairman, in addition to being executive director at the Lexington School for the Deaf in New York City, I vanish each Friday and spend most of my summers in Spring Lake, N.J., where we have a home and, therefore, I am a constituent of Senator Williams.

Senator RANDOLPH. Do you pay taxes in New Jersey?

Dr. CONNOR. Oh yes, very much so. I could tell you a long story about the differences between taxes in New Jersey and New York, and perhaps one or two other places in between. I am sorry I have not been able to taste the pleasures of West Virginia in that respect.

My written statement is enclosed but I want to summarize the main ideas. I do want, with my colleagues, to put on the record the very strong commitment that we feel the administration of this executive branch of the Government through its Commissioner of Education has made to the education of handicapped children.

We listened to Commissioner Marland last year who indicated that one of his top priorities of the Office of Education would be the education of all handicapped children by the year 1980. We are dismayed that in the current round of legislative activities we understand that the administration is now talking about the extension of the Bureau for the Handicapped in the Office of Education for a 1-year period only.

We wish to reiterate the words of Commissioner Marland when he indicated that an estimated 6 million school age children and 1 million preschool age children are handicapped, and that the stunning fact of these is that more than 60 percent receive no special education services.

This was in his annual report of 1972 to the Congress of the United States. He indicates that it is a national commitment to provide equal opportunity for all handicapped by the year 1980.

I would like to tell you the story of the Lexington School for the Deaf and of deaf children in general. This is a very unique combination of private and State and Federal support in the education of a very severely handicapped group of children.

The Lexington School for the Deaf was constructed with private funds; $10 million was donated by private citizens and interested people, to educate the deaf children of the State of New York. The annual costs of educating deaf children at our school are borne by the State of New York.

In addition, although we are 105 years old, it was only 7 years ago that we were able to have Federal support through the money offered by Public Law 89-313, and through the various sections of the law, through the Education for the Handicapped Act, to offer creative and innovative programs, new kinds of services, for deaf children.

One or two examples quickly. Through this incentive money that was offered from the Federal level for the first time to both our private and to the State owned programs in New York, we were able to start an infant program, and in the last 5 years of this baby program for the deaf, have educated over 100 infants between ages 0 and 2½ years, together with their parents.

We have found astonishing results. We can literally talk about the older traditional concepts of deafness being outmoded. We can talk about deaf children who no longer have to rely upon their visual perception; they can rely upon their residual hearing, their auditory senses.

We talk about deaf children at 2 and 3 years of age no longer being in the mute stage and coming into our schools as traditional deaf-mute persons, but developing speech, developing awareness of communication, developing relationships with people around them.

We are promising now at the Lexington School for the Deaf of taking 40 to 50 percent of our most severely handicapped and deaf youngsters and having them continue their education before age 12 in a regular educational program with some supportive help.

In addition to our infant program funded through the Federal support, we have been able to obtain research monies from the Federal level. Thus, we have been able to investigate topics of language development and vocational development for the deaf, so that we are able to offer to the field of the deaf and to deaf children in education throughout the entire country the results of these research studies.

The Lexington School for the Deaf also acts as a center for the training of teachers for the deaf in affiliation with Columbia University. Here again we are able as a one school effort with money provided to Columbia University to train 24 to 30 teachers of the deaf each year, to have these teachers go out across the country as superb individuals, helping to alleviate the shortage of this specialized work throughout the United States.

We know these teachers are excellent. We know that the results are excellent, because we employ these people ourselves. They have become our own teachers of the deaf in our school, and they offer to our deaf children valuable evidence of the final result of Federal funding.

In essence what I am saying to you I think, Senators, is the fact that the Bureau of the Education for the Handicapped in the Office of Education through a variety of its programs and its funds directed to such an individual program for the deaf as I represent in New York City, can be spoken about as accountable, as effective, and as an efficient way of utilizing this kind of money for the ongoing improvement of programs for severely handicapped youngsters.

I have been to a great number of legislative activities. I was legislative chairman of the Council for Exceptional Children in 1957 and watched the first Federal legislation come about, the first cooperative research bill, and the first moneys that were ever given from the Federal level to help the education of the handicapped child.

Since 1957 I have been watching a variety of programs in many ways at the Office of Education level coming down to the State and to the local level being mitigated and changed and diluted. This is the concept we now face once more under the guise of revenue sharing.

It seems to me that almost every speaker here before you this morning, from the parents interested in the autistic children to the educators now interested in the deaf, have been telling you the same story: that we who educate and work with or are intimately associated with retarded and handicapped, the blind and deaf children of all kinds, will be lost in the shuffle if we are not recipients of earmarked funds.

I can relate to you the story of the cooperative research program. The first year of that bill in the Office of Education in 1959 there were funds of $1 million. During the first year 66⅔ percent of the money was used for retarded children; the second year about 50 percent was used for the handicapped; and the third and fourth years the record goes down to about 6 per cent of the money which went for research in the area of the handicapped.

Over the years there have been a number of such unearmarked funds. The head start program was another good example of a tremendous concept of education which before the Congress stepped in and designated that handicapped children had to be included automatically excluded these children who needed it the most.

We could talk about the differences in cost in the education of the handicapped as another reason for being opposed to the concept of revenue sharing.

Within our field of special education there is so much diversity, there is so much variety of needs, so much information and activity and research and training that has been done, that it is impossible for them to continue, if these kinds of programs at the Office of Education level are diversified and spread out and split up throughout the entire Office or entire range of Government.

So we urge upon you the continuation of the Bureau of the Handicapped as a viable and a unitary force in the support and the encouragement for the handicapped at the Federal level. In addition its influence throughout the country in all our States and in all our schools is sorely needed. We would urge upon you again that you study very carefully this question that has been raised by the administration in behalf of revenue sharing, and I would ask on behalf of myself the opportunity at some point when I have seen this bill in particular to elaborate or to comment upon the revenue sharing administrative proposal in some detail perhaps back to you in writing.

Senator RANDOLPH. Thank you very much, Dr. Connor.

Dr. Turechek and Superitendent Shipman, you have all told us the same thing, have you not, in your own separate ways? You believe in categorical grants; is that right?

[There was general affirmation.]

Senator RANDOLPH. You believe that the programs that have been on-going should be continued, and you believe that it is necessary for the future education of the handicapped that we do what we have started to do and now seem rather abruptly to be ending.

Dr. CONNOR. May I express it another way, Senator? In 1957, I saw the first Federal legislation for research in the handicapped come about. Then about 1963–65, after Congressman Barden and Senator Lister Hill of your own committee did so much to alert the country to the needs of these children, we got legislation for training for our personnel, research projects, and some grants directly made to residential schools and the State departments of education.

We are only in the infancy of this type of ongoing program for the handicapped. We are only 10 years old in this picture, perhaps 12 years old in most of these efforts.

We look upon Senator Williams bill, S. 6, as the next step upward in the creation of an overall comprehensive opportunity to have the education of the handicapped at the local and the State levels, through the infusion of Federal funds, a very visible and a very important and a very comprehensive type of educational reality.

So today, talking to you about the extension of the legislation that supports the Bureau for the Handicapped, I think is a step backward. I consider this a waste of valuable professional time, that we have to come down to Washington after having proven over a 10-to-15 year period that this is a marvelous success throughout the country, that we have to come back and plead with you—not because you are against it, but because we know there are forces which force you to look into this in great detail.

Senator RANDOLPH. Thank you, Dr. Connor. Do you think it is too harsh a statement for me to make that Dr. Marland meant what he said. Now the restraints are placed on him, and he is finding it, I am sure, very difficult to equate his own thinking with what is happening within the administration.

Dr. CONNOR. I think that Dr. Marland in the past 2 or 3 years in his experience in the Office of Education came to know the Bureau for the Handicapped and the marvelous associate and assistant commissioners that have served there in that bureau.

Dr. Marland gave the Bureau for the Handicapped his assistance with a great deal of sincerity and a great deal of foresight. His presence and status and the achievements of Associate Commissioner Edwin Martin, who is going to appear before your committee to talk about a 1-year extension of the Bureau of the Handicapped, speak for themselves. I do not consider their position or statement for a 1-year extension will be made with a great deal of relish.

Senator WILLIAMS. I would just like to make an observation or two. You have given clear and compelling testimony, and we are very grateful. I do not think your appearance has been a waste of time. Maybe it should not have been needed, but it is needed, and you have been very helpful.

Two of you have worked within the organizational chart of State education, Dr. Turechek and Mr. Shipman. You do not, do you? You are not under a State umbrella?

Dr. CONNOR. We are a private enterprise, but our children are part of the State program of education in the State of New York.

Senator WILLIAMS. You are on the firing line. You have made it so clear and compelling that revenue sharing is a hazardous course for this particular kind of legislation.

I wonder if at the pinacle of education within the State there is going to be the same attitude, or whether the State superintendent of all education in your State will have the same apprehensions of the special revenue sharing. Do you know?

Dr. TURECHEK. I do not think they will because they have the attitude, I think, that they would like to have control of all m meys, and in turn they are going to be more subject to the various pressure groups who will be after them. We do not have pressure groups among the deaf.

This is what we have been faced with over the years, that you have very few spokesman, very few who will come forth and say, "We have to have help for these deaf people if they are going to be successful."

So what happens is the money, just like our Voc Ed money, is siphoned off into other programs where there is more pressure. I think the same thing would happen in revenue sharing.

Senator WILLIAMS. Do you think your State superintendents would prefer it that way to have the special revenue sharing and eliminate the specific categories of funding?

Dr. TURECHEK. I can speak for Colorado. I think they would because this sense of power and being able to direct programs as they see fit and to place emphasis on those things they think are most important would take precedence over what we feel would be better programs.

As an example, we just finished a study in Colorado. A committee of 16 people were appointed to put together a book, a report of the study of disabilities. It is a very good study. There were 16 people from all different types of handicaps represented on the commission that was putting together the study, but not one person representing the deaf. There were the blind, the retarded, the autistic, every other handicap group except the deaf. We get left out so often.

Senator RANDOLPH. I would like to interrupt Senator Williams at this point. You are asking about how the State superintendents feel. It is my understanding that within recent days a message has been sent to Dr. Marland from the State school officers, opposing revenue sharing as a funding method. Do you men know about that?

Dr. TURECHEK. No.

Mr. CONNOR. I think, Senator, this would be more in line with the opinion or the attitude of the State commissioner of education in New York, that there are a variety of reasons why our commissioner would feel that educational revenue sharing is fraught with a tremendous set of problems in reality.

As you well know, people at the State levels have just had one experience now with general revenue sharing. There is a tremendous disillusionment from the period of even 12 months to 24 months ago when our governors and our people at the State level were looking forward to a great deal of success and help from this source.

The second part of it is that the administration plan is not at all clear; and since it literally has only been out 1 day, a great number of people will have to study this matter and take it under advisement.

But even there, although there are some theoretical advantages to saving time and effort and perhaps even duplication of effort in some ways, I think that most of the people in the New York area would feel that they lose a great deal of control under revenue sharing.

In the city of New York, for example, the commissioner of education would lose perhaps something like 80 percent of his present control since most of the money goes through directly to the mayor's office. There are a variety of reasons why I think our commissioner and governor would hopefully take the stand that revenue sharing—educational revenue sharing, is not very desirable.

Senator RANDOLPH. It is my understanding though that the chief State school officers believe exactly what you believe in New York.

Senator, I am sorry to interrupt.

Senator WILLIAMS. I just thought we should address ourselves to this. This is going to be before us. I appreciate it.

Senator RANDOLPH. Thank you very much, gentlemen.

[The prepared statement of Mr. Connor follows:]

STATEMENT

Respectfully Submitted to the
Subcommittee on the Handicapped
of the
Senate Committee on Labor and Public Welfare
on
S. 896, S. 6 et al.

In Behalf of
The Council on the Education of the Deaf
March 20, 1973

Witness:
Leo E. Connor, Ed.D.
Executive Director
Lexington School for the Deaf
Jackson Heights, New York

Testimony

I am Leo E. Connor, Executive Director of the Lexington School for the Deaf, New York City. I am testifying on behalf of the Council on the Education of the Deaf, an association of three organizations composed of the 8000 members of the Alexander Graham Bell Association for the Deaf, the 5000 teachers and professionals of the American Instructors of the Deaf as well as the Conference of Executives of American Schools for the Deaf which includes all supervisors and administrators of educational programs for the deaf throughout the United States. I have been President of the Alexander Graham Bell and President of the Council for Exceptional Children which includes all handicapped children. I am currently a member of the National Advisory Committee on the Education of the Deaf responsible to the Secretary of the Department of Health, Education and Welfare.

This opportunity is welcomed to publicly thank the Congress and particularly the Senate members of the Committee on Labor and Public Welfare for their continuous and bipartisan support of Federal programs for the handicapped. At the time of the first such laws in 1957 I was National Legislation Chairman of the Council for Exceptional Children. Congressman Graham Barden of North Carolina and Senator Lister Hill, then Chairman of the Senate Committee on Education and Labor struggled to rouse the country's interest in the education of these handicapped children. It was 1958 when the first million dollar appropriation was made to establish the Cooperative Education Act and the first Federal scholarships were granted in 1959 to train teachers and leadership personnel in the education of the deaf, the blind, the retarded, the crippled, the emotionally disturbed and the speech handicapped. Thus, national aid to provide stimulation, research, leadership and innovative ideas was offered to the most neglected groups in our society, the handicapped.

I congratulate the Senate of the United States and the sponsors of this bill in particular for their backing of the Nixon Administration and of former Commissioner of Education, Dr. Sidney P. Marland, who in his 1972 Annual Report of the U.S. Office of Education stated the following:

> "An estimated six million school-age and one million preschool-age American children are handicapped. The stunning fact that, of these, more than 60 percent receive no special education services led the Office of Education (OE) to adopt as a FY 71 priority to promote, in cooperation with State and local education agencies, 'a national commitment to provide equal educational

opportunity for all handicapped children by 1980.'
"Humanitarian though such an objective may be, it was not inspired by compassion alone. Money spent to provide equal educational opportunity for the handicapped has proved to be a good investment, not only in them as worthy human beings, but in manpower badly needed by the Nation. Moreover, in the end it often realizes a cash saving to the taxpayer."

Thus Dr. Marland has set the date of 1980 as the culmination of the Federal governments promises to the handicapped and has committed this Administration to full educational services for all handicapped children in the United States. To insure the success of this complex action program at the local, state and Federal levels of education, the continuation and strengthening of the Bureau for the Handicapped in the U.S. Office of Education is obviously a requirement.

Deaf children and adults, the handicapped groups that I know best, are famous in the United States for being and independent and yet underemployed group. Over the past 25 years, they have refused to accept double income tax exemptions from the Federal government; they have rejected special Federal legislation for special employment. Instead they have asked for one favor - the right to an education and to a chance to prove themselves as free, independent, tax paying citizens of their country.

You will hear many witnesses indicating the accomplishments of the Bureau for the Handicapped and I can personally vouch for the unusually outstanding leadership of the Assistant and Associate Commissioners that I have known: Dr. Samuel Kirk, Dr. James. Gallager and now Dr. Edwin Martin. But I want to draw your attention to the features of the Federal program for the handicapped that have reached the deaf children of one school in New York.

At Lexington School for the Deaf we are currently operating an Infant educational program for the deaf. Babies just a few days old are being tested, fitted with a hearing aid and, with their parents, being instructed several times a week how to develop normal family relationships, to insure speech and language development and to expand their residual hearing. We and other infant programs for the deaf (such as those conducted by the Central Institute for the Deaf in St. Louis, Missouri, the Mt. Carmel Guild in Newark, New Jersey, the Minnesota State Education Department's program in St. Paul and others) are literally creating hard-of-hearing young children at 5-6-7 years of age from what would ordinarily be typical deaf boys and girls unable to use any hearing and forced to rely essentially on their eyes for their lifetime of sensory impressions. We can say with truth that the former concept of deafness is outmoded and can even be discarded if intensive educational efforts from birth onward are supported and made general throughout this country. These new and innovative education programs are made possible through Federal stimulation and support grants of the Early Education Program for the Handicapped. With the elimination of such federal support, the deaf infants of this program will not be educated and these handicapped people will lose the best learning years of their life.

At the Lexington School for the Deaf we are currently helping to prepare 24 teachers of the deaf for schools and classes throughout the United States. In affiliation with the Department of Special Education at Teachers College, Columbia University we provide thousand of hours of practicum experience each year to train these talented and dedicated young people of our country to become teachers of the deaf. This is but one of the over 250 colleges and universities that are the recipients of Federal scholarships administered so effectively by the

Bureau for the Handicapped. I can assure you from first hand and close experience over the past 10 years that this is one Federal program which is efficient, productive and accountable. We know it is because the Lexington School employes some of these knowledgeable and creative teachers and watches them prove their worth to our country by educating its deaf children in a superb fashion.

The deaf children of this country had their first schools established in 1819, early in our history, but it has been only during the past 10 years that our residential programs for the deaf have been helped with Federal funds in Public Law 89-313 (part of Title I of the Elementary and Secondary Act) to create and innovate new services for the deaf. It is necessary that these progressive and successful activities be allowed to continue under the auspices of the Bureau for the Handicapped of the U.S. Office of Education, I would urge you to amend S. 896 to include under one heading all of the educational programs for the handicapped.

But the Lexington School also knows of the problems faced by the Bureau for the Education of the Handicapped. Sitting on the National Advisory Committee on the Education of the Deaf and as a former chairman for two years of the Bureau's Advisory Committee in Educational Technology, I know that important policy matters can be decided without the input of Associate ~~Assistant~~ Commissioner Martin because his rank has deteriorated in reorganization schemes during the past four years. Previously directly responsible to the Commissioner of Education, his position is now separated from the Commissioner by several layers of administrators. It is recommended that the BEH~~, headed by an Associate Commissioner~~ be maintained at a significant policy level, so that 10% of all school children, the handicapped, can have their voices heard clearly at the Federal education agency.

Finally, just as in the field of education we are afraid that the handicapped could be lost without specific identification with a Bureau for the Handicapped, so too do the deaf fear that they will be lost in the Bureau for the Education of the Handicapped if their National Advisory Committee on the Education of the Deaf is merged into the general National Advisory Committee on the Handicapped. Someone on high, perhaps the Executive Branch of our government or the new Commissioner of Education have recommended to Congress that the legislatively mandated National Advisory Committee on Education of the Deaf be merged out of existence. I have faith that the Senate of the United States will not let this happen to the deaf children of our country.

Thank you for your attention and your concern for the nation's handicapped children.

Senator RANDOLPH. Our next witnesses are John Nagle, National Federation of the Blind, Washington, D.C.; and Irvin Schloss, American Federation of the Blind, Washington, D.C.

John, it is good to see you back at the table. I have seen you so many, many times. Approximately 15 years ago you left Massachusetts and came here to work with the National Federation of the Blind. Whatever concerns or programs there are to help the blind, you are there on the frontline, helpful, knowledgeable.

Irvin, you have been coordinator of governmental relations of the American Federation of the Blind, and we know of your service. You were blinded in combat action, World War II. I remember meeting you first in the Blinded Veterans Association efforts, and you have of course worked in several capacities and are now very active in a legislative effort in the American Foundation of the Blind.

Also, you are currently vice chairman of the legislative committee of the American Association for the Workers of the Blind.

John, will you lead off?

STATEMENT OF JOHN F. NAGLE, CHIEF OF THE WASHINGTON OFFICE, NATIONAL FEDERATION OF THE BLIND, WASHINGTON, D.C.; AND IRVIN SCHLOSS, AMERICAN FOUNDATION FOR THE BLIND, WASHINGTON, D.C., COMPRISING A PANEL

Mr. NAGLE. In the statement of the National Federation of the Blind we enthusiastically and without qualifications endorse S. 6 and S. 896.

My name is John F. Nagle. I am chief of the Washington Office of the National Federation of the Blind. My address is 1346 Connecticut Avenue NW., Washington, D.C.

I am appearing here, today, Mr. Chairman, to express the endorsement and support of the National Federation of the Blind for S. 6 and S. 896, both very important bills dealing with the education of handicapped children.

As a membership organization of blind adults, Mr. Chairman, we of the National Federation of the Blind speak with an expert's knowledge of programs of education available to the blind in past years.

We know of the deficiencies and inadequacies of such programs for they have continued and remained with us as burdens and handicaps through all of our lives.

As blind persons, we know that educational programs for handicapped children, whether such children are blind or deaf, whether they are crippled in body or defective in mind, such programs must offer these children two parallel areas of education—

To the utmost of their mental capacity, they must be taught to read and write, to use figures, to understand the history of yesterday and today, they must be exposed to the philosophy and the literature of the ages, and so much else of academic character, that they may grow into their responsibilities of family, citizenship, and employment.

For the physically and mentally disabled must share with the physically and mentally fit the opportunities and obligations of managing our Nation and the world tomorrow.

And in addition to this general education provided to others, the disabled child must be taught and taught well and competently the skills of his particular disability.

The deaf child must learn to hear and comprehend through use of his sight.

The orthopedically impaired child must learn to use canes and crutches and similar prosthetic devices to give movement and utility to defective limbs.

The blind child must master braille, achieve independent travel through use of a long cane, he must learn to do without sight what others do with sight, by acquiring facility in the use of different methods and techniques, alternative tools, devices and equipment.

Thus trained and educated, the handicapped child will become a self-sufficient adult, and S. 6 and S. 896 as Federal law will assure this kind of preparation for the disabled child, it will assure a rich and satisfying life for the disabled child grown into a disabled adult.

S. 6 is a bill to provide financial assistance to the States for improved educational services for handicapped children.

Mr. Chairman, the National Federation of the Blind supports S. 6, that would provide Federal funds in sufficient amounts to assure to all handicapped children in the Nation a full education, adequate to the needs of their particular disabilities.

S. 6 as Federal law would authorize the expenditure of billions of dollars in fulfillment of a congressional commitment that no disabled child chall be denied an opportunity to be trained and educated to the maximum extent of his physical capability and mental capacity.

And I am sure the dollar cost of S. 6 will be the issue upon which opposition to it will concentrate.

Therefore, Mr. Chairman, it seems to me we should consider this issue squarely and forthrightly.

But the question really is not whether vast sums of tax dollars should be spent to educate handicapped children or no tax dollars be spent on the handicapped at all.

The real question, the only question, is whether large sums of money should be used to educate handicapped children toward useful, productive and taxpaying lives as handicapped adults, or whether far larger sums of money should be expended for the maintenance and support of the handicapped for all of their lives.

As blind adults, Mr. Chairman, the members of the National Federation of the Blind know from our own personal experience that constructive and valued lives can be attained by disabled people, for many of us have done so.

We also know that there are many among our number who have failed to reach or even to remotely approach this most socially desirable and most economically important objective because they were not properly prepared and equipped to function without sight in a world geared to sight.

As blind persons, we know that an impaired individual needs determination and courage in no small measure if he will achieve an independent, self-supporting life.

But he also needs specialized help from qualified and trained people, and he must have available to him the tools and devices, the equipment and machines that will reduce or eliminate the restrictions of his impairment.

All this the impaired individual needs and must have if he is going to successfully cope with and overcome the handicapping conditions of his impairment.

He needs a sensible, realistic understanding, not only of the limitations of his disability, but of even greater importance, he needs a sensible, realistic understanding of the almost limitless possibilities of achievement open and available to him even though he is disabled.

He needs sufficient and capable training in the skills unique to his disability and essential to minimize the consequences of his disability.

He must learn and learn thoroughly and well the different ways and means that have been devised and developed to offset the effects of his impairment.

Then, Mr. Chairman, with this solid foundation, with this philosophic orientation and competent training, the disabled child, the disabled youth, needs the same opportunity for general education available to others, followed by additional education and training to fit him vocationally to enter into gainful and competitive employment.

With these necessary needs met and met fully and wisely, the disabled child who will grow into an impaired adult, is prepared not only to deal with the adverse circumstances which will confront him during his life because of his disability.

He is also prepared to provide for himself, to support himself, to earn a living, to pay his own bills, to pay Federal and State and local taxes.

He is prepared and able to function competitively, cooperatively, and successfully with nondisabled men on a more nearly even basis.

Denied all this or any of this, Mr. Chairman, the disabled person exists but does not live, however well his bodily needs may be provided for by family or welfare authorities.

Denied all of the necessary dollars for this kind and quality of preparation, Mr. Chairman, and the lifetime of care and support of the disabled individual will be 10,000 times more costly in public welfare payments, in custodial care, in the establishment and maintenance of institutions.

In summary, Mr. Chairman, S. 6 may seem to be an expensive bill, but it is far cheaper in tax dollar cost than would be the welfare payments of the disabled for all of their lives.

Therefore, Mr. Chairman, the National Federation of the Blind urges your approval of S. 6.

We ask you this, that you share our belief, that it's far better for a man to be self-dependent and self-supporting than that he be and remain helpless and dependent.

S. 6 as Federal law offers an opportunity to the disabled to achieve independence.

S. 6 rejected completely or adopted with insufficient financing would be an abandonment of the disabled to despair and dependency.

Finally, Mr. Chairman, as blind adults, we believe that continuation of the Education of the Handicapped Act as public law will make quality education possible for ever increasing numbers of disabled children who will become self-confident, self-sufficient adults.

Although the National Federation of the Blind endorses and supports all of the provisions of S. 896, we will discuss only some of the proposals.

We certainly ask and urge continuation of the Bureau for the Education of the Handicapped.

Acting vigorously as proponent of better State programs for the education of disabled children;

Acting, too, with zeal and dedication, through its personnel, as advocate of the rights and needs of handicapped children.

This agency has served the Nation's disabled children well and, we believe because of it, greatly increased numbers of handicapped children have been given a better chance for achieving a better life.

We support the provisions of S. 896 which would continue grants to the States for their programs of special education, for with Federal funds added to State money, we believe that such programs will improve in caliber and grow broader in scope, thereby offering more disabled children enhanced educational opportunities.

The fine and elevated goal of equal and quality educational opportunity for all disabled American children will only be a reality when there are sufficient numbers of teachers trained and competent in special education.

The National Federation of the Blind, therefore, approves the provisions of S. 896 that would continue Federal funding of special education training programs.

We believe there must be a constant and tireless search to determine upon different and better ways to teach the handicapped child, to discover and develop new and improved tools and equipment, to invent or adapt methods and techiques that will help the handicapped child learn more easily and in shorter time and with less arduous effort than is required of him now.

The National Federation of the Blind, therefore, supports the provisions of S. 896 that would continue funding of special education research.

Children who are born impaired or who become impaired by disease or accident in early years, have great and grievous need, as do their parents, for very special and specialized help if these children are to be prepared, at the very commencement of their lives, to adjust and adapt to their disabilities.

If such children must wait for the help they need until they are eligible to enter elementary school, much valuable training time will be lost, much harm can be done through ignorance or misinformation, through too much love and overcare, through indifference, antagonism and neglect.

The National Federation of the Blind, therefore, supports the provisions of S. 896 that would continue funding for preschool special education projects and activities. Then, Mr. Chairman, we who are blind would say a special word, we would make a special plea for deaf-blind children.

As blind persons, we are acutely aware of our incessant and so complete dependence upon our hearing sense.

Therefore, we have a very deep and sympathetic understanding for those who are blind who are also deaf.

Cut off from the sights and sounds in the world that surrounds them, the deaf-blind will only emerge from their solitary confinement as highly trained and qualified if people are available to teach them, to train them, to help them learn how best to help themselves.

Given such help, the deaf-blind child can grow into a substantially independent person, at least able to care for himself and perhaps, in some instances, even able to earn a living and support himself.

The National Federation of the Blind, therefore, particularly urges continuation of the provisions of S. 896 that would provide funding for educational programs for deaf-blind children.

I have nothing further to say, Senator.

Senator RANDOLPH. Thank you.

Next we have Irvin Schloss.

Mr. SCHLOSS. I would like to indicate that I am representing four national organizations today: the American Foundation for the Blind, American Association of Workers for the Blind, American Parents Committee and the Blinded Veterans Association. All four of these national organizations endorse enactment of S. 6 and S. 896.

As you have heard from so many previous witnesses, I would like to underscore the fact that we now have a very excellent framework of enabling legislation in the Education of the Handicapped Act and have benefited from the major national leadership that the statutorily created Bureau for the Education of the Handicapped has given to special education in this country. We hope that S. 896 is enacted promptly to extend this legislation.

Our principal concern, of course, has been the disparity between the authorizations and the actual appropriations. We still have a long way to go, and we would hope that the appropriation process catches up with the authorizations, which were very carefully developed.

We would also endorse enactment as soon as practical of S. 6 to cover through a grants program 75 percent of the excess cost of special education in each State. There are other provisions in S. 6 which would go a long way toward assuring each handicapped child an appropriate free education. Through an individualized education plan, S. 6 would also minimize the possibility of arbitrary rejection by the school system.

In closing, Mr. Chairman, I can only restate the fact that these programs all need more money. There is need for many more teachers of all types of handicapped children and other types of specialized personnel, and there is a great need to make these programs work effectively in each State through Federal financial assistance on a continued basis.

Thank you.

Senator RANDOLPH. Thank you. Mr. Nagle, you have said in your statement that you know of the deficiencies and inadequacies of the program, and you have indicated that these efforts must not be diminished to help the deaf and the blind, but instead must move forward; is that correct?

Mr. NAGLE. That is correct, Senator.

Senator RANDOLPH. You, Mr. Schloss, said that we need adequate preschool elementary and secondary education for handicapped children.

Mr. SCHLOSS. That is correct.

Senator RANDOLPH. That is an essential step in assuring them of a productive life, rather than a life of dependency. You are conscious that the problems of children with all types of handicaps must be given attention; is that correct, gentlemen?

Mr. NAGLE. That is right, Senator.

Senator RANDOLPH. Senator Williams.

Senator WILLIAMS. We certainly appreciate the statements of Mr. Nagle and Mr. Schloss of the National Federation of the Blind and the American Foundation for the Blind.

Obviously you are not competitive, but cooperative associations appearing here together.

Just one question if I might, Mr. Chairman, is: is it accurate that most education of blind children takes place in separate and often residential facilities?

Mr. SCHLOSS. No, sir. Approximately 60 percent of the blind children in this country are being educated in regular local schools in their own areas. That is a trend that began back in the 1950's and it has continued at that rate.

Senator WILLIAMS. There is integrating of blind children into the regular school programs?

Mr. SCHLOSS. Yes, sir. Increasingly residential schools for blind children are beginning to cope with the problem of multihandicapped blind children who are not being readily taken by the regular local school programs.

Senator WILLIAMS. Do you find this integration accelerating, and do you see there are going to be greater opportunities for blind children to be part of the regular public school system?

Mr. SCHLOSS. I think there will be for the blind child who does not have any additional disabilities. I think this would generally be true.

Senator WILLIAMS. I would say that is a good beginning, would you not?

Mr. SCHLOSS. We certainly think it is.

Senator WILLIAMS. I meant to mention this. It seems to me a brief but helpful part of the average youngster's education could be an understanding of his friend's handicaps, so that there is not a mystery about them. Do you know what I mean?

Mr. SCHLOSS. Yes.

Senator WILLIAMS. This would help the whole integrating process.

Mr. SCHLOSS. This would greatly help in adult life when it comes time to get employment. There is no mystery about the handicapped. The individuals have grown up together and know each other.

Senator WILLIAMS. Youngsters particularly have a certain fear of the exceptional youngster, I think I recall, and this might help to eliminate that feeling of separateness, do you see my point?

Mr. SCHLOSS. Yes.

Senator WILLIAMS. Thank you.

Senator RANDOLPH. Thank you, Mr. Chairman.

Again I think it is a very deep concern that Senator Williams and I share as do others, and that is that on June 30 of this year this program for education expires, is that right?

Mr. NAGLE. Yes.

Senator RANDOLPH. We have a time problem, and whether we continue programs for a year or longer, we do know that time runs out on us.

I hope that the programs for the handicapped will not be lost, as someone said, in the shuffle. We must continue the progress that apparently has begun to be made.

The testimony that you gentlemen and the other witnesses have given has resulted in a productive hearing today. Thank you very much.

Mr. SCHLOSS. Thank you, Senator.

[The prepared statement of Mr. Schloss follows:]

AMERICAN FOUNDATION FOR THE BLIND, INC.

50 YEARS OF HELPING BLIND PEOPLE BECOME JUST PEOPLE
1660 L STREET, N.W.
WASHINGTON, D.C. 20036
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STATEMENT OF IRVIN P. SCHLOSS, COORDINATOR OF GOVERNMENTAL RELATIONS, AMERICAN FOUNDATION FOR THE BLIND, TO THE SUBCOMMITTEE ON THE HANDICAPPED, COMMITTEE ON LABOR AND PUBLIC WELFARE, UNITED STATES SENATE, ON S. 6 and S. 896

March 20, 1973

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to testify before you in support of S. 6, Education for All Handicapped Children Act, and S. 896, Education of the Handicapped Amendments of 1973. Early favorable action on both of the bills is vital to the education of the Nation's handicapped children.

In addition to representing the American Foundation for the Blind, the national voluntary research and consultant organization in the field of services to blind children and adults, I am speaking for the American Association of Workers for the Blind, the national professional membership association of workers and educators of blind persons; American Parents Committee, the national organization dedicated to improving services to all children; and Blinded Veterans Association, the national membership organization of blinded servicemen and women. All four national organizations wholeheartedly endorse enactment of S. 6 and S. 896.

As you know, S. 896 extends the essential programs authorized by the Education of the Handicapped Act for an additional three years through June 30, 1976. All of the organizations I am representing here today believe that every handicapped child should have the right to educational services at least equal to those he would be entitled to receive if he were not handicapped. We believe that each handicapped child is entitled to the special education procedures which will enable him to benefit from as comprehensive an elementary and secondary education as he is capable of absorbing, so that he can move into advanced education or other vocational training which will equip him to earn his own way in life as a contributing member of society.

The Congress of the United States recognized the special needs of blind children almost 100 years ago in 1879, when it established the Federally-supported program through which the American Printing House for the Blind in Louisville, Kentucky, provides textbooks in braille and large print as well as special instructional aids for blind and visually handicapped children in elementary and secondary schools throughout the country. In recent years, largely as a result of the awareness and sympathetic consideration of this Committee, the Congress has provided for a variety of programs designed to assist in the education of all types of handicapped children.

This culminated in 1970 with enactment of the Education of the Handicapped Act. Under this Act, we now have Federally-assisted comprehensive programs for training all types of specialized personnel needed in education programs for handicapped children, research and demonstration projects to develop improved devices and techniques, grants to the states to assist in educating handicapped children, regional resource centers, centers and services for deaf-blind children and their families, instructional materials centers, assistance in the early education of handicapped children, and special aid for children with specific learning disabilities.

The recognition of needs and decisive action by the Congress to meet these needs have been gratifying to those of us in national voluntary organizations who have seen increasingly critical problems in the education of handicapped children which only Federal assistance can solve. The outstanding leadership given by the Bureau for the Education and Training of the Handicapped in the Office of Education has been a major force in the progress made thus far in the effort to assure educational opportunities to handicapped children throughout the country.

However, we must express serious concern over the lack of adequate appropriations to effectively implement the services established by excellent authorizing legislation. With more adequate funding, these programs will be able to cope with the backlog of need.

For example, there is still the need to train more teachers and other specialized personnel, such as school psychologists, school social workers, school-oriented occupational therapists, recreation workers, therapeutic recreation workers, physical education instructors, and teacher aids. There is still an acute need for training highly specialized teachers of deaf-blind children. As a result of the rubella epidemic of 1964 and 1965, a substantial number of deaf-blind children already of school age are not receiving adequate educational services because of the shortage of trained personnel. These same epidemics also produced a substantial number of children with a variety of other combinations of handicapping conditions who are not receiving educational services because of the lack of trained personnel. There is also a serious shortage of trained orientation and mobility instructors for blind children.

Therefore, we would urge the Subcommittee to extend all of the programs under the Education of the Handicapped Act as provided for in S. 896. In addition, we would urge favorable action on S. 6, which is designed to pay each state 75 per cent of the excess cost of educating handicapped children over the cost for the education of nonhandicapped children. By requiring individualized education plans for each handicapped child, as well as recourse for parents dissatisfied with educational services provided their children, this bill would minimize arbitrary rejection of handicapped children by school systems. The steadily increasing number of court decisions requiring states to provide appropriate, free public education to handicapped children makes more emphatic the need for Federal financial assistance to the states to meet the additional costs as provided for in S. 6.

In closing, Mr. Chairman, I should like to restate the fact that our greatest concern for the effectiveness of special education programs for all types of handicapped children continues to be the great disparity between authorizations developed after careful study by the Congressional committees handling the enabling legislation and the actual appropriations. We hope that the appropriations process will take cognizance of the backlog of unmet needs in the education of handicapped children due to underfinancing. Otherwise costlier institutionalization and increases in the welfare rolls at a later date will be the predictable result. An adequate preschool, elementary, and secondary education for the Nation's handicapped children is the essential first step in assuring them of a productive life instead of a life of dependency.

Senator RANDOLPH. Next are Mr. Geer and Mr. Weintraub.

STATEMENT OF WILLIAM GEER, EXECUTIVE DIRECTOR, COUNCIL FOR EXCEPTIONAL CHILDREN; ACCOMPANIED BY FREDERICK WEINTRAUB, ASSISTANT EXECUTIVE DIRECTOR

Mr. GEER. Senator Randolph, Senator Williams, Mr. Weintraub and I are very grateful to be here today. We will join the parade of brevity, because we realize you have extensive schedules and we would not delay you any longer than is necessary to put into the record those statements that we feel are necessary. If you will permit our full statement to be submitted in the record, I will just make a few comments.

Senator RANDOLPH. The statement will be included in the record at the conclusion of your testimony. We are also very appreciative of your patience. Go ahead.

Mr. GEER. As one of the organizations, among those who have been here this morning, who have strongly supported the Education for the Handicapped Act when it came into existence, we reiterate and extend our support with particular reference to the Bureau for the Education of the Handicapped, which in my opinion is the primary agency to make certain that handicapped children are remembered when others would forget them. Only through an agency of that type can we be certain that the proper attention will be given to the expending of funds for the education of the handicapped by the Office of Education.

We do support the various programs that are in that Education for the Handicapped Act, the specialty programs, the training programs, the research programs, and the money that is now being transferred apparently or is likely to be into the Revenue Sharing Act.

We certainly feel that all of these moneys have had monumental effect in developing resources, mostly, however, on a pilot basis or on a stimulative basis; and that these funds, small though they may be, have stimulated the expenditure of many millions of dollars more throughout the various States.

We would call the attention of this committee to the fact that there are movements underway that all of us ought to be considering as we make plans for the education of the handicapped. That is that through courts today there is being directed that children who previously had not had the opportunity for an education are to have this opportunity, and that this must be done now. Obviously these decisions are of importance, and I know of no greater service that this committee or any other committee in Congress that has anything to do with this program can do than to be certain that the Federal share to help the States at this critical time is increased to the very highest proportion so as to help them meet these obligations to handicapped children.

We have provided for your committee a summary of pending litigation which gives additional information on this.

Finally, we would certainly want to express our gratitude to Senator Williams and those of you who support Senate bill 6. While we at this time are perhaps mostly concerned about the Education for the Handicapped Act, we look forward to the time when Senate 6 can become the law of the land and assure more than ever before that some of the inequities that you have heard about this morning will no longer exist.

It is through this kind of thoughtful legislation that amounts of money per person are allocated to children so that an autistic child or any other child who comes before an educational agency can be sure that there is money there waiting for that child's education. None of us should be satisfied until we are certain that every child who has been presented to public education authorities has not been turned away but has been given the kind of education that is his inherent right and that we in the Council for Exceptional Children so strongly support.

To that extent, our resources are at your disposal. I am very pleased to have as capable a person heading our division on governmental relations as Mr. Weintraub, and his staff, and he will at any time be quite willing to work with you in any way to help further the cause in which we are mutually interested.

Thank you very much.

Senator RANDOLPH. Thank you, very much.

Mr. Weintraub, would you like to say something?

Mr. WEINTRAUB. No, Senator.

Senator RANDOLPH. I have no questions, Mr. Geer. I am grateful that you have stayed with us.

Senator WILLIAMS. Mr. Geer, national figures show that we are currently providing special education programs for less than 40 percent of all handicapped children. Assistant Secretary Marland stated that one of his objectives, when he was Commissioner of Education, was to provide all handicapped children with educational services by 1980. That has been testified to this morning, too. Do you see that we will be able to mee that goal under the Education of the Handicapped Act?

Mr. GEER. Under that act alone, unless the authority and the appropriation were greatly expanded, that would not be possible. It would take something that is like Senate 6 which refers to specific children and obligates the Government to 75 percent at the Federal level and 25 percent at the local and State level to be sure that money is there for this purpose. It is that kind of legislation which finally will tell the story of complete services.

However, the Education of the Handicapped Act has been important in that it has stimulated services to the point where we now realize that it is an achievable goal to give all of these children an education.

Senator WILLIAMS. Thank you, very much.

Senator RANDOLPH. Thank you, Senator Williams, and thank you, Mr. Geer and Mr. Weintraub. We will be calling on you for details with reference to these bills.

I think we have had a productive day.

[The prepared statement follows:]

Statement of
The Council for Exceptional Children
to the
Subcommittee on the Handicapped
of
The Labor and Public Welfare Committee
United States Senate
March 20, 1973

Witness:

Mr. William C. Geer
Executive Director
The Council for Exceptional
Children
Washington, D.C.

Accompanied by:

Mr. Frederick J. Weintraub
Assistant Executive Director
for Governmental Relations
The Council for Exceptional
Children

Mr. Chairman, members of the committee:

It is always a pleasure to come before this distinguished panel to offer the comments of The Council for Exceptional Children on present and future federal programs for the education of America's handicapped children coming under the jurisdiction of this committee.

At the outset, let me emphasize again -- in concert with the feelings of all members of The Council for Exceptional Children -- the real and deep gratitude of all of us in the special education profession for the efforts on behalf of these children demonstrated by this subcommittee and its parent committee of the Senate. This panel long ago acknowledged the special responsibility of the national government for the education of America's handicapped children; the existing legislation for the handicapped is a singular monument to your extraordinary commitment and to your diligence.

And to the leaders of both this subcommittee and its parent committee may I extend our special thanks. The handicapped have always been an especially vulnerable segment of our population, easily mislaid in the constant re-evaluation of programs and priorities -- unless there are the strongest possible voices to guard their interests. You, Mr. Chairman, and your distinguished colleague from New Jersey, Senator Harrison Williams, Chairman of the Labor and Public Welfare Committee, have been unrelenting guardians of the interests of handicapped children as well as persistent advocates of their rights in our society.

Needless to say, The Council for Exceptional Children most strongly endorses extension of the Education of the Handicapped Act. The passage of this legislation represented a bold venture on the part of the Congress to aid states in their efforts to help over seven million handicapped children. Now, after a respectable period of actual operation on the executive level, we can and do assert without the least reticence that the Education of the Handicapped Act has developed into a solid and dependable foundation for federal support for the education of exceptional children.

The Council for Exceptional Children is particularly appreciative of the EHA (ESEA Title VI) because that legislative measure not only established a means to enlarge and extend programs through aid to the states, but also assured effective leadership and stability in the administration of programs for handicapped children through the creation of the Bureau of Education for the Handicapped. We feel that the bureau, currently under the direction of Edwin Martin, has exercised wise management of the resources made available to it under the EHA, and that the personnel of the bureau have demonstrated extraordinary dedication to the cause for which the agency was created.

To reiterate, it is the Council's conviction that the Education of the Handicapped Act is now firmly rooted as a foundation, an underpinning, of federal support for the educational needs of the handicapped.

Permit me to review briefly the components of this most effective legislation:

(See Appendix A, expenditures by state for handicapped)

(See Appendix B, handicapped served by state)

(See Appendix C, state of EHA, authorization, appropriations)

AID TO STATES PROGRAM

The state grant program under Part B (Title VI) has acted as a most useful catalyst to local and state program growth. Joint planning with the states under this program has meant increased programming on a comprehensive basis involving other federal programs (such as the Elementary and Secondary Education Act Titles I and III) as well as local services.

With appropriation levels for Fiscal 1972 and Fiscal 1973 totalling $37.5 million, this program has stimulated new educational opportunities for an encouraging 215,000 handicapped children in 1972 according to the Bureau of Education for the Handicapped. (See Appendix C) The catalytic effect of what might be described as the "seed monies" provided under Part B should not be underestimated. (See Appendix D, grants by states, Title VI B)

Members of this committee may be interested in noting the unusually wide disparity between the authorization level approved by the Congress for Title VI B for Fiscal 1973 and the estimated actual expenditures for Fiscal 1973, i.e. $200 million compared to the actual $37.5 million. (See Appendix C)

SPECIAL TARGET PROGRAMS

The special target programs under the aegis of Part C of the Education of the Handicapped Act have tremendous impact upon our total effort on behalf of exceptional children. (see Appendix E, special target programs by state)

For instance, the ten regional Deaf-Blind Centers coordinate resources and services for approximately 1,700 deaf-blind children in those regions. As you know, the number of deaf-blind children increased dramatically as a result of the 1964-65 rubella epidemic. In fact, over 4,500 children have been located and identified through the regional deaf-blind program as of December, 1972. The regional centers provide not only educational services (residential and day care) but also diagnostic counseling and tutorial services.

Let me also make brief mention of the crisis care facilities operated under this authority in which approximately 100 children are enrolled. These facilities are aimed at achieving appropriate placement of deaf-blind children in other programs and providing assistance to the parents. A by-product of such crisis care units not to be underestimated is the reduction of personal anxiety for the parents themselves.

I am pleased to note, as well, the plans at BEH for greatly expanded services at the centers beginning in September 1973. Anticipated are: educational services for 2,900 children in residential and day care facilities; crisis care services for 200 children and their families; diagnostic and educational assessment for 700 children; parent counseling for parents of 2,200 children; inservice training for 1,200 educators, professionals, and parents; summer school and camp programs for 500 children.

Another vital special target component under Part C is the early education programs. This program originally established as the Handicapped Children's Early Education Assistance Act (P.L.. 90-538) has as its purposes to:

1. Provide parents with counselling and guidance so that they may effectively respond to the special needs of their handicapped children.
2. Develop programs and materials designed to meet the unique needs of preschool handicapped children and to prepare personnel to work with such children.
3. Acquaint the community with the problems and potentials of handicapped children.
4. Insure continuity of education by demonstrating coordination between various private and public agencies providing services to the handicapped.

The importance of early education for handicapped children can not be minimized. For many handicapped children the early years are nothing more than a period of waiting. While other children develop their readiness skills for education from exploring their environments, the blind child and the physically handicapped child may remain confined to rooms or homes because of no mobility training; the deaf child remains in a world without communication, because no effort is undertaken to develop existing hearing or other communication channels; the retarded child falls further behind his peers, because no high intensity teaching program is provided and the disturbed child becomes more and more a social outcast, because no one will help him resolve his problems.

Research is clearly demonstrating that we could reduce the demands for special education services within the compulsory school age range or at least the duration of such services, if comprehensive preschooling were available. Realizing this, many states have begun to undertake this responsibility on their own. As we move in this direction the experimental early childhood education programs and its present centers will be critical.

Part C of the Education of the Handicapped Act also authorized the development of regional resource centers to assist teachers and administrators of programs for handicapped children in bringing effective educational services to the entire population of exceptional children. The six centers now in existence served more than 25,000 handicapped childrer in eighteen states with direct and indirect services in 1973.

The current goals of these centers reflect their overall mission since being created:

1. Provide educational testing and evaluation services for the children referred to them -- especially the severely handicapped
2. Develop individual prescribed educational programs.
3. Assist state and local agencies in finding handicapped children currently not enrolled in schools and recommend suitable programs.

It is anticipated that approximately 40,000 handicapped children will receive comprehensive services from the centers in 1973; and, since emphasis in the centers is being placed upon the too often hidden and unassisted severely handicapped, it is further anticipated that an additional 2,000 severely and multiply handicapped children will be served. (See Appendix E)

And finally, in the special target category, recognition must be given to the program in learning disabilities (Part G, EHA). The National Advisory Committee on the Handicapped reported in 1969 that some 600,000 to 1,800,000 or one to three percent of the total school-age population have specific learning disabilities. The federal effort is aimed at exploring the nature of the disorders, discovering approaches to treatment, and stimulating an expanded supply of teachers to effectively deal with these disabilities. Grants are made to state education agencies to establish model centers and state program plans for these children. It is expected that during 1973, 40 states will be receiving grants under this program.

The State Education Agencies are required to:

1. Conduct a specific learning disabilities intervention program.
2. Evaluate that program.
3. Design a process for determining the validity of the intervention model.
4. Develop a plan for implementation of that model.

Total federal expenditures for Fiscal 1973 for the learning disabilities project are $3.25 million. (See Appendix E for state by state distribution)

PERSONNEL TRAINING

Part D of the Education of the Handicapped Act provides for the training of personnel for the education of the handicapped.

Much has been accomplished under the authority of this section in the preparation of teachers and other personnel; but perhaps the best way to illustrate the importance of this federal program authority would be to cite the immense unmet need in the preparation of personnel.

If we are to extend quality educational services to <u>all</u> handicapped children under current teacher-student ratios, we must have an additional 245,000 teachers for school-age children and 60,000 for preschool children...that is notwithstanding the need to upgrade and update the 133,000 teachers currently in service.

The $34 million provided in FY 1973 to states and colleges and universities (See Appendices F and G) has been a critical factor in making educational opportunities for handicapped children a reality. With the movement to provide education for all handicapped children the continuance and growth of this program is imperative.

RESEARCH AND DEMONSTRATION

Research and demonstration is also a vital component of the EHA package, since it supports applied research and related activities. For instance, in 1972 research was produced further demonstrating that retarded children can be taught effective strategies for learning. One project provided learning experiences via educational television for over 200 children in North Carolina. Other research under this component has led to training programs for teachers of low vision children; major curriculum development in the area of programs in the area of post-secondary school vocational training for hearing impaired youth; a computer-assisted course of instruction designed to acquaint regular teachers with the identification of handicapped children in their classrooms. The list trails on impressively; this federal investment must be continued.

Research and demonstration (EHA Part E, Sec. 641 and 642) has been obligated at a level of $9.9 million in Fiscal 1973, and the Administration proposed maintaining that level of funding in Fiscal 1974. In Fiscal 1973, some $7.9 million will have been obligated for continuing research with the remaining $2 million applied to new research. Approximately the same division between the "new" and "continuing" is estimated for Fiscal 1974.

For Fiscal 1974, research priorities have been assigned to improving the delivery of services in preschool education, in establishing new initiatives in career education and supporting continuing education programs for the adult deaf.

MEDIA SERVICES AND CAPTIONED FILMS

The Media Services and Captioned Film program responds to the need to provide the handicapped child with special education materials. (Part F of the Education of the Handicapped Act) What are examples of accomplishments? In 1973, efforts such as the development of Computer Based Resource Centers have afforded teachers of handicapped children with detailed instructional strategies and materials. Nearly 500,000 CBRU's are in use now by about 75,000 teachers of the handicapped. Another example: Project Life, a programmed language system to teach handicapped children, and Project ME, a learning program for young handicapped children, are now well known. These programs started with federal funds. Federal activities in the captioned TV area for deaf persons has meant the captioning and broadcasting of numerous programs over the Public Broadcasting Network, including the captioning and broadcasting of the recent Inaugural Address (a first attempt at the captioning of a national event for immediate broadcasting.

Media Services and Captioned Films was obligated at a funding level of $13 million in Fiscal 1973, and the budget proposes to maintain that obligation in Fiscal 1974. (See Appendix H) Objectives for Fiscal 1974 in the communication area show a continuation of many worthy initiatives in early childhood programs, in manpower development, in career education, as well as all full services, examples of which I have previously cited.

POSITION OF THE COUNCIL FOR EXCEPTIONAL CHILDREN

Mr. Chairman, The Council for Exceptional Children supports the provisions of S. 896, which you introduced on February 19, and the purpose of which is to extend the Education of the Handicapped Act -- and we do so for all of the reasons previously cited in our testimony.

Mr. Chairman, I would like to offer a postscript relative to your future legislative considerations for the handicapped. As the members of this committee well know, there are six million handicapped children of school age. It is difficult for many to accept the stark reality that in 1973 less than one-half of these children are receiving any special education assistance. Even more disconcerting is the fact that about one million of these children are provided no educational opportunity whatsoever.

We at The Council for Exceptional Children are optimistic that a free education for all handicapped children may nonetheless become a reality in the near future. Our optimism is inspired principally by the fact that several federal courts have declared that handicapped children have a right to an education and that state and local school districts must take every appropriate action to guarantee that constitutional right. In capsule, the courts are asserting that justice delayed is justice denied, and a significant national movement from "charity" to "rights" is everywhere in evidence.

The degree to which this avenue of change through the judicial system is being successfully employed by those advocating the educational rights of the handicapped is well evidenced by the fact that there are now no less that 23 cases pending or completed in some 18 states, with reports that suits are being considered in 6 additional states.

The public responsibility is being clearly and forcefully defined by the courts. As an example, permit me to quote briefly from the decision rendered in Mills v. Board of Education of the District of Columbia (Civil Action No. 1939-71). "The defendants are required by the Constitution of the United States, the District of Columbia Code, and their own regulations to provide a publicly supported education for these 'exceptional' children. Their failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly-supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds..."

Further evidence of both the impact of judicial action and mounting public awareness can be viewed in the impressive number of new statutes mandating education for handicapped children which are clearing the state assemblies. In calendar year 1971, a very substantial 237 out of 899 bills introduced regarding the education of the handicapped enjoyed final approval by the state legislatures.

With pressure from the courts, as well as parents and teachers, and with many of the states literally over-powered by their own crisis in public finance, we feel strongly that the federal government should assume a substantial fiscal partnership with the states and local communities to assure that handicapped children will no longer have their educational futures determined solely by the availability of state and local revenue.

Of course, the states and localities are making an effort to increase their support, and the present level of spending nationwide for the education of the handicapped is $3.5 billion. But the most responsible sources advise that it would cost around $7 billion to provide an appropriate public education for all handicapped children. Thus the total public financial commitment must be doubled.

Hence, we wish to take this opportunity to declare our wholehearted support for the concepts underlying S.6, the "Education for all Handicapped Children Act." As you are well aware as a co-sponsor, Mr. Chairman, that legislative proposal, under the prime sponsorship of Senator Harrison Williams, would pay to the states 75% of the excess costs incurred in the education of handicapped children, and would carry a price tag in the first year of operation of an estimated $1.7 billion.

Relative to the "Williams bill," permit me to quote from your own remarks, Mr. Chairman, at the time you introduced legislation to extend the Education of the Handicapped Act: "If this program proposed by the Senator from New Jersey (Mr. Williams) comes to fruition, the need for professional personnel, research, instructional media and special projects, as contained in the measure I am introducing today, will be in greater demand to serve the increase of children brought into our school systems."

In closing we would ourselves emphasize that, regardless of other legislative developments, extension of the Education of the Handicapped Act is indeed of critical import. Without the basic services as well as the innovative and "seed" programs supported under this Act, we cannot begin to fulfill this Republic's commitment to its exceptional children.

Mr. Chairman, members of the committee, thank you.

APPENDIX A

STATE BY STATE COMPARISON OF SPECIAL EDUCATION EXPENDITURES
(in thousands)
FY 1972

State	Total State Education Expenditures	Total State Sp. Education Expenditures	% of Funds Expended for Sp. Education
Alabama	$ 465,221	$ 11,576	2.49%
Alaska	151,586	4,488	2.96
Arizona	444,030	11,967	2.70
Arkansas	289,012	3,046	1.05
California	4,524,818	294,000	6.50
Colorado	555,349	22,429	4.04
Connecticut	788,742	66,304	8.41
Delaware	190,000	5,381	2.83
Dist. of Col.	204,443	4,887	2.39
Florida	1,383,147	57,451	4.15
Georgia	873,067	18,485	2.12
Hawaii	218,738	5,455	2.49
Idaho	147,297	2,551	1.73
Illinois	2,648,941	131,464	4.96
Indiana	1,100,179	28,121	2.56
Iowa	767,208	26,517	3.46
Kansas	489,158	23,686	4.84
Kentucky	487,273	14,594	3.00
Louisiana	763,062	15,070	1.97
Maine	219,712	2,900	1.32
Maryland	1,164,454	24,272	2.08
Massachusetts	1,121,059	36,724	3.28
Michigan	2,720,628	94,368	3.47
Minnesota	1,039,735	47,13[illegible]	4.54
Mississippi	377,764	6,146	1.63
Missouri	870,542	62,239	7.15
Montana	160,919	7,442	4.62
Nebraska	281,200	11,659	4.15
Nevada	136,200	4,200	3.08
New Hampshire	148,244	3,832	2.58
New Jersey	1,959,000	78,392	4.00
New Mexico	248,615	6,756	2.72
New York	5,524,988	344,304	6.23
North Carolina	893,509	26,000	2.91
North Dakota	117,100	9,765	8.34
Ohio	2,255,000	60,400	2.68
Oklahoma	400,672	8,771	2.19
Oregon	498,557	8,743	1.75
Pennsylvania	2,801,000	114,310	4.08
Rhode Island	204,327	10,130	4.96
South Carolina	482,550	13,380	2.77
South Dakota	137,664	2,633	1.91
Tennessee	639,237	31,424	4.92
Texas	2,165,745	86,500	3.99
Utah	238,842	15,722	6.43
Vermont	143,544	3,205	2.23
Virginia	1,079,950	39,002	3.61
Washington	821,571	45,859	5.58
West Virginia	298,935	3,369	1.13
Wisconsin	1,077,007	54,038	5.02
Wyoming	84,841	3,169	3.74

APPENDIX A

STATE BY STATE COMPARISON OF SPECIAL EDUCATION EXPENDITURES
(in thousands)
FY 1972

State	Total State Education Expenditures	Total State Sp. Education Expenditures	% of Funds Expended for Sp. Education
Alabama	$ 465,221	$ 11,576	2.49%
Alaska	151,586	4,488	2.96
Arizona	444,030	11,967	2.70
Arkansas	289,012	3,046	1.05
California	4,524,818	294,000	6.50
Colorado	555,349	22,429	4.04
Connecticut	788,742	66,304	8.41
Delaware	190,000	5,381	2.83
Dist.of Col.	204,443	4,887	2.39
Florida	1,383,147	57,451	4.15
Georgia	873,067	18,485	2.12
Hawaii	218,738	5,455	2.49
Idaho	147,297	2,551	1.73
Illinois	2,648,941	131,464	4.96
Indiana	1,100,179	28,121	2.56
Iowa	767,208	26,517	3.46
Kansas	489,158	23,686	4.84
Kentucky	487,273	14,594	3.00
Louisiana	763,062	15,070	1.97
Maine	219,712	2,900	1.32
Maryland	1,164,454	24,272	2.08
Massachusetts	1,121,05	36,724	3.28
Michigan	2,720,628	94,368	3.47
Minnesota	1,039,735	47,187	4.54
Mississippi	377,764	6,146	1.63
Missouri	870,542	62,239	7.15
Montana	160,919	7,442	4.62
Nebraska	281,200	11,659	4.15
Nevada	136,200	4,200	3.08
New Hampshire	148,244	3,832	2.58
New Jersey	1,959,000	78,392	4.00
New Mexico	248,615	6,756	2.72
New York	5,524,988	344,304	6.23
North Carolina	893,509	26,000	2.91
North Dakota	117,100	9,765	8.34
Ohio	2,255,000	60,400	2.68
Oklahoma	400,672	8,771	2.19
Oregon	498,557	8,743	1.75
Pennsylvania	2,801,000	114,310	4.08
Rhode Island	204,327	10,130	4.96
South Carolina	482,550	13,380	2.77
South Dakota	137,664	2,633	1.91
Tennessee	639,237	31,424	4.92
Texas	2,165,745	86,500	3.99
Utah	238,842	15,722	6.43
Vermont	143,544	3,205	2.23
Virginia	1,079,950	39,002	3.61
Washington	821,571	45,859	5.58
West Virginia	298,935	3,369	1.13
Wisconsin	1,077,007	54,038	5.02
Wyoming	84,841	3,169	3.74

HANDICAPPED CHILDREN: STATE BY STATE BREAKDOWN * APPENDIX B

State	No. of Handicapped Children	No. of Handicapped Children Served	% Served
Alabama	111,149	22,384	20%
Alaska	5,050	1,875	37
Arizona	40,059	12,678	32
Arkansas	121,665	12,492	10
California	541,085	321,765	59
Colorado	75,855	37,566	50
Connecticut	89,866	35,344	39
Delaware	15,722	8,351	53
Dist. of Col.	21,907	9,568	44
Florida	139,843	105,321	75
Georgia	129,864	65,061	50
Hawaii	19,590	9,106	46
Idaho	36,561	8,595	24
Illinois	255,381	180,877	71
Indiana	145,091	86,599	60
Iowa	94,731	36,521	38
Kansas	54,556	27,713	51
Kentucky	78,386	24,331	31
Louisiana	122,344	45,056	37
Maine	30,743	6,758	22
Maryland	123,639	66,359	54
Massachusetts	108,612	63,466	58
Michigan	288,297	165,018	57
Minnesota	122,665	76,423	62
Mississippi	116,066	16,587	14
Missouri	221,578	65,116	29
Montana	23,600	5,358	23
Nebraska	93,568	23,734	25
Nevada	13,640	6,300	46
New Hampshire	19,374	6,070	31
New Jersey	231,055	99,189	43
New Mexico	53,126	8,655	16
New York	372,811	221,219	59
North Carolina	172,580	73,739	43
North Dakota	47,215	3,947	8
Ohio	335,898	175,300	52
Oklahoma	144,586	23,746	16
Oregon	48,004	26,274	55
Pennsylvania	265,449	156,830	59
Rhode Island	39,475	13,475	34
South Carolina	106,505	38,275	36
South Dakota	17,795	4,414	25
Tennessee	131,903	49,173	36
Texas	777,731	175,662	23
Utah	44,179	27,079	61
Vermont	20,631	4,612	22
Virginia	146,748	44,768	30
Washington	79,294	64,223	81
West Virginia	80,561	15,161	19
Wisconsin	155,813	66,236	43
Wyoming	18,475	2,665	14
TOTAL	6,559,301	2,557,551	39

* FY 1972 data

APPENDIX C

Status of:
Authorization, Appropriations, Requests
Education of the Handicapped Act (ESEA Title VI)

IN MILLIONS

Program	Title VI PL 91-230	Purpose	Fiscal 1972 Appropriations	Fiscal 1973 Authorization	Fiscal 1973 Estimated Actual	Fiscal 1974 Administration Budget Request
Grants to States	Part B	Grants to states to initiate, expand and improve programs and projects for education of the handicapped	$37.50	$220.00	$37.50	$37.50 (but transferred to revenue sharing)
Preschool Education	Part C	To provide grants for research and demonstration projects relating to preschool and early childhood education	7.50	66.50	12.00	12.00
Regional Resource Centers	Part C	To create regional resource centers to provide educational evaluation and assistance in developing educational strategies for handicapped children	3.55		7.24	7.24
Education of Deaf-Blind Children	Part C	To provide for the establishment and operation of centers for children who are both deaf and blind	7.50		10.00	10.00
Recruitment and Information	Part D	To provide programs to recruit personnel in special education and to disseminate information on programs in the field and the public	.50	103.50	.50	.50
Personnel Training	Part D	To provide fellowships, traineeships and institutes for the training of professional personnel for education of the handicapped	34.59		37.61	37.70

Programs	Title VI PL 91-230	Purpose	Fiscal 1972 Appropriation	Fiscal 1973 Authorization	Fiscal 1973 Estimated Actual	Fiscal 1974 Administration Budget Request
Research and Demonstration	Part E	To support research and demonstration projects on the education of handicapped children	$11.17	$ 45.00	$ 9.91	$ 9.91
Media Services and Captioned Films	Part F	Originally to provide films and other educational media for the deaf, loan service of material and research and training in the use of media. Now expanded to all areas of the handicapped	10.50	20.00	13.00	13.00
Learning Disabilities	Part G	To provide grants for research, personnel training and model center development for children with specific learning Disabilities	2.25	31.00	3.25	3.25
** Totals include funds for administration of programs.			$115.06**	$486.00**	$131.01**	$131.10**

APPENDIX D

Education for the Handicapped

State Grant Program

State or Outlying Area	1972 Actual	1973 Estimate[1]	1974 Estimate[2]
TOTAL	$ 37,499,378	$37,500,000	---
Alabama	714,722	623,197	---
Alaska	200,000	200,000	---
Arizona	281,316	292,683	---
Arkansas	372,783	330,113	---
California	3,000,969	3,385,395	---
Colorado	357,041	401,127	---
Connecticut	462,435	508,420	---
Delaware	200,000	200,000	---
Florida	921,515	1,071,232	---
Georgia	853,556	832,051	---
Hawaii	200,000	200,000	---
Idaho	200,000	200,000	---
Illinois	1,863,550	1,901,098	---
Indiana	932,742	926,786	---
Iowa	541,816	492,895	---
Kansas	423,897	388,245	---
Kentucky	638,302	572,173	---
Louisiana	714,466	696,632	---
Maine	200,000	200,000	---
Maryland	618,153	691,156	---
Massachusetts	939,707	958,174	---
Michigan	1,587,955	1,624,522	---
Minnesota	691,697	693,438	---
Mississippi	500,272	423,539	---
Missouri	803,303	789,238	---
Montana	200,000	200,000	---
Nebraska	272,180	248,063	---
Nevada	200,000	200,000	---
New Hampshire	200,000	200,000	---
New Jersey	1,084,951	1,180,056	---
New Mexico	220,142	200,000	---
New York	2,917,989	2,934,166	---
North Carolina	1,007,815	916,643	---
North Dakota	200,000	200,000	---
Ohio	1,902,397	1,875,154	---
Oklahoma	459,249	430,532	---
Oregon	349,280	355,386	---
Pennsylvania	2,092,856	1,946,284	---
Rhode Island	200,000	200,000	---
South Carolina	561,765	494,234	---

State or Outlying Area	1972 Actual	1973 Estimate	1974 Estimate[2]
South Dakota	200,000	$ 200,000	---
Tennessee	741,666	678,849	---
Texas	2,001,270	2,020,909	---
Utah	207,289	210,893	---
Vermont	200,000	200,000	---
Virginia	826,445	822,173	---
Washington	565,723	595,157	---
West Virginia	393,108	296,941	---
Wisconsin	782,823	800,113	---
Wyoming	200,000	200,000	---
District of Columbia	200,000	200,000	---
American Samoa	70,000	70,000	---
Guam	80,000	80,000	---
Puerto Rico	652,233	652,233	---
Trust Territory	80,000	80,000	---
Virgin Islands	80,000	80,000	---
Bureau of Indian Affairs	130,000	130,000	---

1/ Distribution estimated on the basis of the 3-21 population, April 1, 1970, with a minimum of $200,000. 3 percent of the 50 States and D.C. amount reserved for the outlying areas.

2/ Legislation will be submitted to consolidate this activity into Special Education Revenue Sharing.

egion		Special Target Programs Early Ed. Part C	Deaf Blind Ct. Part C	IMC Part C	APPENDIX E Learning Dis. Part G
	Total	7,500,000	7,500,000	4,498,261	2,249,810
	Connecticut	110,000			
	Maine	59,981			
I	Massachusetts	254,111	700,000	275,561	
	New Hampshire	60,000			
	Rhode Island	0			125,000
	Vermont	39,500			
	New Jersey	182,818			
II	New York	640,070	830,000	361,020	
	Puerto Rico	–			125,000
	Virgin Islands	–			
	Delaware	0			
	Dist. of Columbia	155,264		259,843	
	Maryland	125,000			
III	Pennsylvania	335,000			125,000
	Virginia	198,000		399,557	125,000
	West Virginia	90,000			125,000
	Alabama	228,333	795,000		
	Florida	66,550			
	Georgia	195,788			111,981
IV	Kentucky	110,000		465,732	
	Mississippi	230,000	350,000		25,000
	North Carolina	241,030	550,000		
	South Carolina	99,439			
	Tennessee	196,758		316,963	
	Illinois	287,501			
	Indiana	110,000			
	Minnesota	50,000			
V	Michigan	120,000	875,000	282,287	124,990
	Ohio	125,000		250,000	64,585
	Wisconsin	178,142		288,504	58,507
	Arkansas	51,342			
	Louisiana	44,000			
VI	New Mexico	167,251			125,000
	Oklahoma	60,000			
	Texas	390,412	975,000	360,124	125,000
	Iowa	165,777			123,515
'II	Kansas	58,500		275,000	125,000
	Missouri	185,000			
	Nebraska	45,100		54,000	125,000
	Colorado	147,988	800,000	275,000	
	Montana	60,000			
	North Dakota	50,000			
III	South Dakota	60,000			
	Utah	60,000			
	Wyoming	96,520			
	Bureau of Indian Affairs				
	Arizona	141,119			124,204
	California	559,541	975,000	339,698	
	Hawaii	60,000			367,028
X	Nevada	99,834			
	American Samoa	–			
	Guam	–			
	Trust Territory	–			125,000
	Alaska	59,700			
X	Idaho	100,000			
	Oregon	233,331		294,972	
	Washington	105,000	650,000		

APPENDIX F

BEH FUNDS OBLIGATED FY 1972
MANPOWER

Region		Div. of Colleges and Universities	S.E.A.	TOTAL
	Total	28,680,409	5,940,000	34,620,409
	Connecticut	578,225	106,541	684,766
I	Maine	170,200	67,893	238,093
	Massachusetts	1,148,147	157,902	1,306,049
	New Hampshire	20,000	61,750	81,750
	Rhode Island	81,000	66,260	147,266
	Vermont	190,110	56,360	246,470
	New Jersey	307,300	188,332	495,632
	New York	2,598,316	200,000	2,798,316
II	Puerto Rico	170,367	102,249	272,616
	Virgin Islands	0	0	0
	Delaware	42,400	58,435	100,835
	District of Columbia	987,538	64,395	1,051,935
III	Maryland	551,801	121,451	673,252
	Pennsylvania	1,320,900	200,000	1,520,900
	Virginia	1,038,552	138,822	1,177,374
	West Virginia	196,180	84,797	280,977
	Alabama	479,300	119,417	598,717
	Florida	950,916	167,869	1,118,785
	Georgia	641,823	138,416	780,239
IV	Kentucky	434,447	112,705	547,152
	Mississippi	227,726	95,537	323,263
	North Carolina	684,166	149,175	833,341
	South Carolina	134,200	100,663	234,863
	Tennessee	576,200	126,638	702,838
	Illinois	1,263,032	200,000	1,463,032
	Indiana	528,207	148,708	676,915
V	Minnesota	540,223	120,658	660,881
	Michigan	1,469,100	200,000	1,669,100
	Ohio	969,100	200,000	1,169,100
	Wisconsin	697,400	132,761	830,161
	Arkansas	106,100	87,787	193,887
	Louisiana	267,100	121,573	388,673
VI	New Mexico	212,300	68,382	280,692
	Oklahoma	270,000	98,385	368,585
	Texas	1,193,257	200,000	1,393,257
	Iowa	305,915	104,141	410,056
	Kansas	896,400	94,276	990,676
VII	Missouri	658,648	140,836	799,484
	Nebraska	110,445	77,271	187,716
	Colorado	595,436	87,767	683,203
	Montana	83,000	62,279	145,279
VIII	North Dakota	93,800	61,079	154,879
	South Dakota	109,100	61,812	170,912
	Utah	690,855	68,483	759,338
	Wyoming	66,200	54,489	120,689
	Bureau of Indian Affairs			
	Arizona	524,886	80,607	605,493
	California	2,234,191	200,000	2,434,191
IX	Hawaii	65,400	62,788	128,188
	Nevada	89,800	56,767	146,567
	American Samoa	0	500,000	500,000
	Guam	0	500,000	500,000
	Trust Territories	0	500,000	500,000
	Alaska	31,200	53,390	84,590
	Idaho	105,400	62,178	167,578
X	Oregon	645,500	88,133	733,633
	Washington	328,400	109,837	438,237

APPENDIX G

Teacher Education

	Individuals Directly Supported	Personnel Outputs from Supported Projects (est.)	Amount
Fiscal Year 1972:			
New:			
Undergraduate	2,500	11,200	$ 2,230,000
Master's	3,000	9,500	7,450,000
Postmaster's	825	2,000	1,420,000
Summer trainees	3,150	3,150	3,122,000
Institute trainees	12,700	12,700	2,153,000
New program development grants	--	(30)	2,476,000
New special projects (Program)	--	(20)	
Subtotal	22,175	38,550	18,851,000
Continuing:			
Undergraduate	--	(100)	1,900,000
Master's	--	(200)	5,820,000
Postmaster's	--	(45)	2,600,000
Special projects	--	(45)	3,484,000
Supplemental stipends	--	--	---
Administrative costs (SEA)	--	--	1,240,000
Subtotal	--	--	15,044,000
TOTAL	22,175	38,550	$33,895,000[1/]
Fiscal Year 1973:			
New:			
Undergraduate	2,800	11,000	$ 2,000,000
Master's	3,500	10,000	7,600,000
Postmaster's	950	2,200	1,650,000
Summer trainees	3,500	3,500	3,200,000
Institute trainees	15,500	15,500	2,200,000
New program development grants	--	(35)	2,660,000
New special projects	--	(10)	
Subtotal	26,250	42,200	19,310,000
Continuing:			
Undergraduate	--	(100)	2,100,000
Master's	--	(200)	6,600,000
Postmaster's	--	(45)	3,200,000
Special projects	--	(50)	4,360,000
Supplemental stipends	--	--	100,000
Administrative costs (SEA)	--	--	1,240,000
Subtotal	--	--	17,600,000
TOTAL	26,250	42,200	$36,910,000[1/]

Teacher Education (cont'd.)

	Individuals Directly Supported	Personnel Outputs from Supported Projects (est.)	Amount
Fiscal Year 1974:			
New:			
Undergraduate..................	1,900	35,000	$ 2,000,000
Master's.......................	3,600	12,900	8,100,000
Postmaster's...................	800	2,800	1,940,000
Summer trainees................	3,500	3,500	3,200,000
Institute trainees.............	16,000	16,000	2,200,000
New program development grants.	--	(35)	2,660,000
New special projects...........	--	(10)	--
Subtotal.................	25,800	70,200	$20,100,000
Continuing:			
Undergraduate..................	--	(100)	2,100,000
Master's.......................	--	(200)	6,600,000
Postmaster's...........	--	(45)	3,200,000
Summer trainees................	--	(50)	4,360,000
Supplemental stipends..........	--	--	100,000
Administrative costs (SEA).....	--	--	1,240,000
Subtotal.................	--	--	17,600,000
TOTAL.....................	25,800	70,200	$37,700,000[1]

In fiscal years 1972 and 1973, at least 54 State agencies (50 States plus 4 outlying territories) and 304 institutions of higher education have participated in manpower preparation.

	1973 Estimate		1974 Estimate	
	No.	Amount	No.	Amount
New Institutions...............	10	$ 260,000	10	$ 250,000
Continuing Institutions........	314	36,650,000	324	37,450,000
TOTAL.....................	324	$36,910,000[1]	334	$37,700,000[1]

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[1] In the tables for fiscal years 1972 and 1973, the Physical education and recreation training program was not included in the totals. In tables for fiscal year 1974 it is.

APPENDIX H

Media Services and Captioned Films

Program Financial Data	1973	1974
Captioned films - cultural	$ 1,000,000	$ 1,000,000
Captioned films - educational	1,000,000	1,000,000
SEIMC/RMCN	7,000,000	7,000,000
Demonstrations	2,100,000	2,100,000
National Theater of Deaf	500,000	350,000
National Center Educational Media and Materials	500,000	750,000
Captioned Television	900,000	800,000
TOTAL	$13,000,000	$13,000,000

Senator **Randolph**. We will continue these hearings tomorrow morning at 9:30.

Thank you very much.

[Whereupon at 1:30 p.m. the hearing was adjourned, to reconvene at 9:30 a.m. on March 21, 1973.]

EDUCATION FOR THE HANDICAPPED—1973

WEDNESDAY, MARCH 21, 1973

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED
OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:35 a.m. in room 4232, New Senate Office Building, Senator Jennings Randolph (chairman of the subcommittee) presiding.

Present: Senators Randolph, Williams, Schweiker, Beall, and Stafford.

Staff members present: Mrs. Patria Forsythe, professional staff member, and Roy Millenson, minority professional staff member.

Senator RANDOLPH. Good morning to all of you.

This is our second day of hearings of the Subcommittee on the Handicapped. The witnesses were helpful to us in matters of education for the handicapped children.

We are especially grateful that this morning the able Senator from South Carolina, Senator Hollings, has fitted into his busy schedule an appearance here so that he may introduce friends of his from Charleston in the State he well represents.

I will give him the privilege of naming the witnesses. The record will show their expertise and their service in the field that we are working on at this time.

STATEMENT OF HON. ERNEST F. HOLLINGS, U.S. SENATOR FROM SOUTH CAROLINA

Senator HOLLINGS. Thank you very much, Mr. Chairman.

It is a privilege to appear before you and this committee. It is my pleasure to introduce Dr. Charles Banov, of Charleston, S.C., and his lovely wife, Nancy, who have been pioneers in the field of autistic study.

This is a developing field for me. I learn something new about it each day, and as I become more involved and find the opportunity to develop a training program, as the one sponsored here at the Federal level, I look to my own State and find that my good personal friends from Charleston have really been leaders in the field in the State.

Dr. Banov is a native of Charleston and specializes in both internal medicine and allergies. Mrs. Banov is a trained medical technologist. They are parents of a 6½-year-old child. Combining their expertise and dedication to autistic children, the Banovs have almost single handedly brought the battle of autism to the attention of my State.

As a husband and wife team, Dr. and Mrs. Banov have traveled all over the State, organizing parents, attending conferences, visiting State legislators. Through their work with the chairman of the Governor's Committee on Retardation, $25,000 was allocated in the South Carolina mental health budget to set up autistic programs in South Carolina.

Mrs. Banov is also available as a volunteer, often substituting for her busy husband. The Banovs organized the State and local Charleston branch of the National Society for Autistic Children, and Dr. Banov serves as research chairman for the national society. These two fine people have dedicated their lives to solving the problems of autism. They have educated the public and aroused public interest in this little known disease.

Dr. Banov is recognized throughout the country and I know his testimony, and that of Mrs. Banov, will be very useful to this committee. Let me emphasize my gratitude for your unusual courtesy, Mr. Chairman, in hearing us at this hour and receiving these witnesses.

Senator RANDOLPH. Thank you very much, Senator Hollings.

We are rather holding these hearings in a sense, you know, for South Carolina to help us. We had a State senator appear yesterday.

Senator HOLLINGS. That was the Senator Waddell I just referred to.

Senator RANDOLPH. Do you know him well?

Senator HOLLINGS. I know him very well. He and I ran a losing campaign together.

Senator WILLIAMS. He said he was also on a winning campaign.

Senator HOLLINGS. We lost one big one in 1962. He is a very good close friend of mine, and he is an outstanding member of our State senate, probably the most active member on our finance committee, and with respect to social problems of the kind you are considering, he is right at the forefront.

Senator RANDOLPH. We found his testimony very helpful in bringing to us his personal experience, as well as his legislative work.

Thank you very much. Senator. We are delighted to have you with us. If you can stay, we are very grateful, but I understand that another meeting calls you.

Senator HOLLINGS. You and I both have the Energy Policy Committee meeting. I appreciate your courtesies.

Senator RANDOLPH. We are very happy that the chairman of the full committee has joined us today as he did yesterday; this certainly indicates his strong support of the efforts that we are making in the subcommittee.

Do you have any statement this morning that you want to make, Mr. Chairman?

Senator WILLIAMS. Not at this point.

Senator RANDOLPH. Doctor, would you and your helpmate go forward with your testimony?

STATEMENT OF DR. CHARLES BANOV, RESEARCH CHAIRMAN OF THE NATIONAL SOCIETY FOR AUTISTIC CHILDREN, ACCOMPANIED BY MRS. CHARLES BANOV

Dr. BANOV. I had occasion in the last few minutes to read some of the testimony that has already been presented to this committee, and it was very well organized, and covered the field fairly well. So I thought perhaps what I would do in these few minutes would be to review some of these points possibly and clarify some of the technical aspects. I appear before you as the father of an autistic child.

Although I am a physician and involved as research chairman of the national group, I am not a professional, per se, in this field. So I can speak to you as a parent. This is a very unusual disease, as you folks have been told. In that I cannot think of any disease in medicine that I have run into in my professional career that is quite this unusual. Here we have children who physically are unusually healthy. They just do not get the usual diseases of other children for some peculiar reason. They do not seem to get as many childhood diseases. And for some reason they do not injure themselves as often.

They are normally unbelievably beautifully healthy children. Yet for some abnormality in the signals, some well-documented difficulty in the chemistry of their brains, these children do not get the normal signals that other children get as they grow up. As a result, they do not learn properly. They generally have difficulty with communications and language and here we are faced with children who live a longer than normal life. They do not die in the teens or in the twenties, as so many other retarded children do. They will be around for 60, 70, 80 years. And probably when research comes out on these children, they will probably outlive, I would, estimate other normal people in terms of heart and malignant diseases.

Yet in their brain development these children have the mental capacity of 4, 6, 8 months to a year, untrained. But the thing is that these children can be trained and can be taught. Therein becomes the fact about these disease which makes it so unusual. If I might be personal, I have practiced medicine for a number of years and teach at a medical university and participate in various community activities and when our child was born, this child initially would stay up all night long wandering around.

These children have peculiar sleep patterns in that if you turn off the lights sometimes, these children wander in the dark as if they are a bat. Some of them can see in the dark. They do not need as much sleep, often they wander around all night long. You can imagine what this will do to a family, what it can do to me trying to practice medicine, and my wife trying to raise three normal children. These children can become, untrained, quite destructive to others, as well as to themselves. They can decimate a family.

You can imagine a few months living with a child like that who is that retarded but with normal physical development. This is what makes the disease unusual. They can work intricate puzzles. They can turn on a phonograph and turn off a phonograph. They can work a gate, the intricacies of a locked door. Yet they will walk out of a home and go down the street untrained, getting lost.

When this particular problem was about to [illegible]nate my family and my productivity as a physician and member of a community, we were fortunate to find a small program in St. Louis where my wife went for 3 weeks with our child. She got a hotel room and took the child there and every day went to a training center for 3 weeks, and within 3 weeks that child could be taught enough so that she could live in our family.

This was very enlightening to me that this could be done by behavior modification, and conditioning, similar to some of the techniques we use in training various animals to do certain things. We can use this in human beings. This child could be taught. As a result of this, I was able to engage in my professional activities and my wife could take care of her family. In going about the State in talking to groups, for example, we spoke at a Rotary group in our community some months ago, and a salesman was visiting a home after this talk and found such a child. The child had been seen by a number of physicians and was left in the home practically destroying the family and the physicians could offer nothing for this child, even in retardation centers and retardation groups. Yet finding that child we were able to get some help, get this child into some little minor training program we had, and in a few months this child was almost ready to enter a normal kindergarten or classroom situation.

The thing about these children is that they can be trained. If not trained, they will not only be a loss to themselves, to society, but the entire family involved with them will be lost. Now the peculiar thing about this disease, is that we have found wherein some of the defect lies, and this has been presented in some technical detail to you already. This is a chemical called serotonin, which is in the brain. It is one of the chemicals that helps the brain function. If that particular chemical does not get to the brain in the proper amount, this defect occurs.

Now we know where the defect lies. That particular defect also is involved in other forms of mental disease, other severe forms of mental disease. So the spinoff from any research that could be done in this particular disease could affect perhaps other major mental diseases. This is what as a physician intrigues me so uniquely about this disease. In my reading as a lay person in this field, but as a physician able to interpret the medical literature, I am amazed by the similarities in this defect that we have been able to uncover in autism, and in other mental diseases, and in the way other drugs work in other medical diseases, which as you gentlemen know, is a major problem in this Nation and the world today. We feel that any time in research spent with these children and in these diseases would have a tremendously important spinoff in other diseases.

If I might take a minute or two more to mention that I can only speak for our State, but I am certain this could be multiplied in other States. There are no facilities whatsoever in our State for these children to go where there is any parent training program.

If a mother were to be ill or to have some medical problem which would require the necessity of being away from that family there is nowhere in our particular State where these children could go where there is any residential training program.

The only residential school that we have that even has a semblance of a program now takes under 15 patients at a cost, privately, of $550 a month, and there are presently no South Carolina residents who can afford it or that go to that school, so that little school is just a minor drop in the bucket and is a private school and has no South Carolina residents. Therefore we have absolutely no facilities at all in which to put these children.

The other point and last point that I would like to make is that I am convinced as a father and as a professional in another field of medicine that this type of training program cannot be done only on an outpatient basis. These children cannot go for 4 or 5 hours a day. They must be trained 24 hours a day and for that reason we absolutely must have residential centers created and in any bill and in any moneys introduced we must have residential centers not to put these children away in custodial care but so we can have effective training programs for them.

Thank you very much.

Senator RANDOLPH. Thank you very much, Dr. Banov. The testimony you gave today compliments what we heard yesterday, concerning the autistic child.

We had with us yesterday the representative of the National Society of Autistic Children; and she, just as you, has an autistic child in the family. She explained how autistic children have only recently found understanding.

You have touched upon the family dislocation which takes place. This was also touched upon by Mrs. Ackerly and by Lloyd Nolan, the motion picture and television actor, who had the same problem within his family.

Let us remember, however, that you are talking about your child of how many years?

Dr. BANOV. Six and one-half.

Senator RANDOLPH. He was talking about a child who had this problem 30 years ago No one knew anything about it. I think it is very important to check the progress being made by fitting Mr. Nolan's testimony with yours.

It was said yesterday that there are approximately 24,000 of these children. I am not attempting to get an exact approximation of figures, but do you have any figure you would like to give us?

Dr. BANOV. Let my wife give those figures to you.

Senator RANDOLPH. Nancy.

Mrs. BANOV. From the national statistics that we have studied there are about 4 to 9 births in 10,000 that have this problem. We figure it would be close to 80,000 to 100,000 in the Nation. In our own State, we have approximately 1,200 of these children, but many of them, because the parents did not know that these children could benefit by training, have been sent away.

They are just either out at State mental institutions or in institutions for retarded receiving custodial care. It is these forgotten children that we would like to help and those being born now.

Senator RANDOLPH. We have disparity here of perhaps 50,000 or 60,000. Yesterday an estimate of 24,000 was presented. So we are attempting to cope with a number that is not really known, and we are continuing, of course, to discover that certain children fall within this category that we might not have placed in this category at an earlier date.

Mrs. BANOV. That is correct. Many parents were told, there is no hope for that child, put that child away, so the statistics are probably not accurate. I have some statistics in here that I can leave for the record.

Senator RANDOLPH. You can supply them for the record. Any backup material that you have will certainly be helpful in our study of this subject.

Now another point concerns me, Doctor. You spoke about your wife going to St. Louis, is that correct?

Dr. BANOV. Yes, sir.

Senator RANDOLPH. She went there because there was a school. How many schools are there in this country where she could have gone?

Dr. BANOV. Senator, I would estimate that there were probably no other schools in this country that could have provided what this small, experimental school set up initially by parents, would have available.

Senator RANDOLPH. Well then there certainly is a scarcity of schools that have adequate staffing or adequate facilities.

Dr. BANOV. They are practically nil. The only way I found out about this school at all is being active in the national organization and being a physician. But I would imagine someone who was not involved in this field at all, and had such a child would have absolutely no access to any care whatsoever.

Senator RANDOLPH. Now, Doctor, I want to make a confession. You see I never heard of autistic children personally until Mrs. Ruth Sullivan came to talk with me a few weeks ago, and that was my first exposure to this problem. Are physicians generally more knowledgeable about this condition?

Dr. BANOW. You share this problem with many pediatricians in this country, who have had only a limited exposure, perhaps a definition, and maybe a minute or two of explanation in one of their courses in medical school.

I have inquired of many physicians about this problem and they themselves would not know how to handle such a child. They would probably try to get this child out of their practice and into some psychiatric center for lack of any place better to go. They could not even handle this child in their waiting room. Just a simple thing of going to a physician for normal standard immunization, tetanus, typhoid, this type thing, is an almost impossible task with one of these children.

Senator RANDOLPH. If there is a parent with one type of handicapped child, there are one hundredfold patients, is that right?

Dr. BANOV. That is correct.

Senator RANDOLPH. Understanding, certainly is not easy to come by even from a specialist.

Dr. BANOV. That is right.

Senator RANDOLPH. Mr. Chairman.

Senator WILLIAMS. Thank you, very much. Doctor Banov, your child is how old now?

Dr. BANOV. Our child is six and a half.

Senator WILLIAMS. What are your hopes for this child in terms of being part of public education?

Dr. BANOV. Realistically there are two hopes that they would have. Number one, that research would be continued effectively so that possibly a chemical basis of this problem can be resolved and we could therefore have her brain able to absorb adequate input, if we could get special training. To get a residential center where this child could be taught, not only in the morning at 12:00 o'clock but also 3:00 o'clock in the morning, if she got up and were difficult to handle. If she could be taught, then that proper input could be given, then this child could be made to have a positive adjustment into a sheltered workshop or who knows what activity.

The second aspect of this from a realistic standpoint is I still have responsibility to the community in my professional field, in my teaching commitments, and to my patients, which cannot be effectively done if I am up all night and having to do custodial care with a child for which I do not have training or background, so that I would hope that I would be able to have professional people in that field take care of this child so I could do what I am trained to do. The same would hold true with my wife who has responsibilities to the community and also three other normal unusually bright healthy children; which she now cannot participate in her career as a mother and member of a community, having to do work with an untrained and untreated child.

Senator WILLIAMS. From what is known now, the best hope is a residential center?

Dr. BANOV. This is one of the hopes. As is true of all diseases, there are different aspects to the spectrum of these children. Some are much more severely involved than others. Some, conceivably with adequate teaching and behavior modification techniques, can be placed in a normal school or in a specialized type program, on a day care basis.

Others, such as ours, would require, to be effectively taught and to effectively be rehabilitated, would need 24-hour day care, away from the family, where they would have professionals available 24 hours a day to handle the problem. So it would depend on the individual case and how severely involved with this disease that particular individual is.

We have seen cases ourselves where with intelligent parents and good professional training, these—we know one family with this child in a normal school. The father now is an attorney, is able to participate in his activities because he has gotten help and his child is able to go to a normal school. We have seen——

Senator WILLIAMS. Where did that child get help? What service was it?

Dr. BANOV. That was an experimental program available at Chapel Hill, N.C., where this family has to go for 3 days a month. This man left his practice, he stayed in a motel with his wife, and, they took this child 3 days a month to another State, where this child could get rather intensive care. And then the mother herself, when she came home, to anywhere from 4 to 5, 6 hours a day trained this child. This is a unique situation, because this man was able to financially afford this situation, which is obviously quite an isolated example.

Anybody else with this same child who had less of an opportunity would never be able to have any care. And that particular child, instead of being in a normal family, would obviously have to be eventually institutionalized in some mental hospital and drugged for the rest of its life.

Senator WILLIAMS. Is this a specialized place in Chapel Hill?

Dr. Banov. This is an experimental program by research group working in this field. The director is chairman of the Advisory Committee of the National Society of Autistic Children.

Senator Williams. It is part of the university?

Dr. Banov. That is correct. This particular group is now quite small and cannot offer services to very many people. It is purely a small experimental group.

Senator Williams. Senator Hollings' bill addresses itself to all of the things you have discussed here this morning, and probably you have helped him in his work in getting this legislation before us.

Dr. Banov. I would assume he saw our need and was able to take it from there.

Senator Williams. It deals with research and it deals with residential centers, and it has a figure of $500,000 for the centers, going up to $5 million a year for each of the years 1975, 1976, 1977, and 1978. The only question I guess, is the amount of money. Certainly this is a need, this legislation is one of the answers.

Dr. Banov. One of the answers, that is correct.

Senator Randolph. Thank you, Mr. Chairman. We did have testimony yesterday and presumably we will have today that the witnesses in a sense were thinking of practically all the bills introduced, the bill by Senator Williams, the bill by Senator Hollings, the bill by the chairman of the Subcommittee on the Handicapped, and we are attempting to approach these problems.

I even wondered if we might include them all in one bill. I assume that is impossible, of course, I simply ask that there might be some positive thinking toward that goal. Sometimes I think we might be able to get one measure passed in the Senate, where we could not get 1, 2, or 3, which all hold merit.

Do you have further comment before we move to the next witness?

Dr. Banov. I have no further comment.

Mrs. Banov. I want to thank you very much for your interest in working for all handicapped children. I would like to say we are also very active in our State in working for all kinds of handicaps. We feel very strongly that every handicapped child's needs should be met and we are interested in combining our forces so that one comprehensive bill probably could be passed to meet all the individual needs of all handicapped children.

[The following information was subsequently supplied for the record:]

Judevine Center for Autistic Children

. . . If you treat an individual as he is, he will stay as he is. But if you treat him as if he were what he ought to be, he will become what he ought to be and could be.
—Goethe

Parents, student teachers, and volunteers learn to monitor their own progress as well as the progress of the children, while being trained in Center methods . . .

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An autistic child is a child who appears to be living in a world of his own,

My name is Howard.

I am alone. In my own world. And nobody can come in. I won't even talk to them.

I like my world 'cause everything in it is always the same. My desk and chair near the door, my dresser drawer which is open, my piece of string with the knot, and the jar lid I spin by the window.

I like to spin my jar lid. I like it better than anyone. It makes me feel good.

But, sometimes I don't feel good. I feel so bad inside that I cry and cry and scream and scream.

I don't know why I feel bad and I don't know why I feel good. I wish I knew. Sometimes I wish I had a friend.

Howard's words are not his own. For he is autistic and cannot describe to others the lonely world he lives in...a world in which love seems to be neither sought nor given, nor even accepted...a world in which fingers, mechanical devices, tiny objects of any sort, and bits of string take primary importance while parents, family members, and, in fact, all people are of little significance, a world in which no changes can be tolerated...in short, a world seemingly governed by rules totally alien to our own, making it a baffling and frightening place not only in the eyes of those who love him, but also to the child himself.

Children like Howard were a disturbing enigma to both parents and doctors long before Dr. Leo Kanner first defined the problem of autism in 1943. Since then, numerous conflicting theories have been proposed by specialists in an attempt to explain possible causes of the syndrome, but the traditional attitude regarding treatment and prognosis remains the same. Parents are advised to "put him away and forget about him. There is no help and no hope."

In the Judevine Center, Howard's wish for a friend is fulfilled. The Judevine Center was founded to disprove the notion that an institution is the only "solution" for autism and to provide HELP through education, and, through help, HOPE. Our mission is to destroy for all time the idea that autistic children are "incapable of receiving education."

The Center offers a friendly hand and a hopeful future to all children, who, like Howard, find contact with the real world a difficult and frightening experience. This is provided through a three-fold program:

- The Center School which demonstrates an effective educational environment for autistic children
- The Training Center for parents, teachers and all others interested in methods of changing behavior, and especially the behavior of autistic children.
- A Research Center for the development and distribution of educational techniques and materials, and a repository for the gathering of information relevant to the effective alleviation of autistic behavior.

THE CENTER SCHOOL

The Judevine Center School is designed to break down the resistance of autistic children to interaction with others on a behavioral level and to make possible the growth of behaviors that did not occur spontaneously.

The first step is individual training of each child. The child is taught simple things other children do naturally...to copy others...to look at his teacher...to put a puzzle together...to imitate sounds...to say words...to use language to communicate. Individual training progresses to group learning, and the child learns to pay attention to the teacher while classmates answer questions...to reply when the teacher asks him a question...to cooperate willingly when demands are placed on him...and to drop disruptive and bizarre behaviors that interfere with his chances to learn.

As the child becomes more comfortable with social and intellectual skills, he is given a gradually more challenging academic curriculum and prepared socially for entering other facilities in the community, such as the public school system.

THE TRAINING CENTER

An integral part of our program is the Judevine Training Center for parents, teachers, and all others interested in changing autistic behavior and maintaining that change over time. During a 90-hour, 3-week training program, the trainee progresses step-by-step from the level of passive-observer to that of active participant in the teaching process. Since it is not possible to anticipate every problem a person will face at home in teaching children how to learn, trainees are taught how to think about problems which may confront them and how to plan creatively the exchanges that will help to remedy the situation. Through the Training Center, parents and teachers are helped to establish "thinking sets" for the creative application of the principles of behavior to their own situation, whether they be a parent with one child or a teacher with ten children in a classroom.

A RESEARCH CENTER

Through the Center for Research, educational techniques and materials are developed and distributed in areas where no facility is provided for children with severely disordered behavior, and in particular for children with autism or similar handicaps.

THE JUDEVINE TRAINING CENTER PROGRAM FOR PARENTS

Both parents are encouraged to attend if possible. Training sessions are from 9:00 a.m. to 3:30 p.m. During this time, their child receives intensive individual work in the morning and afternoon sessions. When possible, between individual sessions, the child is worked into a regular Judevine class. If this is not possible, provisions for extra individual work are arranged or the child accompanies other children on field trips to a gym, museum, or library.

Parents spend the first week in objectivity training, getting a good foundation in the principles of behavior, social exchange theory, behavior management techniques, etc. They learn to define pertinent behavior and record informal data, then to analyze what they have recorded. They are taught to observe classes, and they also observe a Judevine teacher working with their child in individual sessions. The previous day's training is reviewed each morning with evaluations made and suggestions discussed.

In the second week, the parents sit in on individual sessions with their child and then begin working with him while being coached by a teacher-trainer. They learn to design their own daily schedule and to evaluate their own progress. Problems are discussed in detail and trainees learn to design solutions to eliminate unwanted behaviors and to encourage the development of new desired behaviors. Parents learn to use various training materials and to follow a Judevine lesson plan with guidance.

The third week, parents work independently with their child, coach other trainees, and assist Judevine teachers in classes. They are encouraged to invent ways of handling various situations and of testing ideas. They are taught to do self-evaluations of their own solutions. The application of what they have learned at home is discussed in detail and plans are made for continuing their child's training at home using the Judevine Curriculum for the Developmentally Delayed. There is also a general review of the progress of their child.

During the entire three weeks, parents keep a daily log of the child's activities. The log is turned in each afternoon for review by the Center staff and then returned to the parents during the next morning's critique. Parents learn to write objective descriptions of their own experience as well as of their child's behaviors. The parents are required to send their logs into the Center for a time after completing their training since it provides an ongoing record of their child's progress for later reference and aids the Center in helping the parents after they are at home.

Although the training sessions last three weeks, the Center is continually available for further consultation.

AUTISTIC CHILDREN AND THEIR FAMILIES

BRITISH MEDICAL
ASSOCIATION
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TWO
SHILLINGS

Children Apart

Autistic children and their families

FOREWORD

AUTISTIC children are "children apart"— cut off from normal life because of their handicaps. At birth their handicaps are rarely obvious. It is only gradually, when the baby fails to make normal progress and behaves in an odd way, that it is realised that something is wrong. Of course, the development of normal children is often uneven and may, for a time, involve apparently strange behaviour, which must not be confused with autism.

There are about 4,000 autistic children in Great Britain at any one time and in the past ten years there has been a great increase in public interest about them. Clearly such children and their families face great problems both in themselves and in the attitude of the world towards them. But what is the reality of these problems? What is autism really about? And what help can be given? It is to answer such questions that we have asked a leading authority on the subject to write this book.

TREVOR WESTON, M.D.
Editor, Family Doctor Publications

AUTISTIC CHILDREN AND THEIR FAMILIES

TEN years ago very few people who were not doctors, psychologists or teachers had heard of autistic children. Recently, however, the problems of these children have been discussed in newspapers and magazines, and most people know that autistic children exist, even if they have only a very vague idea what the children are like.

This new interest may have given the impression that childhood autism is a new problem. In fact, it is possible to find descriptions of children who were clearly autistic in books and papers written long ago. One of the most interesting is an account called *The Wild Boy of Aveyron* by a French physician, J. M. G. Itard, first published in 1799. Itard was given charge of a twelve-year-old boy who had been found wandering in the woods of Aveyron. His description of Victor's behaviour, and of the special teaching methods he devised, make a most interesting and moving story. Itard's ideas on education are still used in teaching handicapped children to this day.

Children suffering from autism, however, were not until recently identified as a separate group. In fact, it was only in 1943 that an American children's psychiatrist, Professor Leo Kanner, first described the syndrome of *Early Infantile Autism*. The word autism comes from the Greek word *autos*, which means *self*. Kanner used this name because the children go through a stage when they are very withdrawn into themselves and do not show much interest in other people. However, many of them are like this only when they are very young (under five or six years old) so the name is not really a very good one. A new and more accurate name is badly needed, but no one has yet suggested one that is both short enough and precise enough for general use.

Even after Kanner described and named the children, it was almost twenty years before the general public in Britain began to hear of them. Nowadays, there is much more widespread interest, partly because attitudes to all kinds of handicaps have changed and people are willing to talk about these problems and do what they can to help, and partly because a group of parents and professional workers started a society to help autistic children.

I hope that this booklet will be of some interest to readers who are not working or living with an autistic child, as well as to those who are directly involved as parents or teachers. It is true that childhood autism is a rare condition compared with, for example, mongolism, but it is still common enough for most people to know at least one autistic child, perhaps as a neighbour, perhaps as a distant relation, or a child of a friend. I shall describe how the children behave, and how this behaviour affects their families, give an account of the recent ideas about why they are so different from normal children, and make some suggestions as to how friends, neighbours and relations can help.

How many children are involved?

A study made in Middlesex and another in a county in Denmark showed that about four to five children in every 10,000 will have early childhood autism. This means that in England or Wales there will be about 3,000 autistic children of school age.

Boys are affected three or four times more often than girls. No one knows why this is, but all conditions in which language problems are important seem to be commoner in boys.

The condition begins from birth, or else in the first two to two-and-a-half years of life. Children can develop other kinds of abnormal behaviour after this age, but it is most unusual for the typical autistic symptoms to begin after two-and-a-half.

Roughly one third to one half of the children who have autistic behaviour also have some other severe condition, such as spasticity, hydrocephaly or epilepsy. The rest appear physically healthy apart from their strange behaviour, although special examination often shows that they have difficulties which may be due to some abnormality in the brain.

There seem to be autistic children in all parts of the world, although it is not yet possible to say what differences there are in the numbers in various countries.

The study in Middlesex showed that these children are likely to have parents with a higher educational and occupational level than average.

Learning problems

Autistic children seem very strange and puzzling to people who know nothing about them, but they are easier to understand if they are looked at as a group of children with severe learning difficulties.

Special learning problems are very common, even in children whose intelligence is otherwise quite normal. Some children have great trouble in learning to read, because they find it difficult to distinguish right from left, tend to write words backwards, and cannot tell the difference between letters such as b and d, p and q, w and m. Some are very slow with arithmetic, and others may have problems with hand-eye co-ordination, so that their handwriting is poor and they cannot do handwork or play games well. However, if a child has one learning problem only, and if it is not too severe, he can usually overcome it well enough to make progress at school, especially with the help of a good teacher.

Autistic children are unfortunate in that they have several severe learning problems at once, including some which hinder the development of one of the most important human skills—that is, the ability to understand and to use language. When they are young, it seems that they cannot make sense of the things they see and the things they hear. Their eyes and ears are usually quite normal, and so are the nerves which take the messages from the eyes and ears to the brain. The problem seems to arise at some stage during the process of *interpreting* these messages. It seems that information from the outside world is not made into a clear and understandable picture, but remains a confusing and frightening muddle. Autistic children must feel like a normal person would if he was left alone in a foreign country without knowing the language or customs, or being able to read the alphabet or even understand the gestures which people made.

A normal person could set about learning the language, but the autistic child does not seem able to do this. It is hard to imagine that someone could hear words and see gestures clearly but not understand them. It makes it a little clearer if you think of people who are tone-deaf to music. They can hear all the sounds, but the most beautiful symphony has no more "meaning" to them than water running down a drain. You could say that autistic children are, in a way, "tone deaf" to any kind of language.

No one knows exactly at which stage of "information processing" the difficulties occur. Some people working with these children feel that the information from the senses is distorted in some way, thus making it difficult for the child to understand. Others feel that the information is received normally but that the problem lies in the child's difficulty in understanding the meaning of *symbols*. For example, an autistic child may (unlike some other retarded children) be able to copy a picture of a triangle at the normal age, and match triangle shapes and so on, but he takes a very long time to learn that the word "triangle" is a symbol for the shape. Even after he has learnt to name many different things, he will still have difficulty in linking words together into sentences. He has even more trouble in understanding the connections between things, and therefore in working out answers to questions like "Why did so-and-so happen?", "What is such-and-such for?" "How is this done?" "What is the reason for that?" The abstract ideas and complicated meanings of words in poetry and literature are completely beyond these children even if they eventually learn to read fluently.

Research workers are investigating these problems, and trying to devise tests to define exactly where and when the children's difficulties in understanding begin. Many problems are still unsolved, but it is possible to describe how an autistic child behaves, and how he can be helped.

FIRST SIGNS AND SYMPTOMS

IF a child is autistic from birth, it may be quite difficult for an outsider to guess that there is anything wrong for the first few months. Sometimes a mother has an uneasy feeling that her baby is unusual in some way, but finds it difficult to put her finger on what is wrong. Perhaps the reason is that an autistic baby does not show all the little signs of awareness of his mother's presence which the normal baby does from quite an early age.

Some autistic children are "model" babies, hardly ever crying even when they are hungry. Others behave in exactly the opposite way. They scream continually and cannot be comforted except perhaps by continual rocking or by riding in a car. In this case even short stops for traffic lights will cause the screaming to begin again. Both kinds of babies are difficult and unrewarding for the parents, the quiet ones because of their lack of responsiveness, and the over-active ones because of demands which can never be satisfied. Neither the quiet nor the over-active babies lift up their arms or make themselves ready to be picked up when their mothers come to them. This is quite unlike normal babies who, when they are strong enough, show just how eager they are to be picked up and cuddled.

Feeding problems are fairly common, beginning with poor sucking after birth, and sometimes going on to a refusal to chew any lumpy food when the child has been weaned.

Many of the children smile and sit up, crawl and walk at the usual ages, but they may smile only when rocked, bounced or tickled, and they often do not bother to sit up and look at the world around them even when they are able to do so. They do not point things out to their parents or show any of the normal baby's delighted interest in the world. They may not even reach out for their food when it is placed in front of them.

Sometimes these children spend hours scratching on the covers of their prams. (This behaviour also occurs in babies who are blind). When they reach the age at which a normal baby can handle toys, they seem to be interested only in the feel of the surface of the toy, and the way it looks when it is twisted and turned, instead of trying out all its possible uses as a plaything. They may be fascinated by lights, and will often stare fixedly at a lighted lamp, perhaps smiling and chuckling and wriggling with excitement.

The toddler stage

Even if the parents have not worried about their child in his baby stage, when he reaches his second year the problems become obvious. This is partly because he does not begin to talk at the expected time, and partly because it is much easier to notice unusual behaviour in a child who is mobile than in one who is lying in a pram. Furthermore, at this stage the child himself begins to be frustrated by his handicaps and reacts to this in various ways depending on his temperament.

Unusual response to sounds

An autistic child in the toddler stage seems to respond to sounds in quite unpredictable ways. He may completely ignore some very loud noises, but at other times cower away from a sound, covering his ears as if in distress. Yet again, the same child may be fascinated by a special noise, such as that made by a friction drive toy. What is really worrying, however, is that he often shows no interest when people talk to him, not even when they call his name.

Lack of understanding of speech

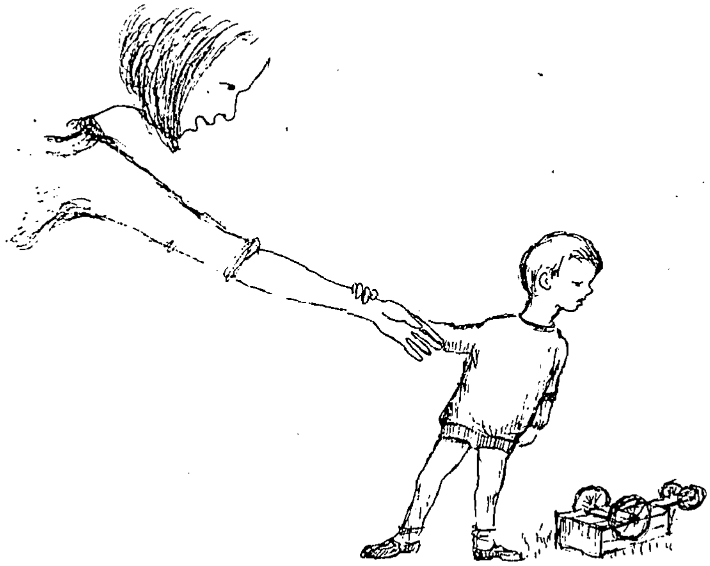
The children are disinterested in speech because they do not understand its meaning. At first it seems to the bewildered parents that their child is quite deliberately "shutting his ears" and refusing to listen. However, when the children grow older, they do begin to try to understand, and it is then possible to see how much real difficulty they have. Those who make progress go through a stage in which they can understand and willingly obey very simple instructions, but are still muddled by anything complicated. One little boy learnt the meaning of "give me the cup" but he could not understand when his mother said "Put the cup on the table". At this stage it is clear that the trouble is not due to lack of co-operation. The children may have the same reaction as an Englishman who knows just a little French, when he is with French-speaking people. He will understand the simple familiar sentences, but when the conversation gets at all complicated, he will stop listening. Like the autistic child, his attention is not on the conversation, but, also like the autistic child, he has a genuine "handicap" which makes it very frustrating for him when he tries to listen. Most of us lose interest when we are asked to do something well-nigh impossible.

SOME OF THE PROBLEMS

Late talking and speech difficulties

AUTISTIC children are always late in learning to talk and some never talk at all. In the early years the only means of communication they have is to scream until someone finds out what it is that they want. At a slightly more advanced level they will grab an adult by the hand and lead him to the desired object. The majority eventually learn to use at least some words, but their speech is clearly abnormal.

When they first begin to talk they usually repeat the words that



other people say. Sometimes the first word a child uses is the one which ends a nursery rhyme his mother has sung to him many times. As well as repeating a word just spoken, autistic children tend to echo words, phrases or sentences they have heard other people use in the past, perhaps weeks or months earlier. They may copy the exact accent of the speaker, even that of a foreigner. A little girl in a family who had a series of au pair girls could produce phrases using a Dutch, Norwegian, or French accent. These echoed sentences may give the impression that the child is talking with understanding, especially if they are used at an appropriate moment (as with the child who always said "pick it up" if someone dropped something) but anyone who really knows the child will realise that the words are meaningless copies.

The next stage comes when the child begins to use these copied phrases to obtain something he wants. For instance, he may hear his mother say "do you want a biscuit?" before giving him a biscuit. When the child wants a biscuit he uses the same words as his mother. This means he refers to himself as "you" or by his name, instead of "I". (This is called "reversal of pronouns" and is very characteristic of autistic children).

The next step forward is when the child produces some sentences which he has made up for himself. Whereas the copied phrases seemed to be said quite easily, an autistic child usually has to make a long painful effort before putting a few words together, and the sounds seem to be forced out with considerable difficulty. Sometimes the first real sentence comes out under the stress of great emotion, as for instance when a small boy did not want to be left with a baby sitter, and said, (to the astonishment of everyone) "Mummy-not-*going*-out". Very often the child has trouble in arranging the words in the right order, and may say "table sit-up" (instead of "sit up at the table") or "take park to doggie". He is not able to comprehend the difference.

The little words in sentences cause endless trouble (just as for a normal person learning a foreign language). At first the autistic child does not use them at all, and says "dinner now", "go shop" and so on. Later he will try to use them, but make many mistakes, saying "put it from chair" instead of "on chair" or making one word do for "under", "beside", "on top", "through", and all the other words indicating position.

Words that often come in pairs are easily muddled. Brush may be used instead of comb, sock instead of shoe, and on instead of off. The words "you" and "I" still cause problems even when the child has stopped repeating and echoing. It is in fact very difficult to explain that when I say "I", I mean *myself*, but when I say "you" I mean *your*self, but when *you* speak it is the other way round.

Perhaps the surprising thing is that normal children learn this so quickly, not that autistic children find it so difficult.

Usually each word has one meaning, and one meaning only for an autistic child. A ten-year-old autistic girl who had at last learnt the meaning of the word "up" was very puzzled when asked to "walk up the shop" when trying on shoes in a shoe shop. She looked round in desperation, then saw a step ladder and walked up that.

Even if they do learn to speak quite well, autistic children are still handicapped because they find abstract ideas so difficult to grasp. They do not seem to see the connection between one event and the next unless it can be shown in a very concrete and practical way. If you want to show an autistic child that the hot water from a tap is heated by a boiler in the cellar, you cannot expect him to understand if you just tell him in words—you must take him to the cellar, show him the fire in the boiler, show him where the water tank is, and trace the pipes all the way up to the bathroom.

Problems of pronunciation

Although when they copy other people, autistic children may speak very clearly, they usually have poor pronunciation when they produce their own phrases. They have poor control over the volume of the sound they make, and they may speak much too loudly or almost in a whisper. The pitch of the voice is often wrong, the words being all on one note, or else rising and falling in the wrong places with the emphasis on the wrong words. Sometimes the children seem to "play" with sounds, and speak in a voice quite different from their normal one. They may do this when they are unsure of the right thing to say, and also when they are imitating other people.

Problems connected with the use of vision

A young autistic child often seems to respond to the things he sees as oddly as he does to the things he hears. He may ignore things which would be of great interest to a normal child, but be fascinated by something quite trivial. Parents of these children are quite used to the situation where their child comes into a room full of people and runs straight through them as if they do not exist, because he has caught sight of a tiny piece of shiny paper on the floor in the corner. The same child may gaze entranced at a street lamp, but shrink and cover his eyes from a fairly strong light used for photography.

It is usual for these children to react to moving objects much more than to things which stand still. An autistic toddler used to like throwing pebbles in the pond in his garden. He would scream for more pebbles even though he was surrounded by them. If, however, they were rolled along the ground for him, he would see them at once, as long as they were moving, and would stop screaming and pick them up to throw.

The children tend to look through or past other people, or else look at the reflection of the light in another person's eyes. This is very disconcerting, and adds to one's feeling that the children are strange and remote. However, the reason for this behaviour is that the autistic child really has problems in comprehending the things he sees, and when he is very young he is not able to grasp the idea of a whole human being, or to know that it is customary to look at people's faces. One mother described how her autistic son recognised her by her outline and not by the details. He therefore tended to follow other people who were wearing the same kinds of clothes, assuming that he was following his mother.

It is not surprising that many autistic children are not at all interested in pictures in their early years. The mother of one child found that her little girl only began to realise what pictures were all about when she was shown the real object together with the picture.

Problems with visual language

A deaf child or a child who can't speak will make up for his language problem by using gestures and miming to communicate. Autistic children cannot do this because they have as much trouble in comprehending unspoken language as with the spoken word. They often do not learn even a simple gesture such as pointing until they are over five years old. However, this kind of language usually develops more quickly than understanding of speech, so the older autistic child tends to watch for visual cues from other people to make up for his difficulty with speech. However, few of them learn to mime, and they do not, for example, pretend to drink from a cup to show that they are thirsty. Because they are unable understand any kind of language, young autistic children are quite as handicapped as children who are born both deaf and blind.

Ways of exploring the world

Like deaf/blind children, autistic children try to make up for their handicaps by exploring the world through their senses of touch, taste and smell. They make contact with people through touch, and they seem to find endless pleasure in the feel of surfaces like smooth shiny wood, soft fur, or plastic. This may lead to problems, as in one seven-year-old child who loved fur coats and tended to run up to anyone he met in the street who was wearing one, so that he could stroke the fur and rub his face against it.

Although the children seem to understand things they feel better than things they see and hear, even here there are some abnormalities in the early years. Some of the children appear not to notice pain, and may ignore knocks and bumps. They may run out without any clothes as if they do not feel the cold. This does not usually last after four or five years old, and later on the children may be very sensitive to discomfort.

Like deaf/blind children, autistic children have many odd movements. They like to jump up and down, spin round and round, walk on tip toe, flap their arms and legs like an excited baby in a high chair, and twist and turn their hands very quickly near their eyes. It may be that both the deaf/blind and the autistic children are trying to find some form of stimulation which they can enjoy. Another possible explanation is that children with visual difficulties are very immature in their patterns of movement and carry on for years with activities which would be normal in babies and toddlers.

Difficulties with skilled movements

Many (though not all) autistic children appear to be very graceful and agile in movement. However, when attempts are made to teach them skilled movements, such as skipping, dancing, swimming, or throwing a ball, it soon becomes obvious that they have great problems. A teacher in a special school described how her children fell over their own feet and ended in a heap on the floor when she first began to teach them a country dance. The interesting thing is that the difficulty seems to occur when the children try to copy the movements made by other people. If their own limbs are moved in the correct way by the teacher so that they feel the movements, then eventually they learn to perform very well.

Careful analysis and observation has shown that the children tend to become confused when they are asked to distinguish between left and right, up and down, back and front. In addition to muddling up the letters b and d, p and q, m and w, which some of them do, they often put their clothes on back to front, copy someone pointing upwards by pointing down, and lay the table with the knives and forks the wrong way round.

BEHAVIOUR PROBLEMS

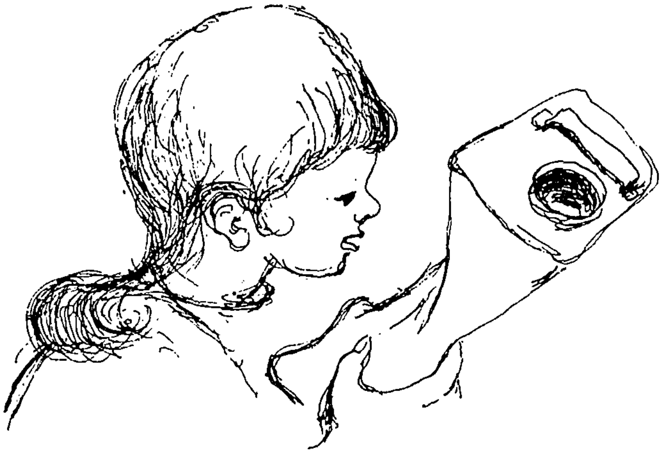
Social withdrawal

IT is not surprising that children with these handicaps have many behaviour problems. The saddest thing for the parents is that their child appears to be indifferent to them in his early years. Indeed he seems to be unaware of the existence of anyone else at all. This is why some writers have used phrases like "Children in a dream world" or "The child in a glass ball" to describe these children. However, this behaviour follows as a secondary consequence of the difficulties in communication. As they very slowly learn to speak and to understand language they become much more friendly and sociable—in fact some autistic children eventually become quite cheerful extraverted personalities, although their handicaps prevent the development of a really adult and mature relationship with another person. This is why the term "autism" is not really appropriate.

Resistance to change

As they live in such a confusing world, it is not surprising that autistic children try to cling to the few things which they do understand. They like to keep to the same routines, and a slight change may produce screams and tantrums. They also become very attached to objects, which may be ordinary toys or such apparently uninteresting things as empty bottles, packets, leaves, or pieces of paper. Some of the children go through a phase where they carry round huge burdens consisting of their favourite things, and become quite desperate if any are lost.

This dependence on routines and clinging to objects may make life very difficult for the whole family, since the child may insist on every one else fitting in to his demands. One mother described how she had to lay the fire in precisely the same way and light precisely the same corner of the paper each day to prevent her child screaming for hours on end if he saw any variation whatever.



Emotional responses to situations

Another consequence of the autistic child's handicaps is that he is liable to be frightened of quite harmless things, perhaps because of one small unfortunate incident. One child put his hand into a bath that was a little too hot and refused to bath again for years. Another would not wear shoes after a new pair had rubbed his heels.

On the other hand, their lack of understanding allows the children to ignore real dangers. They may run across the road in front of traffic, or balance dangerously on narrow ledges without any fear. At times they smile and laugh at the things which give them pleasure, such as a flickering light, or the smooth feeling of something they are holding. At other times they may weep tears of deep distress—then it seems that the world is too much for them, and they feel lost, bewildered and frightened. They can only be comforted by close physical contact with their mother or someone else they know and trust.

Lack of ability to play

Normal children learn through their play. They gain experience in working with things, and interacting with other people. In order to play, a child needs imagination, and imagination grows with the growth of language. Children who are not autistic but who cannot talk for other reasons are able to play if they have any kind of non-verbal language. Autistic children are lacking in *all* language skills and they are unable to develop the usual play activities. Their only occupation, when they are young, is to hold and feel and twist and turn objects in their hands. Later on they may learn to do puzzles and build with constructional toys, or to paint and draw, but even here they tend to copy and follow rules rather than to create new things.

Socially difficult behaviour

Autistic children, even if they were "model" babies, are usually extremely difficult in behaviour when they are between two and five years of age. They have no understanding of social requirements, so they tend to scream in the street, grab things in shops, tear up papers, tear the wallpaper, kick and bite other people (and bite themselves), and in general act in an extremely immature way. It takes years of careful teaching before they learn to behave well in public and at home.

Special skills

Most parents of these children have the feeling that their child is potentially normal and intelligent, if only they could find the key to the mystery of his strange behaviour. This is probably because most of the children look normal (in fact, many are physically very attractive), and also because they often do have some skills which stand out in contrast to their other difficulties. These skills are usually of the kind which do not involve *language*. For example most of the children love music, and some can sing very well. They tend to be good at jig-saw puzzles and constructional toys which depend on an awareness of shapes. Some are very clever with mechanical or electrical things. This is not true for all of the children—some are handicapped in almost all ways, but most are much better with activities for which words are unnecessary.

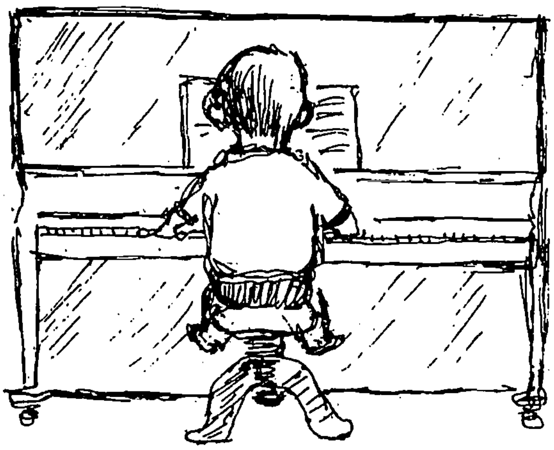
There are some rather rare autistic children who are outstandingly gifted in some way. They may be able to calculate long and intricate sums in their heads with great speed and accuracy. Some can play musical instruments or even compose tunes. A few people who were autistic as children are earning their living as piano tuners because they have an unusually accurate sense of pitch. Unfortunately even these specially-gifted children are often unable to manage the ordinary affairs of life, and need someone in the background to organise their lives for them.

These are the children who stand out in people's memories, and are almost legendary among teachers and children's psychiatrists.

Most autistic children are not like this, and most of them have learning problems that make them generally retarded.

Later development

Some autistic children make no progress at all, and remain mute and withdrawn all their lives. The majority, however, tend to show at least a little improvement as they grow older, especially after five or six years of age. Their basic handicaps begin to improve and the world gradually becomes more understandable to them. A number of autistic children were followed up by a research worker. A few (fifteen per cent.) made very good progress by the time they were adolescent. Another twenty-five per cent. did well enough to suggest that they could work in sheltered employment. The rest did not do well and most of these were placed in institutions. However, these figures were based on children who had not received any *special* help. It is to be hoped that the development of methods of education and training adapted to the needs of autistic children will enable many more to make good progress in the future.



NORMAL CHILDREN HAVE PROBLEMS TOO

Early childhood

ALL of the behaviour I have described can be seen in young normal children as they go through various "phases". There is *nothing* unusual about a toddler who, for example, likes routine, who clings to his teddy bear, has temper tantrums, and sometimes ignores people who talk to him. The difference is that an autistic child does all or almost all of the things I have described, all the time, for years on end, and does very little else at all.

Other kinds of childhood difficulty

There are other patterns of strange behaviour in children which are called "psychoses". In some cases (but not in autism) the affected children may be able to talk well, and with perfect grammar, but the things they talk about are obviously abnormal. These children are quite different from autistic children. Autism is one special form of childhood psychosis, in which poor language development is the most important feature.

Deafness

Deaf children can be very withdrawn and difficult when young, and may be backward in development. Many autistic children are thought to be deaf at first, but their parents usually notice that they can tell the meaning of some soft sounds which are significant for them, such as the rustle of a sweet paper. Very careful testing of hearing is obviously most important before making a diagnosis.

Speech problems

Children with aphasia (difficulty with talking) also have problems in understanding spoken words, and in talking. When they are young they may go through a phase of being socially withdrawn. However, they do not have such marked difficulties with comprehending what they see as do autistic children and they can make themselves understood in non-verbal ways through gesture and miming. Again, careful observation of the child and detailed questioning of the parents is needed to make the diagnosis.

Mental subnormality

This is a very difficult problem, because of the way people use the words "subnormality" and "autism". If a child is called mentally subnormal, this means that his development is a long way behind that of normal children of his age, and also that he does very badly on the tests of intelligence that psychologists use.

It is important to remember that there are hundreds of different causes of mental subnormality. Just a few of these include mongolism, phenylketonuria (a condition when the body cannot deal properly with ordinary food and so the brain becomes poisoned), various illnesses in early life which damage the brain, and so on. Each cause leads to different symptoms and a different mixture of handicaps.

Children are diagnosed as autistic because of the way they behave —whatever the cause, and however they perform on intelligence tests. Some of them have high scores if they are given tests which do not need a knowledge of words and language, although they will probably show up as backward on verbal tests. Others have low scores on all kinds of tests. A child can therefore be both autistic *and* mentally subnormal, or autistic but *not* subnormal in all respects, or subnormal but *not* autistic. A detailed description of each child, including his skills, his handicaps and the way he behaves is much more use than a single label. For example, a child could be described as follows: "He behaves like an autistic child, he scores very badly on vocabulary and word meaning tests, but he is only a little way behind normal on arithmetic". This is better than saying "he is autistic" or "he is subnormal" because these terms give only a small part of the picture. It is not surprising that parents feel annoyed if they have an autistic child and someone says "he is just subnormal and you won't admit it". On the other hand, just because a child has autistic behaviour this does not mean that his intelligence must be normal, as some parents mistakenly believe.

WHAT ARE THE CAUSES?

ALTHOUGH research workers are beginning to piece together the details of the handicaps from which autistic children suffer, very little is yet known about the basic causes.

It has been suggested by some psychiatrists that the problems are all emotional in origin; due to abnormalities in the characters of the parents, and the way they handle the child from the time he is born. This kind of theory is not very convincing. Firstly, systematic studies of parents have not shown anything unusual in their personalities apart from the problems common to parents of handicapped children in general, and they do not have severe mental illnesses any more often than other people. Secondly, most of these parents have other children who are quite normal. It is possible to have two autistic children in one family, but it is rare. Thirdly, none of the excellent studies of old-fashioned institutions, where babies really were deprived of all maternal care, has shown that they caused early childhood autism. The interesting and curious fact that the parents of autistic children tend to be above average in intelligence does not mean that they are less satisfactory as parents—probably the reverse is true. Autism may be commoner in the children of brighter people for genetic reasons, rather than because of a special environment.

The relationship between a young autistic child and his mother is different from that between a normal child and his mother. The bond between a mother and her child depends upon the way the baby behaves as well as upon the affection and attention of the mother. The more the baby smiles and chuckles and wriggles with pleasure when he sees and hears his mother, the more she enjoys talking to him and cuddling him. This close contact in turn gives the baby the interest and stimulation he needs to help his physical and psychological growth. A baby who is autistic may be so quiet and unresponsive that his mother has to make a conscious effort to play with him. On the other hand, he may be irritable, difficult and demanding, but may not seem to find any comfort in contact with his parents, and they lose heart and feel that they are useless. Either way, the normal relationship of mutual enjoyment and understanding cannot develop properly. If the mother is given the right advice she can set about the task of helping her child to become interested in herself (and other people), and thereby create a more normal relationship between them.

Parents' problems

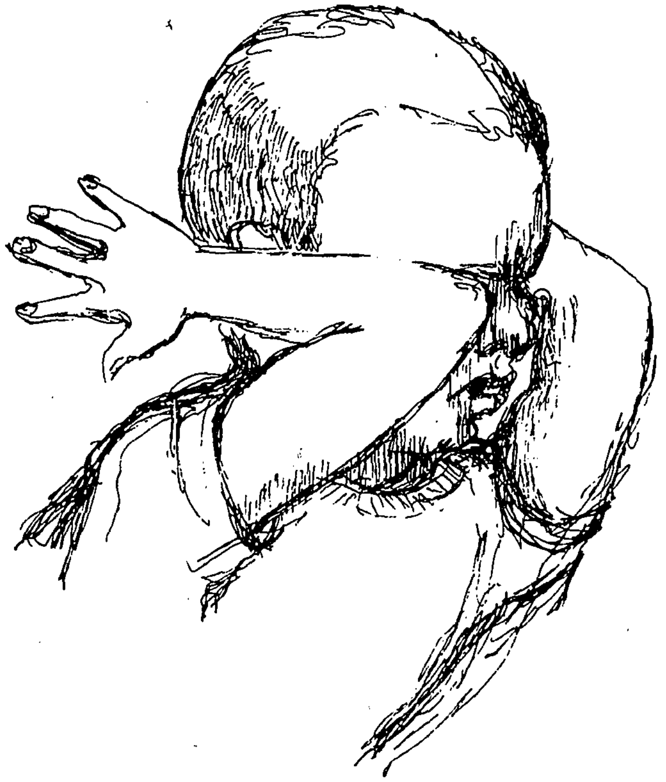
Having a handicapped child, whether his problems are physical or psychological, is a heavy burden to bear. The parents may feel guilty, even though they love their child and have done their best for him. They worry about what will happen when they are no longer alive to care for him. They also have to think about the effect on his normal brothers and sisters. The situation is a major crisis for any family, and inevitably produces emotional problems.

Parents of autistic children have the same problems as parents of other kinds of handicapped children, but in addition they have some special difficulties to face. Most autistic children look quite normal, and are assumed to be normal at birth. The parents live through perhaps one or two years during which it slowly becomes obvious that their child is handicapped. All this time the parents are half aware of the problem and half resisting awareness—sometimes feeling a sharp stab of anxiety when they compare their baby with a normal child, at other times reassuring themselves because he crawls and walks at the usual age and looks so bright and intelligent. This long process of doubt and indecision does nothing to ease the pain when the truth is known for sure.

Autism is not very common, and most people know nothing about it, so the parents feel quite alone and in the dark about the cause of the condition and what they ought to do about it. Because the children look normal other people often do not understand why an autistic child screams or behaves badly in public and parents receive critical frowns instead of sympathy and help. A child with very disturbed and unpredictable behaviour is a much greater strain than one who is handicapped but behaves well. Sleepless nights may add to an almost intolerable burden in the early years.

The children need constant care, and it requires considerable patience and skill on the part of the parents to make sure that the normal brothers and sisters receive their fair share of attention.

You may wonder why parents struggle on with these difficult children. Most of them love their handicapped children deeply and try hard to keep them at home. Bringing up a child, however difficult, makes loving feelings grow inside most people, and parents feel that the child is part of themselves and the family and they do not want him to go away. As well as this, autistic children can be most endearing and their very helplessness and confusion brings out deep emotions in others. Then, when they start to make progress, the happiness each little step forward brings seems many times greater than that given by the rapid progress of a normal child. However, it often happens that, for many reasons such as illness or sheer exhaustion, parents have in the end to find residential care for their child.



WHAT CAN BE DONE?

THERE is as yet no medical treatment for early childhood autism. Sleeplessness and overactivity can be helped by the right drugs. but there is no medicine which can help the underlying handicaps, Psychotherapy and even psycho-analysis have been tried but most workers agree that these methods cannot help young children who have such severe language problems and difficulty in understanding the world. Where psychotherapy can help is in the case. of an older adolescent autistic child who has improved enough to understand that he is different and also begins to understand some of the problems of living. He may become very depressed and anxious if he has that kind of temperament (like one boy whose mother died, and another who suddenly realised the meaning of death) and a therapist could help him through this stage.

Education

The lack of any medical treatment does not mean that nothing can be done. Although the children have severe learning problems they can be taught by skilled teachers using special methods. In this way they can learn, at the very least, socially acceptable behaviour, and the basic skills of living such as washing, dressing, using a knife and fork and so on. Some show themselves capable of far more than this, and learn to read, write, do arithmetic, algebra and geometry, woodwork, metalwork, needlework and music. As is to be expected, even the brightest autistic child always has difficulty with subjects needing an understanding of words, such as English composition, literature and poetry. Many learn to read, some fairly fluently, but very few will read with much understanding or choose to read for pleasure. It seems that the children learn the mechanical side of reading and letter and word recognition, pronunciation and spelling, but this may be independent of the understanding of the meaning of the words.

Education of these children does not cure them of their handicaps and it does not make them normal. One aim of teaching is to help them to find some way round their difficulties, just as a blind child is taught to read with Braille, and someone with paralysed legs is taught to strengthen his shoulder and arm muscles. Another aim is to help the children to become acceptable members of society so that they can live with their own families. A third is to teach them the skills necessary for earning a living, in open employment if possible, or in a sheltered environment. Perhaps most important of all, the teacher tries to help the autistic child to understand more of the world, so that it is a less puzzling and frightening place, and so that he can find some pleasure and enjoyment in life.

Methods of education

Teachers and parents are faced with the problem of teaching without using words. If you think of the part that written and spoken words play in the education of normal children you will realise how difficult it is to do without them.

The very first step is to help the children to behave more normally. It is impossible to teach a restless, destructive, screaming child. He must be able to sit still quietly at least for a short time in order to learn anything at all. The only way to accomplish this is through a firm and consistent approach. The teacher must show the child that she wants him to sit down by placing him in his chair and keeping him there for a short time, and praising him while he is there. The time can gradually be lengthened until he is quite used to sitting still. He will not understand the words but the tone of voice helps to convey the simple meaning. It is important that he should learn that screaming, kicking, biting or destructiveness do not produce a reward, but that good behaviour has enjoyable consequences. This stage can be very wearing for the teacher and parent and may seem to go on for ever, but patience, firmness and consistency produce results in the end.

The next step is to teach simple skills like doing up buttons, or eating with a knife and fork. This is done by putting the child's limbs and fingers through the movements. At first his fingers feel quite limp, but eventually he will catch on and begin to move his hands in the right way. He may need to have his teacher touching his own hand for a long while after he is quite able to do these things, but in the end he will manage by himself. Many things can be taught this way, including throwing and catching a ball, riding a tricycle and even simple country dances.

Language training plays a big part in teaching autistic children. At first they have to learn the names of things by linking the name with the actual object. When learning the word "table" they must see and feel a real table, and lots of different tables, otherwise they may think that "table" refers to the light brown square object in the dining room, and not to any table of another size, shape or colour. Verbs like "sitting", "walking", "running" can be acted to show the child what these words mean. Training of this kind has to go on the whole time. Very slowly new words, new phrases and new ideas can be taught, but the teacher must always be sure that the child can understand what he has learnt, before she goes on to something new.

The biggest problem about teaching autistic children is their difficulty in generalising from the things they learn. A child can be taught to fasten the buttons on his coat, but still not realise that the same actions are needed for the buttons on his pyjamas. He may eat an orange that has been peeled, but not know how to deal with one that is cut in half. He may be able to read words written in large red letters but be puzzled by words printed smaller and in black. The world has to be built up for him, brick by brick. None of the steps can be missed out and sometimes it seems that a lifetime is not long enough for this task. However, the patient effort required does eventually produce results, even though there are often long periods when there seems to be no progress at all.

If parents are told what to do, they can begin to teach their child before he goes to school. It is very important that he should go to a special school when he is ready, because trained teachers have much more specialised knowledge than the ordinary parent. When their child goes to school the parents can help by making sure that he has a happy home life with plenty of outings, and chances to meet other normal children.

What is "operant conditioning"?

There has been a lot of discussion about "operant conditioning" recently. The idea behind it is really very simple and has been known for a very long time. It is that children (and adults too) will prefer to do things for which they are rewarded, and avoid doing things which lead to unpleasant consequences. If a child is given a sweet whenever he screams it is easy to see how the effect is the reverse of what is intended. If, instead, he were shown that he would be given a sweet only when he was quiet and well behaved, he would scream less and behave a little better.

Some psychologists have used this idea to plan a whole system of teaching. It is certainly a very useful way of helping a child to improve his behaviour so that he is ready for school. Children need to be praised and rewarded for good work, and also have to understand that they cannot get away with bad behaviour. This applies to handicapped children quite as much as to normal children. Teachers have always known this, and in this sense they all use "operant conditioning". However, experts in this field have developed certain special skills. The first is the use of really good timing. With a child who cannot talk much, it is most important to show him he has done well, or has misbehaved, *at once*. It is no good saying "you can have an apple later on because you have been good" or "you cannot have ice-cream for tea because you were naughty". The child with little or no language forgets too quickly. The teacher or parent must react on the spot and get her feelings across to the child in perhaps an exaggerated way until he reaches the stage where he can look into the future and link it with the past.

The second special skill is the method of breaking down each task into stages which are small enough for even a very handicapped child to master. Thirdly, the operant-conditioning psychologists know how to use helpful cues and prompting, and then gradually to remove these until the child can do the task without help. Finally, considerable experience is necessary to choose a reward which really means something to the child, and which will make his efforts to learn worthwhile.

YOU CAN HELP

IF you know a family with an autistic child you may wonder what you can do to help. If you show understanding and acceptance you will be helping the parents a great deal. If you are a neighbour you may be disturbed by the child screaming in the night. The parents will know that this causes problems for everyone and this will add to their worries. Your tact and sympathy during this phase may make all the difference.

If you have a relative who has an autistic child, your support will be very welcome, especially if some other members of the family take the attitude that the child "ought to be put away in an institution". The parents should be allowed to make the right decision about the child's future, without interference from people who are intolerant and unsympathetic.

It is difficult for the parents of an autistic child to go out together especially when he is young, because they feel they cannot ask anyone to look after him. Friends, neighbours or relations can help by offering to baby sit. It is easier if you and the child get to know each other first, before you have him on your own. You should find out what he understands, and how he lets his mother know when he is hungry, thirsty, or wants to use his pot or go to the lavatory. It is useful to know of the things he likes to take to bed with him, whether he has any special fears, and whether he has any favourite songs so that you can sing to him to make him feel safe and comfortable with you. All this sounds like a lot of trouble, but getting to know a handicapped child is rewarding and interesting in itself.

If you live near the family, and especially if you have normal children of your own, you could help a lot by allowing the child to come to your house. His mother will have to come with him at first, so that he can get used to the strange surroundings. Mothers of these children often feel they cannot visit other mothers because their child is so difficult. This is bad for the child too, because he never has the chance to see another house or other children.

Later on, as the child progresses, he may reach the stage when he loves being asked to parties or to go on outings. The trouble is that he does not know what to say or do when he is with other people, and he may just sit doing nothing at a lively party. Next time he is not invited because it looked as if he was not enjoying himself. This is very hurtful for an autistic child, especially if his brothers and sisters go to parties when he is not asked. He really does enjoy these things, even if he cannot join in actively. If you know a child like this, you can make sure that he is asked to come to the same things as the rest of his family. You can give some explanation to the other people who are there so that they will understand. The child will be very happy if you remember to talk to him every now and again, even if he cannot say much, and if you keep an eye open to make sure that he is not being completely left out.

If you give Christmas and birthday presents to the other children in the family, it is often very difficult to know what to give to the autistic child. *Don't* buy things just because they are suitable for children of his age—they may mean nothing to him at all. It is always best to ask the parents first. There are a number of toys available now that almost seem as if they were made for children with language problems. The Mattell "See and Say" toys are good for the younger ones. These link up the name of musical instruments with their sounds, or the names of animals with the noises they make, and so on. Some autistic children love Meccano and various other constructional toys, and simple jig-saw puzzles. The golden rule is to avoid toys and games where the child has to use complicated language and imagination to enjoy them. Don't buy books unless you know that the pictures will interest the child, or that the words are simple enough for him to understand. Pictures should be simple and without fussy detail.

Everyone feels sorry for handicapped children. This is very natural, but it can mean that they are protected too much, and that everyone gives in to them and spoils them. Most parents find out in the end that this makes their autistic child more difficult than ever. If you know that the parents of an autistic child have laid down certain rules (for example, that he has one sweet after dinner and *not* if he screams) then it is very important that you should follow the same rules. When the child is in your house you should never give him something he wants if his mother has said "no". These children are much happier when life is orderly and certain for them, and it makes them worried and upset if grown-ups contradict each other.

Most parents of a handicapped child love him just as much as they do their other normal children. They want other people to see his good points and to accept him for himself. Perhaps the best help you can give to parents in this situation is to show that you really like their handicapped child, that you are interested in his progress, and that you feel that he has the same value as any other human being. So often parents feel that their child is treated as a "second-class citizen". He may be refused a place in school. The parents may have come in contact with people in official positions who cannot be bothered to take any interest in a backward child. They may have been made miserable by unthinking comments from people in the street. It is on these occasions that they need the comfort of a good friend who likes their child for his own sake. You can help by giving them an opportunity to talk about their child, and listening to the stories they tell about him, and laughing with them at the funny incidents that happen. Humour is a great outlet for emotions for many people, and nothing is more irritating to a parent than talking to someone who takes a hushed and solemn attitude to the handicapped child the whole time. The ability to see the funny side sometimes can go hand in hand with a basically serious approach to problems, and this combination is a positive and healthy one.

Finally, it is always a good idea to ask parents of an autistic child if they have thought of joining the National Society for Autistic Children. This is a group of parents and professional workers who are trying to improve services for the children. There are branches in different parts of the country which hold members' meetings. Parents can get advice about schools and units which take autistic children from the Head Office (see page 31 for address).

Services for autistic children

Autistic children need skilled teaching, but unhappily, there are far more children than there are school places. The National Society for Autistic Children has opened two schools, and hopes to open more in the future. Some local authorities have small schools or special classes for these children, but many more are needed. Certain private schools, especially those run by the Steiner organisation, will accept these children. At the present time some children who are thought to be severely subnormal as well as autistic are considered to be unsuitable for education in school, and they attend Junior Training Centres run by the Local Authorities. Some of these have special units for autistic and psychotic children but, in many areas, there are not enough places in Junior Training Centres to go round and children with difficult behaviour may be excluded and have nowhere to go at all.

Sometimes, for various reasons, autistic children cannot live at home. Special boarding schools may solve the problem, but there are very few places available for autistic children. Many of the children have to go into hospitals for people who are mentally subnormal. These are often very large, and are unhappily often short of staff and facilities. Autistic children do badly in such hospitals because they do not have the special attention and teaching that they need.

Nowadays people working with handicapped children feel that small homes run on family lines, with special schools attached to them, are much better than large institutions.

When autistic children become adolescent, they are still very young in their ways, and they still need teaching. They also need training so that they can do some kind of work when they grow up. At the moment it is almost impossible to find places where education and training are given for these young people. The National Society for Autistic Children has just opened an adolescent unit, attached to one of its schools, and methods of teaching adolescents will be tried out there.

Autism causes handicaps all through life. Adults who have been autistic as children may sometimes be able to earn their living but many will need sheltered work. Again, there are very few places available at the moment, although sheltered workshops would be helpful for all kinds of handicapped people.

Hostels are needed for autistic adults who no longer have a family home where they can live, and also sheltered communities which will provide both home and work for adults who have been autistic as children and who are too handicapped to live independently.

A lot has been accomplished in the last few years, but even more needs to be done. The way in which handicapped people are provided for is one index of the degree of civilisation of a community. Ours still has some way to go.

Addresses

National Society for Autistic Children,
1a, Golders Green Road,
London, N.W.11.
01-458-4375.
National Society for Mentally Handicapped Children,
86, Newman Street,
London, W.1.
01-636-2861.
National Association for Mental Health,
39, Queen Anne Street,
London, W.1.
01-935-1272.

Further reading

The National Society for Autistic Children publish a list of books and articles on the subject of autistic children, which the Secretary will be pleased to send on request.

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Children Apart

Autistic children and their families

A CLINICIAN'S GUIDE TO CHILDHOOD PSYCHOSIS

BY

ROBERT G. AUG AND BILLIE S. ABLES

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ARTICLES

A CLINICIAN'S GUIDE TO CHILDHOOD PSYCHOSIS

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ABSTRACT. This paper attempts to resolve some of the prevailing confusion about psychosis in childhood by defining it as a heterogeneous group of clinical syndromes which share certain key symptoms. A crucial distinction is made between pathognomonic symptoms and those which are not pathognomonic but which may dominate the symptom-picture when present. Within this framework, differential diagnostic observations are made concerning (1) mental retardation, (2) the behavior syndrome of minimal brain damage, (3) various conditions with delayed or absent speech, (4) other conditions with hyperactivity and impulsivity, and (5) other conditions with odd or deviant behavior. A comparison is made among differing current formulations of the psychopathology and the etiology of childhood psychosis. *Pediatrics*, 47: 327, 1971, INFANTILE AUTISM, CHILDHOOD SCHIZOPHRENIA, CHILDHOOD PSYCHOSIS, SYMBIOTIC PSYCHOSIS, MENTAL RETARDATION.

THE purpose of this paper is to give a didactically useful formulation of childhood psychosis. The discussion is largely from the point of view of the pediatric resident who is first encountering the wide array of conflicting descriptions and definitions of childhood psychosis, and trying to get oriented to the field as a whole. The resident is shown children who are labeled "psychotic," who give the global impression of severe disturbance, but who cannot be pinned down to the specific symptoms one looks for in psychotic adults, such as delusions, hallucinations, or loose associations.

In order to pull together the many facets of this subject into what can be seen as a single framework, an outline form will be used.

I. DEFINITION

A. Childhood psychosis is best defined as a heterogeneous group of clinical syndromes, with an onset any time from birth to 11 years of age, all of which present characteristic severe disturbances in the following key areas:
   1. Relationship with social environment
   2. Sense of personal identity
   3. Affect and its expression
   4. Use of speech for social communication
   5. Total integration and organization of personality

B. These characteristic disturbances are described in detail under "Symptomatology" (Section IV.)

C. Included within the rubric of childhood psychosis are the following terms, each of which implies a particular variety of psychotic child and a particular formulation of the underlying psychopathology:
   1. The Schizophrenic Child[1,2]
   2. The Autistic Child[3]
   3. The Symbiotic Child[4]
   4. The Child with Atypical Development[5-7]
   5. The Child with Unusual Sensitivities[8]
   6. The Borderline Psychotic Child[9]
   7. The Pseudoschizophrenic Child[10]

II. INCIDENCE

No definitive figures are available on incidence because of the multiplicity of conflicting definitions and diagnostic criteria for childhood psychosis, and because of differing age ranges used in incidence studies. Despite these limitations, we can gain some knowledge of prevalence from the following:

(Received February 23; revision accepted for publication September 1, 1970.)

A. In general, psychosis is much less common in children than in adults. The prevalence rate for children reported by Treffert[11] is one tenth that of adult schizophrenia.

B. Surveys of populations: The reported incidence varies from 2.1 to 9 per 10,000 population,[11-14] depending on what criteria are used in identifying cases.

C. Surveys of admissions to hospitals and clinics: Among identified psychiatric patients, the incidence of childhood psychosis is considerably higher than in the population as a whole.

1. Reports of incidence in cases referred to both outpatient and inpatient facilities range from 4 to 75 per 10,000 cases.[15,16]
2. Among those children whose behavioral disturbance is severe enough to require inpatient psychiatric treatment, psychosis is much more common. Reported incidence figures range from 10 to 24 per 100 cases.[17-19]

D. Sex ratio: Childhood psychosis is definitely more common in boys than in girls, the boy:girl ratio ranging from 2:1 to 4:1.[11,12]

III. SURVEY OF PARTICULAR VIEWPOINTS ON, AND VARIETIES OF, CHILDHOOD PSYCHOSIS

Among the list (given in I, C) of particular labels applied to psychotic children, the following three are most representative of the differing basic formulations of childhood psychosis: Early Infantile Autism, Symbiotic Psychosis, and Childhood Schizophrenia.

A. Early Infantile Autism

Leo Kanner[3] described and formulated "Early Infantile Autism," a rare condition which begins in the first 6 months of life and is marked by the two cardinal symptoms listed below.

1. The two cardinal symptoms of early infantile autism
   a. Total absence of social contact or relatedness with anybody, even with mother. This unrelatedness is manifested in infancy by absence of the social smiling response, lack of any anticipatory posture toward being picked up, failure to adapt body posture to being held, and lack of any response to mother's coming or going.
   b. Obsessive insistence on sameness (e.g., in daily routine and in spatial arrangement of certain objects in the home).
2. Similarities to, and differentiation from, mental retardation
   Because of their maldevelopment of basic social and intellectual skills, autistic children often appear to be severely retarded; however, Kanner pointed out a number of characteristics (in addition to the two cardinal symptoms) which set the autistic child apart:
   a. Instead of having a dysplastic appearance, they were well-formed, good-looking children, often with an intelligent, pensive facial expression.
   b. They gave sporadic indications of good intelligence in certain isolated areas (e.g., prodigious feats of memory and of rote calculation).
   c. Instead of having awkward, poorly coordinated movements and delayed motor milestones of development, the autistic children showed agile, graceful movements and frequently had normal or accelerated motor milestones.
3. Current usage of "autism" and "autistic"
   a. Narrow denotation versus broad connotation. Although Kanner originally used "autism" to denote a highly specific subgroup of psychotic children, many clinicians have subsequently extended the usage of the term in the following ways:
      (1) To denote other varieties of childhood psychosis which share some characteristics of Kanner's specific subgroup, but also differ from it in a variety of ways (e.g., later age of onset, lesser degrees of social isolation, and so forth).
      (2) To connote, in a loosely descrip-

tive way, merely that a given child is self-absorbed, preoccupied, or shows odd or idiosyncratic behavior; e.g., the merely neurotic obsessive-compulsive child is sometimes called "autistic" because the intensity of his involvement in his rituals and avoidances appears so out-of-keeping with the common-sense unimportance of such things.

b. Disease entity versus syndrome
Some workers[20] regard autism as a unitary disease entity which is unrelated to other forms of childhood psychosis, as well as being incompatible with a diagnosis of primary mental retardation or chronic brain syndrome. Others[1,21] regard autism as a syndrome which may be present in a variety of underlying conditions, including primary retardation and a variety of chronic brain syndromes.

B. Symbiotic Psychosis

1. In contrast to the autistic child, this type of child starts out making good social rapport with mother and apparently developing normally during his first 18 months of life. But during his second, third, or fourth year he has a major psychotic break, usually over the issue of some form of separation from his mother, which he cannot cope with. The precipitating factor may be the birth of a new sib, hospitalization of himself or his mother, or merely his dawning awareness of the Oedipal triangle, which shatters his illusion that the world consists only of the undifferentiated unity: Mother-and-me.
2. If we can view early infantile autism descriptively as failure of the infant to develop the normal social and psychological symbiosis with mother, then we can view symbiotic psychosis as a failure to grow out of that symbiosis. It is a normal developmental task to achieve such separation and individuation between 18 months and 3 years.
3. Onset
In contrast to the insidious onset of early infantile autism, the onset of symbiotic psychosis is rather sudden and dramatic. Following an initial period of regression and increased dependency on his mother, with severe anxiety during her absence, the child may have florid delusions, loose associations, neologisms, posturing and grimmacing, altogether showing much more resemblance to an adult schizophrenic break than do most other forms of childhood psychosis.
4. Later stages
After several months of this agitated, florid initial stage, the patient begins to look more and more like the child with early infantile autism; i.e., he withdraws from all social contact with any other persons and settles into a narrow range of stereotyped "ruts" of behavior, with obsessive insistence on unchanging daily routines. This end-stage is sometimes referred to as "secondary autism."
5. Differentiation from "primary" (i.e., early infantile) autism (by history) is important, because of the better prognosis for the secondary type. More specifically, a good prognosis is correlated with:
   a. The presence of useful speech prior to age 4 years (usually ascertained by history)
   b. Measurable intelligence
   c. At least some suggestion of affective warmth in the patient

C. Childhood Schizophrenia

There are a variety of conflicting uses of the term "childhood schizophrenia," and accordingly there is no universally agreed-upon symptom-picture for it.

1. Some workers use this term to refer to a symptom-picture in children which partially resembles schizophrenia in adults, e.g., children with a more obvious thought disorder (than other psychotic children show) and with more flagrantly

bizarre behavior. The older the child is at the time of onset, the more likely it is that his symptoms will resemble adult schizophrenia.

2. Lauretta Bender,[1,17,18] in her use of the term "childhood schizophrenia," emphasizes the multiplicity of different aspects of the child's functioning which are poorly patterned:
   - a. Motor behavior: uneven development, awkwardness, and surprising similarity of posture and body movements to those of premature infants
   - b. Homeostatic vegetative functions: temperature regulation, pallor or flushing of the skin, sweating, and appetite are quite labile and poorly regulated
   - c. Psychological functioning: disturbances in perception, intelligence, personal identity, and social relating

   Bender views all of these many types of symptoms as manifestations of a developmental lag (of the CNS) at a foetal stage.
3. Other workers, including Goldfarb,[2] use the term "childhood schizophrenia" to refer to all varieties of psychosis in childhood, and hence synonymously with the term "childhood psychosis" used in this paper.

IV. SYMPTOMATOLOGY

Up to this point we have stressed the multiplicity of different formulations of psychosis in childhood. When we study the actual clinical descriptions underlying these various formulations, we find not only differences, but also similarities. In an effort to embrace these similarities in a single framework, we shall pick out those symptoms which should be considered pathognomonic for all varieties of childhood psychosis. These pathognomonic symptoms (to be called "cardinal symptoms") are both necessary and sufficient for the diagnosis.

The critical point in diagnosis is to distinguish these cardinal symptoms from a second group of symptoms (to be called "nonspecific") which are frequently present in childhood psychosis, but are neither necessary nor sufficient for the diagnosis. These nonspecific symptoms do occur in other conditions and are therefore not sufficient for the diagnosis; and one does find cases of childhood psychosis without these symptoms, so they are not necessary for the diagnosis. However, when present, they can be the most prominent, spectacular part of the presenting clinical picture of childhood psychosis, a situation which causes much of the confusion concerning differential diagnosis.

A. *Cardinal Symptoms*

1. Characteristic severe impairment of contact with the environment, which may be manifested in one or more of the following ways:
   - a. Social environment
     - (1) Not relating to persons as persons
       - (a) A lack of meaningful eye contact. The child may "sweep" his gaze across the examiner without the slightest "flicker" of a personal encounter. One observer was moved to say: "He looks at me as if I'm not there."
       - (b) Unresponsiveness to spoken words, sometimes giving the impression of deafness. These children are more consistently oblivious to sounds with personal or social meaning than to inanimate sounds.
       - (c) Lack of distinguishing people from inanimate objects. One child, for example, would walk right over (and step on) sunbathers lying on a beach.
       - (d) Relating to only a part of the examiner (especially to the hand) rather than to the whole person.
     - (2) Attachments to people which do occur are narcissistic, lacking in any warmth or mutual give-and-take.
   - b. Inanimate environment
     - (1) Some psychotic children have

only a very tenuous, intermittent contact with even the inanimate environment, and have excessive repeated intrusions of fantasy into their relationship with "reality."

(2) Some children have periods of responding exclusively to inner stimuli, to the exclusion or neglect of "reality" around them.

(3) Others give their undivided attention to the "real" inanimate environment, and show amazing skills in manipulating inanimate objects (e.g., picking locks, twiddling and balancing small things with their fingers, and so forth.) However, these activities are restricted, repetitious, and seem "driven" by constant anxiety or desperation.

(4) In those children who are well "tuned in" to the inanimate environment, there is a big discrepancy between their relationship to the inanimate environment and their (much poorer) relationship with the social environment.

2. Characteristic severe impairment of affect and its expression

a. Most basically, an incongruity of affect, e.g., a smile which conveys neither mirth nor warmth, "sends" no feeling. At other times the child may seem to be having a strong emotion, but the observer cannot comprehend it, cannot "read" it.

b. Affect may be flat, have very narrow range; a dimunition of affect or rigidity of it.

c. Paradoxical combinations, e.g., of strong dependency and emotional detachment toward the same person.

d. Sudden baffling changes in mood.

3. Characteristic severe impairment of sense of personal identity

a. Lacks a unified sense of "self":

(1) As a subject of his feelings, sensations, pain or pleasure. Does not communicate a sense of "I'm hungry" or "that hurts [me]."

(2) As a subject of his own actions, even his own speech. May experience his own speech as coming from some other source.

(3) Reversal or confusion of pronouns. Does not refer to himself in first person ("I" or "me") May use second or third person or somebody's proper name, in a context tantamount to referring to himself.

b. May identify with and act like nonhuman objects, both inanimate objects (e.g., electric fans, automobiles. record players, vacuum cleaners) and animals.

c. Confusion regarding body image, body boundaries, boundaries of self, boundaries of what is "private" for another person:

(1) "Invasiveness" regarding other persons' bodies (e.g., hands in examiner's face or in examiner's mouth).

(2) Lack of awareness of his various body parts as being part of him.

4. Characteristic severe impairment of speech, especially its use for social communication

a. May be mute; or may vocalize incoherently, with total absence of speech.

b. If speech is present, there is a discrepancy between possession of a vocabulary and ability to use it for social communication. Examples of noncommunicative use of speech include:

(1) Repetitious recitation of TV commercials, and other stereotyped "spiels"

(2) Echolalia, neologisms, private language, and other bizarre or idiosyncratic speech

(3) Sing-song or monotonous speech which fails to communicate appropriate affect by intonation, pitch, melody, emphasis, or rhythm; also, timbre of voice is peculiar (shrill, squawking, or hollow)

5. Unevenness of ego development; lack of integration; disorganization

a. May show "islands" of precocious

functioning amidst grossly primitive, regressive behavior in other areas: e.g., an 8 year-old who can reel off the scientific names of all the bird species in North America, but cannot take a bath or feed himself.

b. Often lacks direction in his behavior, with sudden baffling discontinuities in the direction of his interest, attention, or "play." Such switching from one type of behavior to another suggests a sense of panicky confusion and dissolution of whatever structure his world has.

c. Lack of genuine play: the psychotic child's fiddling with various objects and his use of fantasy somehow lack qualities which one normally associates with children's play. It may be the absence of enjoyment or the presence of an empty, desperate, driven, or chaotic quality in his activity.

B. Non-Specific Symptoms

(Are found in some, but not all, psychotic children; moreover, these symptoms are sometimes found in nonpsychotic children.)

1. Inability to *grasp* basic categories of thought
   a. Unresolvable puzzlement and preoccupation with matters of time, space, cause-and-effect, matter and texture.
   b. Examples: Inability to grasp that an object has an "other" side or an edge, or that it *is* "beside," "under," or "in front of" another object.
2. Abnormalities in perception
   a. Unusual preoccupation with certain *special sensory* experiences (e.g., constantly touching or rubbing certain kinds of textures; odd direction of gaze as if using peripheral vision in preference to central vision).
   b. Preference for proximal receptors (touch and taste) over distance receptors (vision and hearing).
   c. Over- and under-sensitivity to various sensory stimuli (e.g., hands over ears and screaming in response to ordinary sound: prolonged sucking on red-hot cigarette lighter).
3. Various disturbances of motility
   a. Hyperactivity or immobility
   b. Preoccupation with a narrow range of action patterns and "ego skills" (e.g., *constantly twirling* a certain string or rope, opening or closing doors, playing with light switches, and so forth) including actions inappropriate to the object, e.g., rubbing or tapping a toy.
   c. Disorganized and/or bizarre activity (e.g., posturing, grimacing, flapping of arms and hands, touching rituals, and so forth).
   d. Rhythmic primitive movements, e.g., rocking, head banging, or "whirling" (*i.e.*, *rotating* one's whole body on its long axis). Although previously considered to be pathognomonic of childhood psychosis, "whirling" actually occurs in only about 25% of psychotic children.
4. Impaired control of impulses
   a. May have sudden, unpredictable, outbursts of highly intolerable behavior, requiring constant close supervision by an adult.
   b. Such impulsivity, when combined with hyperactivity, may be the chief reason for both exclusion from school and referral to the physician. Such a situation presents a problem in differential diagnosis from the "minimal brain dysfunction" syndrome, the antisocial personality, and anxiety states. One can rule out (or rule in) childhood psychosis on the basis of the presence or absence of the five cardinal symptoms.
5. Lack of adequate defenses by which to handle anxiety
   a. May use marked obsessive-compulsive or phobic defenses, or excessive fantasy, in an effort to contain anxiety.
   b. The child's defenses may simply fail, resulting in severe overt anxiety, panic, or apparent rage.
6. Primitive thinking

   Over-reliance on magical, omnipotent thinking, far in excess of what is age-appropriate, and unmodified by sufficient appreciation of reality. Such thinking may become frankly delusional.

7. Obsessive insistence on sameness
   a. Some psychotic children have extremely severe panic and temper tantrums in response to the slightest change in either the arrangement in space of various toys and household objects, or in the sequence in time of daily routines. Once they accept something new, they cling to it and watch over its literal reproduction with the same desperate insistence.
   b. Although this symptom was singled out as one of the two cardinal symptoms of Early Infantile Autism, it is not really pathognomonic because it (or a close counterpart) occurs in some cases of mental retardation and brain damage. In view of the severe limitations in adaptive skills imposed by these various conditions, the child's avoidance of change is one way of reducing any demands for flexible adaptation.
8. Impairment of Social Skills
   a. Seeks physical and/or emotional contact by bumping, stepping on the other person's foot, awkward leaning, and so forth.
   b. Paradoxical combinations of hugging and cuddling with biting, spitting or kicking
   c. Excessive reliance upon indirect ways of relating, such as tossing a ball or rolling a marble toward examiner
   d. Inability to "read" various social cues from other persons or from the social context, e.g., inability to sense whether a person is kidding or serious. Another example: continuing to talk to a stranger with inappropriate intimacy, despite the latter's very obvious indications of great embarrassment.

V. A UNIFYING FRAMEWORK FOR VIEWING SYMPTOMS

The above symptoms, covering a heterogeneous group of conditions, can all be viewed as severe disturbances in the process of ego development. The term "ego" is used here simply as a metaphor referring to certain aspects of an individual's everyday behavior, namely the ordering, coordinating, "administrative," executive aspects of his behavior, e.g., his various social and intellectual skills, his assessing reality and manipulating it, and his controlling and channeling of impulses.

The crucial point to be made here is that all these ego functions are not automatically given, but rather have to be "achieved" by successfully negotiating a course of development during the first several years of life. The successful outcome of this course of development requires that two basic conditions be fulfilled:

1. Repeated, consistent social contact with people who manifest these ego functions in their behavior, and who can both serve as models and provide corrective learning experiences.
2. An intact central nervous system which can respond to these social contacts by adequate learning (i.e., adequate development of these various ego functions) is also necessary. The central nervous system has to monitor the mass of incoming sensory stimuli, selectively attend to certain ones, begin to pull together certain tentative patterns of meaning, try out certain actions based on that meaning, and then receive (and integrate) social feedback from the responses of other people to "myself-in-action."

As a result, the development of these various ego functions can be "derailed" by either organic or "functional" causes, or various combinations of the two. The same symptoms of severe (psychotic) maldevelopment of ego functions can result from either an impaired central nervous system which is unable to handle and integrate data from the environment . . . or from a deviant interpersonal environment which provides distorted data (or too little data) for the central nervous system to handle.

This point of view gets specific support from the work of Goldfarb,[2,22] who evaluated a group of psychotic children for "soft" neurological signs and also evaluated their families for "parental perplexity." When neurological assessments were correlated with family assessments it was found that the neurologically "clean" psychotic children had severely deviant families and that the neurologically "tainted" psychotic children had healthier families. Thus, a deviant, amorphous family setting which fails to provide consistent experiences with appropriate emphasis can lead to psychotic maldevelopment of ego functioning in a neurologically intact child; and a more "normal" family which provides adequate learning experiences can still produce psychosis in a child whose central nervous system cannot adequately monitor and integrate such experiences.

Thus, we can view childhood psychosis as a syndrome of maldeveloped ego functions which is a "final common pathway," resulting from a variety of different underlying causes.

VI. DIFFERENTIAL DIAGNOSIS

NOTE: Problems in differential diagnosis of childhood psychosis can be attributed to failure to differentiate cardinal symptoms from nonspecific symptoms. In every case, the differential diagnosis can be made on the basis of the presence or absence of the five cardinal symptoms.

In practice, childhood psychosis must be differentiated from the following five types of conditions:

A. Mental Retardation

1. The Problem
    - a. This differential diagnosis is a knotty problem, including some debate over how we even define or conceptualize the difference. Such a problem occurs because both conditions (i.e., retardation and childhood psychosis) are manifested by disturbances of ego development, development which, in the very young child, has not yet occurred.
    - b. It is important for clinicians to bear in mind that many psychotic children appear to function at a retarded level and actually score in the retarded range on IQ tests. Such "false lows" are more likely to be misleading if only the total IQ score is considered without examining the variability among and within sub-tests.
    - c. Furthermore, some retardates (those with tendencies toward social isolation and a narrow range of behavior patterns) resemble psychotics.
2. Basis for differentiation
    - a. Although some retardates are somewhat isolated, they respond to social overtures; they are found to be not as "unreachable" as psychotics.
    - b. Many retardates show a rigidity and monotony in their behavior and their topics of conversation, but not on such a private, unshared basis. The examiner can easily "tune in" and understand their narrow little "world."
    - c. The retardate does not show such unevenness of ego development; rather, he usually shows a more uniform, even, across-the-board retardation.
    - d. The retardate does not show the extreme disorganization that the psychotic child does.
    - e. The retardate's topics of conversation are usually limited to simple, concrete subjects which are a part of the immediate environment. This stands in contrast to the psychotic, whose main topics and interests may be unrelated to the environment, and whose topics and interests may seem quite complex and abstract.
    - f. The classic retardate is free of incongruity of affect, whereas all psychotic children show incongruous affect.

B. The Behavior Syndrome of Minimal Brain Damage

1. The behavior syndrome of minimal brain damage is often mistaken for psychosis because of:
   a. The appearance (in minimal brain damage) of disorganization and discontinuities in behavior, because of hyperactivity, impulsivity, short attention span, distractibility, and emotional lability.
   b. The brain-damaged child's liking of, and dependency on, regular routines and simplicity in his environment.
2. The differentiation is made on the basis of:
   a. The presence or absence of the five "cardinal" symptoms of childhood psychosis.
   b. The (usual) presence in the syndrome of minimal brain damage of hyper-responsiveness to the environment, in contrast to the varying degrees of ignoring the environment in childhood psychosis.

C. Other Conditions with Delayed or Absent Speech

1. Mental retardation. (This is the most frequent cause of delayed or absent speech.)
2. Minimal brain damage.
3. Deafness. (Only nerve deafness, not conduction deafness, is a significant cause of delayed speech.)
4. Aphasia.
5. "Developmental Aphasia:"
   a. This is a clinically defined condition in which speech does not begin prior to 4½ years of age, but does begin by 6 years of age, and in which the child does not have general retardation, psychosis, or deafness.
   b. The underlying neurological basis is assumed to be similar to that of aphasia, except that instead of a lesion, there is simply a lag in neurological maturation.
6. Severely neglected "uncivilized" children, usually found in conditions of pervasive social pathology and poverty. These children resemble the sociopathic group more than any other diagnostic group.
7. Elective mutism: This is best classified as a type of neurotic character, in which the child is motivated to withhold speech, usually in the manner of an oppositional two-year-old.

D. Other Conditions in which the Child Deviates from Consensus (i.e., Behaves in an Odd or "Different" Way)

1. Neuroses (especially phobic, obsessive, and anxiety neuroses). It is the intensity of the neurotic child's involvement in his rituals and/or avoidances which appears so out-of-keeping with the normal common-sense unimportance of such things.
2. Personality traits such as shyness, "sensitivity," active fantasy life, and noticeable daydreaming, which may be found in normal or neurotic children.
3. Primitive behavior in severely neglected, "uncivilized," quasi-antisocial children (e.g., eating feces or parts of a dead animal. In these children, such shockingly indiscriminate oral incorporation turns out to be a form of pica).
4. Tics, especially vocal tics (e.g., in the tic of Gilles de la Tourette).

E. Other Conditions with Hyperactivity and Impulsivity

1. Antisocial and other severe personality disorders
2. Minimal brain damage
3. "Physiologic" hyperactivity
4. As a manifestation of anxiety in some neurotic children and some normal children

To repeat: Throughout this entire variety of conditions which can resemble childhood psychosis, the differential diagnosis can always be made on the basis of the presence or absence of the five cardinal symptoms of childhood psychosis.

VII. ETIOLOGY

There is a variety of differing opinions concerning the etiology of childhood psychosis, including purely psychogenic, purely organic, and various mixtures of the two. A key point to remember when surveying this variety of opinions on etiology is that childhood psychosis is a heterogeneous group of conditions, and that different investigations of etiology may be addressed to different types of psychosis in childhood. In recent years, the subtype singled out for most etiologic research has been autism.

A. Psychogenic views

Kanner,[3] addressing himself only to the subgroup of early infantile autism, at one time felt that the child's extreme aloneness was his defensive response to "living in an emotional refrigerator" (i.e., to lack of emotional warmth in his parents, especially mother). Also, various workers subscribing to the purely psychogenic view[23-26] have felt that the *child's lack of social relating is the cause* of all the other symptoms of autism (and of childhood psychosis in general).

B. Organic views

Bender[1,18] feels that not only autism but also all other varieties of childhood psychosis are of organic origin ("a diffuse encephalopathy of prenatal origin") and that when we find emotional coldness or other psychiatric disturbances in the parents of psychotic children, it is the child's abnormal behavior which is the cause, and the parents' abnormal behavior which is the effect. Studies by Rutter[27] indicate that it is possible for infantile autism to develop in a normal emotional climate.

C. Views of combined etiology

1. Garcia and Sarvis[28] see the establishment of the mother-infant relationship as a two-way street, requiring not only that the mother stimulate social responsiveness in the infant, but also that the infant behave in such a way as to elicit her mothering and reinforce it. Thus, many different kinds of etiologic factors (either functional or organic), operating in either the child or the mother, may initiate a snowballing process of decline in their mutual social responsiveness.
2. Goldfarb[2,22] also takes a transactional developmental view in which both organic and functional factors can interact to produce childhood psychosis (see Section V, B of this paper).

D. Recent studies of perceptual problems in the autistic subgroup

In contrast to deriving all other symptoms of autism from the impairment of social relating, a number of recent studies have focused on impairment of perception as the primary symptom, from which all the other symptoms of autism derive. (The accompanying implication is that the key perceptual disturbance is itself due to organic causes.) Variations on this theme include the following:

1. Rimland[20] spells out in great detail how all the symptoms of autism could result from an inability to give meaning to incoming sensory stimuli because of a basic lack of capacity to relate such stimuli to relevant stored information. The cause of this basic disability he attributes to neonatal damage to the reticular formation of the brain stem in genetically predisposed infants. In support of this fascinating (but hard-to-prove) hypothesis he surveys an extraordinarily wide range of data.
2. Ornitz, Ritvo, and their co-workers[29-33] propose "perceptual inconstancy" as the key symptom in autism, and they, too, spell out in great detail how this could bring about *all the other symptoms.* "Perceptual inconstancy" refers to fluctuating sensory overload and underload due to inadequate homeostatic regula-

tion or modulation of sensory input, so that the child is alternately overstimulated and understimulated by what he sees, hears, touches, and so forth. As a possible cause of this disturbed regulation of sensory input, Ornitz and Ritvo[31] hypothesize a disturbance of the neurophysiologic mechanism for REM sleep, resulting in the breaking through into waking life of phasic excitation and inhibition of CNS activity.

3. A number of other workers[14,34-37] currently investigating autism also single out some disturbance of perception as the basic symptom from which all others derive. Although not committed to a specific kind of underlying cause for such perceptual disturbances, these workers believe the cause or causes lie in the organic category.

For excellent surveys of this point of view which emphasizes impaired perception, the reader is referred to the articles by J. Wing[34] and Rutter.[14,36]

VIII. TREATMENT

Although treatment is beyond the scope of this article, the reader is referred to a recent book by Goldfarb[38] for a sensitive, yet practical and thorough handling of this topic.

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Senator RANDOLPH. Thank you very much, both of you working as a team, coming here today, counseling with us. You realize the overall problem. You have specific understanding of at least one phase of it, and certainly you are helping by sharing it with us. Thank you very much.

Our next witness is Dr. Huizinga.

STATEMENT OF DR. RALEIGH J. HUIZINGA, EXECUTIVE DIRECTOR, RESEARCH AND EVALUATION CENTER FOR LEARNING, DALLAS, TEX.

Dr. HUIZINGA. Thank you, Senator.

Senator RANDOLPH. Doctor, we know of your experience in pediatric psychology and special education. If you will proceed, we are gratified that you are a witness today.

Dr. HUIZINGA. Before I begin, I would like to apologize to the subcommittee for Mr. Roger Staubach's absence this morning.

His absence was not due as you might suspect, to the inhospitable reception he received from the Washington Redskins, but rather due to prior scheduling commitment which could not be altered.

Senator RANDOLPH. Perhaps at a later time he might come to counsel with us, perhaps even informally.

Dr. HUIZINGA. Mr. Chairman, it is an honor to be invited to address this subcommittee and to express our thanks to you and to Congress for your concern with improving the quality of services for handicapped children in this Nation. We agree with you—the need is present, the task is large, and the time is now.

I am here today to talk about one of the handicaps with which this subcommittee has concerned itself. The handicap is that of learning disability in children. These children, the learning disabled children, have failed under the normal conditions of instruction to acquire the basic skills necessary for acquisition of competency in understanding or in using spoken or written communication due to disorders in central processing functions.

That they are present in the schools of our country is clear. That their education is critical to us is obvious. That current services for their needs are largely not adequate is tragic. That Federal support is necessary for research, professional training, and service is axiomatic.

This problem is of great concern to parents in every corner of this country, and its occurrence devastates parents like no other handicapping condition, with the possible exception of mental subnormality. The scope of the problem is national and the scope of the solutions must, of necessity, be national.

This is not to say that the solution is exclusively Federal. Continued Federal support is a necessary condition for help for the learning disabled child, but it is not, by itself, a sufficient one.

Last year, I had the privilege of serving as a consultant to the leadership training institute, cosponsored by the department of special education, the University of Arizona and the Bureau of Education for the Handicapped, U.S. Office of Education. This leadership training institute with its associated child service demonstration centers was an important, and I suspect, monumental step forward in making a statement about the direction in which the field of learning disabilities is moving. Dr. Samuel Kirk, consultant for the LTI project, summed up the history and forces within the field when he stated in the foreword to the final report:

> Since 1968 when Congress passed Public Law 88–164 providing funds for training and research in special education, we have been trying to find our way out of a maze of confusion and contradictions in connection with an area now labeled "learning disability." In the original provisions in 1963, no funds were allocated for this area, although some financial help was squeezed out of the provisions for "crippled, or other health impaired, who by reason thereof require special education and related services."

Not until 1969 did Congress address itself specifically to the problem of learning disabilities when they passed the Learning Disabilities Act of 1969.

The field was new and congressional support had to be preceded by much study and clarification. Congressmen wanted to know what a learning disability is; how it differs from mental retardation; from emotional disturbance: from other categories of handicap; and how many children are involved. Professional task forces were set up to study various phases of the problem, and Congress appointed an advisory committee on the handicapped to keep itself informed.

There are still many unanswered questions in the field. For example, how do we select children with learning disabilities? Although the disability has been verbally defined, we still do not have an operational definition.

How do we predict a learning disability in a young child from the studies on etiology and correlates of the disability?

What training is necessary to develop specialists in learning disabilities? What skills and knowledge must they have that regular teachers do not have?

What methods and materials are most effective with the learning disabled? Do we develop new materials or do we use the same materials developed for the regular classroom but apply them differently in a tutoring situation?

What kinds of services are most effective in the schools? What models and alternatives of service are prevalent today? How can they be improved?

How can current programs be evaluated so that we will be able to select the most effective program for a particular locality and situation?

In an effort to answer some of these questions, the present report is very helpful. In 1970 when the Bureau of Education for Handicapped allotted funds to eight States for the purpose of developing model demonstration centers in those States, they also allotted funds for a Leadership Training Institute (LTI) in Learning Disabilities at the University of Arizona. The purpose of the Institute was to give technical assistance to the Child Service Demonstration Centers in the eight States and to prepare a document that would: (a) Survey current research and development and delineate the direction further research should take; (b) survey and describe the professional training programs; (c) survey and describe current materials and methods being used, and (d) describe and analyze current service activities.

For those who are seeking a conclusive operational definition of the field and a single system of diagnosis and remediation, this report will not suffice. But for serious students and practitioners, the report does lay before them the current facts and information from which can be generated more educationally relevant research and the need for more innovative training programs and school practices." [iii, iv]

On reviewing the material from the final report, Dr. Gil Ragland, president of the devision of Children with Learning Disabilities of the Council for Exceptional Children commented that there were clear implications for the learning disability profession. He stated: "(1) The state of the art is diverse and changing, but the DCLD membership represents this diversity and needs direction. Those worthwhile practices of LD teachers, programers, and researchers need to be promoted and documented for distribution. Also evaluation and standards needs to be imposed.

"(2) DCLD could use this document to determine minimal standards of programs for directions in certification, constant practices, and evaluation. It is clear that LD, whether acknowledged this way or not, is becoming an approach to teaching 10–20 percent of the youngsters in schools. These youngsters deserve better than they are getting. Today is the first day of the rest of their lives."

This cooperative effort of the Bureau of Education for the Handicapped in connection with a major university and selected State model demonstration projects indicates the direction which the field of learning disabilities must take. It summarizes our history, consolidates our knowledge, and points to the challenges of our future.

In 1968 the State board of education commissioned an indepth examination of special education in Texas. A summary of the content of the interviews of 82 veteran educators in Texas was studied by the top national consultants in the field, who recommended major changes in special education in Texas.

The recommendations resulting from this study became the basis of Senate bill 230 (Texas Code 16.16), which was introduced and enacted by the 61st legislature. A new State plan developed guidelines for the full statewide implementation of a comprehensive special education program, Plan A, by the target date of September 1, 1976.

A major distinguishing characteristic of Plan A is its method of allocating funds to school districts. Under the old plan, teacher units were funded on the basis of minimum numbers of identified handicapped students. No child was eligible for services unless he was placed on the roll of a special class. The special educator served a single role, the teacher of a special class. No support personnel and materials were funded.

Under Plan A, special education resources are directed to the district on the basis of the total numbers of pupils in average daily attendance (ADA), rather than on the basis of the numbers of identified handicapped pupils. The same students who were eligible for services under former special education guidelines are eligible for Plan A placement. In addition to those, language and/or learning disabled students may be served. Plan A shifts the emphasis from the provision of separate programs for children with learning problems to a close alliance between special education and mainstream education to provide for individual needs of all children.

Under Plan A each school will continue to have the responsibility for meeting the needs of its own students, but this responsibility will extend to the students with special problems. In order to realize these objectives, each Plan A school is equipped with an individualized learning center containing a variety of appropriate diagnostic and instructional materials.

The flexibility of the plan enables the special education teacher's role to vary widely according to the needs of a particular school and its students. The special educator may act as: A member in a team-teaching situation; a diagnostic teacher who aids in the appraisal of students; a resource room tutor; a self-contained classroom teacher, a crisis teacher who works with behavior problems, et cetera.

The flexibility will allow grouping decisions to be made according to educational needs rather than etiological diagnosis. The provision of support personnel, such as counselors, psychologists, and visiting teachers will enable school districts to upgrade appraisal and support services. The addition of educational diagnosticians and diagnostic teachers to the appraisal team will extend individual plans to include further educational information regarding appropriate methods and materials.

This plan is, it seems evident, a pioneering effort to modify the structure of education to the needs of handicapped children by providing additional teaching personnel, modifications of service-delivery strategies, equipped learning centers, multidisciplinary appraisal, and appropriate consultative services.

The center which I represented is engaged in research and training projects which have the potential to be of significant value to the learning-disabled child, within the structure of Plan A and the directions as developed by the Leadership Training Institute. This center is unique for several reasons which should be made explicit.

(1) It represents the successful association of a major medical school complex with a school district, one of the ten largest school districts in the country.

(2) It represents a detente between professions such as medicine and psychology with general and special education in order to form a team of the helping professions in which the focus is on the needs of the learning-disabled child. These needs are not narrowly contained, but are affected by and, in turn, affect a wide spectrum of the human growth and development continuum. As we know, children's learning problems do not come in neat boxes labeled "medical," "psychological," "social," and "educational," but rather the learning-disabled child presents an educational problem which can and frequently does have medical, psychological and social etiological and treatment correlates. The learning-disabled child's problem is complex, our diagnosis and treatment must be comprehensive.

(3) The Center provides a forum for interdisciplinary research which can be of value in understanding the unique learning needs of the learning disabled child. As a stone is polished by contact with other rocks, so are theories, skills, and procedures polished by contact with other disciplines.

(4) Finally, and perhaps of some interest to this subcommittee, the Center does not now, nor has it in the past, received any direct Federal support in the form of grants or Federal monies. We are supported

from the general operating budget of the school district and by private support from the Jonsson Foundation. These sources of our support are important since they speak to my present autonomy in appearing before this subcommittee and also to the concern of the citizens of the city of Dallas in providing support for our efforts.

Mr. Chairman, I hope that I have been able to convey some of the direction, creative energy and concern which characterizes our attempts to determine and meet the needs of the learning disabled child. I would not have you believe that we know all the answers, or even that we have all the significant questions which must be asked. I would have you believe that the goal of helping the learning disabled child reach his full potential is a a cooperative effort—involving Federal, State and local effort; a shared responsibility involving the alliance of all the helping professions with parent organizations; and a multi-level treatment strategy involving research, professional training and services.

Thank you, sir.

Senator RANDOLPH. Thank you very much, Doctor. How many students are you working with?

Dr. HUIZINGA. What we are is essentially a research project designed to develop research and training strategies, so the number of students with which we work is rather limited. We have 50 on campus and 225 in another research project. It is our philosophy by training teachers, speech therapists, pediatricians, psychologists, we have a potential of affecting many more children than trying to have them all under one roof.

Senator RANDOLPH. I certainly agree with you there. I am only a layman, would appreciate if you could give me a layman's definition of the learning disabled?

Mr. HUIZINGA. I will try. I think the National Advisory Committee of Learning Disabilities is one I find useful professionally. We have attempted to make it operational for our own purposes. In terms of practical definitions, perhaps one or both of two would suffice for you.

In the Bible, Psalm 115, I believe, the psalmist speaks of another population altogether. Perhaps his description could perhaps describe the learning disabled. He says this: "They have ears but they hear not. eyes have they but they see not, neither do they understand."

Senator RANDOLPH. Say that a little more slowly, a little more loudly.

Dr. HUIZINGA. "They have ears but they hear not, they have eyes but they see not, neither do they understand."

Perhaps the oldtime telephone system would be a good analogy to use. The processing of the learning disabled, might be compared with the oldtime telephone switchboard system, just as that system was plagued with problems such as wrong numbers, failure of the switchboard operator to understand the directions, cross-talk from another line, noise within the system, so also does the learning disabled child's information process experience similar interference.

Senator RANDOLPH. I would say we had other problems in West Virginia. We have party lines. In fact we still have them where more than one person has the same phone. You can be filled in on gossip in the community, if you stay on the line. If you want to make the call and you find you cannot, you can learn, you know, what is going on. But that is not true in New Jersey.

Doctor, I am intensely interested in what you are saying. I note, of course, that you had no Federal funding: Did you ever make a request for it?

Dr. HUIZINGA. We currently have one that has been submitted.

Senator RANDOLPH. A project?

Dr. HUIZINGA. Yes. It was our feeling that we ought to be able to demonstrate that medicine, psychology and special education could get together before asking for support. That was the reason we did not request it before.

Senator RANDOLPH. I think that is commendable. You spoke of political subdivisions in your school district in Dallas. Of how many is that school district composed?

Dr. HUIZINGA. There are 180,000 students in Dallas and the school district composes 300 square miles.

Senator RANDOLPH. You work within one school district——

Dr. HUIZINGA. Within——

Senator RANDOLPH. You have the entire Dallas incorporation?

Dr. HUIZINGA. That is correct. We are not the only program in Dallas. We do work within our district.

Senator RANDOLPH. I appreciate your testimony. We know that there can be a workable system of delivery of services to the learning disabled child. That is what you are attempting to do, is it not?

Dr. HUIZINGA. That is correct, sir. Thank you very much for your interest.

Senator RANDOLPH. Mr. Chairman.

Senator WILLIAMS. That last observation of yours on the delivery systems of education raises the question, what is the outreach of the special education plan in Texas?

Is this to be a plan that makes it mandatory upon all school districts to offer the opportunity for special education for handicapped children?

Dr. HUIZINGA. That is correct. As I understand it, Senator, there are two options. There will be two options when the program is fully implemented. One is called plan A. and the other is called plan B.

Plan B is what we know as self-contained classes for the various specialty categories. For example, there are classes for mentally disturbed children and mentally retarded children. Plan A will be an option for some of those kinds of children to go back into regular school, under such treatment and strategies as diagnostic clinics, and so forth, within the school itself. In other words, the isolation and separateness which used to characterize plan B will be eliminated to the extent the child can tolerate it.

Senator WILLIAMS. What is the goal of the plan? When will this be accomplished?

Dr. HUIZINGA. It will be implemented in the State by 1976.

Senator WILLIAMS. This means substantial State assistance, does it not?

Dr. HUIZINGA. Yes, the State is providing new formula assistance to the children.

Senator WILLIAMS. How far has it reached at this point? What is in place now in terms of State supported special education?

Dr. HUIZINGA. I cannot speak for the State. I can speak for the city of Dallas. We are implementing it in stages, rather than in total, because it requires massive commitments in terms of professional training, in terms of new people, in terms of categories such as education, counselors, speech therapists, and school psychologists. We have chosen to do it in steps. Last year we took one school cluster——

Senator WILLIAMS. When you say "we," you mean Dallas School District?

Dr. HUIZINGA. Yes, under mandate from Texas Education Agency.

Senator WILLIAMS. How many children are you reaching?

Dr. HUIZINGA. Every child in that one school has the potential to be in that program, providing he has the need, and providing that is the appropriate way for service to reach him. There are no constraints or restrictions on who may be the included. If they have a problem, if they are not learning correctly, it does not matter what their diagnostic category is, as they are diagnosed as learning disabled or mentally retarded. The guiding philosophy is what kind of educational needs do they have, and what is the best delivery strategy for getting that to them, whether it be in a resource room or self-contained room, whether those needs may change, maybe he will need services for 2 years and then need no special kind of services whatsoever. This kind of flexibility is built-in characteristic——

Senator WILLIAMS. It is in operation?

Dr. HUIZINGA. It is.

Senator WILLIAMS. How many children are being served in the Dallas district?

Dr. HUIZINGA. We estimate that we will serve 15 percent of the school population. We are currently serving 1,300 students in the one cluster.

Senator WILLIAMS. How many professional people?

Dr. HUIZINGA. It requires per unit, that is high school, junior high, elementary, 43 new people that were not in the school the year before.

Senator WILLIAMS. And they are now in the district?

Dr. HUIZINGA. They are now in the district per unit. This means a massive influx and massive training program for various teachers. That is the reason why we have chosen to go by steps. There are not that many people trained.

Senator WILLIAMS. What will this mean to school districts as you move on toward the goal of 1976 in terms of expense? What will this mean to the district?

Dr. HUIZINGA. I think the first problem will be where will we find the qualified people to put there. Where will we find the education diagnosticians, new counselors, new speech therapists? The first place to be hit, the first constraint to be felt will be in teacher training and professional training institutions. They are going to have to turn out many, many, many more students, in terms of teachers as well, special education teachers. We will be needing a larger number of new teachers, well-trained teachers, teachers who understand about diagnostic procedures and treatment procedures. In terms of numbers, we do not know. But we know there is going to be a large number. Dallas is only one city in a fairly good-sized State.

Senator WILLIAMS. The State did develop the plan?

Dr. HUIZINGA. That is correct.

Senator WILLIAMS. The State is making a contribution to this?

Dr. HUIZINGA. Yes, they are. This is the State method of allocating funds for special education. There will be two State methods for allocating funds. One under Senate bill 230, which is plan A, and then the existing one which is called plan B. So there will be two options, and the State is allocating funds on average daily attendance—plan A—or on the number of diagnosed handicapped children—plan B.

Senator WILLIAMS. One of the court decisions dealing with taxation will affect special education programs or educational opportunity for handicapped children, am I right?

Dr. HUIZINGA. I believe you are right. I think it is still in litigation, if I remember correctly.

Senator WILLIAMS. It was a tax case.

Dr. HUIZINGA. I believe it is called the *Rodriguez* case.

Senator WILLIAMS. Have you made any evaluation of how this will affect the funding of special education programs?

Dr. HUIZINGA. I have not made an evaluation myself, but I understand from those who have made evaluations that it would have the potential—depending on which way it is decided, and I believe it is before the Supreme Court—it would have the potential of altering the structure of financing school education rather dramatically.

Senator WILLIAMS. What is Roger Staubach's interest and activity in this whole question of handicapped children?

Dr. HUIZINGA. Roger Staubach has—since he is in Dallas, he has been very generous of his time and we have been able to call on him for speeches; I don't know if you know he is the Texas Easter Seal Chairman, the Easter Seal Society. He is the kind of man who, when we needed something, responds with help.

Senator WILLIAMS. Thank you very much.

Senator RANDOLPH. Thank you, Mr. Chairman.

Thank you, Doctor, and we will have that quarterback a little later. You have been very helpful.

Our next witness is Dr. James Gallagher. We have been told of your work in the Child Development Clinic, University of North Carolina, as director there and we know of the efforts that you have been making, very successful efforts as indicated by other witnesses. Also, you have served as Associate Commissioner in the Bureau of Education for the Handicapped.

STATEMENT OF DR. JAMES GALLAGHER, DIRECTOR, FRANK PORTER GRAHAM CLINIC FOR CHILD DEVELOPMENT, UNIVERSITY OF NORTH CAROLINA

Dr. GALLAGHER. I am former Associate Commissioner of Education for the Handicapped.

Senator RANDOLPH. Former?

Dr. GALLAGHER. Yes.

Senator RANDOLPH. What duties did you perform as Associate Commissioner?

Dr. GALLAGHER. What I did at that time was administer all of the programs related to the education of the handicapped. This was made possible by the legislation passed by the Congress in 1966 and was since added to in subsequent legislation. One of the points I want to make, Senator, in my testimony is the great advantage of having all of these programs in one place, to be administered by one department so that you can pull together programs in research and training and demonstration and service. People often criticize the Government, saying your efforts are scattered; that one program is over here and one program is over there. Why do you not ever put these programs in a way that can make a meaningful impact? The Congress in this legislation for the handicapped did that. Because they allowed one program to be administered that included research and training and all of the elements that go to making an impact on a problem area, it was possible to do that. So I am coming, in part, to testify to the wisdom of the Congress for making that early judgment and to urge the reauthorization which would continue that kind of organization pattern.

Senator RANDOLPH. Thank you, doctor. That is why I started in a rather abrupt way to talk to you about these matters. We have had within the Congress an effort to do, in fields other than the one you mentioned, this very thing. You will recall that as we passed the Environmental Protection Agency, that was to bring under one umbrella, under the leadership of the administrator, Mr. Ruckelshaus, the many facets of our pollution control program. We attempted to do it in some areas in connection with transportation and in many other areas. I feel that we have to guard against what I call hybrid government. Would that be a good term to use?

Dr. GALLAGHER. It certainly is.

Senator RANDOLPH. I think what you said here about the necessity to coordinate, you know, not between agencies, but sometimes as the chairman knows, more fighting within the agency itself. I have seen that downtown, where four or five persons within one agency—not within the agency, within the Department—and this is a little not only frustrating, but disconcerting and I think gives us less efficiency in our efforts.

We of course know your work in psychology and especially in the field of mental retardation and child development, you are recognized as an authority. That is why we are very happy that you have come to share your thinking with us today. I hope you will take some time to tell us what you found in the Soviet Union, because you were there, is that correct?

Dr. GALLAGHER. Yes, that is right.

Senator RANDOLPH. After all, I think it is good for us to know their methodology. I believe you have been to South America, Brazil, and perhaps in other sections. Will you proceed, sir?

Dr. GALLAGHER. Thank you very much, Senator. As you have already stated, I am director of the Frank Porter Graham Child Development Center at the University of North Carolina. I was particularly interested in the earlier testimony of Dr. Banov and his wife. Under the leadership of State Senator Larkin in the State of North Carolina, a bill was passed that would set up three centers for autistic children, and one of these would be at the University of North Carolina at Chapel Hill. There would be two others, one in the eastern part of the State, and one in the western part of the State. These would focus on parent training programs, because one of the most frustrating problems with these very difficult children is how the parents can deal with them. How they can get through the day and help the child to learn what he is able to learn.

I am particularly anxious to support the reauthorization of the Education of the Handicapped Act, S. 896. This was a coordinated and bipartisan effort to provide supportive resources to aid in the education of the handicapped, including research authority, training authority, demonstrations, exemplary projects, and grants in aid to the States to develop their own priorities.

In the last 5 or 6 years, this program has taken meaningful steps toward fulfilling the long-range goal that wherever a child was born in the United States, whether he was retarded or blind or cerebral palsied, he and his parents would be able to find appropriate services. The parents can speak much more eloquently than I can as to the need in these various areas.

What I would like to focus on is two issues today. One is program coordination, and the other is the specific targeting of funds for the handicapped.

The advantage of having all of the education legislation administered in one place, in the Bureau of the Education for the Handicapped in the U.S. Office of Education, cannot be overestimated. It allows for the focusing of effort on particular problems that few Federal or State programs can duplicate. For example, one of the most important and almost universally accepted areas of needed emphasis is on early education for the handicapped.

Many States in the past few years have added to their educational legislation the provisions that special services be made available to these children before the age of school entry. North Carolina now allows a youngster to begin his education at the age of 1 with certain types of handicapped children.

In the Bureau of Education for the Handicapped, because of the legislative authorization given by Congress, it was possible to place a major emphasis on early childhood programing because we had the authority to: (1) Give specific priority to research projects that focus on early childhood problems of the handicapped; (2) that we could focus training grant money to support university training programs that emphasize the preparation of specialists in early childhood education for handicapped children; (3) we could use demonstration funds to establish a network of demonstration centers that showed the best current practices to those interested in developing preschool programs; and (4) we could encourage the States to spend more of their resources they received in grant and aid funds to early education programing.

In this way, a coordinated attack could be made on a specific and important problem area. It boggles the mind to think how such a program could be carried out if the various authorities were scattered throughout the Office of Education. If, for example, the research funds were controlled by one agency, the training funds by another bureau and the service funds by yet another. It is clear that no coordinated program effort could be executed.

This ability to coordinate programs is particularly important in view of the major new problems that faces the area of handicapped children. In the past 2 years more than 15 legal suits have been brought against States, focusing on the issue of the right to an education for a handicapped child. These legal suits make the case that the State has an obligation to provide appropriate educational services for all handicapped children. The courts have almost invariably supported the plaintiff and have directed that States take appropriate action to provide such services.

Many of the handicapped youngsters have been excluded from the schools and will require very special kinds of attention. It calls for the same kind of coordinated program attack that I have described in the early childhood area. A coordinated attack should be made up of research programs to investigate the most effective ways of planning an educational program for such youngsters. Existing training programs should be modified to provide educational specialists for such youngsters. For example, the notion that youngsters of this type should be brought into school, or into a special classroom, is not a likely strategy in many cases. They may need home visitor programs, or individual tutorial work, and a variety of possible training specialists will be needed for such a delivery of total services to all children. There probably needs to be some demonstration of effective programs that can provide models for other States and committees seeking answers to these problems. Unless a coordinated program is developed through the Bureau, there is little chance that 50 States operating independently can do it, and less chance that it will be done from funds from the general revenue sources. Another specific advantage of the placement of the programs in the Bureau of the Office of Education is that for the first time it allowed the Director of the program who knew the area of the handicapped to testify in the program's behalf before Congress and at important hearings before the Office of Management and Budget.

Just as important it allowed the chief of the handicapped program to take part in many policy decisions in the Department of Health, Education, and Welfare and to continually allow that representative of the handicapped to point out how such a policy decision would influence the field of the handicapped. This proved invaluable in the 2 years that I was directly involved in the program and I know it has continued to be invaluable to have Dr. Ed Martin, the current Director, to participate in similar fashion.

One of my concerns, and one that is shared by many of my colleagues working with the handicapped, is that it is extremely important that the handicapped continue to be a specifically named target of Federal resources. No one can be more supportive than I of program consolidation and providing greater flexibility for local educational decisionmakers. In our rush to achieve this goal, however, we often don't stop to think as to why these programs that specifically designate certain target populations, such as the handicapped were established in the first place. The handicapped almost always lose out when funds are not specifically categorized or earmarked for their use.

In 1969, the National Advisory Council on Handicapped Children in their annual report presented the results of a study showing what happens when funds are not categorized for the handicapped but instead are provided in a broad, general program form. The attached chart shows the results obtained on four major programs, title I of ESEA, title III of ESEA, Vocational Education Amendments and the earlier Cooperative Research Act.

In each instance, the percentage of funds going to the handicapped for various programs fell far short of their general incidence in the general population. While a conservative estimate that the number of children involved under these handicapping conditions is 10 percent of the school population, less than 5 percent of the funds in any of these programs went to their support. Only 1 percent of vocational education funds were being spent on programs for handicapped children.

I just came back from Seattle, Wash., where I saw a very exciting vocational education program for handicapped children. It was an involved testing program, whereby youngsters are given a series of examinations which provide an analysis of their skills, their strengths and weaknesses and that information is provided to vocational counselors so that youngsters who have been through special education programs in the schools can make the transition into the world of work with the most effective counseling possible.

Those funds would most likely not have been provided if that earmarking of the vocational education program had not taken place.

With this information available that was in the chart, the Congress did specify a percentage set aside for the handicapped to assure that adequate support would be achieved out of these programs. The need for such assurance has not disappeared. The great and continuing needs of the total educational system make it unlikely that major funds from a general pot of money would be devoted to the handicapped in such amount. I feel that this would lead to the inevitable conclusion that handicapped children under general funding conditions with no specifics that the money be spent on the handicapped would not receive the kind of resources to allow gains, that have been obtained in the past 5 or 6 years, to continue.

One of the continuing criticisms to answer when I was in Government was why does the Government not follow through on promising ideas and programs that it starts? Why does it begin programs and then suddenly stop them and go off in another direction?

It is a difficult question to answer. One of the things that I hope will not happen is that this program for the handicapped children that has been started with such enthusiasm, and has achieved so many tangible and positive results for handicapped children in this country, will not be abandoned in that way. We need the steadfastness to continue the program to the point where it has achieved the major objectives it has proposed for itself. While it has made substantial strides forward there is so much more left to do. I consider it crucial for these goals to be met and that this legislation being considered here receive the 3-year authorization from the Congress so that programs for research, training, demonstration, and service can provide the handicapped with the kinds of resources that will allow them to reach their goals.

One of the things that people in the area of the handicapped have to deal with are myths, beliefs that people have, that have not been close to the handicapped.

As the Senator well knows, a vast majority of handicapped individuals want the opportunity for each of them to reach that level of self-sufficiency that they are capable of, given proper training and support. What we also know is that this is not just a humanitarian thing to do, but this is an economical and a practical thing to do. We have the best of both possible worlds. We are not only doing the thing which we know is right, we are doing the thing which is most economically profitable. Because without that kind of support, we would have many more dependent handicapped children that would have to be supported for the rest of their life.

So their greatest desire as a group is to become a productive member of the society in which they live, and that is what this is all about, and that is why I strongly support the reauthorization of this legislation. Thank you, Senator.

Senator WILLIAMS. Thank you very much. You address yourself specifically to one bill. We have other legislation before us. Have you reviewed the other bills we do have?

Dr. GALLAGHER. Yes.

Senator WILLIAMS. Do you have any observations that can help us?

Dr. GALLAGHER. Yes; I am most interested in the Senate 6 bill.

Senator WILLIAMS. I did not lead you into that.

Dr. GALLAGHER. I have followed the development of that bill with great interest. As you know, this would provide for the greater assurance that all handicapped children throughout the country, no matter where they were, would receive the proper educational support. The grants to the States, that part of the S. 896; section 3, provides for catalytic funds. That is to provide for funds so that the States would try out new programs, would start in new directions. It was not a general support program. It was not sufficient to be a support program. Some of the States were unable to take advantage of that.

What I see in the Senate bill 6, or some variation on that particular theme, would be that it replaces that particular section in the S. 896, and provides for a more thorough commitment to the support of handicapped children throughout the country, in terms of the services delivered. The support functions that make for quality education, not just services, but quality education, is the provisions for research, demonstration, training, that are also provided in 896.

Senator WILLIAMS. Well they are companions.

Dr. GALLAGHER. Indeed.

Senator WILLIAMS. There is a great deal of criticism that we have legislated so many programs designed to meet the needs of special categories of people. This is the legislative committee that deals with education, health, and poverty. The administration has attacked our effort to put programs in place to get resources where they count, to the people who are poor.

Now S. 6 is designed to go right to supporting the handicapped child directly, by making a contribution of 75 percent of the extra cost for his or her special education. It certainly should meet that convenient administration caveat on some of these efforts that are initiated here. I do not know if we are going to meet their caveats on everything. What happened at the Bureau? You completely described the wisdom of the Bureau and the centralization of the activity all directed at the handicapped child.

Dr. GALLAGHER. Yes.

Senator WILLIAMS. That of course has to be supported by adequate personnel, an associate commissioner, and so forth.

Dr. GALLAGHER. Yes.

Senator WILLIAMS. What happened? It fell apart administratively as far as an adequate staff; did it not?

Dr. GALLAGHER. I do not think so.

Senator WILLIAMS. Ms. Walker tells me these positions have not been refilled. She says it fell apart. Do you want to argue with my most valued staff lady here?

Dr. GALLAGHER. With great delight. I would say that if you go downtown and talk to the people down there, you will find that the Bureau for the Education of the Handicapped, of all of the various subunits in the Office of Education, has the best record and best reputation for administration of all of the units there. I may be a little biased when I say that, but I think if you will check you find that really is the predominant feeling.

What the problems are with regard to the personnel there, is that they have been under personnel freezes and so often have not been able to reach out and get the personnel necessary to provide leadership consistently.

One of the other problems is that the positions need to be at a higher GS level to attract the very best possible leadership into the Bureau. The reauthorization bill by fixing a grade 17 for a Bureau Chief and four supergrade 16's for the assistant level would go a long way to providing the kind of leadership that would continue the administration of these programs in a high quality manner.

Senator WILLIAMS. The provisions of this bill before us, 896, meet what you are talking about? Where it does provide for Associate Commissioner?

Dr. GALLAGHER. Yes, sir.

Senator WILLIAMS. Appointed by the Commissioner. I do not know if that will go over very well downtown. And he shall report directly to the Commissioner.

Dr. GALLAGHER. Yes.

Senator WILLIAMS. We are in trouble here. It does not fit the patterns that are evolving. But what do you think of our approach here?

Dr. GALLAGHER. I think that is a wise approach. It seems to me that one of the things that has been quite clear in my experience downtown is that the higher the level of leadership that you can get, that are specifically related to the handicapped, the better off you are.

You get into policy circles; you get into discussions where general policies on education matters are considered. If you are not at a high echelon in the Government, you just do not go to those meetings; and you do not have a chance to express the needs of the handicapped, and to say what the impact of a particular policy would be on programs for the handicapped. So it is crucial that we get the leadership that is committed to the programs for the handicapped at the highest possible echelon within the executive branch. In that way you can get people who are professionals in the field of the handicapped to be expressing their opinions and influencing policy.

Prior to the establishment of the Bureau, when the training money that then existed was in a division in one place, and research in a branch in another place, you never got the people who were committed to the handicapped, to influence policy within the executive branch. The establishment of the Bureau, the keeping it at a high echelon assures that the voice of the handicapped will be heard in those policy circles, and believe me, there are a number of times when it was extremely useful to have that voice there.

Senator WILLIAMS. It seems as though the message is understood, expressed next to the highest level, Assistant Secretary Marland has a goal, does he not?

Dr. GALLAGHER. Yes.

Senator WILLIAMS. How do you interpret what he says is the goal?

Dr. GALLAGHER. As I understand, his policy statements that he has made a number of times, that is that the handicapped represent one of his major priorities, and he would like to see full services to handicapped children within the next 8 years, and that this would mean that resources would be allocated and would be asked for out of the Office of Education in order to meet those needs.

Senator WILLIAMS. I think he mentioned specifically all handicapped children will be served in 1980?

Dr. GALLAGHER. Yes, sir.

Senator WILLIAMS. Now that certainly, we can all applaud the statement of the principal goal. I wonder how that is going to be served under this idea of special revenue sharing. Have you considered this approach to the needs we are talking about here?

Dr. GALLAGHER. Senator, I have heard so many different versions of what revenue sharing is. I am not really sure what the particular proposal is that is coming forth from the administration. I would just say that any proposal that did not fix the funds that were going for the handicapped and fix it at a level where we could meet Assistant Secretary Marland's goals would need to be looked at very carefully.

We know that it is not going to be possible to meet those goals unless they really are earmarked.

Senator WILLIAMS. Unless they are earmarked?

Dr. GALLAGHER. Yes; the other thing about the funding, if the funds all go back to be administered by the States, the States are always under a particular kind of pressure. They have so many service needs, so many programs that need to be started, so many youngsters that need to be served, that they often will neglect long-term needs that are necessary to develop a quality program. They neglect the needs for research and development and neglect the needs for leadership training.

In most States even when there are training programs for example, when they are providing some training funds for teachers, State legislatures are less enthusiastic about providing money for training leadership personnel. That is because they know full well that a person may get an advanced degree in one State and then leave that State and go to another State for a job, whereas the teachers would then tend to remain in their home State. Legislatures are less enthusiastic about leadership training and providing support for those programs. But those are precisely the programs that give you the quality of leadership that makes the program a good one. So I think we need to look carefully to see we are preserving the resources for leadership training, for research and development, to get new ways of dealing with these problems, to get demonstration so that we can really have exemplary presentations of what we now know. The question is, will those sources continue to be allocated for these purposes, or will the money be spent on direct services?

Senator WILLIAMS. There is no possible way that revenue sharing money would go into research and leadership training. This money comes down to the community. They are not equipped for this gearing up to training programs, are they?

Dr. GALLAGHER. Not really.

Senator WILLIAMS. Their hope is to be able to receive, train people, to work at the delivery of the services.

Dr. GALLAGHER. That is correct.

Senator WILLIAMS. There is no hope there. Does any of our legislation focus in on this first important prerequisite? The delivery of service-trained personnel?

Dr. GALLAGHER. Yes, section 5 under 896.

Senator WILLIAM. Does that do the job?

Dr. GALLAGHER. It has been. I think it has probably been one of the most successful programs, parts of the program, because what it has done is train a cadre of leadership personnel. We can say it is a great idea to get services delivered across the State, across the country, but unless they are delivered by quality personnel, well trained and schooled in these special techniques, then the programs are not going to be really very effective. So the money that has gone from there to support training programs in over 300 colleges and universities has provided that kind of quality leadership which has allowed the programs for the handicapped to expand, but to expand in a way in which it was professionally sound, rather than just start programs as sometimes happens and then hope that you can get the trained personnel some time later.

Senator WILLIAMS. How many people would you say right now are getting specialized training, and are teachers, who are getting specialized training to serve handicapped youngsters?

Dr. GALLAGHER. I understand about 27,000 if we include short-term training.

Senator WILLIAMS. In training now? These are teachers that have gone through all of the education necessary to be qualified as elementary and secondary teachers?

Dr. GALLAGHER. Yes, in large measure. You would be supporting—this would be largely graduate training. That means the person has already received his bachelor's degree.

Senator WILLIAMS. Will there be a need for this number of teachers if we can get national resource support such as S. 6?

Dr. GALLAGHER. Yes. An accelerated need. You would need much more than is possible through the resources that you have now.

Senator WILLIAMS. You know there is a great host of unemployed qualified elementary and secondary teachers in the land today.

Dr. GALLAGHER. Yes.

Senator WILLIAMS. You would not believe it, they even come to a politician to ask the politician to try to help them get a job as a teacher, which is a strange employment personnel request, I think. But that shows how big the supply is, and how limited the school budgets are. I have not heard of any too few kids in any one classroom, any school district that I have looked at in the last few years.

Dr. GALLAGHER. The Senator puts his finger on a very important point. There is a rich resource pool to draw upon for advanced training programs. If these teachers are interested in going into work with the handicapped, because the handicapped is a shortage area, we can draw from the already developed skills of these surplus elementary and secondary school teachers, and bring them into this area and have a very good talent pool.

Senator WILLIAMS. Would you send me a little note on where I can advise people that they might get this kind of special training?

Dr. GALLAGHER. I certainly will.

Senator WILLIAMS. We are not filibustering here exactly, but it seems like that probably. We have a panel coming on.

Dr. GALLAGHER. Let me say one thing, as Senator Randolph mentioned about our experience in Russia——

Senator WILLIAMS. I wanted to make sure he heard that. He is in conference in the other room. You mentioned the availability in North Carolina, services for youngsters as early as——

Dr. GALLAGHER. One year. I think one of the most productive things to come out of the 4 or 5 years of Federal support will be the development of early childhood programs for handicapped children. These were demonstration centers. I believe there are now over 90 of them around the country. They have been set up to show the most exemplary programs in the area of handicapped children, so that other areas and States that were interested, for example, in expanding their own programs for early childhood for the handicapped, would have models to base their program on, and know how to go about starting programs.

This has resulted, in fact, in the expansion of programs from States like Texas, Tennessee, and many other States that have picked up on this notion that we can do a great deal to prevent some problems, and to ameliorate many other problems, if we can only identify them and get them into a quality program at an early age. So North Carolina is just one of those States that has seen that advantage, and is moving in that direction.

The problem that the State of North Carolina has, and that it shares with many other States, is that they have so many pressures for other programs that are already existing. They want to expand their programs for handicapped and learning disability youngsters, and so forth. So they are striking out in both directions. They want to expand the existing programs. They want to start the new programs in the area of early childhood.

So I think that the demonstration programs have done the job in alerting people to the advantage of working at an early age with these youngsters and showing them what can be done. What is still needed is the resources to get the job done.

Senator WILLIAMS. Are you familiar with the program, the early childhood program in Newark and New Jersey?

Dr. GALLAGHER. I cannot bring it back right now.

Senator WILLIAMS. Monsignor Hourihan's project.

Dr. GALLAGHER. I am familiar with Monsignor Hourihan, a distinguished man indeed.

Senator WILLIAMS. He certainly is. One of the great State assets. He is going to be here Friday, I believe. Were you here when Dr. Banov and Mrs. Banov testified?

Dr. GALLAGHER. Yes.

Senator WILLIAMS. Their child, autistic child, was helped greatly, at some place in Chapel Hill.

Dr. GALLAGHER. Yes. They went to Chapel Hill. That would be Dr. Schopler and Dr. Reichlen. They conduct a special parent training program, for parents of autistic children. What they do is take the youngster into the demonstration center and they demonstrate before the parent, the teachers demonstrate how to work with the child, how to teach the child. The instruction is focused around simple things related to the home. How to teach the child how to eat, how to use utensils, how the parent can deal with behavior problems, when the youngster throws a temper tantrum, let us say. These are all mysterious problems as far as the parent is concerned, particularly when these youngsters have such a communication problem. By bringing the parents in and by showing them it is possible to get response from the child, that it is possible to have techniques that work in the management of the child, you relieve a great deal of the anxiety of the parent. The parent goes away feeling like maybe they can handle this problem. So this program has been received so successfully that two other programs are going to be started in other parts of North Carolina that will have a similar bases to it.

Senator WILLIAMS. Monsignor Hourihan has this same kind of program. I observed it, and you can see how much relief it brings to the parents.

Senator Randolph earlier mentioned he was familiar with your visit to the Soviet Union. We have reached that point where you can report now.

Dr. GALLAGHER. Well, I was one of 12 member missions that was an exchange mission set up by President Nixon when he visited the Soviet Union last spring.

There will be a companion group of Russian scientists coming to this country this spring to visit various educational programs in this country as an exchange.

What we saw was about 15 schools and institutions in the Soviet Union that focused primarily on early childhood programs for the handicapped. We saw some programs for the mentally retarded, for the deaf, for the blind, for deaf-blind children. We were very impressed by the systematic instruction that the youngsters got, the very good training that the staff members had in these programs.

We were also impressed by the level of staffing in the kindergarten programs. Their kindergarten programs start at age three, and run from age three to seven; so the youngster is 4 years in this preparation program for special handicapping conditions. They have educators that are well trained teachers in the general sense, but not in a special sense. They have aides. They have pediatricians on the staff of the school. They have neuropsychologists and psychologists, so we were tremendously impressed by the intense and early training that the youngsters had, and by seeing how the youngsters were able to respond to that training. It encouraged me to redouble our own efforts at working at the preschool level and to try to get a concentrated and effective program at as early an age as possible.

The programs at the later levels, and vocational education and so forth, were not as impressive as their early programs.

Senator WILLIAMS. Their help with reaching youngsters at these early ages, will it make it more likely that they can integrate into the regular education program?

Dr. GALLAGHER. That certainly would be the hope. One example would be the Texas plan A, where they are hoping to get as many handicapped youngsters as possible in the regular program for as long as possible. It would be quite likely that with early education for mild handicapped children, such as educably mentally retarded, learning disability children, emotionally disturbed children, mild speech and hearing problems, it would be most likely that these children could be integrated more effectively into the regular program, if they were given this early special training.

Senator WILLIAMS. Do you have anything that you would add to our legislative effort here, the bills before us, are they adequate to do the task?

Dr. GALLAGHER. Yes, the authorities are adequate. The problem we all face is the problem of appropriations. What we need to have is more resources, rather than different types of legislation. In other words, we have got the authority in that bill for the research. We have got the authority for demonstration centers, we have got the authority for personnel training. What we need is the level of resource allocation in order to get these jobs done.

I am happy with the general framework of the legislation, with the possible exception of the grants to aid in the States where we could say that a much broader Federal effort would be launched that would get to service rather than a kind of demonstration, catalytic funding.

Senator WILLIAMS. What bill is that, the last one?

Dr. GALLAGHER. I was referring to your bill, Senator.

Senator WILLIAMS. Do you consider that catalytic?

Dr. GALLAGHER. No, I would say that would replace the catalytic——

Senator WILLIAMS. I misunderstood you.

Dr. GALLAGHER. The catalytic part is that part in the grants to aid to the States that is in the current legislation.

Senator WILLIAMS. Now we have completed the picture with the direct support of S. 6.

I have been greatly encouraged by everything.

Senator Randolph. May I add, Mr. Chairman, that I have suggested on two prior occasions that there might be some thought given to taking the bills and placing them together in a comprehensive measure. I am not sure that that is possible. I am not sure it should be done. Are you familiar enough with the approaches that we are talking about the judge? Should they be brought together?

Dr. GALLAGHER. Are you referring to all the legislation that is being considered here?

Senator RANDOLPH. Yes.

Dr. GALLAGHER. I think that is a possibility. Some of the bills, such as the screening for learning disability for youngsters, are already included in part under the specific learning disability section of S. 896. Extensive screening in my mind without the resources and service programs to back them up is not terribly effective. I would be for, not just a screening program for learning disability children, but a program to train personnel for service programs.

There is nothing more frustrating to a parent than to go through an extensive diagnostic program that may last 2 days and then find out that there is no training program or no service program to support the child after the diagnosis is made.

The diagnosis is no good unless there is treatment to follow it up. The important part of these bills is that they do provide for that kind of followup. So it is possible, I think, to integrate some of these.

But I think it needs to be carefully considered, because there are many complex aspects to these bills.

Senator RANDOLPH. I certainly agree that at least we can explore portions of the legislation that might be brought together. Our desire is to find remedies. Now a final question and I will let you go.

You are no longer in the Bureau of Education for the Handicapped?

Dr. GALLAGHER. That is right.

Senator RANDOLPH. I want to be appropriate in my question. Do you feel that if these programs are cut back, they will also be destroyed?

Dr. GALLAGHER. Obviously I am very concerned about it. As you mentioned before that one of the things I always had to face, Senator, was the whole issue of why Government starts, why the Bureau or the Office of Education, or any other Federal agency, starts programs and then does not see them through to their fulfillment. They raise hopes and expectations on the part of people throughout the country and then suddenly the resources disappear, or they get reallocated to some other new priority that suddenly pops up. The thing that is most important about this program is first of all it started well, it is being well received in the country, it is doing the job. Let us have it finish the job. Let us go through to one fulfillment of one program to show that in fact we can do it, and we are not just going to turn off and go off in another direction and leave unfulfilled the hopes and dreams of the parents and the children who need this help so much.

Senator RANDOLPH. Dr. Gallagher, I commend you very much for your statement just now. It is not partisan in any sense. I feel very strongly that to turn on and turn off the faucet will damage, perhaps irreparably, the progress that we have set ourselves for.

Dr. GALLAGHER. Senator, if I may make one more comment. One of the things that made life easier for me here, and for the people who work in the area of the handicapped, is in fact the bipartisan nature of this program. This is one program that you do not have to argue politics about. This is something that everybody can get behind and support.

Senator RANDOLPH. We certainly had an example of that last year when we passed the Rehabilitation Act, later to be vetoed by the White House. We have passed it again now in the Senate. The vote was 86 to 2, and I do not recall the House vote. Of course it was very, very substantial. The measure is on the President's desk as of today. The judgment and advice he receives from his counselors may call for another veto. We did lower the authorizations as the chairman knows. That bill came from this committee, in an attempt not to seek confrontation with the Executive—we do not want that—but hopefully to modify some of our goals and place them a little further in the distance. We trust it will not be necessary to override a veto.

We would like for him to sign the measure; for we need to carry on the program with continuity, not have it stopped just when it is beginning to function and come to fruition. So your words are very comforting to us. We wish you the best in your job; I know that you will continue to provide great leadership. Keep in touch with us, Dr. Gallagher. We will need you here.

Dr. GALLAGHER. Thank you.

Senator RANDOLPH. I want to call attention to the students who are in the room from Woodson High School. in Fairfax County, Va. We are delighted to have you, and I could only be more gratified that you are present if you came from some school in West Virginia. Certainly it is a privilege to have students come to listen to the testimony today in connection with education for the handicapped children.

We have a panel now. Will the panelists, four in number, come to the witness stand.

I will address you, Dr. Belland, because in a sense you are the lead-off man for the panel. I believe Mr. Palmer will testify after you have done so, and then we will hear from Mr. Suppes and then from Dr. Cross.

Perhaps it will be best to hear the testimony without interruption.

STATEMENT OF EDWARD PALMER, RESEARCH DIRECTOR, CHILDREN'S TV WORKSHOP (SESAME STREET AND ELECTRIC COMPANY), NEW YORK CITY; DR. JOHN BELLAND, ASSOCIATE PROFESSOR, DIRECTOR, NATIONAL CENTER ON MEDIA AND MATERIALS, THE OHIO STATE UNIVERSITY, COLUMBUS, OHIO; DR. KENNETH CROSS, RESEARCH COORDINATOR, RESEARCH AND DEVELOPMENT COMPLEX, STATE UNIVERSITY COLLEGE, BUFFALO, N.Y.; DR. PATRICK SUPPES, INSTITUTE FOR MATHEMATICAL STUDIES IN THE SOCIAL SCIENCES, STANFORD UNIVERSITY, STANFORD, CALIF., COMPRISING A PANEL

Dr. BELLAND. I am deeply honored to be able to present testimony to this committee.

As you know, the National Center on Educational Media and Materials for the Handicapped was established June 1, 1972, at the Ohio State University. In this past year we have been involved in a detailed planning effort, the recruitment of staff members, and the beginning of the pilot operation. Our budget for the 15-month period from June 1. 1972, through August 31, 1973, is $344,569. Our budget target for the 12-month period from September 1, 1973, through August 31, 1972, is $1 million. The general philosophy expressed in Ohio State's proposal for the national media center and the guiding ideas that we have been following concern the utilization of talent across the country which is best suited to solving problems for handicapped learners. Thus, our initial strategies which we are presently piloting are attempts to facilitate the productive output of these creative people.

The first area for which we are trying to provide assistance is the Office of Public Affairs clearance process. This process. established in the Office of Education and in the Department of Health, Education, and Welfare, is an attempt to eliminate duplication and waste and provide some quality control over nonprint materials for instructional use or mass communications use. We are trying to provide a more sophisticated quality control system. and we have prepared a way of interfacing with the Office of Public Affairs so that the turnaround time for the clearance in Washington should be reduced from as long as a year, which has occurred in the past to less than a week.

We had the delightful experience yesterday of processing a clearance in less than 1 day in Washington.

We are also providing technical assistance to various projects and programs funded by the Bureau of Education for the Handicapped. We have begun discussions with two research and development projects funded by the Bureau of Education for the Handicapped to help them with media production tasks which they find difficult or impossible in their immediate environment. We are working to develop an efficient, straightforward system for moving products produced under Government funding into commercial distribution, working very closely with HEW publishers alert, and documenting ways in which materials developers can generate the necessary competitive bidding instruments. The producer's guide is now in the revision process. It should provide the same kind of guidance to producers of instructional packages for the handicapped that a publisher's guide provides authors who intend to submit a text to a commercial publisher. Lastly, we are beginning work on facilitating the processing of data-gathering forms clearance as required by the Office of Management and Budget, so that data can be gathered effectively as we attempt to assess the instructional materials needs of handicapped learners and field test instructional materials to insure their validity and effectiveness.

Another major function we have undertaken in this developmental year is the assumption of the leadership stance mandated by Public Law 91-230 and the committee report following that law. We have begun an important project of determining the educational technology needs of handicapped learners, their teachers, and parents. We are leading a consortium of special education instructional materials centers and regional media centers for the deaf personnel in designing an overall strategy for materials development and in setting priorities on the development of those materials. This includes setting standards and establishing procedures acceptable for the field testing of products. We are also coordinating and synthesizing the activities leading toward the development of the national information system for instructional materials and a national delivery system for instructional materials. We feel that the synthesis of information and delivery is extremely important in order to conserve the time of the teacher and handicapped learner. The system which would inform the teacher or learner about materials appropriate for that learner to achieve certain objectives should also be a system which enables that learner to actually obtain the materials.

As we consider the years ahead, several issues exist which I think are critical ones for the Congress to address. The first is the need for long range dependable funding for this activity. At present, the Bureau, while it can make tentative commitments for multiple-year funding, is forced to require each grant or contract to submit an annual proposal detailing the next year's budget and strategies. This activity probably consumes more time and energy than an appropriate, long range, ongoing planning effort. This does not imply that these projects and programs should not be accountable; however, requiring periodic progress reports should be sufficient to insure this accountability. Progress reports do indicate changes in strategy and financial allocation.

Handicapping conditions which are severe cannot be dealt with in short, sporadic bursts of energy and activity. It is important that the educational activity of each handicapped person begin at a very early age and continue extensively throughout maturation. Thus, programmatic development must be extensive; it must be integrated; it must be as sophisticated as the state of the art allows. Handicapped learners are handicapped in terms of their relationship to the environment. If the learning environment were structured so that the handicapped learner no longer faced extreme difficulty in learning, but could learn about as naturally as the normal learner, we would have created the ideal environment toward which the National Media Center is working.

Another point of concern is that the total number of handicapped persons in our population is relatively small, and so is not particularly attractive to commercial publishers. If developers of materials for specific handicapping conditions were forced to rely entirely on the commercial marketplace for distribution of materials, the design of the materials would be diluted to take in multiple groups of handicapping conditions and perhaps even groups of the economically disadvantaged or generally normal learners. Instructional design technology is not yet sufficiently sophisticated to enable us to make materials so specifically for a given maturation level and handicapping condition that they are unusable by any other. But if we were to approach the ideal environment mentioned above, it would seem that we would come increasingly close to this sophistication of design. Without long term Federal support of this developmental activity, it is highly unlikely that the state of the art of education of the handicapped learner would improve much. Again, part of the reason for activity on the national scale is that only then do we get into the numbers that make this activity cost-effective. Another concern for the future is that the Bureau of Education for the Handicapped be given program management funds to enable them to continue careful planning of an integrated educational technology program.

The Bureau also needs to have the flexibility to actually hire the personnel to follow through on this management task. At present, staff members in the Bureau are preparing regulations and documentation for a carefully integrated network of regional and national centers to provide this necessary coordination and leadership.

In summary, it is important that the National Center on Educational Media and Materials for the Handicapped, the Special Education Instructional Materials Centers, the Regional Media Centers for the Deaf, and the Regional Resource Centers work together to facilitate the development of an appropriately designed instructional program for every handicapped child. Educational technology seems to provide a vehicle for this design effort; yet the level of sophistication that has been achieved in educational technology for general education only scratches the surface of the problems of the precision design required for each handicapped learner. The field is presently using materials designed for the ordinary learner, with some relatively crude adaptations by the teacher. It is also trying to employ materials which have had no systematic field test on the general population, much less on the population of concern. Thus, the state of the art of educational technology needs advancing as it makes a concerted effort to deliver appropriate instructional materials for the handicapped learner.

The National Media Center must be a facilitator, coordinator, and broker of talent so that wide-ranging talent can be utilized in solving these problems. The National Media Center does not intend to be an enclave with self-sufficient systems for designing and developing materials; rather, it will integrate the network of centers, the R. & D. projects, and the fields of educational technology and special education so that the most creative solutions to instructional design problems for the handicapped can be identified, developed, and made accessible to the handicapped learner.

Thank you.

Senator RANDOLPH. Thank you very much, Dr. Belland. How many persons have you worked with in this program?

Dr. BELLAND. Within the university we have a staff now of 15 persons, and across the campus we have worked directly with over 50 persons, some of them on the teaching faculty and some of them in the staff positions in various media production areas. It has been possible to employ all of the media development and production capability of that campus in tentative agreements for developing materials for the handicapped learner. We are trying not to be limited just to the Ohio State campus. We are trying to use talent from across the country.

We have completed the normal gestation period of 9½ months and are just now beginning to move forward in the actual production of materials and delivery of materials. But the talent pool available to the National Media Center is very large and very willing. The president of our university has made an extremely dynamic commitment to working toward better education for handicapped learners, and thus has opened the way for extensive intercooperation on the campus.

Senator RANDOLPH. Thank you very much, Dr. Belland. I mentioned a group of high school students from Woodson High in Fairfax County, Va. It would be improper for me to fail to note that we have students now from Robert E. Lee High School in Springfield, Va., is that correct? I understand that is right. Whether you are competitive with the other school, I do not know. But I like your name.

We have now Dr. Palmer.

I know of your innovative program for children, "Sesame Street," which is on educational TV.

Dr. PALMER. I am glad to hear you know something about it. I am curious to know how.

Senator RANDOLPH. I will tell you how. I was told about it by Mrs. Forsythe, who is the staff director for the Subcommittee on the Handicapped. You know, as others learn. I must learn, too.

Dr. PALMER. I speak in support of the Education for the Handicapped Act and this opportunity to do so is especially meaningful to me. When we first began planning for production of the "Sesame Street" program, it was clear to us that we would need to be mindful that a great number of the members of the audience we hoped to eventually reach would include handicapped children.

We felt, and continue to feel, that the learning process for handicapped children and normal children is essentially the same, and that the same learning principles apply to both handicapped and normal children. Our television programs, "Sesame Street" and "The Electric Company", have been designed to take advantage of what psychologists have learned about education and instruction. The intellectual process is important when you are dealing with normal children, but is especially so when you are dealing with handicapped children.

In designing educational television programing, we have an opportunity to use the most sophisticated techniques of television in order to stimulate and motivate children to learn and to want to learn. We can take advantage of special approaches to presentation. Through use of carefully planned sequencing, we can repeat material without causing boredom. We have learned, through the production of "Sesame Street" and "The Electric Company" and through the research on its impact, that television can be entertaining and at the same time educationally sound.

Television is a pervasive influence in our society, especially for young children who watch an average of 5,000 hours of television before they ever enter school. Some 97 percent of all American homes possess television sets, more than have bath tubs, telephones, or refrigerators.

Last fall, for the first time, we found that the average set is turned on for no less than 7 hours a day in American television households.

Senator RANDOLPH. I know a mother and father who are disturbed by the fact that their child wants constantly to be before TV. You see, I know about this, because it is my own grandson. The child is now 4 years of age, and his parents are having difficulty keeping him away from the television screen. He wants to be there all the time.

Now my son is a sportscaster with NBC, so he believes as do you in television. E. B. White wrote some 30 or 40 years ago about what television would do. All of these points we are in agreement on. Do I understand also that there might be some failure in the youngster's learning process that is hampered rather than helped by constantly looking at the screen?

Dr. PALMER. I certainly am aware Senator, of that possibility. I know the research literature in the area rather thoroughly. We do not know of any harm caused by the large amounts of time children spend in television viewing, but we are mindful of the possibility that overextensive viewing could be harmful to them.

What I am reporting is the amount of viewing which now already takes place in the typical home and is not under our control. Moreover, I am not concerned here with encouragement of more viewing. What I am concerned with is that since there is an enormous amount of television viewing taking place, that we make sure that at least some of the television children view offers them a chance to learn.

Senator RANDOLPH. That is true; but if he watches "Sesame Street," he then wants to watch other programs that very frankly are not helpful to him. This is a real problem now, and there has to be a discipline within the home. Is that correct?

Dr. PALMER. I am convinced, indeed, that it is correct, and I think we need to know more about the effects of television on children. There is a general belief, which I think is tantamount to a myth, that television is possibly harmful to children. We need to know whether or not this is so. We do not now know.

In our work, we are heartened certainly, Senator, by the possibility that many handicapped children who are homebound or who live a good part of their lives in wards and in special institutions and are oftentimes inactive not by choice, but by circumstances of birth, have an opportunity to find on the television screen materials to help them learn concepts that are important to their development, to their later schooling, and we are encouraged that we have had an opportunity through the development of "Sesame Street" and "The Electric Company" to make a contribution to the learning and the welfare and perhaps the delight and occasional joy of these children.

I would like to say that in addition to entertaining the children, we explore ways of using television to teach that are unique to the median. We find that with careful design of materials, we can effect repetition; we can repeat lessons again and again and again, not as a grueling trial for the child, but as a stimulating and exciting experience that he comes back to over and over and over. We think that this is something that television and visual media in general can do uniquely.

We also feel that it is very important to note that television and film and similar media which can be used in the education of the handicapped are nonpunitive; that when a child views television and learns a lesson and makes a guess as to whether an answer he has developed is correct or incorrect, nobody is going to slap him on the hand, nobody is going to say he is wrong, nobody is going to embarrass him in front of his peers.

It is very important to a young child that he maintain a sense of dignity and self-confidence in the presence of his peers. Often—especially in the classroom of a teacher who is not trained to deal with handicapped children—the handicapped child is denigrated in his own eyes and in the eyes of his peers. It seems to me that through the use of the visual media we have a very unusual opportunity to address that type of problem and reach the handicapped child with messages that are designed by experts, more carefully than the classroom teacher can design the average minute's presentation. We have an exciting opportunity to reach the handicapped child with a joyful kind of message, rather than with one that perhaps bespeaks the live teacher's own frustrations; that we have an opportunity to reach the child with the message again and again with delight and not boredom.

Through the use of all these techniques we have a great opportunity to do a special service for handicapped children. And it is because of those features of television and film that I am pleased to be here to speak in support of the work, in particular, of the National Center for Media Materials for the Handicapped.

I had the opportunity to participate in the opening ceremonies in Ohio when that center was inaugurated. I was pleased and quite rewarded to have that opportunity because I believe in the work of the center. The specific point of my testimony, more than anything else, is to say that I realize fully how very important it is to have long-range continued support so that, again, as Dr. Belland pointed out, programs of long range can be carried out. We had an opportunity in the production of both "Sesame Street" and "The Electric Company" to work for 2 years in putting on the first season of the program, and we had assurances of support for those 2 years of work when we first started. We could not have done a quality job without that opportunity.

I think that a center such as The National Center for Media Materials for the Handicapped needs that same kind of opportunity.

I would like to close my remarks this morning by referring to some comments by E. B. White. E. B. White said:

> I believe television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision, we shall discover either a new or unbearable disturbance of the general peace or a saving radiance in the sky. We will stand or fall by television, and that I am quite sure.

We have a hint of the radiance and of the potential of the application of the television media to serve handicapped children, and it is important that we continue our efforts in this direction.

[The prepared statement of Dr. Palmer follows:]

REMARKS OF EDWARD L. PALMER, Ph.D., VICE PRESIDENT FOR RESEARCH OF THE CHILDREN'S TELEVISION WORKSHOP, BEFORE THE SUBCOMMITTEE ON THE HANDICAPPED, SENATE LABOR AND PUBLIC WELFARE COMMITTEE, MARCH 23, 1973

Mr. Chairman and Committee Members:

This opportunity to make a statement in support of the Education of the Handicapped Act is especially meaningful to me. In the early stages of planning for our first television series, "Sesame Street," the staff and educational advisors of the Children's Television Workshop were aware of the need to include handicapped children in our viewing audience. Our feeling is that the knowledge about how children learn is the same for all children. By that I mean the processes of learning which we incorporate into our programs take advantage of what psychologists have learned about attention, sequencing, repeating and motivation. Our experience of the past four years is that young children are eager to learn and that the key to success is tuning into their world and moving with them to explore this natural inquisitiveness. Through "Sesame Street" and "The Electric Company" we have learned that television can be entertaining and at the same time educationally sound.

Television is most certainly a pervasive influence in our society especially for young children who on the average are watching at least 5,000 hours of TV even before they enter school. Indeed, some 97 percent of all American homes have TV sets--more homes then have bathtubs or refrigerators--and last fall, for the first time, the average set was turned on no less than 7 hours each day.

At the Children's Television Workshop we have operated on the premise that the medium is pervasive and that it is here to stay, and that the real question is whether we can harness this electronic technology for the purposes of education. We have brought some of the best talent in education and television together to design and advise us on the creation of our programs including many internationally recognized experts in education and psychological research.

Because of the Workshop's interest in the handicapped and because of the effective learning patterns upon which its shows are built, handicapped children have benefited from the shows. For example, the Buffalo, New York Special Education Instructional Material Center has evaluated segments of "Sesame Street" and analyzed the series for its use with deaf children. They have found that perhaps as much as 50 percent of the series is visual enough to be used by deaf children without adaptation by captions. By the same token, disabled youngsters and young adults have found "The Electric Company" helpful in learning reading skills. A number of programs for the handicapped have taped the shows from the air and replayed them in residential facilities over closed circuit television systems and into hospital wards. Much of this use remains to be documented through research studies, but in human terms it is of real and lasting value. For hospitalized or homebound children this window to the world offers one of few significant opportunities for learning and in some instances exercises good minds that are locked in crippled bodies.

Thanks to television, today's child has an unprecedented range of visual experiences--he or she has been to Rome, to New York, to the slums, to the countrysides all over the world and he or she has experienced all manner of emotions via the television screen. We are now learning how to harness this powerful tool in order to bring about planned educational effects. We are learning to use its exciting and reinforcing techniques to teach intellectual skills. We can and have taught children the alphabet, basic number concepts and reading skills. And we are now more and more beginning to know how to use television to change attitudes, to help teach social skills, and to encourage people to become more active in creative thinking. New developments with the medium make it now possible for the child to interact with the television set in a manner closely approximating interaction with a teacher, but with far better planned approaches and better efficiency. For the past two years we have had Linda Bove, a deaf actress, as a periodic guest on "Sesame Street." Our objective in such appearances is to creat an atmosphere in which handicapped people can appear simply as "the family who lives next door." Miss Bove is a vital contributor to the neighborhood, because she is an exciting person--not because she is deaf. The interaction between Miss Bove and the other hosts and children on the street have led to visits by the National Theatre of the Deaf. (For example, in show Number 520 scheduled for airing next month, the theatre group appears on the street in several segments: they help Mr. Hooper and Big Bird understand the words "spaghetti, sunglasses, and umbrella" in sign language, and Carol and Tim, members of the group, show how easy it is to say "I love you" with the same form of communication.)

We are also planning to have other handicapped people on the street.

Acceptance of handicapped people on the programs broadens our general society's understanding of handicapped people and enriches the series.

As the person in charge of research for the Workshop, I have had a number of occasions to work with the staff of the Bureau of Education for the Handicapped on their programs in educational technology. Among educational programs that try to bring meaningful media and materials to the learner, the handicapped field is ahead of general education.

This is a result of the early work accomplished in the establishment of resource centers and instructional material centers. The consistency of the Bureau and the realtively long term activities provided by the Education of the Handicapped Act are the foundations for this success. I can cite an example from my own observation last spring, when I represented the Workshop at the ceremonies of the awarding to Ohio State University of the National Center on Educational Media and Materials for the Handicapped. This center offers great hope for bringing together the special resources needed to maintain high quality materials for the handicapped. The Congress should be commended for its insight in authorizing the center. It is essential for it to have adequate and stable funding. I urge you to extend the Education of the Handicapped Act for at least three years so that stability and quality can be built into the National Center.

I feel that the interaction between the Bureau of Education for the Handicapped and my office has been mutually beneficial. It has provided the Workshop with a greater sensitivity to the special needs of the handicapped and from the bureau's standpoint, it has opened up the use of television programs with minimum needs for changes or adaptations. This is a wise and efficient use of funds since it assures the widest possible use of our programs and at the same time takes advantage of knowledge about how the handicapped child learns.

In summation, television can reach children at an earlier age and at locations where it is not always possible to have a teacher. For some children who are handicapped and hostile the medium can serve as a non-punitive instrument of learning. The "television teacher" never scolds, humiliates or threatens the learner. It can repeat over and over until the child has mastered the task to be learned. In some ys it can also reward and reinforce affective aspects of life.

It cannot replace the humanity of people nor can it love the child but it can be a powerful tool in the learning experience. It can inspire knowledge, from which comes confidence in oneself. It should be available for every child and especially every handicapped child.

Thirty five years ago, when television was in its infancy, E. B. White wrote:

"I believe television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision we shall discover either a new and unbearable disturbance of the general peace or a saving radiance in the sky. We shall stand or fall by television--of that I am quite sure." We have had a hint of the radiance and the potential of the application of the medium to serve handicapped children, and it is important that we continue our efforts in this direction.

Senator WILLIAMS. Thank you very much, Dr. Palmer.

Dr. Patrick Suppes, Director of the Institute for Mathematical Studies in the Social Studies at Stanford University.

Dr. SUPPES. I want to briefly testify this morning on the educational technology demonstration and development project that we have conducted over several years of sponsorship by the Bureau of the Handicapped. This is the application of computer-assisted instruction for deaf students around the country; let me give a brief description of how that takes place and tell you about the kind of network and program we have set up.

The students use teletypes, they look like a teletype or typewriter to the student of course, and these are connected by telephone lines to our central computer at Stanford. We have been bringing elementary mathematics and language arts to elementary school students in California, Texas, Oklahoma, Florida, and here on the Gallaudet College campus in Washington. These connections are made by long-line telephone connections to the various schools. I think there are several things to remark on.

One is that in the case of deaf children especially there is a problem of giving those young students an appropriate and adequate amount of continual interactive communication. One of the main deficits of deaf children is the absence of the kind of continual communication by means of language that ordinary students have. One of the things one can do with interactive computer terminals is to give them the opportunity to increase their interaction and at the same time to develop their basic skills. I should emphasize that our work has been concerned with basic academic skills, so when we talk about jobs, vocational training, later careers for handicapped youngsters—the first task is to bring them up to some reasonable level in basic academic skills, reading, writing and arithmetic in the classical terms or as we put it today, mathematics, reading and language arts.

Now one of the interesting things that has happened in this network is that although we started by working with the residential deaf schools in California, Texas, Oklahoma and Florida as well as here in Washington at Gallaudet campus we have recently also involved day classes for deaf students in ordinary schools. We have terminals running in such classrooms in Houston, Dallas, Fort Worth, Galveston, San Antonio and Beaumont, as well as in California. As a result of this effort we have developed one of the most extensive computer networks that is operational in the country.

Let me speak to two final points, I know the time is short.

We do have an extensive evaluation of the performance of the students in these basic skills and we have very good quantitative data to show that by means of sufficient active computer instruction, students can be facilitated in their learning of basic mathematical skills and basic language skills.

Finally, let me say it is only by the support of the kind of legislation being considered today that this kind of innovative and experimental work can be conducted. Without support of the kind being considered it would simply be impossible on the State level.

Senator WILLIAMS. What is your support now?

Dr. SUPPES. Our support is from the Bureau of the Handicapped under 896 from the Division of Research, Bureau of the Handicapped, Office of Education.

We are also receiving partial support from some of the schools that I mentioned through the Federal funds available to them.

Senator WILLIAMS. I do not quite get it. Have you an understanding of exactly what is reaching the students?

Dr. SUPPES. Let me try to say—students are in front of computer terminals which are teletypes, the computer types out a problem. Maybe it says 5 plus 6. The student uses the keyboard to give the answer. If it is incorrect the student is told so, and has to do it again. If it is correct, then he given another exercise.

What is important, Senator, is that each student is individualized according to his level of ability. So if you take a typical day class of deaf students, you will have an academic range of ability of 5 or 6 years, in terms of academic level, and what the computer program does, if one student is at a beginning 6-year-old level, even though he may be a 10-year-old child, is to bring to him his level of instruction, to give him very simple counting and sequence exercises. If another student is relatively advanced because of the necessity of putting these elementary students together in the same classroom, the computer program will bring him work at a more advanced level, adjusted to his level of competence. And the same thing is true of the work in language arts.

Have I said clearly in enough detail that the exercises are typed out, under computer control, and then the student responds in context on the keyboard?

Senator WILLIAMS. Where does the student receive this? How is it transmitted to him?

Dr. SUPPES. By phone line from Stanford. But the student is sitting in front of a computer terminal in the school, and it looks like a typewriter.

Senator WILLIAMS. It comes typed out to him? His problem is typed out to him and he answers?

Dr. SUPPES. Yes, and another problem is typed out and he answers. It is high technology.

Senator WILLIAMS. I am going to be over in Gallaudet next week, and I am going to get there a little early and see this.

Dr. Kenneth Cross, research coordinator, Research and Development Complex, State University College, Buffalo.

We are pleased to have you here and look forward to your testimony, Dr. Cross.

Dr. CROSS. The college at Buffalo is a part of the National Special Education Instructional Materials Center Network and also very much concerned with the National Media Center and certain functions it can play within that network.

Our major contribution as a center has been the development of computer based resource units. These resource units are very different from the kind of computer application Dr. Suppes was describing, in that the student does not sit at a terminal and interact with a computer; rather in our operation, the teacher and student select learning objectives, and enter our system to find out what instructional materials and instructional activities will best help to meet the objectives of the teacher and student.

Our system is based on the notion that every learner, whether he is an individual with special learning problems or not, has in essence a need for individualized training or, almost literally, specialized education. Typically we ask a teacher to select five learning objectives for a class as a whole and two learning objectives for each student within the class, and then we try to provide the teacher with a wide range of activities and materials that are appropriate to the child's chronological age, mental age, learning handicaps, if he has any, interests, and learning level.

The result of our inquiry is typically 100 or more pages of printout which a teacher and her students can use for a 2- to 4-week period. This computer service is available to any school system at a cost of 35 cents per student per year, which means that for a school, for 1,000 students, the cost of the computer based service for the year would be about $350.

Computer based resource units were initially developed outside the Instructional Material Center Regional Media Center Network, but the concept and project would probably have been discontinued if it had not been for the existence of the Network.

The Network established a communications and training link to teachers, and made it possible to stimulate the concept on a widespread basis. Once the potential of the units had been demonstrated through the Network, a considerable number of State and local agencies became interested in supporting the concept.

State support accomplished the computerization of the entire New York State drug and health program, as well as curriculum guides in a wide variety of other target areas: Science, mathematics, environmental education, career education. In short, the investment made at the Federal level was far exceeded by the contribtuions of the State and local levels.

Some of the research related to computer based resource units is most favorable both in terms of improving teacher skill and learning. Experimental research indicates that teachers using these units become much more sensitive to the needs and abilities of their students and tended to modify their programs and procedures accordingly.

It is important to note that to date, an estimated 20,000 teachers and half a million students have used one or more of these units. Currently we receive and process about 2,000 requests for units per month from a variety of States, one of our heaviest users in fact is New Jersey.

Other States using the system extensively are California, Washington, Oregon, Idaho, Utah and Alaska, to mention only those where use is the greatest.

But computer based resource units represent only one of a wide variety of information centers that we see as essential. Dr. Suppes' system for working with students directly is very necessary. Other systems, too, those for instance which provide research or access to research abstracts, those providing information about where specific materials can be found so they can be put into use, and those providing information about the comparative values of one method of material over others are just a few of the kinds of information that are needed.

Most of the components for a total information system already exist in one form or another, and the job aheads seems to be to amalgamate these into an overall system. To accomplish this, qualified technical and education organizations are required from an agency with national interest in scope, such as the National Media Center.

The requirement of overall coordination has to be an ongoing effort, because there will be a constant expansion of needs within the system resulting from constantly increasing knowledge, technological capabilities and information.

Thank you.

Senator WILLIAMS. Thank you very much, Dr. Cross.

I have not heard the entire testimony from you gentlemen of this panel, but you have all dealt with media approach to education of handicapped individuals, is that right?

Dr. SUPPES. Yes.

Senator WILLIAMS. How long has this approach been underway? Is this a matter of the last few years? Any one of you?

Dr. BELLAND. Perhaps I could respond. I think that the field of special education has been very sensitive to the potential of using media and materials in relation to their teaching. In the first place, I think the field of special education treats each learner as a unique individual human being and confronts the variability of maturation level, achievement level, personality, and so on in a more systematic way than does general education.

Even though a special teacher may have only six young students in his or her classroom, in order to individualize that learning experience, he has had to resort to the various media which become extensions of man's sensory experience. Thus there were very early efforts at the Federal level. Implementation of media in the education of the handicapped learners extends back perhaps 12 or 14 years. I suppose maybe the oldest Federal effort is the American Printing House for the Blind providing materials for blind learners for perhaps 90 years now.

I guess we can say special education is in a position of leadership in technology for a very good reason. It is not a new thing. It is only recently that an organization like the National Media Center has come into existence. My only concern is that perhaps it should have come into existence 10 years before.

Dr. PALMER. I could add to that, that not coming from the field of education for the handicapped children myself, but being concerned with the use of television technology to reach children with instruction, as I look around for precedents to work from, in working with the production of Sesame Street and the Electric Company and like programs, I find the most advanced work has been done precisely in the field of media development, in the development of media materials for the handicapped.

This field has played a leadership role over the years in the development media for instructional purposes.

Dr. SUPPES. I think there is really a reason for that, too. That is, the instruction for the handicapped is by far the most expensive instruction that we encounter and from an educational standpoint, the most difficult.

Consequently there has been a very concerted effort, more concerted than for the normal child to bring the media to bear. And I think rightly so. The instructional problems are extremely difficult for many kinds of handicapped children, and it is also fair to say we by no means understand the best ways to deal with those children yet.

Senator WILLIAMS. I misunderstood. Dr. Belland, you talked about the coordination of the various components, and this is under the direction of the Bureau.

Dr. BELLAND. Yes. Naturally, the National Media Center cannot possibly—being a single organization, in institute of higher education—attempt to put the whole world together.

However, the National Media Center is trying to operate at the interface of the Bureau, the field of special education, and the field of technology, sort of a three-way partnership in trying to make sure that the best possible thinking, the state of the art, is applied to the education of the handicapped learner.

So it is this kind of coordinating stimulating role that the National Media Center must play.

Senator WILLIAMS. What is your effort now, what are you doing for the Bureau, and when will this be complete and what do you see as the final product here?

Dr. BELLAND. Of course there really is not any final product. I guess that is the frustration that many people feel with the way Federal funding tends to go. I have a kind of homely analogy. I think the Federal Government thinks about processes very much like an electric company which pays special attention to the electric current needed to start motors. They install a meter which registers how much current it takes to start the thing going, and makes special provision to supply the necessary current for that demand. They assume that once the motor is started, it will keep on going for a long time without any kind of special energy requirements. Well, in fact educational technology for the handicapped is at a stage where there is going to have to be an intensive long-range supply of resources, the starting up is not all that is necessary. It requires a continual nurturing of it.

I think in educational technology we are at about the same stage as was the field of medicine at the end of the 19th century. There was some highly sophisticated medical practice going on, but the general way the population experienced medicine was from some itinerant, you know, "doctor" creature who went around and had a medicine show. He delivered testimonials about the virtues of the various elixirs he had available. [By the way our advertising for educational products most often is by testimonial.]

What we need is the kind of effort that is going to focus on really sophisticated creative ways to solve problems for handicapped learners, so that we do not end up with an array of patent medicines, but in fact have really valid tools for solving these educational problems. This is not going to be done overnight. It may take a century of effort.

Who knows right now? But I think we do have the seeds for major transformation of this educational process.

Senator WILLIAMS. Your organization is under contract?

Dr. BELLAND. That is right. The contracting period will be over on August 31, 1975. At that point, it is my understanding that it is the intention, if the authorizations and appropriations were to be continued, to issue another RFP and allow competitive bidding to determine where the National Media Center might be for another 3 years. This may well be a good way to keep the OSV center on its toes and make sure OSU can write the best possible proposal to win that Center back again.

Senator WILLIAMS. In the meantime, yours is a role of analyzing what is happening today and reporting information?

Dr. BELLAND. We are trying to do a lot more than that. We are involved in the national needs assessment now. That was an effort which at first the Bureau was a little reluctant to let us undertake, feeling that perhaps someone outside the system ought to ask the questions, but now I guess I convinced them that we had no vested interest and wanted to ask all the questions we could, because we really did want to solve these problems.

So in addition to gathering, providing this information, we are also attempting to stimulate the development of educational materials for handicapped learners and to get those materials delivered to the handicapped learner. So it is a set of pieces of the puzzle: (1) there has to be a *collection* of materials which addresses the needs; (2) one needs a reservoir of expert professionals who can utilize those materials well (and I have continued to asset that one needs a reservoir of expert parents, paraprofessionals, and supporting personnel as well); (3) those people all need to be able to find out about the materials; (4) they have to obtain materials appropriate to each situation. Our Center is addressing all four of those activities.

Senator WILLIAMS. Do you gentlemen deal with the national media, Dr. Suppes?

Dr. SUPPES. My activities have been directed solely toward use of computers.

Senator WILLIAMS. Do you tell this center what you are doing? Are you asked by them what you are doing?

Dr. SUPPES. Not directly but of course they get our reports and are familiar with the work we are doing.

Senator WILLIAMS. Is not this the sort of thing that you, with your responsibility, should learn of and be able to transmit information about to others?

Dr. BELLAND. That is correct. We certainly are beginning to move rather forcefully in this area, and hopefully by the end of the next contract year, which would be August 31, 1974, we would have in place a system which would enable the full exchange of information about programs and products.

Senator WILLIAMS. How about communications, Dr. Cross?

Dr. CROSS. We work with the national media, sir; I think that the initial group that the National Media Center contacted was the set of regional media centers and the Instructional Media Center network participants, rather than initially going outside that network. That is not strictly true, but it was one of the priorities set for them that they established these lines of communication first, and they are pretty well established at this time, and we are hoping for the national coordination that I indicated in terms of trying to tie information systems together and avoid any kind of duplication and yet provide for services.

Senator WILLIAMS. Where does the satellite come into all of this? Can you not communicate without going to the satellite?

Dr. BELLAND. I think what you need is the best array of possible ways to intercommunicate.

Senator WILLIAMS. Where does the satellite fit into the picture?

Dr. SUPPES. I know the technical background of that. I think, Senator, the way in which the satellite can be used very effectively in handicapped——

Senator WILLIAMS. Mrs. Forsythe was suggesting you fellows communicating with each other, disseminating your information—first you have got to get together and come to certain wise conclusions, is that right?

Dr. SUPPES. I think it is an ongoing problem. As he said, he is beginning with regional centers and ours is a special project. It is clear how a satellite can be used. It can be used in many different ways, to bring television programs of a certain kind, for example the deaf, to the deaf population, not only children but adults. It can be used to bring online instruction, not only television but computers, into deaf schools and classes.

In principle, independent of cost, much of what can be done by satellite can be done by other means, for example by telephone lines. But it is extraordinarily expensive to have any centralized effort by use of telephone lines. The ordinary channels are not available for television. If you want to show for the deaf population a movie with sign language added, you cannot have a channel available. The same thing is true of dissemination. There is a specific use that could be documented, Senator, and it is possible to document technically the cost advantages of such an effort. It is not part of my testimony, but I am aware of the details of that kind.

Senator WILLIAMS. There is a Denver satellite center?

Dr. SUPPES. Rocky Mountain Federation. That is being put together through HEW as an experiment, coordinated through the Office of Telecommunications, and that is not aimed of course at the handicapped.

Senator WILLIAMS. That was my next question. Could we look into that for education?

Dr. SUPPES. Yes; there could be some use of that satellite, which will be ATSF, which is supposed to be launched in the spring of 1974. It could be used in the handicapped area. That is not part of that program in a specific way, but experiments could be conducted.

Senator WILLIAMS. What has to be done at local level to be equipped to receive that if it should be?

Dr. SUPPES. One of the proposals is to have fairly inexpensive ground stations that could be located, for example, in Montana, Colorado, Wyoming, and so forth, to receive either television programs or in some cases, two-way communication. So they have specific plans and specific documentation.

Senator WILLIAMS. How would that be received at a school?

Dr. SUPPES. At a school, for example, you can put in a ground station for $5,000 to $10,000. It is not a major expense. I mean the technology of ground stations for satellite reception is very well developed and very well understood. A very large station of course would be much more expensive, but the kind that could receive television and even have two-way capacity in a school, and not have a wide-band channel capacity for many channels can be very inexpensive.

Senator WILLIAMS. I see. I do not know, but there could be a direction toward educational programs for the handicapped, zeroed specifically for the handicapped through this satellite.

Dr. SUPPES. Specifically for, and it would be very easy. One of the problems we face in this country is the general tendency throughout the country to move all of the children with learning disabilities that possibly can be moved out of residential settings into ordinary schools, for reasons of costs and also for psychological reasons.

The problem we then face is, how to deliver to this widely dispersed population of students special educational products. One of the ways this can be done effectively is by satellite. When you look at the cost of education in this country, the actual costs are not in any sense overwhelming. We have, for example, a technical report from our institute showing that if you want to deliver something as rich as computer-assisted instruction, once you are more than 500 miles away, it is cheaper to do it on a broad basis by satellite, than by telephone. The same applies to delivery by television.

So effective use could be made without any question of a satellite devoted to the handicapped. Let me give you a ball park estimate too of that cost, so you will know what we are talking about. To launch and to put in place a satellite for use by the handicapped, for example, would cost about $25 to $30 million, and that would have very broad scale use throughout the country.

Now I have not come prepared today, as part of my testimony, to give you a great deal of detail on this. It just happens that we have spent quite a bit of time on it in the past, and I am familiar with the basic facts. But it would not be a major investment. It could be something very exciting to take advantage of the various media that have been discussed here today, and that could be of real benefit educationally to all of this wide population of handicapped youngsters.

[The technical report referred to and the prepared statement of Dr. Suppes follows:]

COMPUTER-ASSISTED INSTRUCTION FOR DISPERSED POPULATIONS: SYSTEM COST MODELS

BY

JOHN BALL AND DEAN JAMISON

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COMPUTER-ASSISTED INSTRUCTION FOR DISPERSED POPULATIONS: SYSTEM COST MODELS

by

John Ball and Dean Jamison

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COMPUTER-ASSISTED INSTRUCTION FOR DISPERSED POPULATIONS: SYSTEM COST MODELS[1]

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I. Introduction

In recent years advances in communication and education have made possible two very attractive classes of educational technology. The first of these is the development of broadcast technology by which radio or television programs originating at a single point can be distributed to, potentially, many millions of educational users. The second and much more recent of these advances centers around potential use of a computing system to provide interactive instruction. By tailoring curriculum to an individual's needs and providing immediate and accurate feedback, instruction via computer offers great potential, perhaps greater than the broadcast media. Computer-assisted instruction (CAI) is an increasingly familiar technology at academic research institutions and in the journals. Problems of cost and availability have, however, stalled efforts at implementation on any substantial scale. For this reason, in our work on CAI development at Stanford University's Institute for Mathematical Studies in the Social Sciences (IMSSS), we have paid increasing attention to the basic economic trade-offs involved and to the problems of implementation facing a school administration that wants to utilize CAI.

Provision of CAI or CMI (computer-managed instruction) of any sophistication implies the need for one or a few large central computing facilities--at least with presently available technology. Thus, if rural regions or dispersed populations are to be able to share in the potential of interactive educational technologies, an extensive communication system is required. In a previous paper--Jamison, Suppes, and Butler (1970)--we examined the basic economics of providing CAI in urban areas.[3] Since all student terminals can, under urban conditions, be located reasonably close to the central computation facility, cost and implementation problems are reduced. In this present paper we examine the somewhat more difficult problem of providing CAI to dispersed populations. Our work in developing cost models for distribution of CAI to dispersed populations has been part of a project funded by the Bureau of Education for the Handicapped, U.S. Office of Education, to develop CAI materials for deaf students. The deaf constitute a rather highly dispersed population within the United States and problems of communication to support a CAI system for them are paradigmatic for dispersed populations of other types. Other dispersed populations include American Indians, Americans whose first language is Spanish, medical doctors, students at isolated rural schools, and migrant workers (who have the additional communication difficulty of being mobile).

Experience has indicated that the cost and complexity of terrestrial communication systems for CAI are often a stumbling block to provision of service in rural areas; establishing and servicing circuits in remote areas is difficult. Independent telephone companies do not always provide data services or equipment. There are areas in the

United States which cannot be reached by this type of CAI service due to lack of telephone company facilities. It could be argued that because it is more difficult to supply these dispersed populations with CAI than to supply more concentrated populations, the dispersed populations should be left until last. Our view is that, at the very least, we should examine with care the costs of different technologies that could provide CAI service to dispersed populations (including satellite communication), and on the basis of these costs let the decision makers responsible for providing education to these groups make decisions about how their resources should be allocated.

In this paper we outline a CAI system capable of reaching dispersed populations without excessive communication costs (i.e., the system requires only about 110 bits per second communications capability for each student terminal).[4] This low communication requirement makes service for dispersed populations economically feasible. Then we present models of several communications alternatives for the system. We expect that these procedures of system modeling and design trade-off will play an increasingly important role in education. The results of this modeling constitute approximate minimum cost communication designs for many configurations of population dispersal. Finally we describe some of the basic economic trade-offs and implementation alternatives relevant to educators who must decide whether or not to use CAI for certain student populations.

II. Central Facility and Student Terminal Cost Model

CAI systems are commercially available for under $50,000. They support a few fixed courses on 8 to 20 local terminals and provide daily progress statistics to the teachers. These systems are of considerable interest for a number of uses and will perhaps assume a larger role in our educational processes in the future. Jamison, Suppes, and Butler (1970) provide a cost analysis for systems of this sort. However, the cost of a large and versatile system that is capable of research use and supporting hundreds of terminals will be our focus in this section. Our costs are based on a system modeled after the one presently used for research and operations at IMSSS, but dedicated to CAI terminal service full time. Using modern versions of our present equipment designs we estimate that such a system could support 1,000 users simultaneously. Assuming that only 70% of the terminals would be on-line at once, the system could handle 1,300 terminals.

Three cost categories--capital equipment, design and construction, and continuing operations--will be discussed in this section. These cost categories apply to the central computation facility and terminals; Section III discusses the data communication cost models that are the focus of this paper.

A. Capital Equipment

The system would be modeled along the lines of the IMSSS system except that it would be newer and larger. All of the equipment can be purchased or built today.

Table 1 shows capital components and their costs; without student terminals the capital cost is $1,720,000. The complete system including

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Insert Table 1 about here
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student terminals would cost $3,025,000. Since prices for most computer equipment have been declining recently, these figures represent an approximation to the cost of the present IMSSS system, which would have the capacity to run approximately 1,300 student terminals if it were used solely for CAI.

B. Design and Construction

Although it is not quite as definitive as the capital equipment list, this estimate is reasonably accurate. The design and construction category covers the 1.5 year lead time that would be necessary to make this system operational. The staff would comprise:

1 system manager,

4 system programmers,

4 design engineers,

6 technicians,

4 draftsmen,

part-time specialists,

secretarial assistance, and

accounting, purchasing, and receiving personnel.

The cost of their time would total about $550,000.

It is also necessary to include one year's space rental in this category. The system and staff will require about 7,000 square feet with

TABLE 1

Equipment Costs of CAI System Components for 1,300 Terminals

(Excluding Communications)

Component	Description	Cost
Core Memory System	256K words on-line plus two working spare 32K boxes. Including individual 6-port interfaces and port connectors.	$ 330,000
Central Processor	Program compatible with the PDP-10 and including a pager.	300,000
Drum	4.5 million word storage on three drums.	235,000
Disc	Two separate systems each with about 50 million words of storage.	240,000
I/O Multiplexer	Includes a multiplex computer and a special purpose multiplexer.	225,000
Data Communication	Local test and patch facilities and test equipment. (See Section IV for remote equipment and operating costs.)	100,000
Terminals	1,450 student terminals @ $900	1,305,000
	10 system terminals @ $4,000	40,000
Miscellaneous	Magnetic tape drives,	100,000
	Line printers,	50,000
	Disc packs, magnetic tapes, terminal spare parts, storage facilities, etc.	100,000
TOTAL		$3,007,000

about 3,500 square feet requiring special raised floors and air conditioning. An estimate of this cost is $50,000 for remodeling and $5 per square foot lease cost, for a total of $85,000. Thus our estimate of the total cost for design and construction of this system is $635,000 (= $550,000 + $85,000).

C. Continuing Operation

It would seem appropriate to keep this system in operation 24 hours a day to achieve the minimum cost per terminal hour. Our present system operates for CAI use from 5:00 a.m. to 10:00 p.m. to cover both east coast and west coast elementary schools and college evening schools. There is a continuing struggle for system access during the remaining hours for system software development, hardware development, hardware maintenance, and users with larger programs.

A system with 1,000 simultaneous student users could operate with the following (without curriculum development, maintenance, or research staff):

supervisor and 6 operators,
supervisor and 5 curriculum coordinators,
4 system engineers and 1 design engineer,
supervisor and 12 data communication technicians,
center manager, and
secretarial assistance.

In addition, allowance must be made for

accounting, purchasing, receiving, supplies and operating expenses, telephone service, building maintenance, and staff benefits.

A reasonable estimate of these costs would be $750,000 per year, to which we must add about $35,000 per year for rental of space (approximately 7,000 square feet) for a total of $785,000 per year.

D. Annual Costs

In order to get annual cost estimates for the system it is necessary to add to the cost of continuing operation some "annualized" version of the initial costs for capital equipment, design, and construction. The standard way of presenting annualized costs in terms of initial cost is by way of the following formula:

$$\text{annualized cost} = \frac{r(1 + r)^{\ell}}{(1 + r)^{\ell} - 1} \times \text{initis [illegible]},$$

where r = cost of capital (interest rate), and

ℓ = useful life of the equipment.

We assume a cost of capital of 10% and a (conservative) equipment life estimate of 8 years; in this case the annualized cost will be .19 times the initial cost of $3,007,000 for equipment plus $635,000 for design and construction. Thus the annualized initial cost is $3,642,000 × .19, or $692,000 per year. To this we add the annual operating costs of $785,000 to obtain a total cost of $1,477,000 per year for a 1,300 terminal system, excluding communication costs. (No allowance for overhead charges or profit margins appear in these figures.)

It should be remembered that the operating system described here would value from support from one or more research systems such as the existing IMSSS system. Curriculum development to expand and improve the existing curriculum menu would also be worthwhile. There may also be a demand, in a few years, to alter the scope of the system by adding visual presentation capability to the terminals. The CAI system design described here is really a large-scale general purpose computing system; as such, it would readily evolve with new curricular materials and research ideas.

III. Data Communication Cost Models

This section will develop comparative cost models for alternative communication systems for a CAI network serving a dispersed population. The communication process to be modeled is shown in Figure 1. The centralized computing system and low data rate terminals are parameters

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Insert Figure 1 about here
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determined from the system description in Section II. Our analysis here will not deal with large clusters of terminals located very close to the central computer; our purpose is to ascertain the cost of serving sparse concentrations of terminals located several hundred miles or more away from the central computer facility. We develop cost models based on use of communication satellites, as well as the surface phone network, for provision of the communication capacity.

The satellite communication system shown in Figure 2 follows easily from the model shown in Figure 1. The satellite is assumed to have a beam width sufficient to cover the area of interest, possibly the entire

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Insert Figure 2 about here
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continental United States, and sufficient power to service the remote sites. Appropriate cost for these assumptions will be included in our

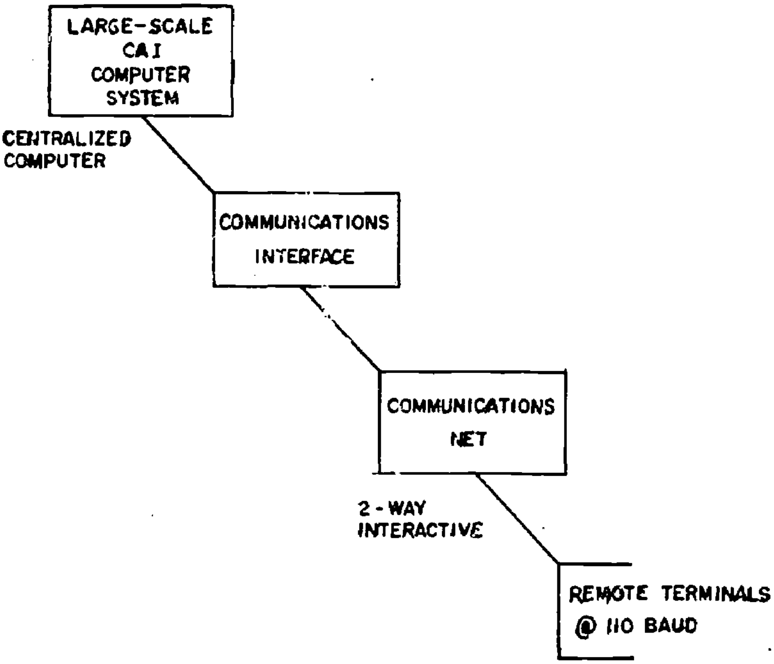

Fig. 1. Computer-assisted instruction communication model.

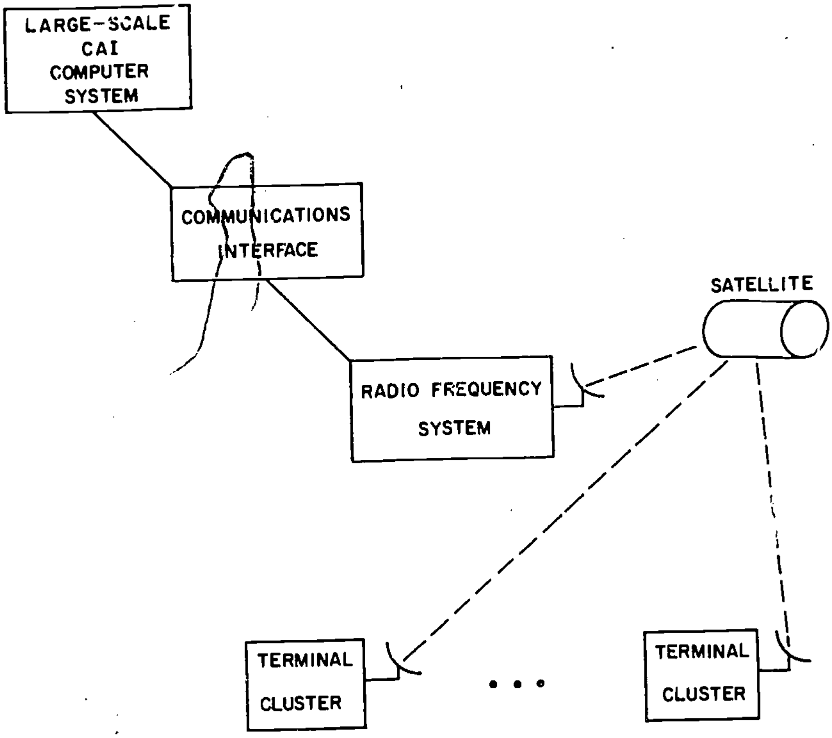

Fig. 2. Computer-assisted instruction satellite communication network.

analysis. Such a satellite system would be relatively independent of placement of remote sites.

A system using telephone lines in its communication net cannot be sketched so easily. Telephone line costs are governed, today, by tariff rate schedules. Several variables in these schedules make it necessary to consider differing forms of the communication net. Also, the bandwidth constraints on phone lines force us to start new circuits as the capacity of previous circuits are reached. Line costs follow a flat rate within each state. Lines which cross state boundaries have a declining rate schedule based on mileage. Charges are also made for end termination and conditioning of the lines.

In the first subsection of this part, cost models for five separate telephone communication systems are developed. The next subsection develops a satellite system cost model and the third subsection contains tables that present the cost results parametrically. The final subsection discusses the results.

A. Telephone Line Communication Models

Two styles of communication network designs will be considered here: the linear net and the cluster net. These two are representative of organizational extremes possible with telephone nets. The linear net is shown in Figure 3. Each cluster of terminals serves

Insert Figure 3 about here

as a forwarding link for all terminals farther away from the central system. A speed constraint of 4800 baud[5] imposed on the fastest lines allows a maximum of about 68 terminals in each linear group. A cluster

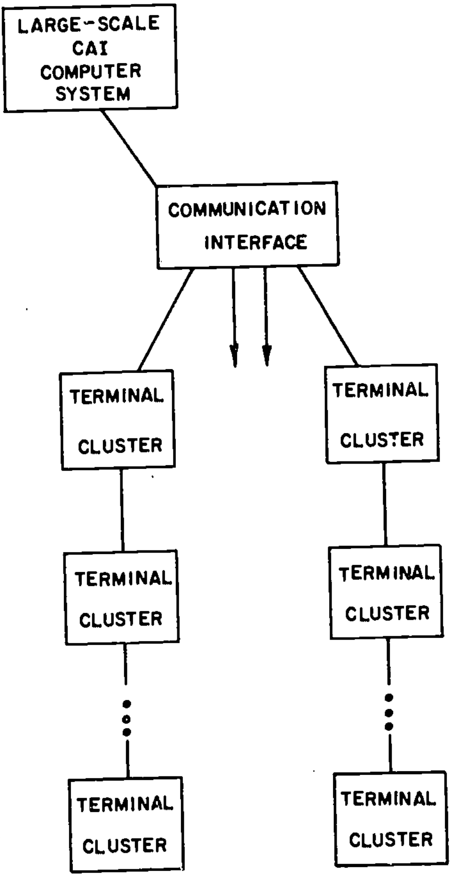

Fig. 3. Linear terrestrial communication network.

net design is shown in Figure 4. The size constraints are the same as the linear system since a 4800 baud line is used as the feeder to the cluster. Distances to peripheral clusters may be assumed to be small, perhaps less than 25% of the feeder distance. Equipment in the cluster center will forward data to all clusters attached to it.

Insert Figure 4 about here

We will present distance variants within each cost model which can be adjusted to reflect either regional or national systems. The costs of a satellite system are almost independent of terminal placement. The cost models will compare a satellite communication system with five telephone networks as follows:

(1) A cluster system with a large interstate distance to the multiplex centers and smaller intrastate distances from centers to the small clusters.

(2) A cluster system located entirely within the computing center state, i.e., a large dense semilocal system.

(3) A linear system with a large interstate distance to the first cluster and smaller interstate distances among the remaining clusters. Every cluster in each of the linear nets must be in a different state. This forces a wide area terminal distribution.

(4) A linear system located entirely within the computing center state, i.e., a large dense local system.

(5) A linear system with a large interstate distance to the first cluster and smaller intrastate distances between the remaining clusters

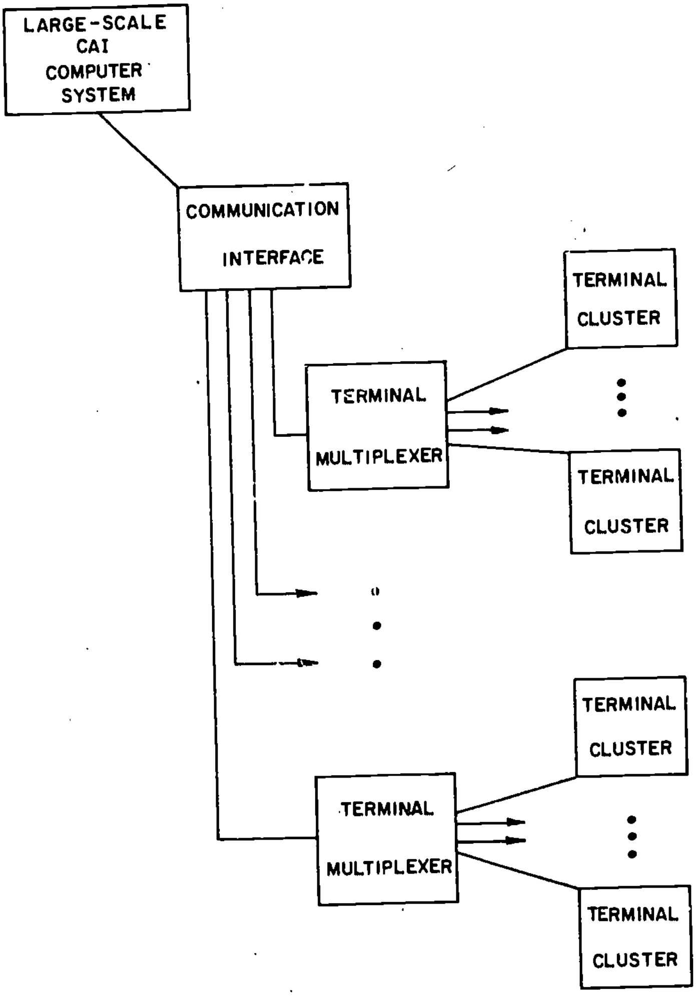

Fig. 4. Clustered terrestrial communication network.

in the linear network. All clusters are located in the same remote state. This produces a regional terminal distribution.

Cluster systems. For system (1) the basic design of each cluster is shown in Figure 5. The parameters of this system are shown in Table 2.

Insert Figure 5 about here

Insert Table 2 about here

Three cost terms will appear in the cost equation: multiplex system,[6] long lines, and local lines.

To develop the multiplex system cost the number of long lines, and hence the number of clusters, is needed:

$$\text{number of long lines} = \frac{T}{8(K + 1)} .$$

The annualized cost of capital, the annual maintenance cost, and the multiplex cost per cluster are the remaining factors in the multiplex system cost equation:

$$\text{multiplex system cost} = \frac{T}{8(K + 1)} M_t[0.1 + k(\ell,r)] .$$

The 0.1 factor represents a 10% annual maintenance charge for all installed electronics equipment. The annualizing formula, described before, is

$$k(\ell,r) = \frac{r(1 + r)^{\ell}}{(1 + r)^{\ell} - 1} .$$

If an equipment lifetime of eight years and a constant interest rate of 10% are used, then $k(8,.1) = .19$.

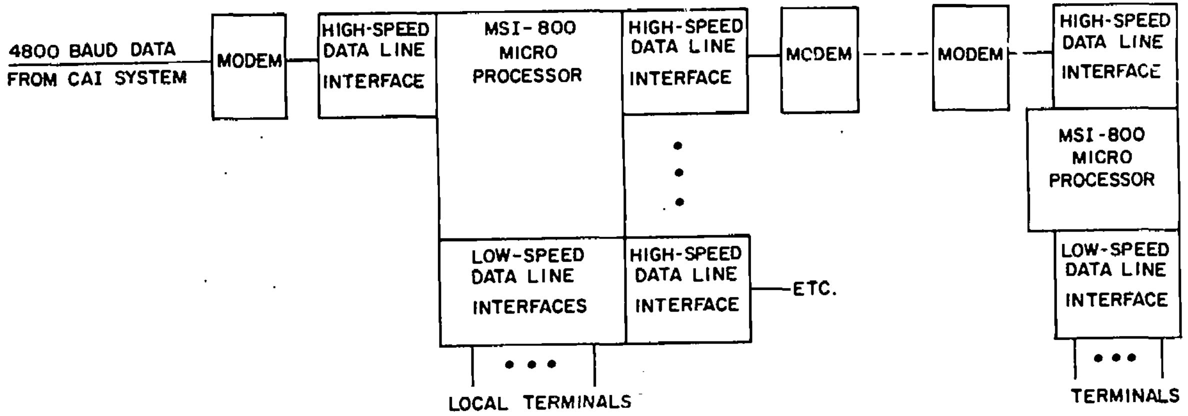

Fig. 5. Cluster multiplex system.

TABLE 2

Parameter Definitions for a Cluster Model of a CAI System[a]

Parameter	Definition
D	Long lines, mean distance.
d	Short lines, mean distance.
K	Number of clusters of 8 student terminals, each feeding into a multiplexing center ($4 \leq K \leq 8$).
T	Number of terminals in the whole system.
M_t	Cost of the multiplex equipment to supply each group of K clusters located remotely from the multiplexing center plus the one cluster assumed to be located at the center.
r	Annual interest rate (or social discount rate).
ℓ	Lifetime expected of capital equipment, in years.
COST	Annual cost for the telephone system.

[a] A cluster is defined as 8 terminals which can supply one CAI course to over 240 students each day.

The multiplex system cost, M_t, can be derived from the data in Table 3 and is given by, in thousands of dollars per year,

$$M_t = \frac{T}{8(K + 1)} (2.6K + 25.9)[0.1 + k(\ell,r)] .$$

Insert Table 3 about here

The second term in our cost equation represents the cost of renting long lines service from the telephone company. Long lines service is interstate in the model for system (1). Monthly costs by distance, in dollars, are derived from rate information as follows:

$$V = \begin{cases} 3.30\ D & 1 \leq D \leq 25 \text{ miles} \\ 82.50 + [2.31(D - 25)] & 26 \leq D \leq 100 \text{ miles} \\ 255.75 + [1.65(D - 100)] & 101 \leq D \leq 250 \text{ miles} \\ 503.25 + [1.15(D - 250)] & 251 \leq D \leq 500 \text{ miles} \\ 790.75 + [.825(D - 500)] & 501 \leq D . \end{cases}$$

To these mileage charges must be added conditioning charges of $60 per month and termination charges of $27.50 per month. Therefore, the cost equation for telephone long lines becomes

$$\text{interstate mileage charge} = \frac{T}{8(K + 1)} [87.50 + V(D)] .$$

For the short lines costs of system (1), intrastate rates are needed. Intrastate mileage charge is a constant function of mileage which varies from state to state but approximates $4 per mile. For intrastate mileage charges we use, therefore, a monthly cost of $4d, where d is the length of the intrastate link. To this must be added conditioning charges of $91 per month and terminal charges as follows:

TABLE 3

Multiplex System Costs for a Cluster Communication Network[a]

Item	Number required	Unit cost	Cost
8 channel multiplex	K + 1	1.6	1.6(K + 1)
1200 baud modems[b]	2K	.5	1.0K
Central multiplex system	1	7.0	7.0
4800 baud modems[b]	2	5.4	10.8
Central CAI system line unit	1	2.5	2.5
Assembly and testing			4.0
			$M_t = 2.6K + 25.9$

[a] Costs are given in thousands of dollars.

[b] A modem changes the digital signals coming to or from the various terminals into signals suitable for transmission on a phone line. Modems capable of transmitting information at faster rates are substantially more expensive.

$$T(d) = \text{terminal charges} = \begin{cases} \$44, & D > 25 \text{ miles} \\ \$22, & D \leq 25 \text{ miles} . \end{cases}$$

The total cost equation for telephone short lines then becomes:

$$\text{intrastate mileage charge} = \frac{T}{8(K+1)} K(4d + T(d) + 91) .$$

The total communication cost equation for system (1) is the sum of the multiplexing costs and inter- and intrastate line costs. These costs, in thousands of dollars per year, are given by:

$$\begin{aligned} \text{COST}_1 = {} & \frac{T}{8(K+1)} (2.6K + 25.9)[0.1 + k(\ell,r)] \\ & + \frac{T}{8(K+1)} \frac{12}{1000} (27.50 + 60 + V(D)) \\ & + \frac{T}{8(K+1)} \frac{12K}{1000} (4d + T(d) + 91) . \end{aligned}$$

When the entire system is located within the state of the central computer, intrastate line costs must be used for both D and d. This gives us the annual cost of system (2) as:

$$\begin{aligned} \text{COST}_2 = {} & \frac{T}{8(K+1)} (2.6K + 25.9)[0.1 + k(\ell,r)] \\ & + \frac{T}{8(K+1)} \frac{12}{1000} (4D + T(D) + 91) \\ & + \frac{T}{8(K+1)} \frac{12K}{1000} (4d + T(d) + 91) . \end{aligned}$$

Linear systems. The linear configuration of systems (3), (4), and (5) can be seen in Figure 6. The linear circuit begins at the CAI computer and connects each group of 8 terminals in turn, dropping 8 terminals and forwarding the rest. As the number of terminals on the

Insert Figure 6 about here

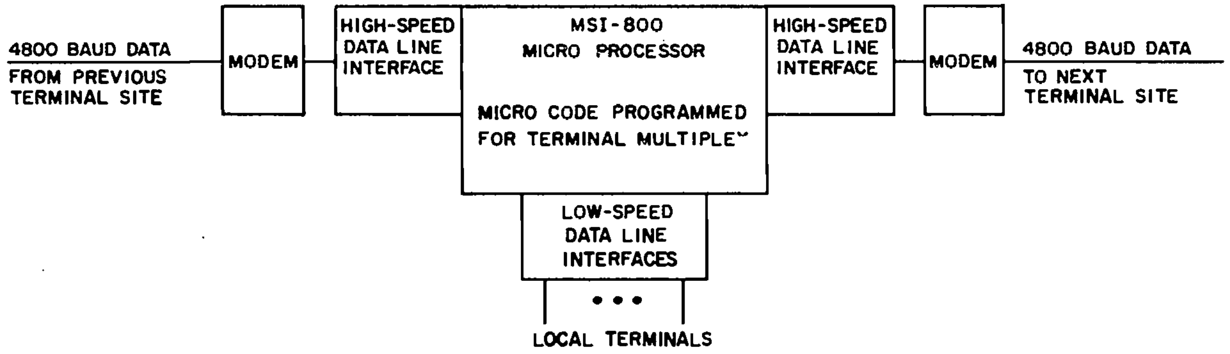

Fig. 6. Linear multiplex system.

line decreases, the modem speed can be correspondingly reduced. For all three of the linear systems, a distance of *D* miles to the first terminal group and a constant d miles between each of the remaining groups is used for our cost derivation. The systems differ in the extent to which interstate lines are involved.

Just as before, the total number of circuits needed (equal to the number of strings of terminal clusters) can be expressed by:

$$\text{number of circuits} = \frac{T}{8(K+1)}, \qquad 4 \leq K \leq 8 .$$

To compute M_t, the terminal capacity of various modems must be considered. A 4800 baud modem can handle 68 terminals; a 2400 baud modem, 32 terminals; and a 1200 baud modem, 8 terminals. The number of [illegible] needed for K = 4, 5, 6, 7, and 8 can be counted by drawing the [illegible]. The results are as follows:

	4800 baud		2400 baud		1200 baud
K = 4	2	+	6	+	2
K = 5	4	+	6	+	2
K = 6	6	+	6	+	2
K = 7	8	+	6	+	2
K = 8	10	+	6	+	2

This data allows the multiplex cost shown in Table 4 to be [illegible]. Except for the last group in each linear group of terminals, all [illegible] systems are assumed to be of equal cost.

Insert Table 4 about here

TABLE 4

Multiplex System Cost of a Linear Communication Network[a]

Item	Number required	Unit cost	Cost
8 channel multiplex system (for the last terminal group)	1	1.6	1.6
1200 baud modems	2	.5	1.0
2400 baud modems	6	1.75	10.5
4800 baud modems	2(K + 1 - 4)	5.4	10.8(K - 3)
Multiplex system	K	10.0	10.0K
Line unit at CAI center			2.5
Assembly and testing			4.0
			M_t = 20.8K - 12.8

[a] Costs are given in thousands of dollars.

To compute the telephone charges for the linear model varying assumptions can be made. There are two mileage figures involved, the distance to the first group D and the other intergroup distances d. These will be costed here as

System (3) - all interstate,

System (4) - all intrastate, and

System (5) - D interstate and d intrastate.

Other combinations will give costs which can be interpolated from these cases.

For system (3) the telephone line costs are

$$\frac{T}{8(K + 1)} (V(D) + KV(d)) .$$

Adding the terminal and conditioning charges as before gives a monthly telephone line cost of

$$\frac{T}{8(K + 1)} [V(D) + (K \times V(d)) + (K + 1)(27.50 + 60)]$$

for system (3). Similarly, the telephone line costs for the other two systems are

$$\frac{T}{8(K + 1)} [4D + 4Kd + (K + 1)(44 + 91)]$$

for system (4), and

$$\frac{T}{8(K + 1)} [V(D) + (27.50 + 60) + K(4d + 44 + 91)]$$

for system (5). Complete cost equations, in thousands of dollars per year, for systems (3), (4), and (5) can then be written as

$$\mathrm{COST}_{3,4,5} = \frac{T}{8(K + 1)} (20.8K - 12.8)[0.1 + k(\ell,r)]$$

$$+ \frac{12}{1000} (\text{telephone line cost}),$$

where

$$\text{telephone line cost} = \begin{cases} \frac{T}{8(K+1)}\,[V(D) + KV(d) + (K+1)(27.50 + 60)]\ , & \\ \qquad \text{for system (3) (all interstate)} & \\ \frac{T}{8(K+1)}\,[4(D + Kd) + (K+1)(44 + 91)]\ , & \\ \qquad \text{for system (4) (all intrastate)} & \\ \frac{T}{8(K+1)}\,[V(D) + 27.50 + 60 + K(4d + 44 + 91)]\ , & \\ \qquad \text{for system (5) (mixed),} & \end{cases}$$

with $4 \leq K \leq 8$ and $D,\ d > 25$ miles. Cost of regional or national systems can be determined by adjusting D, d, and K. Data for various interesting combinations of these parameters, for all five telephone line oriented systems, will be presented after the satellite system cost model is developed.

B. Satellite Communication Model

Now we will look at the cost of a satellite communication system and compare that with the telephone line communication systems already described. Except for consideration of the satellite's coverage pattern, the system design shown in Figure 2 could be a suitable replacement for any of the telephone systems described in this section.

The following is a general cost equation for a satellite link.

$$\begin{aligned} \mathrm{COST}_6 = V &+ \frac{T}{8}\,M_s[0.1 + k(\ell,r)] + \frac{T}{8}\,G[0.1 + k(\ell,r)] \\ &+ S[0.1 + k(\ell,r)]\ , \end{aligned}$$

where

$COST_6$ = annual communication and multiplexing system cost (in thousands of dollars),

M_s = cost of multiplex equipment per remote circuit,

V = annual cost of transponder use on the satellite (for large variations of T this may be $V(T/8)$, but assumed constant here),

G = cost of satellite ground station at a remote site,

S = cost of satellite ground station at the CAI center (for large variations of T this may be $S(T/8)$, but assumed constant here).

To compute the costs of a satellite communication system we first derive a figure for M_s as shown in Table 5. We can then put this figure into the cost equation and derive the following results:

$$COST_6 = V + [0.1 + k(\ell,r)][S + \frac{T}{8}(M_s + G)]$$

$$= V + [0.1 + k(\ell,r)][S + \frac{T}{8}(3.72 + G)] \ .$$

Insert Table 5 about here

Three unknowns remain:

V = satellite usage charges,

S = central RF[7] installation cost,

G = remote ground station costs.

Based on our current work with the ATS-3 satellite, unpublished papers of Dr. J. Jankey and Dr. James Potter, and conversation with others, we propose (1) to fix S at $80,000, (2) to study three values

TABLE 5

Multiplexer System Cost for a Satellite Communication Network[a]

Item	Number required	Unit cost	Cost
8 channel multiplex system	1	1.6	1.6
1200 baud modems	2	.5	1.0
Line unit (shared among 12 sites)	1/12	2.5	.2
Multiplex computer (shared among 12 sites)	1/12	9.0	.75
Assembly and testing	1/12	2.0	.17
			M_s = 3.72

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[a] Costs are given in thousands of dollars.

for G--\$1,000, \$3,000, and \$6,000--and (3) to allow V to vary from zero to \$500,000 per year. More detailed information on satellite and ground station costs for educational applications may be found in Dunn, Lusignan, and Parker (1972).

The satellite cost equation then can be represented as:

$$\mathrm{COST}_6 = \left\{\begin{matrix} 0 \\ 100 \\ 200 \\ 300 \\ 400 \\ 500 \end{matrix}\right\} + [0.1 + k(\ell,r)][80 + \frac{T}{8}(3.72 + \left\{\begin{matrix} 1 \\ 3 \\ 6 \end{matrix}\right\})] .$$

C. <u>Parametric Cost Summaries</u>

Summarizing the types of systems to be costed, together with their variables, we have:

System (1), Cluster: D - interstate, d - intrastate, K, T
System (2), Cluster: D - intrastate, d - intrastate, K, T
System (3), Linear: D - interstate, d - interstate, K, T
System (4), Linear: D - intrastate, d - intrastate, K, T
System (5), Linear: D - interstate, d - intrastate, K, T
System (6), Satellite: V, G, T .

Tables 6 to 11 show various costs for each communication model considering different configurations within the model. The cost of capital and an equipment life of 10% and 8 years is fixed in these tables.

Insert Tables 6 to 11 about here

As an example of how these tables might be used to obtain minimum cost configurations, consider the problem of supplying CAI to a population

TABLE 6

Cost of Communication System 1: Clustered Organization with Interstate/Intrastate Mix[a]

D = interstate distance	d = intrastate distance	K^b		
		4	6	8
(A. 300 terminals)				
2,000				
	200	606	561	536
	100	461	406	376
	50	389	329	296
1,500				
	200	569	535	516
	100	424	380	355
	50	352	302	275
500				
	200	495	482	475
	100	350	327	314
	50	278	249	234
(B. 1,000 terminals)				
2,000				
	200	2021	1872	1789
	100	1539	1356	1254
	50	1298	1098	986
1,500				
	200	1897	1784	1721
	100	1415	1267	1185
	50	1174	1009	918
1,000				
	200	1773	1695	1652
	100	1291	1179	1116
	50	1051	921	849
500				
	200	1649	1607	1583
	100	1168	1091	1048
	50	927	832	780

[a] The costs given in the last three columns are annual costs in thousands of dollars; communication and multiplexing costs are included with capital costs annualized at an interest rate of 10% with an 8 year lifetime.

[b] K is the number of clusters of 8 terminals each connected to each long line.

TABLE 7

Cost of Communication System 2: Cluster Organization
Single State Coverage[a]

D = interstate distance[b]	d = intrastate distance	K^c		
		4	6	8
(A. 300 terminals)				
500				
	200	608	563	538
	100	464	408	377
	50	392	331	297
300				
	200	536	511	498
	100	392	357	337
	50	319	279	257
(B. 1,000 terminals)				
500				
	200	2029	1878	1794
	100	1547	1362	1258
	50	1306	1103	991
300				
	200	1788	1706	1660
	100	1306	1189	1125
	50	1065	931	857

[a] The costs given in the last three columns are annual costs in thousands of dollars; communication and multiplexing costs are included with capital costs annualized at an interest rate of 10% with an 8 year lifetime.

[b] The term "interstate" is used here to denote the long-line distance and "intrastate" to denote the short-line distance even though all communication is within one state.

[c] K is the number of clusters of 8 terminals each connected to each long line.

TABLE 8

Cost of Communication System 3: Linear Organization with All Interstate Connections[a]

D = interstate distance	d = intrastate distance	K[b]		
		4	6	8
(A. 300 terminals)				
2,000	600	688	679	674
	400	617	602	595
	200	525	504	493
	100	465	440	427
	50	224	396	380
1,500	600	650	652	653
	400	579	576	574
	200	488	478	472
	100	428	414	406
	50	387	369	360
1,000	600	613	626	632
	400	542	549	553
	200	450	451	451
	100	391	387	385
	50	349	343	339
500	600	576	599	612
	400	505	523	533
	200	413	425	431
	100	354	361	365
	50	312	316	319

TABLE 8 (continued)

D = interstate distance	d = intrastate distance	K[b]		
		4	6	8
(B. 1,000 terminals)				
2,000				
	600	2293	2263	2246
	400	2056	2009	1983
	200	1750	1681	1643
	100	1552	1469	1423
1,500				
	600	2169	2175	2178
	400	1932	1921	1914
	200	1626	1593	1574
	100	1428	1381	1354
	50	1290	1232	1200
1,000				
	600	2046	2086	2109
	400	1809	1832	1846
	200	1503	1504	1506
	100	1305	1292	1286
	50	1166	1144	1132
500				
	600	1922	1998	2040
	400	1685	1744	1777
	200	1379	1416	1437
	100	1181	1204	1217
	50	1042	1055	1063

[a] The costs given in the last three columns are annual costs in thousands of dollars; communication and multiplexing costs are included with capital costs annualized at an interest rate of 10% with an 8 year lifetime.

[b] K is the number of clusters of 8 terminals each connected to each long line.

TABLE 9

Cost of Communication System 4: Linear Organization with Single State Coverage[a]

D = interstate distance[b]	d intrastate distance	K[c]		
		4	6	8
(A. 300 terminals)				
500				
	200	682	672	666
	100	537	517	505
	50	465	439	425
300				
	200	610	620	626
	100	465	465	465
	50	393	398	385
(B. 1,000 terminals)				
500				
	200	2274	2240	2221
	100	1792	1723	1685
	50	1551	1465	1418
300				
	200	2033	2067	2087
	100	1551	1551	1551
	50	1310	1293	1284

[a] The costs given in the last three columns are annual costs in thousands of dollars; communication and multiplexing costs are included with capital costs annualized at an interest rate of 10% with an 8 year lifetime.

[b] The term "interstate" is used here to denote the long-line distance and "intrastate" to denote the short-line distance even though all communication is within one state.

[c] K is the number of clusters of 8 terminals each connected to each long line.

TABLE 10

Cost of Communication System 5: Linear Organization with Interstate/Intrastate Mix[a]

D = interstate distance	d = intrastate distance	K^b		
		4	6	8
(A. 300 terminals)				
2,000				
	200	679	670	665
	100	535	515	504
	50	463	438	424
1,500				
	200	642	643	644
	100	498	488	483
	50	425	411	403
1,000				
	200	605	617	623
	100	461	462	463
	50	388	385	382
500				
	200	568	590	603
	100	424	425	442
	50	351	358	362

TABLE 10 (continued)

D = interstate distance	d = intrastate distance	K^b		
		4	6	8
(B. 1,000 terminals)				
2,000				
	200	2266	2234	2216
	100	1784	1718	1681
	50	1543	1459	1413
1,500				
	200	2142	2145	2147
	100	1660	1629	1612
	50	1419	1371	1344
1,000				
	200	2018	2057	2079
	100	1536	1541	1543
	50	1296	1283	1276
500				
	200	1895	1969	2010
	100	1413	1452	1474
	50	1172	1194	1207

[a] Costs given in the last three columns are annual costs in thousands of dollars; communication and multiplexing costs are included with capital costs annualized at an interest rate of 10% with an 8 year lifetime.

[b] K is the number of clusters of 8 terminals each connected to each long line.

TABLE 11

Cost of Communication System 6: Satellite Distribution[a]

V[b]	G[c]		
	$1,000	$3,000	$6,000
(A. 300 terminals)			
0	73	95	127
100	173	195	227
300	373	395	427
500	573	595	627
(B. 1,000 terminals)			
0	192	264	272
100	292	364	472
300	492	564	672
500	692	764	872

[a] The costs given in the last three columns are annual costs in thousands of dollars; communication and multiplexing costs are included with capital costs annualized at an interest rate of 10% with an 8 year lifetime.

[b] V = annual cost in thousands of dollars of satellite transponder capital cost or use charges.

[c] G = cost of RF portion of each remote ground station.

whose average distance from the main computer center is 1,000 miles with a large number of clusters in each local group of clusters (K = 8). The intrastate distance (between each local cluster and its cluster center) is assumed to equal 50 miles. For 1,000 terminals, three of the configurations proposed here are relevant: cluster system (1), linear system (5), and the satellite system (6). For system (1) the cost (on a per-terminal basis) is $850 per year; for system (5) it is $1,276; for system (6) it is $504 under the conservative assumption that the ground station cost is $3,000 and the satellite usage cost is $300,000 per year. For this configuration, then, the satellite appears superior, as it would for any more dispersed population. In the very worst case of satellite costs, with $6,000 ground stations and a $500,000 annual satellite use cost, the cost of system (6) becomes $872, slightly more than that of system (1). Many other combinations of requirements can be similarly analyzed using these tables.

It may be of interest to continue this example to the point of computing total per-student-contact-hour costs of this communication configuration. At the end of Section II we estimated an annual cost for the system--including capital costs, operations, and maintenance--of $1,477,000 per year for 1,300 terminals or $1,135 per terminal per year. To this must be added the $565 satellite communication costs for a total of $1,700 per terminal per year, or a little less than $150 per terminal per month, or $.85 per student contact hour, if we assume the optimistic goal of 2,000 hours of terminal use per year.

D. Conclusions

The foregoing communication models and their costs provide a basic cost analysis for providing interactive instructional materials to dispersed populations. Our approach has been to develop cost functions for alternative approaches to solving the communication problem for a CAI system. The values these cost functions take depend on many parameters. The advantage of this approach is that it enables one to ascertain quickly the approximate minimum cost configuration for any specification of the input parameters. More exact cost estimates would, of course, have to be generated at the time of preparation of the design of a specific system.[8]

The central numerical results of this section appeared in Tables 6 to 11. These tables show how annualized communication and multiplexing system costs vary as a function of the most critical parameters for three conceptually distinct approaches to the communications network--a clustered telephone line system (Tables 6 and 7), a linear telephone line system (Tables 8, 9, and 10), and a satellite-based system (Table 11). The different tables for the telephone-line-based systems show costs for different configurations of interstate and intrastate systems; this separation is necessarily due to the structure of the telephone tariff system.

Perhaps the most interesting result that emerges from this detailed analysis is the viability of a satellite-based system. For distances of the order of 500 miles there already appears to be a distinct cost advantage for the satellite approach; for distances of a thousand miles or more the advantage is quite pronounced. The importance of this finding depends on the form of the evolution of usage of the higher quality instruction made possible by interactive systems. If a large instructional computer system serves only its immediate geographical locale, it is clear that communications are best handled by telephone or cable systems. However, reliance on telephone line systems seems to preclude access to this form of high quality instruction for dispersed populations. Satellites will play a critical role for distribution of interactive instruction if national priorities indicate sensitivity to the needs of dispersed populations prior to the time when (probably 15 or 20 years hence) every geographical locality has its own interactive instructional system, or cable networks become versatile enough and sufficiently dense to serve as an interactive system communication network.

IV. Implementation Alternatives for CAI Networks

In the preceding sections we discussed the costs of alternative methods of providing CAI to dispersed populations. In this section we use these costs as an input to analysis of the basic economics of providing CAI, and the various implementation alternatives available.

A. Basic Economics of Providing CAI

The cost per operational CAI terminal in a school depends on many factors related to the basic organization of the system that provides the service. Later in this section, we will discuss a number of alternatives to that presented in this paper and reference more detailed costimates for them. First, however, we will make analyses of basic economic trade-offs, simply using conservative cost values based on estimates for the immediate future; we emphasize, however, that many components of these costs are declining.

Our basic cost assumption for this analysis is that for $300 per month a Teletype terminal can be maintained in a typical school. This is deliberately highly conservative in order to allow a high margin for proctor costs and start-up inefficiencies. For a typical configuration with a 1,300-terminal system and a highly dispersed user population, Sections II and III indicate that the central facility, communication and multiplexing, and terminal costs would total $125 to $200 per month per terminal. This cost includes amortization of capital costs, use of the central computer system, communications, terminals, and operations and maintenance. It does not include any expenditures associated with making classroom space available, and it assumes the curriculum to already be available. We also assume that for 20 days per month an average of 25 student sessions per day are given at each Teletype. Thus, we assume 500 sessions per terminal per month at a cost of $300, or $.60 per session. We have observed high variance in the number of sessions per terminal per day obtained by different schools, and with effective scheduling it is feasible to obtain many more sessions per terminal per day than the 25 we assume. Some schools currently participating on the IMSSS network are obtaining utilization rates in the range of 35 to 40 sessions per terminal per day, suggesting the possibility of substantially lower costs per session than the $.60 that we use. Also, we have assumed a six-hour school day; some residential schools for the deaf are using their terminals eight to ten hours per day, further increasing the number of sessions per terminal per day and further decreasing the cost per session. (In the preceding section we saw the possibility of reducing costs to $.85 per student contact hour if usage can be pushed up to 2,000 hours per terminal per year.)

The decision of whether to provide CAI and how much CAI to provide depends not only on cost per session but on two other critical factors. First, of course, is the performance of CAI in raising student achievement. We will not examine data on CAI as an instructional tool in the paper but evaluations of IMSSS CAI curriculum can be found in Fletcher and Atkinson (1971), Suppes and Morningstar (1969), and elsewhere.[9] Second is the issue of *what must be given up in order to have CAI*. Given that budgets are inevitably constrained, the more CAI an administrator provides his students, the less he can provide of something else. A requirement of good administration is to make these trade-offs explicitly, both in terms of their cost and of their performance.

We will examine the situation in schools for the deaf, which currently use about half of the IMSSS student terminals, to illustrate how administrators might evaluate decisions about the use of CAI. Due to the low student-to-staff ratios, a larger fraction of resources goes into staff in schools for the deaf than in other schools, and the most feasible way of financing CAI is, therefore, through slight increases in the student-to-staff ratio. This method is the most feasible even if new resources for acquiring CAI come from outside the school; the new funds could have been allocated to lowering the ratio of students to staff rather than to providing CAI.

The trade-offs are summarized in the following equation adapted from Jamison (1971).

$$S^* = S + \left[\frac{(SW(1 - R)) + (C(N)S^2R)}{W - (C(N)SR)} \right]$$

where S^* is student-to-staff ratio after introduction to CAI,

S is student-to-staff ratio before introduction to CAI,

W is average annual salary of the instructional staff,

R is ratio of the post-CAI instructional cost per student to the pre-CAI cost, and

$C(N)$ is the cost of providing a student N sessions of CAI per year.

To estimate the "opportunity" cost of CAI, we solve the equation for S^* as a function of N (the number of CAI sessions per student per year) under the assumption that $R = 1$; i.e., we assume that CAI is introduced into schools for the deaf with no net increase or decrease in per-student instructional costs. To complete the calculation we need to know staff salaries and staff-to-student ratios and, to take an example, Table 12 displays this information for a number of different types of schools for the deaf. For the present illustration, we consider public day schools where the instructional staff salaries recently averaged $8,760 per year and the student-to-instruction-staff ratio was 4.5. We have, then, $S = 4.5$, $W = 8760$, $R = 1$, and, using the previous assumptions about costs, $C(N) = \$.60N$. The trade-off equation then becomes:

Insert Table 12 about here

$$S^* = 4.5 + 12.15N/(8760 - 2.7N) .$$

TABLE 12

Salaries and Student-to-Staff Ratios in Schools for the Deaf for the 1968-69 School Year[a]

Type of school	Average annual salary of instructional staff	Ratio of students to instructional staff
Public Res. Schools	$7564	5.6
Private Res. Schools	6251	4.9
Public Day Schools	8760	4.5
Private Day Schools	6009	4.5
Public Day Classes	7721	3.9
Private Day Classes	7740	4.4

[a] Source: "Tabular Statement of American Schools and Classes for the Deaf, October 31, 1968," pp. 622-623 of the Directory of Services for the Deaf in the United States--American Annals of the Deaf, May, 1969.

Table 13 shows the student-to-staff ratio calculated from the above equation required to leave per-student instructional costs unaltered if each student has N CAI sessions per year for six values of N.

Insert Table 13 about here

It is evident from Table 13 that substantial amounts of CAI are feasible with only minor increases in student-to-staff ratios. For example, increasing the student-to-staff ratio by 10%, from 4.5 to 4.95, would allow each child to have almost two CAI sessions daily (300 per year). The question facing the school administrator is whether the achievement gains resulting from this amount of CAI would counterbalance the achievement losses (if any) resulting from the slightly higher student-to-staff ratio.

B. Implementation Alternatives

In the preceding subsection, we outlined the basic economic considerations that would lie behind an administrative decision to utilize CAI in schools for the deaf. Now we will look at four possibilities for implementing CAI in schools for the deaf. Again, the schools for the deaf are simply used as an example of a typical dispersed population. These alternatives are equally possible for other groups of CAI users.

The first implementation alternative would consist of operational utilization of the IMSSS facility at Stanford, with the Stanford staff continuing in their present liaison, maintenance, and administrative roles. By the beginning of the 1973-74 school year, up to 300 terminals at various locations around the country could be made available enabling

TABLE 13

Student-to-Staff Ratio Required to Leave Per-Student Instructional Costs Constant with Implementation of CAI[a]

Number of CAI sessions per year	Student-to-instructional-staff ratio
0	4.5
100	4.64
200	4.79
300	4.95
500	5.30
1000	6.50

[a] The figures in this table assume a pre-CAI student-to-instructional-staff ratio of 4.5 and an average annual salary for the instructional staff of $8760. CAI is assumed to cost $.60 per 6 to 10 minute session.

5,000 to 10,000 deaf students to receive CAI as a standard part of their curriculum. The total cost per terminal per month would be between $250 and $400. This approach would have the advantage of being a direct extension of the services currently provided by Stanford and implementation problems would be minimized. Further, if curriculum development for the deaf were continued at Stanford, new and revised curriculum materials would be immediately available to all students in the network.

The second implementation alternative is identical to the first except that major administrative and operational responsibilities would be transferred to a school serving the deaf community. That school would be responsible for liaison with other schools, communications, Teletype maintenance, and administration of everything except the central computation facility at Stanford. The major attraction of this approach lies in the gradual but explicit transfer of technological expertise and control from the developers of a CAI system to its users.

A third alternative would be to implement the curriculums developed at Stanford with stand-alone mini-computer systems. The central processor on such systems requires no operator, and it is capable of serving 8 to 32 student terminals with relatively simple curriculum materials. Jamison, Suppes, and Butler (1970) provide a more detailed description and cost analysis for systems of this sort. Communication and multiplexing costs would be minimized by the small geographical dispersion of users. Per-terminal costs using this approach would be approximately two-thirds to three-fourths the costs involved in the first and second alternatives. However, the range of curriculums offered on mini-systems is more limited than in the first and second alternatives, and curriculum revision is far more difficult.

A fourth alternative, diametrically opposite to the third, would be to establish a large CAI center for the deaf that would be capable of simultaneously running 500 to 1,500 terminals such as the system described in this paper. Such a center would require nationwide communications. It could take full advantage of new and revised curriculums as they become available, and it could provide a wider range of curriculums than could a mini-system. As was shown in Section III, the use of communication satellites appears to be an economically attractive way of distributing CAI to a population as dispersed as that of deaf students. Per-terminal costs for a large-scale system such as this would probably fall between those of a mini-system and those of an expanded Stanford-based system. The difficulty with proceeding directly to this option is the substantial time lag between decision and implementation and the administrative difficulties inherent in expanding a small scale of operations to a very large one.

The above four alternatives summarize our current ideas for operationally implementing the results of presently available curriculum-development efforts. These alternatives are not mutually exclusive. For example, it would be very natural to conceive of the second alternative evolving into the fourth. Similarly, a useful experiment to undertake would be to compare either the first or second alternative with the third, using different schools for the deaf in the two approaches.

The decision as to how to best educate any student population is always complex, and is usually made more difficult by budget constraints. One important factor in such decisions involves the relative effectiveness of different instructional methods for the particular students under consideration. We feel that it is also important for the educators who make such decisions to consider the relative costs of different instructional methods; we have tried to show in this paper that CAI is a viable alternative for instructing dispersed student populations, particularly with the possibility of a satellite communication network.

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Footnotes

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2. John Ball is the manager of the Computer Based Laboratory of IMSSS; Dean Jamison is a staff member of IMSSS, Assistant Professor of Management Science, Graduate School of Business, and Assistant Professor (by courtesy), School of Education, Stanford University. The authors are indebted to J. E. G. Ferraz and Joanne Leslie Jamison for valuable assistance with this paper.

3. Cost estimates for a very large-scale system (4,000 terminals) are given in Bitzer and Skaperdas (1969), and Stetten (1972) gives cost estimates for a system with 125 terminals. Both sets of estimates assume the terminals are clustered at the computer center or within 100 miles of it.

4. Detailed descriptions of earlier IMSSS CAI systems can be found in Suppes, Jerman, and Brian (1968), Suppes (1971), and Suppes and Morningstar (1972).

5. The term "baud" is a measure of communication capacity; a voice-grade line has a capacity of up to 9600 baud.

6. The multiplexing system assembles and disassembles signals in the communication line for direction to the individual terminals.

7. "RF" refers to the radio frequency electronic equipment.

8. To apply this model in a European setting, a different rate structure system would, of course, have to be substituted.

9. A survey of these evaluations, as well as a study of the impact of CAI on the <u>distribution</u> of achievement, may be found in Jamison, Fletcher, Suppes, and Atkinson (1972).

(Continued from inside front cover)

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Testimony of Patrick Suppes to Senate Subcommittee on the Handicapped, 21 March 1973

Members of the Committee and Guests:

I testify as a long-time member of the Stanford faculty and Director of the Institute for Mathematical Studies in the Social Sciences at Stanford. Over the past four years our Institute has been involved in teaching deaf children mathematics and language skills by use of computer terminals connected to our central computer at Stanford by means of telephone lines. In the process of developing and testing this approach to instruction through grants from the Bureau of the Handicapped, Office of Education, we have put together one of the larger computer networks in the country.

Currently, we are bringing instruction on a daily basis by telephone line from our central computer at Stanford to students in California, Florida, Oklahoma and Texas, as well as on the Gallaudet Campus here in Washington, D. C.

In Table 1, I show a list of the schools participating in the network. We have been especially pleased with the Texas participation, which consists of a network running from Austin, Texas, to a number of day classes for deaf students in Houston, Dallas, Fort Worth, Galveston, San Antonio and Beaumont. We have found the teachers and supervisors of these day classes as enthusiastic as the teachers and administrators in the residential schools for the deaf. There is a general movement at the present time to place students in day classes rather than in residential schools, and we believe that the kind of technology we have been investigating can be especially helpful in these relatively isolated situations that require special teaching and a dedicated effort to be successful in instruction.

TABLE 1

Schools Participating in Stanford Network, 1972-73

School	Number of Computer Terminals
California School for the Deaf at Berkeley	16
Florida State School for the Deaf and the Blind	8
Kendall School for the Deaf	12
Model Secondary School for the Deaf	5
Oklahoma School for the Deaf	10
San Jose Unified School District	
Hester Elementary School	3
San Jose High School	3
Texas County-Wide Day Schools	
Montrose School (Houston, Texas)	4
Bexar County Day School for the Deaf (San Antonio)	2
John B. Hood Junior High School (Dallas, Texas)	1
Skyline High School (Dallas, Texas)	2
Tarrant County Day School for the Deaf (Fort Worth)	2
Beaumont Bi-County Wide Day School for the Deaf	1
Texas School for the Deaf (Austin)	16
Total	85

In Table 2, I show the number of students enrolled for each course during 1971-72. You will notice that, in addition to elementary mathematics and language arts, students are also enrolled in courses in computer programming, basic English and other subjects. More than 2,000 deaf students are currently involved in these courses, and we believe that this project, which has been sponsored for the past three years by the Office of Education, has proved the feasibility and practicality of computer-assisted instruction for deaf students throughout the country.

TABLE 2

Institute CAI Curriculums Used by Participating Schools for the Deaf, 1971-72

Curriculum	Number of students
Algebra	83
Basic English	165
Computer Programming in AID	93
Computer Programming in BASIC	124
Language Arts	1071
Logic and Algebra	216
Elementary Mathematics (Strands)	2146
Arithmetic Word Problem Solving	107
Total Students 2279	

There are many questions that can be raised about the use of educational technology to help teach handicapped children. The point I would like to concentrate on in the brief time I have with you is the question of individualization of instruction. Throughout this century, American educators have discussed time and again the importance of individualization of instruction. The widespread desire has been to provide instruction for each child according to his level of ability and level of achievement. Adaptation to the individual level of ability and achievement is especially important in the case of handicapped children, because of the wide diversity of their problems, and the very uneven development they often exhibit in the mastery of basic skills of reading, mathematics and language.

By means of educational technology, we are able to present individual instruction tailored to the level of achievement of each child. In the case of some of the classes of deaf students with which we work, for example, we can have a range of as much as five or six academic years in the level of achievement in elementary mathematics. The computer programs that present instruction to these children adjust to each child wholly individually at his appropriate level. For example, in a given class, a slower child might be working on the elementary facts of addition, and the most advanced child might be working with decimals, negative numbers, and linear equations. For computer-based programs there is absolutely no difficulty in this kind of individual adjustment. It is in principle possible, for example, that on a given day each of the many students receiving instruction in elementary mathematics in deaf schools around the country from our system would receive a different and distinct lesson.

It is not appropriate to enter into extensive details of the curriculum programs we are able to offer these handicapped youngsters, but I would like to say something more about the mathematics program as an example. Not only is the program individualized for each student, but the curriculum is broken into 14 basic skills, ranging from skills of addition to work with decimals and measurement applications. Each student is given a grade placement in each of the 14 skills, and on a given day a teacher can get for e ch student a report of his current grade placement on each of the 14 basic skills, as well as his average grade placement. Thereby, not only is the student provided individualized instruction, but also the teacher is provided a highly detailed diagnostic profile of the strengths and weaknesses of each student.

Another important way of looking at the computer-based programs of instruction we have developed for the network of deaf schools is to look at the evaluation of the effectiveness of the programs. In 1971-72, we evaluated the mathematics program, and during the current year we are evaluating the language arts program. Let me tell you something about last year's evaluation of the mathematics program. We conducted two large-scale experiments. In the first experiment, we were concerned with the effect of the number of computer-based instructional sessions on the academic progress of the students. We randomly assigned the students in the various schools to five groups, the first group receiving only 10 sessions during the last five months of the school year, and the most intensive group receiving over 70 sessions. I shall not try to give you all the technical details of the experimental results, but I would summarize them in the following way. The experimental data demonstrated that students receiving one session a day of about 10 minutes showed improvement in mathematics grade placement, due to the computer-based lessons, of slightly over one school year. Thus, for example, if Johnny had at the beginning of the year a grade placement of 4.3, he would, due to the computer-based lessons, have at the end of the year a grade placement of about 5.3, plus gains from regular instruction. Various studies by many people indicate that for hearing-impaired students ordinary instruction produces gains of somewhat less than half a year in grade placement. Conservatively, I would say that the results of the experiments show that with the use of computer-based instruction we should be able to get at least a year's grade placement improvement for most of the students in the participating classes. If this sounds like an unexciting claim, I emphasize that this is in contrast to an expected gain of somewhat less than half a year under ordinary methods of instruction.

In the second experiment we have studied the behavior of individual students intensively and have developed quantitative methods of predicting the trajectory of each individual student through the curriculum. On the basis of these trajectories we set a goal of achievement for each student and then compute on an updated basis, every two weeks, the number of computer-based lessons the student needs to meet the objective. The most desirable feature of this second experiment is the very detailed understanding we were able to reach of the projected learning for the year of individual students, and thereby to take measures, by increasing the amount of instruction, to meet realistic goals for the individual students. Again, I shall not enter into the technical details, but, from our own standpoint, one of the most pleasing things is that by fairly simple analytical methods we were able to develop surprisingly accurate trajectories to predict the course of learning of individual students, and thereby to guarantee, by additional work, that these individual students met agreed-upon goals of achievement.

In conclusion, let me say that I do not claim that the computer-based network of instruction we have developed for deaf schools is a panacea for the many difficult problems of instruction we face in preparing handicapped children to deal with themselves and the world as they become mature adults. I do think that the kind of approach we have been able to develop and to experiment with, because of funding available to the Office of Education under the various Acts now being considered for renewal by the Committee, helps make the case for the importance of a continued Federal effort in developing better ways of educating handicapped children.

What work remains to be done? The simple answer is, almost everything. All of us working in education realize that we have much to learn about how more effectively to educate both normal and handicapped children. In the case of handicapped children, the difficulties we face in simply giving them a good education in the basic skills of reading, writing and arithmetic are sufficiently complex and difficult that continuation of the Acts being considered by th Committee can be justified in these terms alone. If I had the time, I would like to describe to you various projects that, just within the framework of our own experimentation, we see as important continuations of our work with handicapped children and that would lead to benefits over a period of time for all handicapped children if we were successful. Our experimental research and development represents but one facet of the effort that is needed to continue the thrust forward for a better and more effective education for handicapped children throughout the nation.

Senator WILLIAMS. Thank you very much, gentlemen. You have been most helpful.

We will recess until 1:30.

[Whereupon, at 12:20 p.m. the hearing was recessed, to be reconvened at 1:30 p.m. the same day.]

AFTERNOON SESSION

[The Subcommittee on the Handicapped resumed its hearings at 1:40 p.m.]

Senator STAFFORD (presiding pro tempore). The Subcommittee on the Handicapped of the Committee on Labor and Public Welfare will come to order.

The first witness this afternoon will be the Honorable Stephen Kurzman, Assistant Secretary for Legislation, Department of Health, Education, and Welfare.

We are very happy on behalf of the subcommittee to welcome you here, Mr. Secretary, and we will invite you to proceed with your statement in any manner you wish.

STATEMENT OF STEPHEN KURZMAN, ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY DR. EDWIN MARTIN, JR., ASSOCIATE COMMISSIONER, BUREAU OF EDUCATION FOR THE HANDICAPPED, AND MS. JUDITH PITNEY, ACTING DEPUTY ASSISTANT SECRETARY FOR EDUCATION LEGISLATION

Mr. KURZMAN. Thank you, Mr. Chairman. It is a great honor to appear today before you to discuss Federal assistance for the education of the handicapped children. I am pleased to identify on my right Dr. Edwin Martin, well known to the committee, who is Associate Commissioner in the Bureau of Education for the Handicapped in the U.S. Office of Education of HEW.

To my left is Ms. Judith Pitney, who is Acting Deputy Assistant Secretary for Education Legislation.

As you know, Mr. Chairman, there has been rapid growth in the provision of appropriate education opportunity for handicapped children. Since 1967, the number of children enrolled in special education programing has grown by more than 1 million, to a level this year of approximately 3.1 million. This represents just over one-half of the total population of 6 million school-age handicapped children.

While the major expense of this additional educational programing has been borne by the States and local governments, we feel that Federal funds have played a significant catalytic role, and that Federal interest and leadership have helped generate public interest and substantial support.

Since its inception, Federal funding for the Education of the Handicapped Act has increased from $37.5 million in 1967 to $110 million in 1972. Total Office of Education expenditures for the handicapped in fiscal year 1972 were $204.3 million, a figure which includes funds from other programs such as title I. Elementary and Secondary Education Act, and vocational education which support handicapped children.

Fiscal year 1973 figures will show another substantial increase, particularly in the discretionary programs.

Funds made available to the States and to local schools and community agencies have supported model projects demonstrating new approaches to educating handicapped children. These projects have been adopted and continued under local auspices, and in many instances have led to changes in State legislation. In Illinois, for example, preschool identification projects have led to new State legislation. In Oregon and Washington projects demonstrating that seriously or trainable retarded children could be educated locally, rather than in institutions, and have led to a pattern of deinstitutionalizing children. In Texas, a planning analysis funded under the Education of the Handicapped Act has led to new State legislation more than doubling State support for handicapped programs. There are many other similar examples of this catalytic effect of Federal funding.

Part C of the act supports preschool programs, centers, and services for deaf-blind children and regional resource centers. Among the activities under part C this year are about 100 model projects located in every State which will demonstrate the effectiveness of early educational intervention. Projects serving handicapped children who have been dropouts from kindergartens, Headstart, and other programs because of learning and behavioral difficulties are enabling these children to return to regular programs after special preschool experiences. Thus, not only are thousands of dollars saved, through these projects, but thousands of children are being saved from frustrated lives and experiences.

Through centers serving the deaf and blind, approximately 2,600 children will receive educational services this year, a tremendous contrast to the 100 children in programs when Federal efforts began in 1968. In 10 regions, case finding and diagnostic centers have been established and as a result more than 5,000 such children have been identified and provided with special services.

Preparation of teachers and other specialists to work with the handicapped is of vital importance because of the unfilled need for such persons. When the Federal program began in 1960 there were only a handful of colleges and universities which provided training in the special education area. Today more than 300 institutions offer such training. This year more than 20,000 new teachers will be ready for classroom duties and more than 50,000 students are enrolled in undergraduate and graduate programs.

Through the Education of the Handicapped Act program for the development of educational technology (part F), captioned films for the deaf are made available each year in every classroom for deaf children. There have been more than 1 million viewings of educational and recreational films for the deaf this year alone.

Part G of the act supports model programs for children with specific learning disabilities, as well as personnel training activities through a leadership training institute at the University of Arizona. This year 40 States will participate in the program receiving support for model projects. In New Jersey, for example, the model project provided information on the age and learning characteristics of children, plus the area of education about which information was needed, to a computer resource unit in *Buffalo, N.Y., sponsored by EHA research* funds. The computer analyzes the data and recommends appropriate instructional materials for teaching a given skill or concept. From the activity supported by the model grant, a program is developing which is expected to serve every child needing such assistance in the State.

Research funds are authorized by part E. These funds are closely tied to the major missions of the Bureau of Education for the Handicapped such as: Developing full services for handicapped children; developing programs for the 1 million preschool handicapped; providing career or vocational education for teenage and older handicapped youth; and providing sufficient teachers to achieve these goals.

The significance of the Education of the Handicapped Act goes beyond increased expenditures and proven performance in a humanitarian cause. This act has provided direction to the States in terms of the realization of the moral commitment to educate handicapped youngsters.

A primary reason for the passage of title VI of the Elementary and Secondary Education Act was the failure of many States to make a commitment to the education of the handicapped. Federal assistance has been a successful catalyst in making the States aware of the need for a substantial commitment to handicapped children.

There are several indexes available that demonstrate this increased commitment. In fiscal year 1966, State and local expenditures for the excess costs of education of handicapped children were $708 million. In fiscal year 1972, State and local spending for this purpose had risen to almost three times that, over $2 billion, which I should point out is substantially greater than the Federal volume, despite the great growth in the Federal volume.

Another index of the extent of programs and projects within the States is the number of personnel employed in the planning, direction and implementation of programs for handicapped children. The number of State specialists, consultants—such as consultants for the hearing impaired, visually impaired, emotionally disturbed—and other special education leadership positions—not including State directors—has more than doubled from 180 in 1964–65 to 371 in 1972–73.

Since we now possess evidence of the improved State concern and capabilities, we believe that formula grant funds now operating through State agencies for operational programs relating to the education of the handicapped can be included in the revenue sharing concept with confidence that the States will maintain their support for education of handicapped children.

The advantage of revenue sharing is that citizens in the States and localities will have a greater influence in the determination of how Federal resources should be allocated within their States and within their school districts.

The Better Schools Act of 1973, recently submitted to the Congress, proposes to include funds now appropriated for the education of handicapped students under the following: The State grant program (part B) of the Education of the Handicapped Act; the program for handicapped children in State institutions authorized by title I of the Elementary and Secondary Education Act; the set-aside for the handicapped in title III of the Elementary and Secondary Education Act; and the set-aside for handicapped provided in the Vocational Education Amendments of 1968.

The funds for the purposes of these formula grant programs are included in the Better School Act in a special earmarked area of assistance for education of the handicapped. A fund transfer authority is provided, allowing 30 percent of the funds to be transferred at the State's discretion to or from the area of assistance for the handicapped, and assistance for vocational education.

In addition, up to 100 percent of a State's allotment for supportive services and materials may be used for educating the handicapped, at the State's discretion. Funds for education of the handicapped would be spent in accordance with plans which the State draws up under an open planning process.

The discretionary programs authorized by the Education of the Handicapped Act—that is, the remaining six parts of the Education of the Handicapped Act itself—as mentioned earlier, have made possible valuable progress in research, innovation, dissemination and model replication. The administration supports a 1-year extension of these authorities. We recommend against a longer period of extension because other improvements are currently under study, and we would like to have the opportunity to come back before the committee with other projects on these project grant programs within the year. These alternatives may prove to be more efficient and productive methods of resource allocation.

We also recommend against increasing the present authorization levels which are already larger than any realistic projection of actual funding possibilities. This, as we have said in a number of other contexts, simply contributes to the phenomenom of unfulfilled expectations. We should promise no more than can be reasonably produced with available resources, and have therefore recommended authorization levels equal to the fiscal year 1974 budget request.

As I have pointed out, that is a substantial increase over the program as it has been, a dramatic rise over the past 10 years.

In addition to the points concerning extensions and funding levels, we oppose the provisions in S. 896 calling for the associate commissioner for the handicapped to report directly to the commissioner and mandating certain GS–17 and GS–18 level positions in the Bureau. We do not think that mandating administrative structure best serves the interests of efficient management.

As we have said again in a number of other contexts, we, like prior administrations, do not think that mandating administrative structure best serves the interests of specific management.

Legislative provisions regarding specific personnel grades and positions should be confined to the highest levels within the agency. I would like to point out further that the associate commissioner already is a GS–17.

Mr. Chairman, before closing I would like to make very plain my sincere respect for the hard work and sincere concern that you and the members of this committee have always displayed toward the physical and educational needs of handicapped persons. We believe that the combination of the Better Schools Act, and a 1-year extension of the discretionary programs authorized by the Education of the Handicapped Act, will continue the Federal commitment to education of the handicapped and will provide for substantial improvements in the delivery system for Federal resources.

We will be happy to answer your questions.

Senator STAFFORD. Thank you, Mr. Secretary. The chairman of the subcommittee, Senator Jennings Randolph of West Virginia, is unavoidably absent this afternoon. He has asked me to deliver this statement in his behalf and then ask you some questions.

The statement of Senator Randolph is as follows:

PREPARED STATEMENT OF HON. JENNINGS RANDOLPH, A U.S. SENATOR FROM THE STATE OF WEST VIRGINIA, CHAIRMAN, SUBCOMMITTEE ON THE HANDICAPPED

As you know, the Senate Committee on Labor and Public Welfare has a long history of interest and involvement in the development of programs to serve handicapped children. During intensive study by this committee of education programs in the U.S. Office of Education, it was the decision of this committee that specific categorical programs for handicapped children were necessary if these children were to have an equal opportunity for education. This legislation was carefully developed and received unanimous bipartisan support.

The committee has been pleased with the results of these programs. These conclusions were drawn from the report of the Department of Health, Education, and Welfare during the past 15 years. The very fact that in 1971 the assistant secretary for education, Dr. Marland, declared that one of the six major goals of the U.S. Office of Education was "appropriate education services to all handicapped children and youth" led us to believe that the programs in the Bureau of Education for the Handicapped were operating quite effectively.

From the testimony presented by witness after witness yesterday and this morning, who told us of the effectiveness of these programs, we might conclude and it was suggested that these programs should be extended for 7 years in order to assist Dr. Marland in keeping his commitment to the handicapped children of our Nation: (1) Deaf-blind centers, (2) research for the handicapped, (3) training of teachers for the handicapped, (4) support for regional resources centers, (5) captioned films for the deaf.

These congressionally authorized programs are presently supported under the Education of the Handicapped Act.

QUESTIONS OF SENATOR RANDOLPH

Now I will ask Senator Randolph's first question to you, Mr. Secretary. What do you propose to do with these programs under your proposal?

Mr. KURZMAN. We would propose, Mr. Chairman, to extend the four-State formula grant categories as part of a single new category in the Better Schools Act earmarked for the handicapped indefinitely.

The Better Schools Act, which the Administration sent to the Congress this week, does not have an expiration date in it, so we are proposing to continue indefinitely.

For the remaining six project grant authorities, all of which appear in the Education for the Handicapped Act, as I said in my opening statement, we would propose and hope to have our bill introduced that was transmitted to the Congress today, a 1-year extension, not because we have any lack of confidence in their efficacy, Mr. Chairman, but because we would like, as I said, to have an opportunity to come back here within a year to discuss with you again whether we may have discovered some better way to do it, rather than through the specific categories that we have in this project grant authority.

Senator STAFFORD. Again I am asking this question for Senator Randolph. Will it be possible under your proposal to withdraw support from the above programs? Those are the ones that I enumerated a little earlier.

Mr. KURZMAN. No, we are not proposing to withdraw from any activity that we are now engaged in with regard to education of the handicapped. In fact, the President's budget for fiscal 1974 includes very substantial funding for all of these purposes.

We would prefer only—and this is why we propose it—to fold those four State formula grants into a single program under the Better Schools Act.

Senator STAFFORD. Again, who will decide which of these programs will be continued, and at what level will they be funded?

Mr. KURZMAN. As I have indicated, we of course are continuing them all. Under the four which we propose to have folded together and earmarked for the handicapped under the Better Schools Act, we are proposing a total in fiscal year 1974 of $164,878,000, which represents an increase over the amount for the same programs under their individual authorizations for fiscal year 1973, which amounted to $119,300,000.

For the six remaining project grant authorities under the Education for the Handicapped Act, we would propose to include $93,600,000 which shows a decrease from the $131 million spent in 1973, reflecting in part the increase shifted over from the part B formula grant program into the Better Schools Act.

This represents in total a percentage slightly higher than the existing percentages.

CONTINGENCY PLANS

Senator STAFFORD. This question is mine, not for Senator Randolph. What would be the effect, Mr. Secretary, of the program which you plan to shift over to the Better Schools Act if in fact that act fails passage of the Congress this year?

Mr. KURZMAN. As Secretary Weinberger has indicated on several occasions publicly, as the President has as well, we would rather not plan for failure.

We would like to plan for success, and this concept has been before the Congress for the past 2 years. We very much hope it will be adopted. We think it is time to do that, and we would like to assume the Congress will see the wisdom of simplifying these programs.

Senator STAFFORD. If the Better Schools Act of 1973 is not enacted by June 30 of this year, would you continue to fund part B grants to States under the Education for the Handicapped Act while the Congress considers your proposal?

Mr. KURZMAN. I think this is much the same question, Mr. Chairman, and I think the same answer would apply. We think there is time to get action by the Congress on this concept of consolidating programs already running through the States, and earmarking for these especially vulnerable groups including the handicapped.

Senator STAFFORD. The answer is you are planning for success, and you have no contingency plan in case of delay or failure.

QUESTION FROM SENATOR RANDOLPH

I have one more question that is from Senator Randolph. What can you do, Mr. Secretary, under your proposal that you cannot do under the present law we are extending?

Mr. KURZMAN. The principal benefit which we feel would be gained by adoption of the Better Schools Act is to eliminate the enormous administrative complexity and rigidity which we find in having 32 State formula grant programs operating, most of them within separate State plans which require enormous checkoff lists against all the separate statutory bumps and wrinkles in those programs—separate regulations requiring separate guidelines, separate application forms.

When one looks at this panoply of programs one finds they do tend to cluster into these five areas of aid to the disadvantaged, aid to the handicapped, aid to vocational rehabilitation, aid to students in federally affected areas whose parents live on Federal property, and aid for supportive services and materials.

We feel that if we have this consolidation of programs, simplifying the 32 into five, requiring a much simpler State plan, which we would not ask to approve in advance but which we would monitor to make sure that these five Federal priorities were in fact being carried out, that we would have a better capability of insuring that these Federal capabilities are carried out than we do now under the 32.

In the case of the handicapped, for example, we find we are talking about four different programs, administered by essentially four different agencies within the Office of Education. Each of these tends to be replicated at the State level with four different organizational units, and the same is true at the local educational level, and also often in private groups.

We think they ought to be administered through a single simple State plan for education of the handicapped which is monitored by Dr. Martin's bureau. This would be far more effective in our judgment than the present system.

In addition, we think it will free up personnel in the Office of Education, and at the State education agency level as well as localities in having to file all of these separate plans so that a greater effort can be made at the Federal level to make sure that the kinds of models which the bureau is sponsoring under other parts of the Education of the Handicapped Act will actually be disseminated, so that school systems and parents will learn of the kinds of breakthroughs that have been achieved in various parts of the country.

The simplification is not merely a bureaucratic concern. It really means there is going to be more compassionate personnel out there trying to get the programs that work into use.

NEED FOR TEACHERS OF HANDICAPPED

Senator STAFFORD. Thank you, Mr. Secretary. It is my understanding that there is still a critical need for teachers and other personnel to work with the handicapped. What are you doing to recruit such persons, and particularly what is being done to recruit the general educators who are unemployed because of the teacher surplus credit time?

Mr. KURZMAN. I would like to call on Dr. Martin for that.

As I mentioned in our opening statement, this has been one of the important successes marked by the Education for the Handicapped Act, and the Federal catalytic role.

It has resulted in a major improvement in a number of specialized personnel. As a matter of fact, before we came over here Dr. Martin and I were talking about how more of this infusion in general education work can come about to sensitize teachers to dealing with diversity among students.

I was pointing out to Dr. Martin and should here, too, that much a similar situation existed with the Emergency School Aid Act. The effort was to provide Federal funding to aid, in that case, desegregating school districts to adjust to a new situation.

Getting institutions which are accustomed to dealing with the ordinary, regular student with no special problem, sensitized to dealing with students that do have special problems, handicapped children, requires special effort.

Just as in the case of race, in the case of the physically and mentally handicapped, there is this need to sensitize and to prepare the regular institutions to absorb the difference. It is so important obviously for our entire society.

Dr. MARTIN. We have been aware, Senator, of the developing teacher surplus and have tried to employ that to increase the enrollment of special education.

We have done this in a variety of different ways. The first way has been to make more flexible our grants to universities so that rather than limiting those grants to individual scholarships, we gave universities their choice of using the grants for institutional support.

For example, this could be used for hiring additional faculty members by varying the rate of scholarship assistance to students. At the same time, and we have asked the universities this question. If we have been giving you *x* dollars, and if we give you that *x* dollars more flexibly so that you can submit a plan to us for how you would best use it, will you demonstrate an increase in the number of teachers trained?

On a voluntary basis now about two-thirds of our programs have switched over to this kind of block funding within the university base, and have projected for us sharp increases in the output of student training, not only those receiving Federal aid but the overall program.

So this year we had expected to have about 40,000 to 50,000 teachers—in training programs across the country, working on either undergraduate or graduate degrees.

That increase in enrollment which I suppose has almost doubled during the last 4 or 5 years is due in good part to many of the people who would have earlier trained themselves as regular classroom teachers going into special training through the fellowship and scholarship awards.

The second part of our strategy has been to work with State education agencies and to give them specific funds to train nonspecial education teachers to do these kinds of jobs.

This year we would predict about 15,000 teachers will receive institute training or part-time training to develop the skills necessary for teaching handicapped children.

It is a very big problem. Our guess is that in some areas less than half of the teachers in a city working with retarded children have certification.

In summary, then, we are trying to reach this problem in two ways. One is by increasing the funds available on the preservice level and attracting more regular classroom teachers into special ed; the second is by working through the State education agencies to provide inservice training to teachers who are not now qualified to teach handicapped children, but who would take on-the-job training in this area.

EARLY EDUCATION

Senator STAFFORD. My next question has to do with the early education regional resource center programs.

These programs were to serve as models to entice the development of similar programs under State and local funds. What evidence do you have, Mr. Secretary or Dr. Martin, that this has in fact been happening.

Dr. MARTIN. Senator, this has been a very effective strategy, and it is one of the things that the States have shown extreme willingness to participate in. Let me break them down bit by bit.

In the early childhood program we now have in place approximately 70 such programs, 20 of them in the planning stages and about 50 operational.

Each one of those projects has established that it will continue itself after Federal funding.

Each one of them has also a specifically developed plan for impact on other projects. For example, in the first 15 projects we funded, we were able to trace last year 105 separate preschool programs that had been directly impacted by those 15 that had modeled or replicated.

In several instances, for example, because of a model project we support in New Jersey which has been recognized as offering services of a very effective kind, State legislation is now being considered in New Jersey, and the project director has been to testify at the legislature in Trenton about that program.

This legislation proposes to replicate within the State the kind of model program that the Federal Government has offered.

I might say this is also true in Vermont; that one of the first projects we supported under this program was in Vermont, and the State special education people have looked carefully at that program and have seen it as a model for the development of State funding in that area.

In the learning disability area we followed a similar strategy. We were given a small amount of money—$1 million—we could spend the first year. We determined we might get first priority to State education agencies themselves, saying to them, "If you have a small grant from us on the magnitude of under $25,000, we would like you to do two things:

One, to develop a model program; and

Two, to develop a replication strategy or a multiplier strategy for how your program would then become the base for accelerated State funding."

This year we will have about 40 States participating in that area. As we cited in the testimony, again, an example in New Jersey where the State has used this money to set up a program which they themselves will make the basis of the State funding in this area.

So what has happened has happened because of very good cooperation really between State education agencies and the Federal Government in this area; we have had mutual planning to try to get the maximum mileage out of Federal dollars. If it has worked, it is because the States have been willing to play cooperative kinds of games with us, and to invest their dollars in such a way that they could pick them up with the State funding and invest the dollars.

Senator Stafford. Thank you, Dr. Martin.

Mr. Secretary, I have a few other questions, but I am going to save your time and the subcommittee's time, and ask you to reply to them in writing for the record.

Mr. Kurzman. Absolutely.

[The questions submitted and answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STAFFORD TO STEPHEN KURZMAN, ASSISTANT SECRETARY FOR LEGISLATURE, HEW, WITH RESPONSES

Question No. 1. How would you describe the purpose of the Education of the Handicapped Act in the total state effort to educate handicapped children?

Answer. The purpose of the Education of the Handicapped Act is to help State and local school systems acquire qualified personnel, knowledge, media, materials, and services needed to initiate, expand, and improve educational programs designed to meet the special educational needs of handicapped children. Special emphasis is given such areas as (1) preschool education of very young handicapped children, (2) education of severely and multiply handicapped children, such as those who are both deaf and blind, (3) personnel preparation, (4) pilot testing and demonstrating of innovative practices and procedures, and (5) methods for finding and educationally disagnosing unserved and underserved handicapped children.

Question No. 2. What is the state's role and responsibility in the education of the handicapped child?

Answer. The primary responsibility for the education of *all* our children rests with State and local governments. State constitutions and laws generally provide for the establishment and maintenance of free public schools for all children. Most States also have special laws which specifically mandate the provision of a publicly supported education for handicapped children. At the close of the 1972 legislative sessions across the U.S., a total of 42 States had some form of mandatory legislation.

However, the mere existence of mandatory legislation does not guarantee that handicapped children will receive the educational services to which they are entitled. Unfortunately, because of limited financial and human resources, lack of knowledge, and deficiences in State laws, some handicapped children are excluded from school entirely and many others are not receiving the special education services required by their learning problems. Although it is possible to identify positive gains by States in extending equal educational opportunities to handicapped children, large numbers of handicapped continue to be ignored—ignored with regard to transportation or physical facilities because they cannot make use of what is available—neglected with regard to long-term educational opportunities, or neglected because even minimal special education services have not been developed by some States.

Question No. 3. What is the Federal role and responsibility in the education of the handicapped child?

Do you feel that the Federal role is of sufficient fiscal size to really help the states financial burden as they move to educate all handicapped children?

Answer. The special needs of handicapped children are and will continue to be a matter of upmost concern to the Federal government. The basic goal of the Federal effort in education for the handicapped is to provide for equity and equality of education. The Office of Education has undertaken a commitment to insure that by 1980 all handicapped children are receiving adequate special education services to enable them to develop to their fullest potential and thereby reduce their degree of dependency. This commitment for equal educational opportunity is based on the belief that there is an intrinsic value placed on each individual in our society and on his rights as a human being.

This commitment and its accompanying goal will continue to require a long range and phased attack from the Federal government with consistent and planned coordination with State and local governments. To fufill the goal we will rely heavily on joint planning, demonstration models and targeting resources to solve specific problems.

Since its inception, Federal funding for the Education of the Handicapped Act has increased from $37.5 million in 1967 to $110 million in 1972. Total Office of Education expenditures for the Handicapped in Fiscal Year 1972 were $204.3 million which includes funds from other programs such as Title I, ESEA, and Vocational Education which support handicapped children. Fiscal Year 1973 figures will show another substantial increase, particularly in the discretionary programs.

The Federal government will continue to provide resources to meet the educational needs of handicapped children, but State and local education authorities must make the hard decisions about how to apply these resources. To enable State and local authorities to do this more effectively, the Administration's Better Schools Act of 1973 proposes that formula assistance to the States for the education of the handicapped be included as a special earmark in a new system of education revenue sharing.

Question No. 4. In view of the answers to the preceding questions, how can the State and Federal government most effectively provide for equal educational opportunity of all handicapped children?

Answer. Since passage of the Education of the Handicapped Act, Federal assistance has been a catalyst in generating State and local commitment to provide services for the handicapped. Significant increases in State and local expenditures for the excess costs of educating handicapped children have occurred. For example, in Fiscal Year 1966, such expenditures amounted to $708 million, while in Fiscal Year 1972 spending for this purpose increased to over $2 billion. However, States and local school districts must substantially increase the level of financial and human resources committed to the education of the handicapped if the level of services to handicapped children is to increase quantitatively or qualitatively. Local school boards, faced with taxpayer resistance and intense competition for financial resources, often fund less expensive programs which will serve greater numbers of children. The development of model innovative programs and practices which local districts can adapt and replicate is essential and more adequately trained staff are required. While teacher surpluses tend to exist in some fields of education, special educators remain in short supply. This is particularly true in certain geographic locations and also with regard to specialities in certain types of handicapped conditions. The Federal government needs to continue its financial technical assistance and research efforts to assist the States and local school districts in providing equal educational opportunity for handicapped children.

Question No. 5. The Education of the Handicapped Act grew out of the realization by the Congress that handicapped were not receiving equal treatment under other Federal education programs. Do you believe this is still true? Why?

Answer. We believe that in recent years significant improvements have been made in obtaining equal treatment for handicapped children under other Federal programs. Our evidence indicates that improved State concern and capabilities, coupled with Federal assistance and direction, has led to more equitable treatment of handicapped children. Recent court decisions have also played a key role in improving the education of the handicapped, however, there is still a need to earmark Federal funds for the handicapped, as we propose to do under the Better Schools Act of 1973.

Question No. 6. Does the existing Federal law favor separate education and institutions for the handicapped child rather than the regular education environment? Do State laws?

Answer. State and Federal service programs for handicapped children often began by establishing and improving large central residential special schools for handicapped children. In addition, programs in local public schools often started as special separate classes restricted to the handicapped. Special separate schools also can be found in local school districts. During the past few years and especially the recent decade, deinstitutionalization and desegregation or "mainstreaming" of handicapped children has become a major trend. Expert support is made available to regular classroom teachers and the children on a part day or part week basis. Institutional and special residential school enrollments have begun to fall off while local school provisions for traditionally institutionalized more seriously handicapped children are showing rapid expansion. All State education agencies report plans and programs for "mainstreaming" the more mildly handicapped during the current school year. State laws which formerly favored separate segregated programs for the handicapped have for the most part been repealed or amended. Almost all 1967 funds under the P.L. 89–313 amendment to Title I. ESEA were expended on services for children residing in State operated or supported special residential schools. During the current school year only about 50% of the funds are spent on residential students. P.L. 89–313 funds frequently are used to help students make the transition from large central schools to their home communities. Education of the Handicapped Act funds are spent largely on the development, testing, and model demonstration of new and more cost effective models for serving handicapped children and rarely on the more traditional separate special class model even for moderately handicapped children. Most preschool projects and even some for deaf/blind children are largely integrated programs.

Question No. 7. Do you have any comments to offer on S. 34, the "Autistic Children Research Act?"

Answer. The Bureau of Education for the Handicapped currently has legislative authority to provide research, training, and service associated funds for programs working with autistic children. These programs are administered within the Bureau's Division of Research, Division of Training Programs, and Division of Educational Services.

The approximate amount of funds which we spent on behalf of autistic and other seriously emotionally disturbed children in Federal programs administered by BEH is $22 million.

There is a history of legislated authority and concerted effort on the part of the Federal government on behalf of autistic children even though from the point of view of any parent with an unserved child, not enough is being done. Basically the States must guarantee and education for every child and the Federal role to provide assistance to the States to initiate, expand, and improve educational services to handicapped children and to offer research and personnel training support to the States in carrying out their basic responsibility to educate their children.

We do not believe that S. 34 is necessary or desirable at this time.

Question No. 8. Does the Department of HEW have any programs to screen elementary age school children with specific learning disabilities? Would you comment on S. 808?

Answer. There are no specific programs geared to this task, however, under the Part G, Title VI Program administered by BEH, there are pilot attempts at mass screening by States, or regions within States. Through Part G, the State of Washington's "precision teaching" methods will screen all elementary school age children for the State's definition of Learning Disabled. Utah, using Regional Resource Center (Part F) funds, will screen the records of children in school and administer tests to a large number of children felt to be of high risk. To date, however, these attempts are largely experimental and are not eagerly sought by other States because of cost, existing service delivery patterns, etc.

The proposed Better School Act of 1973 earmarks substantial funds in the areas of Handicapped Education and Supporting Services and Materials which may be used for activities such as screening of elementary age school children with specific learning disabilities. Furthermore, it would allow the State and local education agencies to administer such a program on their own discretion rather than by meeting the requirements in the guidelines and regulations of a new Federal program. Establishment of such a new Federal program as S. 808 proposes is inconsistent with the Administration's policy of placing greater control of Federal resources in the hands of State and local citizens. For the above reasons we recommend against favorable consideration of S. 808.

Senator STAFFORD. I yield to the distinguished chairman of the full committee, Senator Williams of New Jersey.

Senator WILLIAMS. Thank you very much.

Mr. Secretary, one of the last statements you made indicated that you hoped the concentration will be on programs which work, suggesting that some of them are not effective.

Which ones have you found to be ineffective in the area of education for the handicapped?

Mr. KURZMAN. None, Mr. Chairman. We are not proposing to terminate any program. What we are proposing to do is to make the delivery of these four State formula grant programs more efficient, involving less overhead and therefore more money left for actual services to handicapped children through the consolidation of those four in the Better Schools Act.

In the case of the project grant programs, we propose to continue those for another year, and to come back here and to ask for further legislation at that point, having looked at these again from the point of view of whether we could improve the delivery of those too.

Senator WILLIAMS. Where have you spotted the need for better delivery? You are answering my first question. You found some failures, because you are seeking better delivery. Where are the failures that require better delivery? That is all I am asking.

Mr. KURZMAN. As I answered Senator Randolph's earlier question, we think that it is a general failure in delivery to have 32 programs all running through our State education agencies on a formula basis, all of which or most of which require a separate State plan, separate set of regulations, separate set of guidelines, all with different requirements, with separate bureaucracy at our level, the Federal headquarters, and at the regional offices of HEW, separate bureaucracy for each of them at the State level.

Senator WILLIAMS. Would you be more specific about this. Then we will have an answer to the question.

Mr. KURZMAN. The specific answer, Mr. Chairman, is that we think this kind of duplication of effort in 32——

Senator WILLIAMS. Would you give me an area where there is duplication of programing, for example, in trying to meet the needs of autistic youngsters? That is one specific area.

I would suggest, Dr. Martin, you might come in on this. You are in the place, and this is your responsibility.

Dr. MARTIN. Yes, sir.

Senator WILLIAMS. Just that one. We have had a lot of testimony in 2 days now about one of the areas hardest to reach, the autistic youngster. Is there any duplication of Federal effort in this area?

Dr. MARTIN. With regard to the autistic, Senator, I do not believe there is duplication. I think we are just beginning, in fact, to develop enough programs for the autistic youngsters. That is not right now a part of State plan effort that Mr. Kurzman was addressing himself to.

Senator WILLIAMS. I think it more appropriate to ask you to give me some of the horrible examples that you are trying to eliminate.

Mr. KURZMAN. Let me jump in, Mr. Chairman. In the Better Schools Act we are talking about folding four programs, two pieces of the Elementary and Secondary Education Act, one piece of Vocational Education Act, and one piece of the Education for the Handicapped Act into a single State plan.

Right now there are four different programs there, and they operate through basically four different bureaus in the Office of Education. In many instances they operate through different bureaus in State education agencies in the 50 States and the territories, and the same is often true at the local educational level.

We are not currently dealing with the problems of the handicapped child in a coordinated single way under Dr. Martin's leadership, but instead in a fragmented fashion among three other programs as well as his.

We think it would be simpler and easier to track what effect Federal financial assistance has and actually to monitor whether the money is being used by the States and the counties for the benefit of the handicapped if it were provided under a single formula.

Senator WILLIAMS. Just dealing with vocational education, where does this fit into your folding and process?

Mr. KURZMAN. For vocational education, Mr. Chairman, the number of duplicative programs involved is even greater than in the case of the handicapped. Here we have the Vocational Education Act, Part B, comparable to the part B of the Education for the Handicapped Act.

We have the disadvantaged set aside under the Vocational Education Act, the permanent appropriation under the Smith-Hughes Act, consumer and homemaking education, part F of the Vocational Education Act, the work-study portion of the Vocational Education Act, Part H; cooperative education under part G of the Vocational Education Act; State advisory councils, part A; part D of the research grants to the States; part C—all running now through State agencies, all involving separate applications, many of them involving separate State plans, all with separate bumps and wrinkles.

Basically these programs all provide aid for vocational education, and in our view all ought to be given to the States for vocational education, but without all the bumps and wrinkles particular to the individual titles.

Senator WILLIAMS. In other words, there will be money separately stated for vocational education under your proposal.

Mr. KURZMAN. Earmarked; that is correct.

Senator WILLIAMS. Earmarked for vocational education?

Mr. KURZMAN. Yes. The same is true for the handicapped. The same is true for the disadvantaged.

Senator WILLIAMS. In other words, there is a special category for the handicapped in vocational education?

Mr. KURZMAN. No, no, I am sorry. Under the Better Schools Act there would be five earmarks, one for the disadvantaged, one for the handicapped, one for vocational education, one for assistance to schools in areas affected by Federal activities, and one for the supportive services and materials.

The administration's proposal would fold in the moneys otherwise spent under 32 State formula grants.

Senator WILLIAMS. Of those five categories in a sense drawing from the same broad fund?

Mr. KURZMAN. We are proposing to have appropriated a single sum under this act which would then have earmarks, percentage earmarks, for each of the national priority areas I have just identified.

Senator WILLIAMS. In other words, any community would have a percentage of its money earmarked for the five areas that you have designated. Is that it?

Mr. KURZMAN. No. Each State, Senator, would have just as they do now a State share based on the allocation formula outlined in the Better Schools Act.

Senator WILLIAMS. How does a community know what percentage it is to apply to the handicapped?

Mr. KURZMAN. It would do this by starting with the Federal allocation made to the State and earmarked for the education of the handicapped. Then the State works out a plan for spending these funds on programs and projects designed to meet the needs of their handicapped students.

A State could transfer up to 30 percent from vocational education, into the handicapped or the disadvantaged earmarks. It could also transfer to the disadvantaged, into the handicapped or vocational education earmarks, up to 100 percent of the funds earmarked for supporting services and materials.

But one category which would not be divertable to or from any other earmark, just as at present, is the impact aid money for students whose parents reside on Federal property.

Senator WILLIAMS. What about the community near the base? Would that community have an opportunity to take money for what had been impacted aid, take money from the other categories, and apply it to what had been impacted aid?

Mr. KURZMAN. I am not sure I understand the question.

Senator WILLIAMS. All of the students do not live on the base, you know that. Impacted aid goes to a school district where the youngsters' parents are in the service and they live in town. Where does that money come from?

Mr. KURZMAN. Yes; we are proposing that program terminate like a number of others——

Senator WILLIAMS. Just as all the other programs. We know.

Mr. KURZMAN. President Nixon is seeking to terminate impact aid "B" program because we think it is inequitable.

Senator WILLIAMS. Do you feel that in that situation where suddenly the community loses that contribution they will be in a position where there is a high degree of circumstantial probability that they will put what they should in education for handicapped youngsters?

Mr. KURZMAN. I think that with the attention which fortunately is now being paid the problems of handicapped, the handicapped will not be forgotten.

Senator WILLIAMS. Attention now. I think you share all of our pride that the Federal Government had something to do with that increased attention to the services and educational needs of the handicapped.

Mr. KURZMAN. Indeed we do, Mr. Chairman.

Senator WILLIAMS. It certainly has followed a specific Federal attention. We had a diagram today showing us the percentage of funds under general education legislation that went to handicapped children in various areas that were later developed under titles of our Federal programs. Ten percent of the school population were getting as low as 1 percent of the vocational education money, 2.4 percent of the money in the areas now served by title I.

This was true all the way down the line until we specified the handicapped. The handicapped were getting far less than the population figure would suggest.

Mr. KURZMAN. We think, Mr. Chairman, that is true, and as my direct statement indicates, we think the situation has improved very substantially.

Senator WILLIAMS. If it has improved so much, why are you just bent on changing the whole approach?

Mr. KURZMAN. We are not bent on changing the whole approach. We just want to improve a piece of it. We are proposing to extend for 1 year the project grant programs. We are not even discussing that at this point in any other way, Mr. Chairman.

We are not proposing to change it at this time. We are proposing to change the four formula grant programs I mentioned previously because we think they will work beter for the handicapped if they are consolidated into a single delivery system.

Senator WILLIAMS. I have the deepest apprehension about what you are proposing. We have seen this approach in other areas, a dramatic change of something that is in place. I recall when they killed the Job Corps and all in the name of improving the Job Corps.

I had long talks with the then Secretary of Labor Schultz—I am no prophet—but I knew what was good because I had spent scores of hours with the youngsters and with the program, and I knew it—not all of it—but what I saw in my State I knew, and it worked.

They were going to improve it. You know what has happened. It is dead.

We had testimony yesterday, and then we had an opportunity to talk at some length with Senator Waddell from South Carolina. He was talking to us about a noble program that developed in his State under the OEO funding.

This was to reach dropout youngsters from very poor backgrounds, bring them into a training program to be of assistance in the care of the mentally retarded youngsters—greatly successful.

With the demise of OEO the rug is pulled out from under the whole thing.

Mr. KURZMAN. I cannot answer on the first example.

On the second example, my understanding is that a number of the programs that OEO is presently funding are being transferred to HEW to be combined with other programs.

Senator WILLIAMS. The same old baloney.

Mr. KURZMAN. It is not baloney, Senator.

Senator WILLIAMS. It is just exactly like the Job Corps.

Mr. KURZMAN. The President transferred the Headstart program to HEW, and it has expanded enormously since then.

Senator WILLIAMS. Why are we just inundated? Three weeks ago they were coming from the rafters explaining the total community fear—literally fear—at the loss of headstart.

Mr. KURZMAN. I think, Senator, there is apprehension when anything is changed.

Senator WILLIAMS. Why change something that is working? If it does not work, then get rid of it, but I am only asking what is not working.

Mr. KURZMAN. We think that these 32 programs do not work as well as they would if they were 5.

Many of the education groups for years have sought this consolidation as programs have gotten more and more prolific.

We think it is self-evident that there is going to be a reduction in the overhead for all of these consolidated programs releasing more of the funds, as these funds are increasing, for the actual services and less for the paperwork shuffling which regrettably exists when we have 32 of these formula programs.

Senator WILLIAMS. You say on page 4 that the advantage of revenue sharing is that citizens in the States and localities will have a greater influence in the determination of how Federal resources should be allocated.

How did you arrive at that? Is this what the people want, and, if so, how do the people register with your department?

Mr. KURZMAN. Mr. Chairman, this has been a tenet of this administration.

Senator WILLIAMS. How did they arrive at it? We get petitioned by all kinds of people, beneficiaries as well as professionals, and they just do not buy this approach at all.

Where do you get this tenet—from on high?

Mr. KURZMAN. Mr. Chairman, we get it from observation of the way programs actually operate, and the resentment that comes about when communities feel that programs are not working properly. They come to us, in fact my office gets thousands of letters from all over, just like yours, complaining about the difficulty of getting funding through this maze of 306 specific programs that HEW administers.

You know, Mr. Chairman, what it is like. We have had conversations about some of those applications ourselves. The system is almost impenetrable, it is so complicated.

The complexity goes down in the State formula grant programs which are the only ones we are talking about in the Better Schools Act, into the State level where local communities have to vie for funds.

Senator WILLIAMS. My friend, when you get into this revenue sharing, you think you have clamor and complaint now, wait until you hear from the handicapped educators when they cannot get what they know they can use successfully because they are in competition with programs that have more and louder supporters.

Mr. KURZMAN. We feel that that kind of competition should take place at the State and local levels.

Senator WILLIAMS. You want to just brush it right out of your head. I know it. You are doing it.

Mr. KURZMAN. Mr. Chairman, we think that State and local governments should be and can be responsive to the needs of the people.

Senator WILLIAMS. Do not sell this as good for the States. Lay it right on the line. You are throwing the burden to them; it is theirs. They are going to get less money, and they are going to have to draw more from their property taxes, and it is as simple as that.

Mr. KURZMAN. Let me just set the facts straight on that last point. We are proposing termination for those programs which we say have outlived their usefulness.

Senator WILLIAMS. Which ones have outlived their usefulness?

Mr. KURZMAN. None of them have anything to do with the handicapped.

Senator WILLIAMS. Impacted aid?

Mr. KURZMAN. Impacted aid, the library programs.

Senator WILLIAMS. Which library programs?

Mr. KURZMAN. Title II and title V, ESEA.

Senator WILLIAMS. They have outlived their usefulness?

Mr. KURZMAN. We believe that there are higher educational priorities than the school library program.

Senator **WILLIAMS**. You do not need to say it has outlived its usefulness.

Mr. **KURZMAN**. No. We think those programs should be phased out because it is just plain inequitable.

Senator **WILLIAMS**. Title V is leadership training.

Mr. **KURZMAN**. No. Title V, ESEA, provides funds for the salaries of State education agency employees.

Senator **WILLIAMS**. I think training of leadership personnel for the State agencies is included; is that right?

We heard a lot of testimony that this was so vital.

Mr. **KURZMAN**. That is not our understanding.

Senator **WILLIAMS**. We do not have a 10-minute rule here, do we? Senator Schweiker.

Senator **SCHWEIKER**. Be my guest, Mr. Chairman, if you would like to speak any more.

Senator **WILLIAMS**. We are just starting to talk about impacted aid. It has outlived its usefulness. You did not know that?

Senator **SCHWEIKER**. I yield to my colleague from Vermont.

Senator **STAFFORD**. I have nothing at this point.

Senator **WILLIAMS**. Senator Beall.

STATE FULFILLMENT OF HUMAN NEEDS

Senator **BEALL**. Thank you, Mr. Chairman.

I listened with some interest to your testimony, and I must confess, although I have read all the press releases and some of the synopsis on the Better School Act, I have not read the proposal in detail, and I hope to do that at an early date.

I, of course, am rather sensitive, having a constituency which this affects so much. I think some accommodation will have to be made, but I am not going to discuss that here today because I agree I do not think that impacted aid as constituted is a good way to distribute Federal funds.

But I believe that you cannot just cut it off. You have to come up with alternative proposals that are more fair, more equitable, before eliminating the money altogether.

For instance, in Prince Georges County there is $9 million in impacted aid. This obviously has been budgeted and if the administration is going to eliminate this money, there is a $9 million deficit.

I think the Federal Government does have some responsibility in those communities where the Federal Government provides property for which no real property taxes are received, but that is another matter, and I will not pursue that further today.

I do agree with you we have thoroughly confused and confounded educational programs with the multiplicity of programs begun by the Government. I think our intentions have been very good at the Federal level. We have recognized a need that exists throughout the country. We have designed a program to fit that need.

But in trying to implement these good intentions we have created a problem for ourselves.

Since I have been in Washington I have been visited each year by my Democrat Governor, and by my nonpartisan school board in the State of Maryland, who have said to me in effect—they bring along their books—look at all these forms we have to fill out. You are trying to help us, and you are making it almost impossible for us to get the help because we have 24 school districts in our State, and everyone of these has at least one person on the payroll known as the Federal coordinator who spends all her time sorting out the Federal programs.

One thing does bother me though. I think it is a proper role of the Federal Government to provide the leadership, inventiveness, and emphasis on national problems in areas such as education for handicapped children.

The question I have after this rather lengthy introduction relates to the fact, all right, so it is desirable to compact the program; it is desirable to move toward a block grant where the States can exercise some discretion on how it is going to use its money.

How at the same time do we guarantee that the whole range of handicapped children are to be helped at the State level? How are we to guarantee that States will act without a Federal inducement of some sort for them to act?

Can we look to a level of performance among all the 50 States if we move in your direction?

Mr. KURZMAN. Yes, Senator. I thank you for your kind remarks about the need to simplify the system.

We think that we can assure that handicapped youngsters are served and are served equitably by the States, actually far better with consolidation than we can assure it right now.

As I indicated in an earlier answer, we have four formula grant programs which we are proposing to fold into a single earmark for the education of the handicapped. We think we will better be able to track the performance of those four when they are consolidated and under the review of a single bureau of the Office of Education, Dr. Martin's bureau, than we can now.

Our experience has been that the States and the localities tend to mirror our organization, and if we have four separate programs dealing with the handicapped on a formula grant basis, each of the States tends to have that kind of fragmentation, and each of the local agencies, and so on into the private sector as well.

We think by combining those four programs, we will be better able to monitor how these funds are spent. These would be the same funds that would have gone under those four separate programs. We will be better able to determine that those funds are really going to the handicapped State by State.

We have also proposed a transfer provision, and that can be a plus or a minus for education for the handicapped. I have pointed out that the amount transferred will depend upon State determination. The plus would come from transferring up to 30 percent of the money out of vocational education or transferring up to 100 percent of the money out of supportive services.

When you look at the array of the percentages under the Better Schools Act, supporting services represents 41 percent of the remaining 40 percent, after you have taken out the set-asides and the disadvantaged.

The bill we have proposed would permit a State—a State that had been using impact aid funds—to move as much as it needed, as much as it wished to, out of its supportive services allocation into support for the schools that were losing the impact aid funds.

Senator BEALL. Transferring into education for the handicapped, but that assumes the supportive services funds are not being used.

Mr. KURZMAN. That is correct. The States would have to make a judgment about how they wanted it done, but under current law they can make no judgment at all.

Senator BEALL. But if they make the judgment with the same amount of money, they come out with a net loss.

Mr. KURZMAN. No; they have shifted their priorities around in a way they cannot now do. It is the same amount of money one way or the other; either operating under 32 programs, as I say, with all the specific restrictions in each of those 32 programs, or operating under five, with far greater flexibility to move funds around.

Senator BEALL. As far as Congress is concerned, it may be the same amount of money, but as far as the States are concerned it may be different amounts of money.

Let us say Prince Georges is getting $9 million in impacted aid. It is going to lose that. You say take your supportive services, but you are already using your supportive services money.

Mr. KURZMAN. We are talking about only category B.

Senator BEALL. I am talking about only impacted aid.

Mr. KURZMAN. We are talking about the State having flexibility they do not now have. Suppose impact aid was terminated, and you still have the existing 32 categorical programs. The State cannot move anything out of those 32 at the present time.

Senator BEALL. We are making different points obviously.

Senator WILLIAMS. Are you familiar with what those supportive services are?

Senator BEALL. Yes; I am.

Senator WILLIAMS. It is not inconsequential. Supportive services include books and libraries, for one thing.

Senator BEALL. I am familiar with the supportive services, Mr. Chairman. My point is I understand the point the Secretary is making, that they are allowing the flexibility within the money limit established. I am saying in certain instances many States—and mine is one of them—inevitably become short changed because it is already getting its full amount of money.

If you cut out impacted aid funds, it is going to get $20 million less than it is now getting, and they can transfer them; it is still going to be $20 million less.

Mr. KURZMAN. We are talking about three separate matters. One is the question of how much money is appropriated for elementary and secondary education at the Federal level. It seems to me that is one matter. We have made our proposal in the President's budget. We are proposing to cut back on certain purposes. That is one issue.

It seems to me separate from that is the question of whether the 32 elementary and secondary education programs now going through the States by formula would be more efficient and produce better services for children—which is what this is all about—if there were five of them instead of 32.

A third issue separable from the first two, it seems to me, is whether there ought to be some flexibility, after the Federal Government has set percentage earmarks on the total for these five purposes, for States to transfer among those five purposes.

All three are separate issues, it seems to us.

Senator BEALL. I agree they are separable. I hope they are, because I agree with you on two, and on three I think there should be a combination of programs to reduce the redtape and reduce the confusion that exists.

I think there should be flexibility for the States to use some judgment on their own, because I think the States have the sophistication and they have a better knowledge of their own priorities.

But I think also with regard to the total money, we are going to have to hold States harmless because many of them will lose money in all this, and I think some accommodation has to be made for that.

Mr. KURZMAN. I appreciate that point, Senator. I just want you to understand there is a hold harmless provision for fiscal 1974 for the disadvantaged category.

FEDERAL LEADERSHIP

Senator BEALL. I am worried about the hold harmless for the impacted aid.

Back to my question, the one question I really have about the combination of titles is: Is the Federal Government, is the Office of Education, your Department, going to be able to exert the kind of leadership that is necessary to induce the States to take on new programs and look at new problems?

That is what concerns me, because I think the Federal Government has a great leadership role in all of this.

Mr. KURZMAN. Yes, Senator. Let me point out three ways.

First, I have covered the national priority earmarks in the Better Schools Act which is one way the Federal Government will exert leadership in the field of education.

A second way is the continued existence of project grant authority at the Federal level. As I have indicated, we are proposing the extension of the project grant authority for education of the handicapped for 1 year. We are asking for the 1-year extension because we would like to come back here and discuss a different and hopefully better way of providing authority for research and demonstration in education.

The third technique for insuring that there will be innovation and stimulation of new ideas is the National Institute of Education which as you know, the President proposed and the Congress adopted in the Education Amendments of 1972. NIE is just getting underway and our hope is that it will have a major impact in leading the way in showing the way for the States and localities for innovative practices.

BUDGET IS LIKE PROCRUSTEAN BED

Senator BEALL. I will yield. It has been pointed out to me by the staff that the administration bill can be compared to ancient Greek mythology, to the Procrustean bed. Travelers were put on this bed, and if too long, had their feet cut off; and if too short, they were stretched to size. [Laughter.]

I hope as far as part 1 of your proposal is concerned that we are not being treated like those who were put on the Procrustean bed.

Mr. KURZMAN. I assure you you are not, Senator.

Senator SCHWEIKER. I wonder if you would yield.
Senator BEALL. Certainly.

INNOVATION

Senator SCHWEIKER. On this point of inventive research and innovativeness—and I think it is a very valid one—I am afraid I do not have the optimism the administration does on the innovative leadership coming from the grassroots level without some catalytic action.

Secretary, one thing I would like to ask you, one of the good projects we are going to hear about later on today is the CARE project that was developed by the Cartwrights at Penn State for education of teachers who deal with handicapped people.

Now, under your concept would this kind of project be continued—I am talking generically now—be funded; or is that something that would just be turned over to the local level hit and miss?

Mr. KURZMAN. Let me try to make this clear, Senator. We are talking about 10 programs here. Four of those specifically are State formula grant programs. They are now going to the States through the State education agencies.

We are proposing in the Better Schools Act to consolidate those four into a single earmark, and that is with the States' discretion and with the single State plan and everything I have talked about on simplification and consolidation taking place.

But there are six programs under the Education for the Handicapped Act which we are proposing to extend today, under which model projects and demonstrations like the one you mentioned, are being carried out.

I will turn to Dr. Martin to describe that project. We are proposing to extend such authorities to continue the Federal catalytic effort described in my statement.

FUNDING

Senator SCHWEIKER. I just left Appropriations Committee HEW hearings this morning where we were substantially reducing for this fiscal year the education to the handicapped funds.

Mr. KURZMAN. Oh no, Senator, I do not think that is correct. I would read to you the appropriation.

Senator SCHWEIKER. Our decision in this second supplemental budget——

Mr. KURZMAN. Now, you are getting into the interpretation of the continuing resolution.

Senator SCHWEIKER. There were an awful lot of reductions, restrictions is the right word, because I know there were not any cuts in the budget.

Dr. MARTIN. I think, Senator, what you are referring to is the fact that some programing, teacher training for education of the handicapped, has been conducted under the Education Professions Development Act, and most of it has been conducted under the Education for the Handicapped Act.

The Cartwrights' projects has been an example of collaboration between the two bureaus. We originally developed the Cartwrights' project on the broad categories for handicapped research funds, the computer assist materials. They then used funds from the Education Professions Development Act to put these into a mobile van that could be taken around to schools in Pennsylvania.

Senator SCHWEIKER. I have been in one of those. It is a great thing.

Dr. MARTIN. The point is at the present time the budget does show a reduction under the Education Professions Development Act.

Senator SCHWEIKER. That is what I am concerned about.

Dr. MARTIN. Those programs that have been funded there will be continued. They will be shifted and funded under the Education of the Handicapped Act.

There will be some slippage in that process because the sum available is something less than the sum is this year for the two programs. But my feeling is we will be able to pick up most of the projects that would have been continued next year anyhow.

The Education for the Handicapped Act itself has not been cut. There will be less funds available under the Education Professions Development Act.

Senator BEALL. How many categorical aid programs did you say you were combining?

Dr. MARTIN. In this case it would be four-State vocational education, part of the title I, part of title III——

Mr. KURZMAN. The 12, Senator, includes the total. The part from EPDA is not restricted to the handicapped at all, it is education professional development.

Senator BEALL. Twelve of our programs are to help the handicapped. You ask that all eight be extended with regard to this year's budget request. Does the amount of money requested for the 12 in toto exceed the amount of money appropriated last year for the 12?

Dr. MARTIN. Yes. It exceeds by about $6 million the sum requested for last year. The part of the Education for the Handicapped Act is $90,000. For the four-State programs it would be up just slightly. I guess it is $8 million rather than $6 million.

The sum right now, according to the States is about $158 million. Under the revenue sharing distribution it would be $164 million.

Senator BEALL. That is for the four-State programs.

Dr. MARTIN. The other discretionary programs are essentially the same. They are plus $90,000.

Mr. KURZMAN. If I may for the record, Senator Beall, offer the table which shows the increases in funding under these programs from 1966 to the proposed budget for 1974, it is an exceedingly dramatic figure.

It goes from $44,200 in 1966 to $258 million plus in 1974.

Senator BEALL. I think that would be good to put in the record. That is all the questions I have.

[Information referred to follows:]

BUREAU OF EDUCATION FOR THE HANDICAPPED

[In thousands of dollars]

Year	BEH budget to Congress	Plus set asides[1]	Revised estimate
1966	28,300	15,900	44,200
1967	37,900	15,000	52,900
1968	53,400	24,700	78, 00
1969	84,700	46,800	131,500
1970	85,900	84,100	170,000
1971	94,500	97,900	192,400
1972	104,200	114,400	218,600
1973	131,000	119,300	250,300
1974	93,600	[2] 164,878	258,478

[1] State supported schools for handicapped, Public Law 89-313 title III (ESEA) for the handicapped, vocational education for the handicapped, 10 grams.

[2] Better School Act including pt. B, EHA funds not shown under BEH budget column.

Senator WILLIAMS. I just wanted to go back to one area that I did not raise, and I meant to. Within the last year several court cases have defined a new constitutional right of handicapped youngsters, and that is to the quality of educational opportunity as you know.

I just wondered whether this fits into your activity philosophically and practically in terms of resources.

First, let me ask specifically, does not this definition of equality of education applied to handicapped youngsters mean a significant amount of additional resources will have to be applied to servicing handicapped youngsters in education?

Dr. MARTIN. Yes, sir; that is correct. It means from all sources—local, State, and Federal—there will need to be significant increases in educational sums spent.

Our efforts at present have been to work those in with the States through a variety of mechanisms. For example, the development of model State legislation which we have worked to get in place, and through other mechanisms to stimulate State and local activity as well.

But the Federal posture at this time has not been to take on the burden of providing those extra costs to the States.

Senator WILLIAMS. Or any part of it?

Mr. KURZMAN. We have taken on a substantial part of it, Mr. Chairman.

Senator WILLIAMS. Within this last year, the budget 1974 over 1973—is it a substantial increase?

Mr. KURZMAN. $8.5 million. The figures show, for example, which I just mentioned to Senator Beall, it starts in 1966 with $44.2 million.

Senator WILLIAMS. That is history. We are talking about 1973–74.

Mr. KURZMAN. Appropriations for education of the handicapped have gone up regularly every year. In 1969 it was $131.5 million. It has doubled in 1974. It is now $258.4 million.

Senator WILLIAMS. What is the 1973 fiscal figure and 1974 in terms of the now constitutional doctrine that has been given?

Mr. KURZMAN. The 1973 figure was 250.3; and the 1974 figure is 258.4. In 1972 it was 218.6.

Senator WILLIAMS. How do we know that this 1974 figure is going to be in reality the amount of money that does go to handicapped education?

Mr. KURZMAN. We think we have a better way of knowing if we have a single formula grant plus these six project grant programs rather than having the four formulas and the six project grant programs.

Senator WILLIAMS. I thought within this revenue sharing there would be the local option to take from handicapped education for the other education.

Mr. KURZMAN. As I have indicated, we have proposed a 30 percent transfer into or out of the handicapped and vocational education earmarks, but 100 percent transfer out of supportive services.

As I have also indicated, it seems to us the question of transfer and the amount of transfer from this category is different or separate from the question of whether the four projects ought to be combined into a single one.

We think those are two separate questions. We have proposed the transfer provisions, but, as I say, I think those are separate.

Senator WILLIAMS. So there is no certainty that these funds and the amounts you say will get to the education of the handicapped?

Mr. KURZMAN. I think, first of all, that given the very notion of flexibility, granted that is not certain. It is flexible.

Senator WILLIAMS. That is the answer to the question.

Mr. KURZMAN. The question is how much flexibility. We are saying that is a separate question from the need to consolidate or to have transfer.

The third point I make here is that the evidence we have is that the States are responding very well to the Federal stimulus in the area of aid for education of the handicapped.

Senator WILLIAMS. What is the stimulation again? It is not in terms of money stimulus.

Mr. KURZMAN. It is much more than that. It is the leadership that has been shown by the kind of demonstration and model projects which the Bureau has been able to put into place under these project grant authorities, and which it has been able to stimulate the replication of those Federal funds with State and local funds which, as I pointed out, have grown at an even faster rate. They have grown from $708 million in fiscal 1966 to over $2 billion, or more than threefold increase while the Federal funds were increasing, too, but at a somewhat slower rate.

And in addition, we found the enactment of State legislation has been dramatic.

Senator WILLIAMS. This will have to be even more dramatic if our testimony is accurate that 50 percent of the handicapped children are not receiving equal public education.

Under law now they must receive it. I would not suggest that the amount of State effort must be doubled, but it is certainly going to be a far more dramatic increase of State input.

Mr. KURZMAN. We expect there is going to be a lot of activity, and we think that the Federal effort should continue but should not try to do the entire job. It cannot in this area, as in all the 306 programs we have, all dealing with helping vulnerable populations. We can never hope to do the whole thing.

Senator WILLIAMS. Nobody has suggested that of course. But the State effort now is $2.3 billion. The Federal contribution is what?

Dr. MARTIN. Up to $50 million.

Senator STAFFORD. Mr. Secretary, we thank you and your associates, Dr. Martin and Ms. Pitney, for your helpful testimony here, and we will call the next witness unless there is something further you wish to say.

Mr. KURZMAN. Thank you very much for this opportunity, Mr. Chairman.

Senator STAFFORD. The subcommittee will invite Dr. Balow and Dr. Blumberg to the witness table.

Doctors, on behalf of the subcommittee let me welcome you. We appreciate your coming, and I am sure we will appreciate your testimony.

To assist us we will leave it to you to determine which one goes first, and we invite you to proceed as you wish.

Dr. BALOW. I have a written statement which it may serve the purposes of the committee to read, and then if you wish to ask questions I will of course be available.

Senator STAFFORD. Would you like your full statement in the record, Doctor?

Dr. BALOW. I would leave that to your judgment, sir.

Senator STAFFORD. We would prefer to put it in the record, and if there is no objection we will have it incorporated in the record at this point, and then you may talk as you wish in connection with it.

STATEMENT OF DR. BRUCE BALOW, DEPARTMENT OF SPECIAL EDUCATION AND EDUCATIONAL PSYCHOLOGY, UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MINN.; AND DR. ALLEN BLUMBERG, CHAIRMAN, DEPARTMENT OF SPECIAL EDUCATION, WEST VIRGINIA COLLEGE OF GRADUATE STUDIES, INSTITUTE, W. VA.

Dr. BALOW. My name is Bruce Balow. I am a professor of special education at the University of Minnesota, where I have been engaged in the preparation of educators of handicapped children for 20 years, including a 2-year leave of absence in 1971 and 1972 to direct the Division of Training programs in the Bureau of Education for the Handicapped, USOE. I have general knowledge of most of the programs preparing educators of the handicapped in the United States, detailed knowledge of perhaps 15 percent of such programs, and direct experience with the role and functions performed by the Bureau. It is from this perspective that the following comments are made.

I wish to emphasize three points in my testimony:

One, the Bureau of Education for the Handicapped has exercised outstanding leadership in stimulating and supporting service, personnel training, and research for education of the handicapped. Through Bureau leadership, in cooperation with institutions of higher education, State education agencies, and professional associations the education of handicapped children has improved markedly in the past decade.

Two, despite marked progress, personnel with appropriate specialized preparation to be effective educators of the handicapped simply do not exist in sufficient numbers. Less than half the handicapped children of this country are receiving an education; of those, perhaps one-third are in programs staffed by personnel lacking the necessary competencies for full realization of the child's potential.

Three, research on the profoundly handicapped, such as autistic children, can produce practical results which will vastly improve life for such persons and their families at less cost per person than the cost of lifetime institutionalization.

Some before and after contrasts are offered to support these statements. In the late 1950's a small minority of the handicapped children in this country were being educated, and there was little professional interest in the matter. Approximately 40 colleges had special programs of preparation for educators of the handicapped. Not much was known and not much was being done.

With the advent of Federal financial support in 1959 the situation improved rapidly and dramatically. Today, nearly 50 percent of the known handicapped children in the United States are in educational programs. The number of colleges and universities preparing specialized personnel for the handicapped has increased tenfold, to about 400, thanks to Federal financial support and bureau management of those moneys. Without those moneys and that leadership there is no reason to believe the situation would have changed.

Even with the stimulation of Federal resources and the catalytic role played by the Bureau, there are today 7 States that educate fewer than 20 percent of their known handicapped children and 1 State educating fewer than 10 percent; those States with the best record educate only about 70 percent of such children. Despite great progress in little more than a decade, obviously there is much that remains to be accomplished.

It is impossible to establish effective programs without effective personnel. More and better teachers are needed. Personnel need, based on a ratio of approximately 20 handicapped children per teacher, is for approximately 370,000 qualified teachers to effectively serve the 6 million handicapped children of school age. About 130,000 teachers of handicapped children are now employed, with one-third of these estimated to be less than qualified for such teaching. Thus there is a current need for 240,000 additional teachers of school-age children plus another 60,000 teachers to educate about 1 million preschool handicapped. In total, about 300,000 additional teachers of the handicapped would be needed immediately—tomorrow—if the State were to fulfill a commitment to education for all handicapped children.

A parallel need, and demand, is to provide continuing education to upgrade and update personnel already employed, many of whom are neither qualified nor effective in their jobs.

On such a problem the Bureau does much more than distribute and monitor money for personnel training. It convenes individuals and groups to bring about change; it stimulates system changes by establishing conditions for grants, such as evaluation and dissemination requirements; it has initiated national networks and technical assistance centers to provide for rapid distribution of new materials and new ideas.

Examples of products that have recently come from Bureau supported training projects are: From Minnesota, an audiovisual automated educational program on perception and perceptual training; from Texas, special training programs for teachers of preschool handicapped; from Massachusetts, a program for preparation of specialists to educate deaf-blind children; from New York and California, a project to develop a national network of interrelated agencies with model programs to educate autistic children.

Education for handicapped children is a sound investment: it is not charity. The great majority can, with proper education, become fully functioning taxpaying citizens rather than an economic drain on the Nation. It has been estimated that each handicapped child who receives an appropriate education is worth a quarter of a million dollars to society: half in reduced welfare and institution costs, half in increased productivity.

Senator STAFFORD. Thank you very much, Dr. Balow, for your very helpful statement before this subcommittee.

Before I go to the questions I have, I will ask Dr. Blumberg to go ahead and read his statement or have it placed in the record and speak extemporaneously.

Dr. BLUMBERG. If I may, I will give it extemporaneously.

Senator STAFFORD. Without objection, your statement will be placed in the record in full.

Dr. BLUMBERG. I would like to state that we in West Virginia feel that our special education program is relatively new, and it was not until 1955 that the first State director of special education was employed.

However, the decade that followed witnessed a phenomenal growth in the development of services for the handicapped. Much of this growth was a direct result of Federal legislation. The big payoff came in 1969 when the West Virginia Legislature passed mandatory special education legislation. This legislation showed West Virginia's sincere commitment to help all of those who are classified as handicapped. The legislators were realistic in feeling that a reasonable amount of time would be needed to prepare for the enactment of this legislation. Therefore, the act declared that the mandatory education would become effective with the opening of schools in 1974.

However, between the passage of this legislation and the time for its implementation, a great deal of serious planning has gone on throughout the State. Every county board of education has been working diligently to prepare formulas and proposals for implementing the legislation.

Although all of the county plans are not available at this time, I would like to bring to your attention what six county boards of education, prediminently located in the coal mining area, reported they would need to implement the mandatory legislation.

It may be fitting to close with a concrete example which supports each of my three points. A limited investment of Federal moneys by the Bureau to support a particular program of training and research in autism has produced a far-reaching impact on both service to profoundly handicapped children and on personnel preparation.

A 10-year-old boy diagnosed by qualified medical personnel in a psychiatric hospital as autistic, brain damaged, profoundly mentally retarded—a boy who could not speak, was not toilet trained, in many ways behaved like a wild animal—was in less than 6 months time taught to speak, read, write, and calculate simple arithmetic and to behave like a socialized being including toileting and dressing himself, eating appropriately, et cetera.

That child is now in a regular public school, receiving no special medical or psychological support, and obviously no longer dependent on others for 24-hour care. From a limited dollar investment the monetary gain to society is probably on the order of $250,000; but who can judge the human value to the child, his family and all whom he touches in his lifetime.

The change in that boy was brought about by a remarkable special educator (Dr. Uwe Stuecher), who received his graduate education at the University of Minnesota on a Federal traineeship from the Bureau of Education for the Handicapped in a program receiving much of its financial support from the Bureau. Dr. Stuecher is now training teachers, psychologists, and psychiatrists in his techniques, and continues his research into the processes by which profoundly disturbed children can be educated. His techniques are now benefiting many autistic children; eventually, through his students, hundreds will be helped.

As is common in the education of handicapped children, there are few if any local allocations of tax dollars for such purposes. Educators of the handicapped are constantly frustrated and hamstrung by the absence of necessary resources to effectively advance our work as rapidly as we might. Dollar investments for high risk children are extremely difficult to obtain despite the excellent record of miltiple return on such investments because the numbers of children are relatively few, their influence is limited, and it usually requires years to see the results of the investment.

I believe I speak for thousands when I express my gratitude to the Congress for its wisdom in establishing a Bureau of Education for the Handicapped, and to the Bureau for its active leadership in full cooperation with the professions most concerned. I hope you will see fit to expand the vital work of this Bureau as provided in the bills now under consideration.

They would need special education services for 5,196 additional students. These same counties also stated that they would need 207 additional special education teachers to provide these special services.

A great deal of the credit for the leadership in helping many of these counties prepare their proposals belongs to the staff of the West Virginia division of special education in the State department of education.

The full implication of this mandatory legislation recently was brought to the attention of the State legislators by the State superintendent of schools. In carrying out this legislation, the State superintendent said that in the next school year West Virginia will need 547 additional qualified special education personnel.

This additional benefit will cost $5,570,335 more than what is now being spent for special education services. We all are aware that this undertaking is not easy. But it is encouraging to note that there has been a great deal of cooperation among many people and agencies in attempting to make this mandatory legislation become a reality.

The task facing our schools of higher learning to prepare the additional needed special education personnel is a big undertaking, but it is not an impossible task. Many of us still are optimistic.

In the past, due to the cooperation from the Division of Teacher Training Programs, Bureau of Education for the Handicapped, U.S. Office of Education, our special education teacher training programs were given a rebirth. The help from this Federal agency has ranged from Federal funding to specific suggestions for improving or strengthening our teacher training programs.

It is definitely because of their assistance that our special education teacher training programs at our colleges and universities have been able to move forward. I can assure you that without their assistance, these programs would remain stagnant. One cannot speak too highly of what this Federal agency has done for helping our State in preparing programs for special education teachers.

A few years ago the members of the Federal agency offered a challenge to us that will have a lasting effect on our programs in West Virginia. Simply stated, the challenge was, "Could the colleges in West Virginia cooperatively develop a State comprehensive special education teacher training program that would prepare instructors for all the diversified disabilities?"

The West Virginia Board of Regents accepted the challenge. A proposal was developed and submitted to the Bureau's office, and we were funded. During the past 2 years a great deal of hard work has gone into developing this comprehensive special education teacher training program. At the present time we are in the final stages of writing up our findings.

I must say that it would be premature on my part to present our plan at this time. However, I can state in general terms that from this study: One, we are getting a clearer picture of the needs of the handicapped in our State; two, the cooperation shown between staff members at various colleges and universities in this State has been most encouraging; three, the suggestions for developing innovative ways of training and retraining special education teachers are most creative.

We expect by early summer to have our plans submitted to the Board of Regents. The enthusiasm for this project cannot be overstated. We feel that we are one of the few States to be offered such a challenge by this Federal agency. We also feel that our plan might become a model that could be followed by other States.

I know I speak not only for myself but for my colleagues when I say that we owe a debt of gratitude to the Division of Teacher Training Programs, Bureau of Education for the Handicapped, U.S. Office of Education for suggesting such an innovative idea and to the West Virginia Board of Regents for having the courage to undertake this task.

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I am particularly happy to report that the members of my staff have just recently completed what we consider a very outstanding graduate program in special education. This program will be an interrelated one in which we will be able to train the diagnostic prescriptive specialist in special education, and at the same time, to train the special education teacher for the traditional type of programs.

Perhaps the most heartwarming event that I can recall is that the West Virginia Special Education Instructional Materials Center, located at the college with which I am associated, has become a central point for helping all special education teachers. Throughout the State, even in the most remote hollows, special education teachers can obtain through this center materials for working with handicapped individuals. No longer can the excuse be made that limited funds curtailed what many teachers could do in working for the handicapped. This center is really the living proof of what Federal and State funds can do if used cooperatively.

Time doesn't permit me to continue to list all of the exciting programs and events that we are undertaking in our State but allow me a few moments to mention a few more. The Division of Vocational Rehabilitation has been working cooperatively for years with county boards of education in developing secondary school programs for the handicapped. The Department of Mental Health has undertaken an exciting task in developing day care center programs for the profoundly and severely mentally retarded.

The Commission on Mental Retardation actively is participating in seeing that services are brought to the handicapped that are now placed under the Developmental Disabilities Act.

Parents of the handicapped are also to be commended for their devotion. These parents are operating one residential center called Green Acres. It serves as a model for what can be done.

All of these organizations, all of these activities, all of these individuals are working together. It is really exciting.

Sure we have problems, sure we have found at times that the progress has been slow. But we feel that we are moving. We also realize that whatever we are doing for the handicapped is something that is rewarding in more ways than in monetary terms.

This progress, this dedication, this desire to do something is contageous. We all are proud of what we are doing. We also realize that more of it could not have been done without Federal legislation.

Therefore, I would like to say that to many of us the progress we are making is our way of saying, "Thank you, Senator Jennings Randolph, for your outstanding leadership in developing and encouraging Federal legislation to help the handicapped."

I would like to close my remarks by recalling an incident which made a deep impression on me and is related to the theme of my presentation. Last summer my wife and I had the honor of appearing at the First Pacific Conference of Mental Retardation in Singapore. We went to this conference with the idea of informing the members of the conference of the progress being made for the mentally retarded in the United States. However, it did not take us long to realize that our remarks would be inappropriate. What did take place was that we were in contact with people from many Asiatic countries, countries that are in many ways underdeveloped. We found these people enthusiastic about what they were doing. We found at this conference, people excited about their progress. We found these people extremely happy in telling what they were doing. The underlying theme that seemed to come out in everyone's presentation went something like this: "We are proud of what we are doing for the handicapped because we have made a commitment and our commitment is to help those handicapped individuals."

My wife and I left this conference feeling that this idea of an optimistic commitment would be the underlying philosophy that could make many of the programs in these Asiatic countries develop.

What does this mean in relationship to my appearance before this committee? Well, these Senate bills represent our commitment. We, as a Nation, are deeply concerned about the handicapped and want to do all we can. What other justification could there be for the enactment of this type of legislation?

ROLE OF FEDERAL GOVERNMENT

Senator STAFFORD. Thank you, Doctor. I am sure you realize the only reason the distinguished chairman of the subcommittee, Senator Randolph, is not here is that he had an unavoidable commitment to be out of the city this afternoon. Otherwise he would have been here, and I am sure would have taken pride in the statement you just delivered to us.

We appreciate it. It will be very helpful to the subcommittee in our deliberations.

I have simply one question which I would like to address to you both for brief comment. That is this: Should the Federal Government play a role in assisting States to identify needs and develop plans for special education of personnel?

Dr. BALOW. Senator, the answer to that is obviously very easy. I think it is a clear and forthright "Yes." There is a tremendous need for that kind of activity on the part of the Federal Government.

I believe that the history of work with handicapped children is testimony enough. It is unquestionable prior to the time the Federal Government got involved that very little was being done for handicapped children. The role that the Federal Government has played has been both that of financing many of the activities that are necessary and providing leadership to the field. I would hasten to stress the leadership role that has been played by the professionals in the Bureau of Education for the Handicapped.

In part, handicapped children are a national opportunity as well as in some sense a national problem. There simply are not equal distributions of handicapped children across all geographic areas of this country and across all political units of this country.

Some States have hundreds and thousands of such children; other States have very few.

One of the outcomes that occurs when responsibility is left to local initiative is that the locality which does provide well for its handicapped children becomes penalized immediately. It becomes penalized because the parents of handicapped children see that that community is doing something constructive, and the fathers of handicapped children will quit jobs, move from one State to the next, or from outlying areas into urban area centers where such provisions are made for the children; families will do anything to have that child in a program.

The consequences of that system to political units that do develop programs which care for handicapped children are all negative. Instead of getting rewarded for doing a good job, the community is faced with increasing taxes because there are high initial investment costs in education of the handicapped.

I believe it is without question that the Federal Government has a very significant role to play, and I hope it continues to do so.

Senator STAFFORD. Thank you.

Dr. Blumberg, do you have any further comment?

Dr. BLUMBERG. I can only reiterate Dr. Balow's point. We think the Federal Government has set the example by giving a high priority for the training of people who work with the handicapped, and now if it has to go all the way back to the States, we are going to have to have the process of getting the States to see there is a top priority in working with the handicapped.

To me it would be just a waste of time and effort. We already have a standard. It has proved invaluable to many of us.

Senator STAFFORD. The subcommittee thanks you both. I can assure you that your appearance here is appreciated, and your testimony will be carefully reviewed by the members of the subcommittee, the full committee, and the staff when we are marking up the bill.

[The prepared statements of Dr. Balow and Dr. Blumberg follow:]

PREPARED STATEMENT OF DR. BRUCE BALOW, DEPARTMENT OF SPECIAL EDUCATION AND EDUCATIONAL PSYCHOLOGY, UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MINNESOTA

Mr. Chairman and members of the Committee:

My name is Bruce Balow. I am a professor of Special Education at the University of Minnesota, where I have been engaged in the preparation of educators of handicapped children for twenty years, including a two year leave of absence in 1971 and 1972 to direct the Division of Training Programs in the Bureau of Education for the Handicapped, USOE. I have general knowledge of most of the programs preparing educators of the handicapped in the U.S., detailed knowledge of perhaps 15% of such programs, and direct experience with the role and functions performed by the Bureau. It is from this perspective that the following comments are made.

I wish to emphasize three points in my testimony:

1. The Bureau of Education for the Handicapped has exercised outstanding leadership in stimulating and supporting service, personnel training, and research for education of the handicapped. Through Bureau leadership, in cooperation with institutions of higher education, state education agencies, and professional associations the education of handicapped children has improved markedly in the past decade.

2. Despite marked progress, personnel with appropriate specialized preparation to be effective educators of the handicapped simply do not exist in sufficient numbers. Less than half the handicapped children of this country are receiving an education; of those, perhaps one-third are in programs staffed by personnel lacking the necessary competencies for full realization of the child's potential.

3. Research on the profoundly handicapped, such as autistic children, can produce practical results which will vastly improve life for such persons and their families at less cost per person than the cost of lifetime institutionalization.

Some before and after contrasts are offered to support these statements. In the late 1950's a small minority of the handicapped children in this country were being educated, and there was little professional interest in the matter. Approximately 40 colleges had special programs of preparation for educators of the handicapped. Not much was known and not much was being done. With the advent of federal financial support in 1959 the situation improved rapidly and dramatically. Today, nearly 50% of the known handicapped children in the United States are in educational programs. The number of colleges and universities preparing specialized personnel for the handicapped has increased tenfold, to about 400, thanks to federal financial support and Bureau management of those monies. Without those monies and that leadership there is no reason to believe the situation would have changed.

Even with the stimulation of federal resources and the catalytic role played by the Bureau, there are today seven states that educate fewer than 20% of their known handicapped children and one state educating fewer than 10%; those states with the best record educate only about 70% of such children. Despite great progress in little more than a decade, obviously there is much that remains to be accomplished.

It is impossible to establish effective programs without effective personnel. More and better teachers are needed. Personnel need, based on a ratio of approximately 20 handicapped children per teacher, is for approximately 370,000 qualified teachers to effectively serve the six million handicapped children of school age. About 130,000 teachers of handicapped children are now employed, with one-third of these estimated to be less than qualified for such teaching. Thus there is a current need for 240,000 additional teachers of school-age children plus another 60,000 teachers to educate about one million pre-school handicapped. In total, about 300,000 additional teachers of the handicapped would be needed immediately if the states were to fulfill a commitment to education for all handicapped children. A parallel need, and demand, is to provide continuing education to upgrade and update personnel already employed, many of whom are neither qualified nor effective in their jobs.

On such a problem the Bureau does much more than distribute and monitor money for personnel training. It convenes individuals and groups to bring about change; it stimulates system changes by establishing conditions for grants, such as evaluation and dissemination requirements; it has initiated national networks and technical assistance centers to provide for rapid distribution of new materials and new ideas. Examples of products that have recently come from Bureau supported training projects are: From Minnesota, an audio-visual automated educational program on perception and perceptual training; from Texas, special training programs for teachers of preschool handicapped; from Massachusetts, a program for preparation of specialists to educate deaf-blind children; from New York and California, a project to develop a national network of interrelated agencies with model programs to educate autistic children.

Education for handicapped children is a sound investment; it is not charity. The great majority can, with proper education, become fully functioning taxpaying citizens rather than an economic drain on the nation. It has been estimated that each handicapped child who receives an appropriate education is worth a quarter of a million dollars to society; half in reduced welfare and institution costs, half in increased productivity.

It may be fitting to close with a concrete example which supports each of my three points. A limited investment of federal monies by the Bureau to support a particular program of training and research in autism has produced a far reaching impact on both service to profoundly handicapped children and on personnel preparation.

A ten year old boy diagnosed by qualified medical personnel in a psychiatric hospital as autistic, brain damaged, profoundly mentally retarded - a boy who could not speak, was not toilet trained, in many ways behaved like a wild animal--was in six months time taught to speak, read, write and calculate, and to behave like a socialized being including toileting and dressing himself, eating appropriately, etc. That child is now in a regular public school, receiving no special medical or psychological support, and obviously no longer dependent on others for 24 hour care. From a limited dollar investment the monetary gain to society is probably on the order of $250,000; but who can judge the human value to the child, his family and all whom he touches in his lifetime.

The change in that boy was brought by a remarkable special educator (Dr. Uwe Stuecher), who received his graduate education on a federal traineeship at the University of Minnesota in a program receiving much of its financial support from the Bureau of Education for the Handicapped. Dr. Stuecher is now training teachers, psychologists and psychiatrists in his techniques, and continues his research into the processes by which profoundly disturbed children can be educated. His techniques are now benefitting many autistic children; eventually, through his students, hundreds will be helped.

As is common in the education of handicapped children, there are few if any local allocations of tax dollars for such purposes. Educators of the handicapped are constantly frustrated and hamstrung by the absence of necessary resources to effectively advance our work as rapidly as we might. Dollar investments for high risk children are difficult to obtain despite the excellent record of multiple return on such investments because the numbers of children are relatively low, their influence is limited, and it usually requires years to see the results of the investment.

I believe I speak for thousands when I express my gratitude to the Congress for its wisdom in establishing a Bureau of Education for the Handicapped, and to the Bureau for its active leadership in full cooperation with the professions most concerned. I hope you will see fit to expand the vital work of this Bureau as provided in the bills now under consideration.

TESTIMONY

Before The

U.S. SENATE SUBCOMMITTEE ON THE EDUCATION OF THE HANDICAPPED

SENATE BILL 896 AND SENATE BILL 6

Senator Jennings Randolph, Chairman

March 21, 1973

By
Dr. Allen Blumberg
Department of Special Education
West Virginia College of Graduate Studies
Institute, West Virginia

Senator Randolph and members of the sub-committee on the handicapped, it is a sincere honor to appear before this committee to testify in behalf of Senate Bill 896 and Senate Bill 6 to extend and amend the Education of the Handicapped Act.

There are many ways that I could present my testimony. The easiest would be to lull you to sleep this afternoon with a lot of statistics, sprinkled heavily with jargon. I have chosen, instead, to show you simply what has and can be done in the education of the handicapped, particularly as it is related to my adopted state, West Virginia. I hope that when I have finished you will have a picture of what dedication, sincerity, enthusiasm and optimism can do if the ingredients are mixed properly.

The education of the handicapped in West Virginia is relatively new. It wasn't until 1955 that the first state director of social education was employed. However, the decade that followed witnessed a phenomenal growth in the development of services for the handicapped. Much of this growth was a direct result of federal legislation. The big payoff came in 1969 when the West Virginia Legislature passed mandatory special education legislation. This legislation showed West Virginia's sincere commitment to help all of those who are classified as handicapped. The legislators were realistic in feeling that a reasonable amount of time would be needed to prepare for the enactment of this legislation. Therefore, the act declared that the mandatory education would become effective with the opening of schools in 1974.

However, between the passage of this legislation and the time for its implementation, a great deal of serious planning has gone on throughout the state. Every county board of education has been working diligently to prepare formulas and proposals for implementing the legislation.

Although all of the county plans are not available at this time, I would like to bring to your attention what 6 county Boards of education predominently located in the coal mining area reported they would need to implement the mandatory legislation. They would need special education services for 5,196 additional students. These same counties also stated that they would need 207 additional special education teachers to provide these special services.

A great deal of the credit for this leadership in helping many of these counties prepare their proposals belongs to the staff of the West Virginia Division of Special Education in the State Department of Education.

The full implication of this mandatory legislation recently was brought to the attention of the state legislators by the State Superintendent of Schools. In carrying out this legislation, the State Superintendent said that in the next school year West Virginia will need 547 additional qualified special education personnel. This additional benefit will cost $5,570,335 more than what is now being spent for special education services. We all are aware that this undertaking is not easy. But it is encouraging to note that there has been a great deal of cooperation among many people and agencies in attempting to make this mandatory legislation become a reality.

The task facing our schools of higher learning to prepare the additional needed special education personnel is a big undertaking, but it is not an impossible task. Many of us still are optomistic.

In the past, due to the cooperation from the Division of Teacher Training Programs, Bureau of Education for the Handicapped, U.S. Office of Education, our special education teacher training programs were given a rebirth. The help from this federal agency has ranged from federal funding to specific suggestions for improving or strengthening our teacher training programs.

It is definately because of their assistance that our special education teacher training programs at our colleges and universities have been able to move forward. I can assure you that without their assistance, these programs would remain stagnant. One cannot speak too highly of what this federal agency has done for helping our state in preparing programs for special education teachers.

A few years ago the members of this federal agency offered a challenge to us that will have a lasting effect on our programs in West Virginia. Simply stated the challenge was "Could the colleges in West Virginia cooperatively develop a state comprehensive special education teacher training program that would prepare instructors for all the diversified disabilities?"

The West Virginia Board of Regents accepted the challenge. A proposal was developed and submitted to the bureau's office and we were funded. During the past two years a great deal of hard work has gone into developing this comprehensive special education teacher training program. At the present time we are in the final stages of writing up our findings.

I must say that it would be premature on my part to present our plan at this time. However, I can state in general terms that from this study (1) we are getting a clear picture of the needs of the handicapped in our state (2) the cooperation shown between staff members at various colleges and universities in this state has been most encouraging (3) the suggestions for developing innovative ways of training and retraining special education teachers are most creative.

We expect by early summer to have our plans submitted to the Board of Regents. The enthusiasm for this project cannot be overstated. We feel that we are one of the few states to be offered such a challenge by this federal agency. We also feel that our plan might become a model that could be followed by other states.

I know I speak not only for myself but for my colleagues when I say that we owe a debt of gratitude to the Division of Teacher Training Programs, Bureau of Education for the Handicapped, U.S. Office of Education for suggesting such an innovative idea and to the West Virginia Board of Regents for having the courage to undertake this task.

All over West Virginia programs are being implemented for the handicapped. Some of our special education programs at our colleges and universities are beginning to show signs of more cooperation. At present, the members of my staff at the West Virginia College of Graduate Studies are working cooperatively with similar staff at Marshall University in Huntington, West Virginia in developing a cooperative plan for teacher training programs in this field.

I am particularly happy to report that the members of my staff have just recently completed what we consider a very outstanding graduate program in special education. This program will be an interrelated one in which we will be able to train the diagnostic prescriptive specialist in special education and at the same time to train the special education teacher for the traditional type of programs.

Perhaps the most heart warming event that I can recall is that the West Virginia Special Education Instructional Materials Center located at the college I am associated with has become a central point for helping all special education teachers. Throughout the state, even in the most remote hollows, special education teachers can obtain through this center materials for working with handicapped individuals. No longer can the excuse be made that limited funds curtailed what many teachers could do in working for the handicapped. This center is really the living proof of what federal and state funds can do if used cooperatively.

Time doesn't permit me to continue to list all of the exciting programs and events that we are undertaking in our state but allow me a few moments to mention a few more. The Division of Vocational Rehabilitation has been working cooperatively for years with county boards of education in developing secondary school programs for the handicapped. The Department of Mental Health has undertaken an exciting task in developing day care center programs for the profoundly and severely mentally retarded.

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This progress, this dedication, this desire to do something is contageous. We all are proud of what we are doing. We also realize that most of it could not have been done without federal legislation.

Therefore, I would like to say that to many of us the progress we are making is our way of saying, "thank you, Senator Jennings Randolph, for your outstanding leadership in developing and encouraging federal legislation to help the handicapped."

I would like to close my remarks by recalling an incident which made a deep impression on me and is related to the theme of my presentation. Last summer my wife and I had the honor of appearing at the First Pacific Conference of Mental Retardation in Singapore. We went to this conference with the idea of informing the members of this conference of what was going on for the mentally retarded in the United States. However it did not take as long to realize that our remarks would be inappropriate. What did take place was that we were in contact with people from many Asiatic countries, countries that are in many ways underdeveloped. We found these people enthusiastic about what they were doing. We found these people extremely happy in telling what they were doing. We found at this conference, people excited about their progress. The underlying theme that seemed to come out in everyone's presentation went something like this "we are proud of what we are doing for the handicapped because we have made a commitment and our commitment is to help these handicapped individuals."

My wife and I left this conference feeling that this idea of an optomistic commitment would be the underlying philosophy that could make manhy of these programs in these Asiatic countries develop.

What does this mean in relationship to my appearance before this committee? Well, these senate bills represent our commitment. We as a nation are deeply concerned about the handicapped and want to do all we can. What other justification could there be for the enactment of this type of legislation?

Senator STAFFORD. The Chair would invite Drs. Cartwright to come to the witness table.

I think this marks a unique experience, to have two doctors who are husband and wife, and doctors interested in the same subject. Let me first say to you that Senator Schweiker had intended to introduce you, and an emergency has caused him to have to leave the committee room at this time.

Let the record show that G. Phillip Cartwright is professor of education at Penn State University and is director of Computer Assisted Instruction Laboratory at Penn State University. He has been a classroom teacher of mentally retarded children, and has trained teachers to work with handicapped children.

Most recently Dr. Cartwright has been working on the development and implementation of computer assisted instructional system.

Dr. Carol Cartwright is associate professor of special education at Penn State University. Dr. Carol Cartwright's primary interests are teacher training, the development of computer assisted instruction courses for teachers and television programing designed for parents of young children.

She has conducted several research studies and published numerous articles dealing with special education.

We will leave the choice to you to be decided as who proceeds first. If you have written statements and wish them incorporated in the record, without objection they will both be placed in full in the record. If you wish to read them into the record, feel free to do so. Proceed as you wish.

Dr. CAROL CARTWRIGHT. Thank you, Senator.

First, on behalf of the project I would like to say that it is an honor to be asked to appear before you to present on behalf of the extension of the Education of the Handicapped Act. We have prepared a written statement jointly, and we would like to have that entered into the record, and we will speak extemporaneously regarding the highlights of that statement.

Senator STAFFORD. Without objection, it will be placed in the record in its entirety at the conclusion of your testimonies.

STATEMENTS OF DR. G. PHILLIP CARTWRIGHT, PROFESSOR OF EDUCATION, AND DR. CAROL CARTWRIGHT, ASSOCIATE PROFESSOR OF EDUCATION, PENN STATE UNIVERSITY, STATE COLLEGE, PENNSYLVANIA

Dr. CAROL CARTWRIGHT. We would like to report today about an alternative to traditional college instruction in preparation of teachers to work with handicapped children. This project represents some coordination of the type that Dr. Gallagher mentioned as being particularly important this morning.

We have been able to integrate the aspects of teacher training, research, and services to children through this project which we call CARE—Computer Assisted Remedial Education.

Funding is of a cooperative nature. The various facets of this project have been funded through three divisions of the Bureau of Education for the Handicapped: the Division of Training Programs, the Division of Research, and the Division of Educational Services.

Our major purpose is to train teachers so that they can more adequately identify and then work with handicapped children. We are particularly interested in reaching teachers who deal with young children so that the children's problems may be identified as early as possible.

It has been shown that the earlier problems are identified, the better the chance for some ameliorative action to be taken.

We have developed a series of courses which are taught to teachers, both regularly prepared elementary teachers and special educators, through computer assisted instruction.

The courses are labeled CARE, and they go in numerical series.

CARE 1 is the identification of handicapped children. In this course we are attempting to prepare teachers to recognize handicapping conditions in children. We are concerned somewhat more with the more subtle kinds of problems than with the more severe, obvious problems, because the more severe problems tend to get picked up by people other than teachers.

For example, pediatricians very often can spot some of the more obvious problems, and it remains for the teacher to spot the subtler types of problems.

CARE 2 and CARE 3 are courses which have a similar focus but are directed toward different target audiences. Both of the courses have to do with teaching teachers how to use a method of individualized teaching of children.

We call this type of individualized teaching diagnostic teaching.

CARE 2 is directed toward helping teachers use diagnostic teaching with preschool children.

CARE 3 is directed toward helping teachers dealing particularly with the primary area level children, and of course we expect we will reach children beyond the primary grades because very often teachers will be dealing with older children who have problems and behave as if they were at a primary grade level.

CARE 4 is the course which is directed toward a specific category of handicapped children, and these are the visually handicapped children.

That course prepares teachers to work with visually handicapped children in the regular classroom situation.

We have developed a rather unique delivery system for these courses, and I would like to turn now to my husband, and he will tell you a little bit about this delivery system.

Dr. PHILLIP CARTWRIGHT. We have been fortunate to secure adequate funding in the last few years to implement or put into operation a program of training by the mobile computer. We chose mobile computer assisted instruction to get the curriculum, the training, out to various parts of our State where our university could not reach in the traditional method of instruction.

Senator Schweiker will recognize some of the names of the towns that we have been in with this van. None of them is exactly a center of population.

We found that the method of instruction was quite successful, that is, we would proceed into a small town, expand the sides of our vehicle, and in a period of about 6 weeks offer a three credit Penn State College course to teachers in that area in the afternoons, evenings, and weekends, at their convenience. The courses are fully accredited by the university.

We started to get enough demand, enough requests for service, that we went from Pennsylvania for a demonstration in Houston, Tex. We were there for 3 months, training about 300 teachers in Houston.

We found that experience quite successful. We have gone from there to Bloomington, Ind. We will be going to Atlanta, Ga., and to the State of Illinois, all in connection with other colleges and universities.

The mode of operation is computer-assisted instruction. I will not get into the details of that other than it is a technology which is coming into its own in the last couple of years.

One item which is not included in our written testimony or paper is some cost figures, and I would like to read them to you at this time.

We offer at Penn State University campus courses at $32 per credit. That is if a person wants to take a course, any course at the university, as a resident, the cost is $32 per credit.

With the local van operation when we rent our computer, we can offer instruction for $40 per credit. With a purchased system, we could offer instruction for $18 per credit, a considerable savings.

At the present time at the university we use our own computer and we are offering the computer instruction at $10 per credit hour. That's a considerable saving of dollars, while at the same time there is the same or better quality of instruction according to our studies.

We do not claim that this particular mode of instruction will be effective for all kinds of training of teachers. By no means are we making this claim. We think that it is appropriate for certain kinds of instruction, but we have no intention of producing complete teacher training curriculums by computer assisted instruction.

We will be offering courses in special education at Penn State University campus on a regular basis in the fall, and we will be continuing to expand our operations.

I might add that the State has taken over support of Penn State operation. The Bureau of Education for the Handicapped provided the initial funding, and we were able to get State funds to continue it. Similarly, State funds in Maryland, Texas, and the State of New York are being used to offer instruction at universities.

We think that the support of BEH and their willingness to help us get started, their willingness to cooperate among their own branches, has probably been the prime reason for the success of this project.

That would conclude my remarks.

Snator Stafford. We thank you both on behalf of the Subcommittee on the Handicapped.

Let me just ask you one question and please make a brief additional comment if you wish to, although you may very well have answered this question in your general testimony.

How do you relate the work of the project you have described to the overall objectives of the Federal program for the education of the handicapped children?

Dr. Phillip Cartwright. My perceptions of the Office of Education programs for the handicapped are twofold. One is delivery of these services to train personnel. I think that is the major goal.

I think through this vehicle we are able to assist in production of trained personnel at two levels, both the retraining of regular elementary educators to work with handicapped children, and the basic level in the training of specialized teachers.

Senator Stafford. Thank you very much. You have been very helpful to the subcommittee. I can assure you that your testimony will be carefully reviewed in the course of our hearing for markup of the legislation.

[The prepared statement of Dr. Carol A. and Dr. Glen P. Cartwright follows:]

TESTIMONY OF

CAROL A. CARTWRIGHT AND GLEN PHILLIP CARTWRIGHT

ON THE EXTENSION OF THE EDUCATION OF THE HANDICAPPED ACT (S. 896)

PRESENTED TO THE

SUB-COMMITTEE ON THE HANDICAPPED

JENNINGS RANDOLPH, CHAIRMAN

MARCH 21, 1973

CARE: An Alternative to Traditional College Instruction

Glen Phillip Cartwright and Carol A. Cartwright

The Pennsylvania State University
University Park, Pennsylvania 16802

Throughout the nation efforts are underway to serve handicapped individuals more adequately in public school settings. For example, recent court decisions in Pennsylvania and other states have mandated the right to a public education for *all* handicapped children. Thus, increasing numbers of teachers will be required to deal with the problems of handicapped children. With the support of BEH, The Pennsylvania State University has been able to develop an effective program for increasing the number of persons competent to work with handicapped children. This program is a major demonstration of the effectiveness of a research and development program applied to the problems of teacher training.

An ongoing project for training teachers to identify and teach handicapped children is reported herein. The project, CARE: Computer Assisted Remedial Education, is innovative in that a new computer-mediated technology is used to train teachers. Personnel at The Pennsylvania State University have developed four computer-assisted instruction courses in Special Education. The four courses are made available to teachers by means of computer-assisted instruction: a new delivery system for educational services based on the concept of individualized instruction. Approximately 3,000 educators have been instructed in Special Education concepts during the past two years.

The CARE Courses

The four courses already developed are collectively referred to as the CARE courses. The courses are as follows: *CARE 1:* Early Identification of Handicapped Children; *CARE 2:* Diagnostic Teaching of Preschool Children; *CARE 3:* Diagnostic Teaching of Primary Children; *CARE 4:* Education of the Visually Handicapped. Proposed are *CARE 5:* Teaching Hearing Impaired Children, and *CARE 6:* Teaching Severely Retarded Children. It is the overall purpose of the CARE courses to teach regular and special class teachers and other interested persons to identify and work effectively with handicapped children. Each of the courses is designated as a self-contained college course and is offered for full college credit by Penn State and other universities.

Federal Support for Research and Curriculum Development

In June, 1969, The Pennsylvania State University received a grant from the Division of Research, Bureau of Education for the Handicapped, to develop and evaluate a computer-assisted instruction (CAI) course in the Early Identification of

Handicapped Children (CARE 1). CARE 1 was made available for training purposes in the fall of 1970. The success of CARE 1 encouraged The Pennsylvania State University to apply for funding from BEH for additional CARE curriculum development. Consequently, the Division of Educational Services, BEH, contracted with The Pennsylvania State University to develop two additional courses (CARE 2 and CARE 3). At about the same time, the development of CARE 4 was funded through the Division of Training Programs. CARE 2, 3, and 4 are in varying stages of development and implementation at the present time.

Thus, we have been able to pull together funding from the three divisions of BEH in order to develop an articulated approach to the provision of training of teachers. The result, we think, is a good demonstration of the impact that an integrated applied research and development program can have on curriculum development in Special Education.

Impact of CARE Project

There is little question that the CARE project has had a significant impact on the special education teacher training program at Penn State. Once the quality of the program was demonstrated, Penn State moved to purchase the necessary hardware and support the program with University funds. About 500 Penn State students have completed the first CARE course since October, 1972. We shall easily accommodate 1,000 students per year at the Penn State Campus alone.

Through other Federal sources we have been training inservice teachers in one or more CARE courses at the rate of 1,000 per year since October, 1970, by means of our mobile CAI facility. Currently, we are awaiting an approved grant extension from OE to acquire a second such vehicle.

Several major universities have recognized the quality of the program and are co-sponsoring teacher training with the CARE curriculum. Those universities are the University of Illinois, University of Houston, Northern Illinois University, Indiana University, Southern Illinois University, and Georgia State University.

Finally, certain universities and one local education agency have adopted the CARE curriculum for use in their own computer facilities. Offering one or more courses are the University of Texas, SUNY at Stony Brook, University of Alberta, and the Montgomery County School District, Maryland.

The responsiveness of BEH has enabled us to move rapidly from an applied research and development program into an effective operational program to train persons in state and local programs. These persons, of course, ultimately deliver needed services to handicapped children.

CARE on Wheels: An Alternative to Traditional College Instruction

In order to make CARE readily available to teachers and educators in sparsely populated parts of the country, a custom-built transportable laboratory was designed to house a computer assisted instruction system and sixteen student stations. In the closed condition, the forty-foot van is only eight feet wide and meets every state's highway specifications. After reaching its destination the van can be expanded to provide a comfortable air-conditioned learning environment which is seventeen feet wide.

On a pre-arranged schedule, the mobile CAI laboratory is moved to a community school and connected to electric and telephone services. Over the next seven weeks, in late afternoon and evening hours, some 220 elementary teachers and their supervisors are scheduled for one-to-three-hour sessions at computer terminals on an individualized basis. These teacher-students can arrange flexible and irregular schedules at the computer terminals to fit into the demands of their personal lives. Although designed primarily for rural areas, experience has shown the CARE program and the mobile facility to be extremely useful in large cities such as Houston where distances from the fringe to central city are long.

The major advantage of this program is that it brings an individualized quality course of instruction on timely subjects to groups of education practitioners who would not otherwise get the benefit of retraining and upgrading. Thus, teachers who are unable or unwilling to go to a college or university for additional training can easily be accommodated in their own communities. Many of these teachers would not receive appropriate training were it not for the technology employed in this program. As a by-product, we believe experience in the mobile computer-assisted instruction facility will make teachers more aware of technological advances in education than they are presently. We hope their experience will dispell the aura of mystery which appears to surround computers, and the distrust of computers that adults possess.

Evaluation of the CARE Project

The CARE courses have undergone rigorous and extensive evaluation. These on-campus evaluations have revealed that CAI students complete the courses in about one-third less time and with approximately 25 percent higher average achievement scores than conventionally instructed students; CAI costs much less than conventional workshops and institutes, and somewhat less than regular tuition charges; and, students acquire extremely positive attitudes toward CAI and course content. Finally, follow-up studies have revealed that teachers have applied the knowledges and skills gained in the CAI courses and have made significant changes in their classroom practices.

Senator STAFFORD. The Chair would invite Mr. E. Clarke Ross, and Ms. Una Haynes to the witness table. Mr. Ross is Federal Programs Consultant for the United Cerebral Palsy Association and Ms. Haynes is Associate Director and Nurse Consultant, Professional Services Program Department in Boston, Mass., which is not so far from the State of Vermont.

May I advise you, as I have the others, that if you have written statements you may either place in the record or you may read them, whichever you prefer.

STATEMENTS OF E. CLARKE ROSS, FEDERAL PROGRAMS CONSULTANT, UNITED CEREBRAL PALSY ASSOCIATION, INC., AND UNA HAYNES, ASSOCIATE DIRECTOR AND NURSE CONSULTANT, PROFESSIONAL SERVICES PROGRAM DEPARTMENT, UCPA, BOSTON, MASS.

Mr. ROSS. Our statement today primarily will be Ms. Haynes' accounting of a public-private cooperative effort of which United Cerebral Palsy Associations, Inc., is a part in the education of handicapped children.

Before Ms. Haynes gets into that, I just want to make a few brief comments on some of the legislative proposals being considered today. I am happy to see that you are a cosponsor of both S. 6 and S. 896. UCPA endorses both bills, and we feel that they complement each other in what they are trying to accomplish.

In regard to S. 6, we are very pleased that section 6(a) (4) of the bill has provided for the maintenance of individual written plans to be reviewed annually every year for each handicapped child with an appropriate role to be played by the parents.

We also like the objective stated in section 6(a) (6) of integrating handicapped children into normal classrooms wherever possible.

I would like to make a comment on Mr. Kurzman's earlier statement regarding revenue sharing. One thing that we have strong reservations about is the 30 percent transfer provision as discussed in Mr. Kurzman's earlier statement.

We are afraid that based on past experience States probably will in a lot of cases transfer this 30 percent to other needed programs with the result being that the handicapped will be receiving less than they are at the present time.

We also are a little leery about a 1-year extension. We believe the Bureau of Education for the Handicapped has proven to be a great success, has shown a lot of good things, and because the challenge of educating the handicapped is still before us, we believe there should be a deeper commitment to the extension of the Bureau.

Our written statement primarily emphasizes three things. One is the neglect of the severely and multiply handicapped child, and, two, in relation to the first the large numbers of nonattenders in the public school system. The third item is if the challenge of educating the handicapped is ever going to be met, better cooperation between the public and private sectors will be a necessity.

Ms. Haynes, in telling about the infant program, will demonstrate this cooperation, what it means including a cost analysis. I will now turn it over to Ms. Haynes.

Ms. HAYNES. The program with which I have been associated documents some of the things that I have heard all through the day's testimony. I would like to refresh our attention collectively to some of the matters that have already been spoken to.

The new research about how early babies learn has caused a whole group of agencies like ours who work primarily with the medical needs of various youngsters to take a whole new look at what we are doing.

It was through funding by the Bureau of Education for the Handicapped that we were able to mount this project. What we did was to look at this research that shows us, for instance, that babies at 5 days of age—and I am sure you have seen this done at Harvard in the New England States—will indeed manipulate a panel of lights by changing the rate at which they suck, provided they can suck appropriately.

Some of our babies cannot.

We have also seen early in the first weeks of life the baby examining his hand very carefully before he is going to be reaching out at about 3 months to use this effectively. The contact takes place very early. A good many of our babies cannot lift their right or left arm.

We got together with a group of agencies: One of them is an Easter Seal agency in Providence, R.I. One of them is in California, an agency for the mentally retarded. A third is a university center at the University of California at Los Angeles. Another is a university setting in a very rural area at Iowa University. And the fifth agency is a cerebral palsy center in New Orleans. We have all got together and shared.

In the past we have heard a great deal about the education of teachers and the education of physicians and of therapists and so forth. We have discovered this to be true, the so-called interdisciplinary approach is needed desperately. The body of knowledge is too vast for any one of the disciplines to have all the answers to the multiple needs of these babies, and their families, and to get them started early in this educational track.

We found in the traditional interdisciplinary setting all of the disciplines—social workers and others—get together to try to see what the needs of the youngsters are. The physical therapists may work on the baby's legs, the occupational specialist on the arms, the speech therapist on the evolution of his speech, the nurse on his basic health needs, and the family received all this in a package and was supposed to implement it.

In our project center, 95 percent of the babies were under 2. Thirty-eight percent are referred before they are a year of age. These babies cannot stand excessive or inconsistent handling.

How then were we going to find a way to mobilize all this? Babies do not learn just from their heads in what the teachers give them, but from the way they move, if they can move, the way they can see, et cetera.

The parents are the primary programers. They are with them 24 hours a day. So our project focused on new ways of delivering services.

For the first time physicians are writing behavior objectives along with the teachers for the educational goals. Therapists are in there helping to write, and the parents are helping to design as well as carry out the program.

I think this is innovative. I think this is the first time we have seen these kinds of professionals not just sitting around the table but working together.

They do one more thing. This is so that you do not have six people working under six separate areas of the child that might need help. They will release their roles to each other, one or two members at the table becoming the team facilitator. But none of the others releases his responsibility, and they are accountable for the child's progress in their special area of expertise.

So we have something new. It is called cross-disciplinary/cross-modality approach.

All the Federal sector spent was 18 cents on the dollar. The rest of the dollar was put up by the voluntary agency. That is all it cost. Now we know a great deal more about how we need to learn again.

We need to learn together. We cannot just talk about programs for teachers or special educators, but programs for cross-modality, cross-disciplinary training.

We have pioneered, through other resources, these agencies working together in a collaborative kind of effort.

A good part of their strength is that they are diverse, they are not chauvinistic; they are not just in one little spot. We are getting information and putting data back in a whole variety of communities. The Education of the Handicapped Act made it possible.

I am turned on with what is happening to these babies, and that is why I speak perhaps a little more strongly than my staid New England background would have permitted me to do a few years ago.

But we are just one of the First Chance Network of early childhood education centers. In that First Chance Network in 1 year over 3,790 children were screened; 492 children were graduated to other programs which would not previously accept them; 425 children were placed in special education classes; 521 of them got into generic unity programs like Day Care and Head Start that would not accept them before; 1,953 children in other programs were provided diagnostic or resource assistance.

I could go on and on. The numbers are impressive. It has only just begun, you might say. It has taken a while to tool up.

I will invite your questions. I realize that the hour is late and that you have heard much testimony, but thank you for the privilege of appearing before this subcommittee.

Senator STAFFORD. Thank you, Ms. Haynes, for appearing here as a witness.

Have you run into the problem which is fairly new to the subcommittee of autistic children?

Ms. HAYNES. Yes; we have some in our baby project.

Senator STAFFORD. We have a bill pending in the subcommittee. You probably have not had a chance to examine it, but at some future time the subcommittee will welcome your comments. We will see that you are supplied with a copy of it. You might comment in writing to the subcommittee. The number of the bill is S. 34.

NEGLECT OF SEVERELY HANDICAPPED CHILDREN

I would like to ask Mr. Ross this question. You mentioned in your comments that the severely or multiply handicapped children are still being neglected in educational programs. Could you expand on this, that is, are they institutionalized or at home or in private schools?

Mr. Ross. All three. Most of them are not in the public school system because of two reasons. One is cost. It does cost us so much more money to educate a severely and multiply handicapped child.

The second is what we are trying to get across in cross-modality/cross-disciplinary; that is the complexity we are dealing with. These children do not have just one handicap; they may have two or three.

The mentally alert, nonambulatory, physically handicapped person—many of these are not in the institutions, they are at home. Hopefully, through programs like the ones that UCPA operate, they are being cared for through the private sector. UCPA programs alone cannot keep up with the need. A great many of these are in the home, they are not in the institution, and the parents have the financial burden of getting the services they cannot provide themselves.

Senator STAFFORD. We thank you both. We can assure you that your testimony will be very helpful to the subcommittee when we write a bill and bring it up to the full committee. We appreciate your appearing here today.

[The information referred to, and subsequently supplied, and the prepared statement of Mr. Ross follow:]

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ELSIE D. HELSEL, Ph.D.
WASHINGTON REPRESENTATIVE
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(202) [illegible]

March 28, 1973

The Honorable Robert T. Stafford
5215 New Senate Office Building
Washington, D.C.

Dear Senator Stafford:

As per your request during the recent hearings on the extension of the Education of the Handicapped Act, enclosed are the comments of United Cerebral Palsy Associations, Inc. on S. 34, a bill to provide for accelerated research and development in the care and treatment of autistic children. Also as per your request, we ask that our letter be included in the hearings record.

1) As S. 34 amends Part E of the Public Health Service Act, we suggest that S. 34 be considered with the extension of the Public Health Service Act and not be incorporated as part of the Education of the Handicapped Act.

2) We see Sec. 447 of S. 34, establishing Learning and Care Centers for Autistic Children, as a duplication of already existing federal authorities. Such centers may qualify under Part C, Centers and Services to Meet Special Needs of the Education of the Handicapped Act or receive assistance under the Developmental Disabilities Services and Facilities Construction Act.

We realize that interpretation of the phrase "another neurological condition" in the definition of "developmental disabilities" in Section 401 (e) of the Developmental Disabilities Act has neglected the autistic. In response, UCPA has (1) maintained that the phrase "another neurological condition" be interpreted so as to include the autistic and (2) has proposed a new definition of developmental disability so as to encompass autistic children. That new definition, stated before the Senate Subcommittee on the Handicapped on February 8, 1973 reads: "Developmental Disabilities means a disability which (1) is attributable to a medically determinable physical or mental impairment, (2) originates before the individual attains the age eighteen and has continued or can be expected to continue indefinitely, and (3) constitutes a severe handicap to substantial gainful activity (or in the case of a child under eighteen a handicap of comparable severity."

UCPA believes that the developmental disabilities approach makes sense. A coordinated functional approach to services rather than an approach based on diagnostic categories is a sensible way of programming. The special centers proposed by Section 447 of S. 34 is a turn-back to programming upon categorical labels.

3) We see Section 446 of S. 34, establishing a special research program on autism under the National Institute of Child Health and Human Development, as a desirable approach. UCPA generally is opposed to categorization of research programs but because so little is known about autism and because autism is an area that has been neglected in the past, we would support the enactment of Section 446 into law.

Sincerely,

E. Clarke Ross
Federal Programs
Consultant

ECR/pw

STATEMENT

Respectfully Submitted
to
The Subcommitte on the Handicapped
of the
Senate Labor and Public Welfare Committee
on
S.6 and S.896
The Extension of the Education of the Handicapped Act

In Behalf Of
United Cerebral Palsy Associations, Inc.
66 East 34th Street
New York, New York 10016

March 21, 1973

Mr. Chairman, I am E. Clarke Ross, Federal Programs Consultant and Assistant to the Washington Representative for United Cerebral Palsy Associations, Inc.

I am pleased to introduce to you our primary witness, Una Haynes, Associate Director of the UCPA Professional Services Program Department. Mrs. Haynes will relate to you today her experiences as Project Director of a truly innovative and exciting program, the UCPA Nationally Organized Collaborative Project to Provide Comprehensive Services to Handicapped Infants and their Families.

UCPA, Inc. appreciates very much the opportunity to appear before the Subcommitte on the Handicapped in support of S.6 and S.896 the extension of the Education of the Handicapped Act.

Introduction

UCPA Philosophy of Special Education

1) Guiding educational principles

2) General educational objectives

UCPA Endorsement of BEH Philosophy and Efforts

1) Education of all handicapped by 1980

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1) Numbers and Statistics

2) Nonattenders

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1) UCPA Infant Program (cost analysis included)

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1) Special education works

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Alternatives to Education

UCPA Concern with Revenue Sharing Approach

Conclusion

United Cerebral Palsy Associations, Inc. have long been involved in both providing educational services and advocating increased public responsibility for the provision of such services.

The Elementary and Secondary Education Act has given the states a boost in initiating and expanding educational services to the handicapped. However, even with this assistance, not all of the handicapped, and especially the substantially and multiply handicapped, have received the education they require. A great deal remains to be done. ESEA must be extended. Its need will continue for quite a few years to come. We hope that this subcommittee will give special attention to the needs of substantially handicapped children.

UCPA Philosophy of Special Education

A number of guiding educational principles has developed over the years within UCPA as professional, parental, and consumer opinion has matured and combined. Briefly stated, these principles include:

1) Handicapped children have the same needs as all children, as well as some that are uniquely their own. Integration with non-handicapped children, wherever possible, is a basic concept under which UCPA operates.
2) Because physically handicapped children so often experience difficulties in making direct contact with their environment, the environment must be adapted to their special needs.
3) The education of multiply handicapped children has to be based on the combined efforts of many people: teachers, physicians, psychologists, therapists, nurses, social workers, aides, and most importantly, parents.

4) The comparison through standard instrument testing, of multiply handicapped children with non-handicapped children has been found to have limited value. Of far greater value is the measuring of the progress of the handicapped child as he matures, taking into consideration his strengths and weaknesses and the developmental patterns common to all children.
5) All children learn from day one and handicapped children, especially, need early intervention programs.

In keeping with the philosophy underlining these principles, UCPA educational programs attempt to achieve three general objectives.

1) To develop each child's potential in order that he may live as independent and fulfilled a life as possible.
2) To ameliorate the developmental lag created by slow or abnormal neuromotor and neurosensory maturation.
3) To prepare the multiply handicapped child for academic achievement in a program as much like those offered non-handicapped children as possible.

In working toward the fulfillment of these objectives, UCPA educational programs emphasize careful observation, individualized programs, small classes, continuing professional education, close collaboration between medically related and educationally related program aspects of program design and implementation, with particular emphasis on increased parental involvement during the early years of development.

UCPA Endorsement of BEH Philosophy and Efforts

UCPA believes that the Bureau for the Education of the Handicapped (BEH) has played a very dynamic and innovative role in improving both quality of services and quantity of services since being established by PL 91-230 in 1969.

UCPA wholeheartedly endorses BEH's goal of achieving full educational opportunity for all handicapped children by 1980. We also concur with the statement of former U.S. Commissioner of Education, Sidney F. Marland, Jr.:

> "The right of a handicapped child to the special education he needs is as basic to him as is the right of any other young citizen to an appropriate education in the public schools. It is unjust for our society to provide handicapped children with anything less than the full educational opportunity they need to reach their maximum potential and attain rewarding satisfying lives."

The Need

According to BEH estimates, at least 10% of the nation's school age children (about 7 million children) are sufficiently handicapped to require special education. Of these, only 2.6 million are presently receiving any special education services at all and many of these are in private programs.

There are millions of children in the United States who are currently nonattenders in school. Unless a child has some means for entering the educational system, he is largely invisible. In a nation where there is a strong belief that everyone goes to school and that universal education is taking place, it is difficult to conceive that there are children who are not enrolled in the educational process. Almost every state has compulsory school attendance laws stating that parents do not have the right to deprive their children of an education. But the states themselves deny this right. Handicapped children, especially the substantially and multiply handicapped, are denied entrance into the system. Major reasons given by states are (1) cost and (2) complexity in educating such children.

Many present public school programs that offer special education:

1) do not serve the multiply and severely handicapped child,
2) are inadequate and/or inappropriate for many of the handicapped children now being served by them,
3) are not realistically goal oriented,
4) are not cost effective,
5) delay admission until six or eight years of age, when the primary "learning style" of the child will already have been fixed, to a large degree, by the age of five.

A BEH survey of 15,000 school districts revealed that only one-half offered any special educational programming. The majority of these programs were classes only for the educable retarded and therapy only for the speech and hearing impaired. Many multiply handicapped children are either being served in private programs at the parent's expense; are considered to be custodial cases in public institutions; or are totally neglected.

The challenge has been made a long time ago. Public schools have not yet responded to totally meet this challenge. Private programs cannot satisfy all the needs. Resources are scarce. Only through a system of public-private cooperation can the challenge ever be met.

UCPA Has a Role to Play

UCPA came into existence because individuals with cerebral palsy who had severe and multiple dysfunctions were being written off and denied services. We have therefore used as our operating definition for cerebral palsy, a very broad one. Since individuals with cerebral palsy have a high incidence of two or more handicaps, our centers tend to be non-exclusionary in their admissions. We are therefore by tradition accustomed to dealing with a wide spectrum of disabilities.

With the zero reject mandate of the courts in state after state; with the non-categorical approach for human services; with the trend toward mainstreaming and integration of children with handicaps into programs with their peers wherever possible; and with the continuing expansion of school system contracts with community agencies to serve the multiply and severely handicapped: UCPA, as an experienced professional deliverer of education services incorporating parental and consumer insight and monitoring, has a major role to play in the future of educating the handicapped.

1) UCPA Infant Program

One of the most successful examples of public-private cooperation and one of which we are extremely proud -- is the UCPA Nationally Organized Collaborative Project to Provide Comprehensive Services to Handicapped Infants and their Families. Inaugurated in July 1971, the program is now funded in part through Part C of the Education of the Handicapped Act (Title VI of the Elementary and Secondary Education Act). (BEH grant number (0-71-4492). The program's original funding was through PL 90-538, the Handicapped Children's Early Education Assistance Act which has since been incorporated into Title VI.

The UCPA project is a component of a much larger network of projects funded by BEH for early intervention into the care of handicapped infants. The network's appropriation is $7.5 million out of a total of $12 million authorized. We are impressed by the demonstrated achievable successes of both the network and the UCPA project.

Unlike most of the other projects funded by the Handicapped Children's Early Education Assistance Act, all of the centers involved in the UCPA collaborative project have their own basic funding, so that the federal dollar acts as a <u>catalytic</u> dollar.

UCPA's first year project chose five exemplary centers -- with diverse financial support, representing a variety of geographic areas, established policies for selection of children to be served, and potentially different ethnic groups. Universities, public and private agencies were among those selected. Of the five geographic areas served by the original consortium, one serves a statewide area with mainly rural population, while others serve metropolitan, inner city, small cities and suburban areas.

Each center had its own delivery system, ranging from short periods of intensive services in a residential setting, (plus an outreach service for babies and families) in one center serving a very rural area; to twice weekly sessions of parents and children with therapists, teachers, nurses, etc. in centers with urban and suburban settings; to five day a week classes for the infants as they reach nursery age.

Basic principles in the delivery system, it was agreed, would stress the importance of helping parents to cope with the problems involved in the care of handicapped children, by increasing the parents' skills and knowledge, and enlisting their assistance in designing a program of management which also takes cognizance of family structure and the strengths of the family relationships. Parent involvement is present in all centers. Increase in their skills and knowledge is important, not only in management of their handicapped child, but in the transfer of this knowledge to enrich the early learning and developmental nurturing of their other children.

a) Basic Objectives of the UCPA Project. A number of major objectives, were adopted by the UCPA project. They include:

1 - To prepare tested models reflecting the content and process strategies utilized in the cross-disciplinary and cross-modality approach in developing and implementing the infant curriculum;

2 - To foster transfer of atypical infants served by the project into generic community service programs;

3 - To engender public support for extending public school programs for handicapped children to serve those two years of age or younger;

4 - To foster the role of the parents as primary programmers without deleterious effect on the lifestyle of the family;

5 - To train new teams by means of familiarization and orientation, development and reproduction of training materials and approaches.

b) Project Centers. The original consortium was made up of five collaborating centers scattered around the country:

1 - Atypical Infant Development Program, a component of a tax supported agency, the Mental Health and Mental Retardation Program in Marin County, California.

2 - The Infant Center at University Hospital School, Iowa University, Iowa City, Iowa.

3 - UCP of Greater New Orelans, Inc. an affiliate of United Cerebral Palsy Associations, Inc., New Orleans, Louisiana.

4 - Meeting Street School, a chapter of the National Society for Crippled Children and Adults, Providence, Rhode Island.

5 - UCLA Infant Program, University of California Medical Center, Los Angeles, California.

c) Target Population. In the initial group of children served, 95% were "multiply handicapped" evidencing disabilities in more than one area of neurosensory, neuromotor, cognitive, social or emotional development; 92% were under the age of two; with 38% under one year of age at initial contact.

d) Major Concerns. Recent findings in research have highlighted (1) that babies learn within the first days of life and (2) that most learning in babies occurs through the neurosensory and neuromotor avenues (touching, seeing, testing, hearing, body motion, etc.) and that disability in these avenues constitute substantial obstacles to the learning process.

The expertise of a variety of specialists in physical, occupational and speech therapy, as well as physicians and nurses and other needed to be melded with that of the experts in early childhood education to help remediate or alleviate the neurosensory and motor barriers and collaborate on the enhancement of early learning, during the first months as well as the early years of life. It was also important to render the appropriate service without excessive or inconsistent handling of these young children.

Research has also demonstrated the critical importance of the attachment behaviors of the infant on his future development. If the infant is to develop normal attachments to his parents and other family members, care must be exercised not to fill his day with interventions by a variety of "program implementors" to meet his various needs in a segregated and segmented manner. The parents are of primary importance in the implementation of the program for these young children and must be helped to cope effectively. However, care must be exercised not to cause a deleterious effect on the family's own life style in this process.

e) Special Methodology. As the consequence of the above concerns, interdisciplinary teams (including all needed specialists) have been mobilized to evaluate the infant and family needs; test out, and design programs which are appropriate to the infant's age and stage and development; to include the parents in this process and help the family become the "primary programmers". The cross-disciplinary cross-modality approach was chosen as the method by which the services needed by the infant and family would be delivered by the interdisciplinary teams.

Cross-Disciplinary/Cross-Modality Defined

Cross-disciplinary (Cross-modality) is a method of delivering therapeutic services in which two or more practitioners representing different professions share and teach each other their professional skills, so that one of them can provide the several therapeutic services or approaches needed by an individual, while retaining professional (or credentialed) accountability. The method can be particularly useful when an individual (e.g. an infant or young child) needs several different therapies but cannot tolerate excessive or inconsistent contact with or handling by several different persons, and when a multiply handicapped individual needs highly integrated therapeutic approaches throughout his daily activity program. Aslo called the cross-modality method or approach, from the fact that different disciplines may be primarily concerned with different modalities, while the individual may require an integrated program utilizing several modalities. In effect, the several members of the interdisciplinary team release their roles, to one or two members who will, as the "team facilitators", work most directly with the infant and family while all retain professional accountability for the child's progress in their specialized areas of expertise.

Through this approach, the attachment of the child to his parents and family is reinforced during the early months of life by enabling the family to provide most of the services he needs through their interactions with him, constant support and assistance being provided by the infant center personnel. As soon as he is old enough to tolerate separation and is ready for integration into pre-nursery, public school class or other appropriate group program, the service delivery system provides for and facilitates this developmental sequence. The following data will illustrate that 22% of the infants were enabled to achieve this transfer within the first eight months of project activity in spite of the fact that 95% had multiple disabilities.

f) <u>Statistical Results - 9/71 - 6/72</u>

1) Children screened	305
2) Children admitted to services	277
3) Children graduated to other programs which would not previously accept them	19
4) Children placed in special education classes	42
5) Children who have improved sufficiently to be approved for enrollment in Regular Nursery, Kindergarten or Day care in the coming year	20
6) Number of children in other programs provided Diagnostic or Resource assistance	10
7) Parents served	455
8) Staff personnel receiving Inservice Training	52
9) People from outside the project, trained	209

g) Cost Factors - UCPA Project

1) Matching Funds, 1971-1972		
a) UCPA	27,300	Total Matching Funds $374,050
b) Local Centers	346,750	
2) Federal Support		85,250
		$459,300
3) Average cost of **total project activity** per child served		1,658
4) Average expenditure of **federal funds** per child served		315

h) First Chance Network. The UCPA project is one of the 67 included in the BEH First Chance Network of 67 projects. Data from the network as a whole for one year (1971-72):

1) Children Screened	3790
2) Children Graduating to Other Programs Which Would Not Previously Accept Them	492
3) Children Placed in Special Education Classes	425
4) Children Who Have Progressed Sufficiently to be Approved for Enrollment in Regular Nursery Schools, Kindergartens, or Day Care Programs for the Coming School Year	521
5) Number of Children in Other Programs Provided Diagnostic or Resource Assistance	1953

6) Number of people from Headstart given some training by the Project	1201
7) Number of people from public schools receiving some training by the Project	1752
8) Number of people from local day care centers or nursery schools receiving training by the project	4796
9) Volunteers and paraprofessional trained	1721

i) <u>Replication of the Projects.</u> Since 1971, 153 other centers serving handicapped infants have replicated one of the models demonstrated by one of the 67 network projects in its entirety. Eighty-one other developmental centers for young children have replicated in part the models demonstrated by some of the 67 network projects.

During 1972, 60 agencies, providing primarily medical services to infants have asked UCPA for training in the cross-disciplinary/cross-modality approach by means of staff training workshops, consultation, inter-team visitation, and the use of the project's site visit team. These programs have pledged the addition of the educational component to their service programs and will fund the actual operating costs of service for approximately 1000 handicapped infants by July 1, 1974 if the UCPA project is enabled by BEH funding to give them this training and consultation service.

j) <u>Results</u>. The UCPA Collaborative Infant Project is already demonstrating what desirable effects early intervention can have on the development of severely and multiply handicapped infants. The cross-disciplinary/cross-modality approach has been developed and proven effective. This has required little federal matching monies.

2) UCPA Affiliate Involvement. Education is a basic service offered by UCPA affiliates to handicapped children denied entrance into the public school system. Attached are the returns of a survey by the UCPA Washington Office indicating tax supported funding of UCPA affiliate educational services. These affiliates are providing varied and creative services. The public sector is providing support to some of these affiliates. This is one reason that we hope the title of the Elementary and Secondary Education Act which authorizes support for the handicapped will be extended.

Cost Factors Related to Handicapped Children in General

Dr. Edwin W. Martin, Associate Commissioner of BEH, has declared that "Educating the handicapped works; we are not wasting our time or our money." UCPA agrees that it is by far more cost effective to educate and train a handicapped person, enabling him to live at some degree of independence and contribute to society, rather than receive no such training and live a life of dependence in an institution. The important concept here is the reduction of dependency.

1) Cost Factors Relating to the Handicapped Population in General

According to BEH statistics, the minimum cost of maintaining a handicapped child within an institution (custodial care) is $4,000 per year. During a 60 year lifespan the total would be $240,000.

The State of Illinois has estimated that the average per resident cost of maintaining a handicapped child within a rehabilitation institution, whereby he receives some therapeutic services, is $10,000 per year or $600,000 during a 60 year lifespan.

A BEH study of children served under model projects receiving Early Education Assistance Act funding, reveals some interesting evidence. Seventy percent of the children who were judged unable to participate effectively in pre-school or first grade programs were returned to public schools. The median cost for each child served came to $2,500 per year. The costs ranged from $500 to $10,000 per child per year. Even if ten years of special education were required, it would cost $25,000, considerably less than a lifetime of institutional living. Such costs for educational services need not be that expensive.

Alternatives to Education

It does cost a considerable amount of money to provide educational services to severely and multiply handicapped children. In a time of cutbacks in federal funding of many types of services, the question will be asked -- Is it worth the cost of educating severely involved people?

The naswer to this question lies in an examination of the alternatives. One alternative is to support a handicapped person by the new Title XVI of the Social Security Act for the rest of his life at a minimum of $130 per month. During a life-span of 60 years, this support would total $171,600. This is a minimum cost to the public sector provided the individual can live at home with his parents or relatives.

Another alternative is institutionalization. As revealed previously this is quite costly. Income maintenance by itself without providing developmental program or institutionalization providing only custodial care increases dependency. Neither promote increased independence. Neither will assist the handicapped individual to ever make a contribution to society.

A third alternative is, of course, something people shudder at -- euthanasia. If you deny a person the services he requires to develop his potential and if you allow him to remain a dependent on society, this alternative is euthanasia of a type -- by attrition. Bedfast care in a back ward of some institution, to UCPA, is no alternative at all.

UCPA Concern With Revenue Sharing

UCPA has some reservations concerning the Administration's proposal to establish education special revenue sharing in place of existing grants to states for education of the handicapped.

Our experience in the past has clearly demonstrated that the handicapped, especially the severely and multiply handicapped, are forgotten and neglected in broad programs. Without earmarking and visibility, programs for handicapped persons just are not developed. We are afraid the handicapped will get left out if education special revenue sharing is enacted.

Conclusion

To obtain adequate educational services for all handicapped children is a goal of UCPA. It should also be the goal and responsibility of the U.S. Congress.

As former Governor Robert W. Scott of North Carolina has declared:

> "The time is overdue to re-examine the state role (and federal role) regarding education for the handicapped. .... There will never be a stronger movement to improve programs for the handicapped unless disinterested policy-makers take it upon themselves to support the cause. It is certainly right. Ane the time is now."

APPENDIX -- Returns of Sample Indicating Funding Support of Selected UCPA Affiliate Educational Programs

1) UCPA Affiliates Surveyed	26
2) UCPA Affiliates Responding	13
3) Private Funding Supporting UCPA Affiliate Educational Services Surveyed (One affiliate did not supply this information).	$1,183,490
4) Tax Supported Funding Supporting UCPA Affiliate Educational Services Surveyed	$ 913,166
5) Total Funding Supporting UCPA Affiliate Educational Services Surveyed	$2,096,656
6) Number of School-Age Children Provided Educational Services in the UCPA Affiliate Programs Surveyed	1507
7) Number of Pre-School Children Provided Educational Services in the UCPA Affiliate Programs Surveyed	213
8) Total Number of Children Provided Educational Services In UCPA Affiliate Programs Surveyed	1720
9) Average Per Child Cost of Educational Services In UCPA Affiliate Programs Surveyed	$ 1,218
10) Average Tax Supported Dollar Per Child Cost of Educational Services In UCPA Affiliate Programs Surveyed	$ 533

Senator STAFFORD. There being no further witnesses, the subcommittee will stand adjourned until 9:30 on Friday, March 23, 1973.

[Whereupon, the subcommittee was adjourned at 4 p.m. to reconvene on Friday, March 23, 1973.]

EDUCATION FOR THE HANDICAPPED—1973

FRIDAY, MARCH 23, 1973

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to recess, in room 4232, Dirksen Office Building, Senator Jennings Randolph (chairman of the subcommittee) presiding.

Present: Senators Randolph, Williams, Stafford, and Schweiker.

Committee staff present: Mrs. Patria Forsythe, professional staff member, and Roy H. Millenson, minority professional staff member.

Senator RANDOLPH. The subcommittee will please come to order.

A pleasant morning to all of you, the witnesses and those who are guests. We are continuing hearings of the Senate Subcommittee on the Handicapped.

We are gratified that our colleague, Senator Mike Gravel, of Alaska, is with us today, not only to introduce a witness, but also to testify as to his concern about the area of legislative activity that we are carrying forward at this time.

We do know, Senator Gravel, of your desire to help those of us who are on this subcommittee and full committee when legislation does come to the Senate itself.

I realize that you are going to leave perhaps rather quickly to go to the Senate Public Works Committee and that is a committee on which I value your membership very much.

Senator Gravel, would you introduce the witness?—and, again thank you for coming.

STATEMENT OF HON. MIKE GRAVEL, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator GRAVEL. Mr. Chairman, first I will deliver a very short statement concerning S. 808, the bill that I have introduced with Senators Kennedy, Mondale, and Pastore as cosponsors, and then I will introduce the witnesses and leave them in your charge with Dawn Meiklejohn of my staff.

Mr. Chairman, I can say that I think we are very fortunate to be before you on this particular subject because I know of your concern for human beings and I cannot think of a more worthy subject to focus your attention on.

Today I am pleased to have the opportunity to talk about a subject of great personal interest to me—learning disabilities. I remember as a child the frustrations I endured trying to read and I have now seen my son start to school as a curious and eager kindergartener, only to find the same frustrations.

Fortunately, for both of us there was help. For me, it was a teacher in high school who recognized my difficulties and spent many extra hours working with me. He helped me draw upon my strong points to overcome my weakness.

For my son, there was a clinic—20 lessons and an examination for $235. Yes, it was costly, but it certainly has been worth while. Luckily, we could afford it, but what about the many thousands of children who can't afford it?

If a learning disabled child is diagnosed early enough and is able to receive assistance his handicap can be cured. The sad facts, though, are that many children go undiagnosed. Our teachers are just not trained to recognize the problems of these children. In the State of Maryland, for example, there is not a course available for teachers to learn about learning disabilities. My son's teachers said that he was a daydreamer and a class disrupter.

If teachers were able to pick out these children we would not have the great variations in statistics that we have enumerating the number of students involved. Some studies say that 3 percent of the school-age children are affected, others say 20 percent.

As are other learning disabled children, my son is determined. He would spend his allowance on books about General Patton, his idol, even though he couldn't read them. My wife knew his inventive mind and so she tried everything to rebuild the self-esteem he had lost in the classroom because he couldn't keep up with the others. Oddly enough, the school system wouldn't allow him to find his forte. He couldn't be in chorus, his grades were too bad; he couldn't be on the school patrol, his grades were too bad; he couldn't work in the library which he loves because his grades were too bad.

His mother kept trying. Together, they found bowling and Marty, my son, almost won a trophy. His self-confidence began to build. That summer he was the pitcher on his softball team. They had many close games, and they won some. He could now hold his head high. There was no more disrupting in the class.

My son is a success story, but my concern extends beyond my own family. What about the children whose parents think that they are at the end of the rope, whose parents feel that there is no hope if the schools don't find anything? What about the children whose parents pursue the medical route, like we did, only to find that the child's hearing is fine and one ophthalmologist saying his eyes are fine and one saying he is so blind that he doesn't know how he can see, he needs glasses so badly.

We had the experience of going for a period of 3 or 4 months wearing glasses the size of Coke bottles and then going several months, and presently, without wearing any glasses at all.

Some studies have shown that as many of 80 percent of school dropouts have a learning disability that could have been corrected and allowed them to be successful in school. When we think of all the money our Government spends on manpower programs and programs for juvenile delinquents it staggers the mind.

This, Mr. Chairman, is something you know a great deal about. It is even more discouraging to note that for a much smaller amount of money these students could have been helped to become productive members of our society.

For this reason, I introduced my bill, S. 808, which would provide for national screening of all elementary school children prior to the third grade. I recognize this bill as a first step to conquering the problem. It will provide for the recognition of the majority of the children with learning disabilities who go undiagnosed because of their parents' and teachers' lack of knowledge or because their socio-economic backgrounds have not afforded them the opportunities of screening.

My bill will also provide us, as legislators, with the facts and figures that we need to legislate workable programs and provide adequate funding of those programs which are so badly needed in our school systems today.

Mr. Chairman, I think the problem is a unique one. We have not focused on it, mainly, I think because there is a latent fear in the leadership, the educational leadership of this country, that when discovered this problem will be horrendous—beyond believable proportions.

But I think that we should address ourselves to that for the very simple reason that the problem is there and will be with us either in the youth, the school-age children, or it will be with us when the children become adults. It will be cheaper for society to handle that problem while the children are in school.

Mr. Chairman, I will be happy to respond to questions. I will introduce at this time the gentlemen who will join me and who wil also have statements to make. I would like to call up Dr. Gerald Senf. Doctor, would you please come up? Also, Mr. Robert Gatza.

Dr. Senf is a Ph. D. at the Leadership Training Institute in Learning Disabilities, Department of Special Education, College of Education, University of Arizona.

Mr. Robert Gatza is president, Computer Psychometric Affiliates. His company has a functioning screening device in the State of Illinois that can provide the necessary diagnosis.

I believe, Mr. Chairman, I have enough time to respond to questions if you would like to. Dawn Meiklejohn will stay with the two witnesses. Mrs. Meiklejohn is on my staff.

Senator RANDOLPH. Thank you very much, Senator.

We are also very happy to have the class in government from Gallaudet College here today. This is the only institution of its kind in the United States and, as I am sure most of you know, it is located here in the District of Columbia.

I also say, and I hope those from other States do not take offense, that there are some very bright students in the group from West Virginia.

Dr. Senf, are you the first person to speak?

Senator GRAVEL. Yes, sir. Dr. Senf will speak first and then Mr. Gatza will follow him. I asked them to summarize their statements. They will try to do that as briefly as possible.

Senator RANDOLPH. Thank you very much. I know you are going over to the Highway Safety Subcommittee meeting, now, Senator Gravel. Senator Stafford of Vermont, who is the ranking member of our Subcommittee on the Handicapped, is there also this morning. I am sure the Senator will come here when your work is finished.

Senator GRAVEL. I will send him over here to listen to the testimony about this bill, Mr. Chairman.

Senator RANDOLPH. Doctor, if you will proceed.

Before beginning, Chairman Williams?

Senator WILLIAMS. Before Senator Gravel leaves, I would certainly hope that this program could be developed under his bill. This is certainly modest money to do the screening and if this were done systematically across the country it would seem to me, if you look at things with dollars and cents figures all of the time, it would be a great saving of money for care in other ways, if people could be found early, early in life with these disabilities.

Do you have administration support for this?

Senator GRAVEL. I would hope so, Senator Williams.

Senator WILLIAMS. I would certainly hope so, too. They are not supporting all of our efforts by any means. I don't see how there could be any intelligent opposition to the need for more adequate testing and screening.

Senator GRAVEL. Obviously the economic gains are visible to all. If we could solve these problems in youth we wouldn't have to fund other programs in more expensive periods of people's lives. Not only is the economic gain there, but also the human gain is there because people having learning disabilities would not have to undergo the anguish and sufferings.

They need not have these disabilities if our Government and our society can come through at the right time.

I appreciate your concern and endorsement. As I was telling Senator Randolph, we couldn't be any luckier than having individuals from the Senate like yourselves at our testimony. Senator Randolph has the largest heart in the Senate as I am sure you know from experience. I know, too, that you have the second largest heart.

Senator RANDOLPH. He means I have the largest body.

Senator WILLIAMS. This S. 808 is one of the best bills we have had before us.

Senator RANDOLPH. Doctor, please proceed and accommodate yourself as much as you can to the condensing of your remarks. Your statement, as all statements, will be included as if read in the record.

STATEMENT OF DR. GERALD M. SENF, LEADERSHIP TRAINING INSTITUTE IN LEARNING DISABILITIES, DEPARTMENT OF SPECIAL EDUCATION, COLLEGE OF EDUCATION, UNIVERSITY OF ARIZONA, TUCSON, ARIZ.; ACCOMPANIED BY ROBERT GATZA, PRESIDENT, COMPUTER PSYCHOMETRIC AFFILIATES, GLEN ELLYN, ILL.

Mr. SENF. It is hard to say what I can add to the superlatives that you have just interchanged. I do agree very heartily that screening can be a very useful technique to find the high-risk children as early as possible. At the same time, as one who has been involved in the screening enterprise from a technical point of view, I do not want to come before you and suggest that the issue is extremely simple.

I do want to issue some very few cautions but with those cautions I want you to go ahead wherever possible and do this job. There are some people around who would suggest that the less information we have the better. I very much want to counter that kind of thinking.

The concern among some people is that by identifying children early we may prejudice their chances by labeling them as high risk, that they need something extra. I would like to suggest that the more information we have, the better.

As Senator Gravel suggested, the cycle of failure is terribly hard to break and the quicker we can get in and do something about it, the better off we are going to be.

One of the conditions that has to be met, however, is that children must not be labeled as learning problems. They must instead by a screening be found to be one who needs some extra help. In other words, screening must not be used as a shunting mechanism to get children out of the mainstream, but instead must be used to select them for extra services.

If we ever find that screening is used in a discriminatory fashion, we must become very aware of it and stop it immediately.

Just a couple of other items about the screening which are very important: Early identification must lead to early treatment. There are a number of reasons which I have reiterated in my written testimony which suggests why it is that early treatment is better than later treatment.

I would like to just bring to your attention something that is not often noted. The ways we now deliver services are truly discriminatory against children who do not have parents who are able and have the time and the personal resources to speak up for them.

What happens now is that children who do not have wealthy parents are not able to put pressure on the schools to bring the services we have to these children.

If we had an objective procedure which could tell us which children need the help right now in early first grade we would not suffer from parents going to teachers, parents going to pediatricians, and trying to put pressure on the school and as a result have the poverty line child not get an equal share of the resources that are presently available.

I think that screening is very useful for a number of reasons as I have noted in my written testimony.

I would like to add some comments about S. 896.

This is not about the screening issue. This is about the continuation of all of the ESEA programs. I am presently involved in the leadership training institute in learning disabilities which is an ESEA title VI–G program.

My feeling as one who tours this country in service to all 23 model centers supported by the Bureau of Education for the Handicapped, funded through ESEA title VI–G, is that there is a tremendous job being done for the learning disabled children. Yet, at the same time, the appropriations have been running 5 percent of what the allocations initially were, from $63 million back to $3¼ million. This is no way to treat the children who have a right to an equal educational opportunity.

It seems to me, as someone who is intimately involved with children who absolutely need something extra to gain just an equal chance, that we are not providing sufficient services. Look at what we spend each year for the education or the average child; it is less than what we spend for a colored television set.

I read in the paper on the way here to this hearing today about two F–111's that crashed and cost us 10 times what we have spent in the last 10 years for learning disabled children. It is utterly fantastic.

Back in 1963 Senators, the parents of third and fourth grade children got together (the Association for Children with Learning Disabilities and tried to put together some legislative input that would do something for their children who were failing in school. Six years later the bill was passed, the Learning Disability Act of 1969.

Their children were then in the ninth grade. Four years after that, today, their children should be in college, but I doubt if very many of them really are.

In that time we have spent $3¼ million and that is all, instead of the $63 million that should have been allocated. There should have been research programs that are now 4 years old, but there are no research programs.

These children are laboring under service programs that are 20 years old in their theory. They are laboring under clinical intuition that does the best job it can given that we do not have at our disposal validated procedures.

I as a professional stand out there next to those children and act like an idiot because I do not have the backup support. I very much want to do the very best I can, not just in the screening effort, although I can do an extremely good job there as a number of other professionals can, but we very much need the continuation for a minimum of 3 years of S. 896, and really to make it permanent funding so that the handicapped can truly have the equal educational opportunities that is afforded them under this Constitution.

I can't say it anymore forcibly.

Senator RANDOLPH. Thank you very much, Doctor. Are you familiar generally with the bills that are pending before the subcommittee?

Mr. SENF. Yes.

Senator RANDOLPH. Do you feel that there is a possibility that we might bring those bills together? I am not saying that there is; I am not saying that we would approve that procedure. But I have asked the witnesses that question in most instances.

If we can combine them, it might be of value. Do you think this is possible and still keep the programs that you envisage as necessary, the approaches that you know are practical, intact?

Mr. SENF. Absolutely. I only see the discrepancy between the allocations and the appropriations as being a major problem. Yes. I do not see the question of the gathering together of the legislation into packages as a problem at all. The problem is getting the money into the hands of the competent professionals who truly want to provide these services to the children.

Senator RANDOLPH. Thank you very much.

Senator Williams?

Senator WILLIAMS. Just a moment, if I might, Mr. Chairman.

Doctor, what are the learning disabilities? Is it easy to recite the disabilities that you are addressing yourself to, disabilities that your institute, training institute, deals with?

Mr. SENF. Yes. It is. I am speaking specifically for a group of people who define learning disabilities as a discrepancy between the child's potential in school and what he is actually realizing.

At the same time I should elaborate that somewhat further, I guess.

Mental retardation is typically thought of when somebody speaks of a learning disability. This is what we are not talking about. We are talking about the child with adequate intellectual abilities who for any of a variety of other reasons, such as perceptual problems, auditory perceptual problems, various linguistic problems is not able to achieve as well as he should in school. You talk to a child like this, you say how bright he appears and it turns out he is failing miserably.

By the fourth or fifth grade he has such a bad feeling about himself that he is a total detriment to himself, his family and the country.

It is these types of children that the learning disability field is primarily concerned about, the children that Samuel Kirk, the first head of the Bureau of Education for the Handicapped, spoke so forcefully in favor of supporting.

At the same time, the screening bill is a bill which will find children who have a variety of problems for a variety of reasons.

Senator WILLIAMS. That was my next question. Are the screening techniques developed to the point where you can discover the nature of the disability using these techniques?

Mr. SENF. Screening is an early warning system. Screening is only an early warning system. Screening does not substitute for diagnosis. I say that very emphatically. Diagnosis remains a highly technical clinical and psychometric venture.

We cannot through screening obviate the need for a closer look at the children. Rather, screening is our statement that this child rather than that child needs a closer look. The closer look most likely would be a diagnostic look followed by intervention.

Screening does not take the place of diagnosis. This is very important to recognize because one does not save in a bill like this the necessity to diagnose. At the same time, we waste tremendous diagnostic resources by diagnosing children who have no need for the diagnosis.

Delivery of services should be a stepwise procedure where one first finds out who needs to be more finely diagnosed. Then you diagnose, then you intervene. It is directly analogous to the vision and hearing screening that our medical procession has set up for us.

The only danger—I add the danger—is that the brain is not considered in this society as analogous to the eye or the ear. It is stigmaizing to have a brain problem. So we must be extremely sure that the children who are identified are not prejudiced against and that we indeed bring services to them.

Senator WILLIAMS. Finally, we are desperately underfunded in reaching those with learning disabilities. The budget runs about $2.5 million a year.

Mr. SENF. Yes, 5 percent of the allocations.

Senator WILLIAMS. You suggest that the allotment is about $60 million? When you say allotment, do you mean authorization?

Mr. SENF. No. I mean that in the initial bill there was allocated $63 million through fiscal year 1972 for title VI–G.

Senator WILLIAMS. Out of the broad authorization this was the specific allotment authorization?

Mr. SENF. Yes.

Senator WILLIAMS. There is a difference between that and the amount appropriated, as you know.

Mr. Senf. Indeed.

Senator Williams. How best can these moneys be spent that go directly to service to the child himself?

Mr. Senf. We must find them in a nondiscriminatory fashion and provide direct services within the public school system to alleviate these problems. We must find them before we can treat them.

Senator Williams. Basically, is the need for specialized instruction?

Mr. Senf. It is a need for a very different type of instruction, but I believe that the regular classroom teacher can be brought to the level of administering these services for most of the children, yes.

Senator Williams. Thank you, Mr. Chairman.

Senator Randolph. Just one final question and comment: You believe, Doctor, in the program that you are carrying forward at the University of Arizona? Is that correct?

Mr. Senf. I believe that the service we provide the model centers across the country is indispensable to their operations, yes.

Senator Randolph. How many State universities or State colleges you providing services for?

Mr. Senf. We are providing services to the programs directly in public schools in 23 States even though we are a university-based operation.

Senator Randolph. Yes. I understand.

Mr. Senf. Twenty-three States.

Senator Randolph. How many similar organizations are there throughout the country?

Mr. Senf. We are unique. We are the sole organization providing these services.

Senator Randolph. That is what I wanted you to stress; that there are only a relatively few places at which the work is being done.

Mr. Senf. Very few, extremely few.

Senator Randolph. You are spreading yourself thin, in a sense. Isn't that true?

Mr. Senf. There are 23 programs in 23 States, one per State and we are the only resource to those 23 programs. That is all there is for learning disabled children in this country. That is all there is.

Senator Randolph. Mr. Chairman, you and I have discussed this point. The need is very, very great. Only through innovative, creative, resourceful efforts that you are making, not with too much funding, really——

Mr. Senf. We are using it well.

Senator Randolph. You are carrying forward. I commend you very much.

Mr. Gatza?

Mr. Gatza. Thank you, Mr. Chairman.

Senator Randolph. Identify yourself, please.

Mr. Gatza. My name is Robert Gatza, president of Computer Psychometric Affiliates of Glen Ellyn, Ill.

It has been theorized that as many as 15 percent of our Nation's children suffer from some form of learning disability. The severity of the affliction ranges from very slight to virtually debilitating. The most devastating testimony to the adequacy of this theory is the shocking proportion of young adults who, while still functionally illiterate, graduate from our secondary schools. The magnitude of the problem is recognized as enormous by educators everywhere and the frustrating results are to be found on the streets, in the correctional institutions, and in every walk of life.

In the United States, there can be no plausible explanation given for the rate of failure of children who are neither physically nor intellectually inadequate, or emotionally deprived or otherwise unstable. Further, it is well within our convictions that a notable measure of our Nation's available resources has been misdirected for continued use by theorists who still, after more than half a century, continue to search for more "clarity and definition"; by cynics whose apparent objective is to "prove" the inherent superiority or inferiority of various groups within our society; and by many well-meaning and qualified educators who have never been able to formulate a unified approach to the solution of the problem.

Our most significant conviction is that government educational resources, particuarly those earmarked for special education, be used to provide each child, regardless of his origin, the real opportunity for personal fulfillment.

The existence of learning disability, if undetected and thus untreated, directly threatens this opportunity. The problems which accompany a child's failure to maintain peer level accomplishment in school become so diverse as to cloud the original underlying etiology. In fact, the original undetected disability may later be viewed as a minor flaw with relationship to potentially unfolding personal and social maladjustments.

This incredible waste of human resources demands that we attack the problem with all the vigor at our disposal. The task which faces all of us is at hand; it is not to be inherited unsolved by our successors.

The members of our firm and our active consultants have taken a straightforward, pragmatic approach to solving the problem of early identification of young children with incipient or potential learning disability.

We recognized that detection of potential learning problems is essential prior to attempts at remediation, and that early detection is most readily facilitated through mass screening. We understood further that other attempts at mass screening have been culturally biased or have resulted in unjust labeling of children. Intelligence and achievement tests, for example, are highly language oriented.

Our instrument is called the Automated Graphogestalt Technique (AGT). The simplest description of the AGT is that it is a drawing exercise and superficially it appears to be just that. In fact, however, the AGT is an objective measure of visual-perceptual motor performance. Structurally it consists of a series of 10 geometric forms which the child is instructed to reproduce.

This consists of input (through the sense of vision), cognitive interpretation (understanding and processing of directions), and output (manual reproduction using motor skills). Visual motor performance has long been recognized as an index of general developmental maturation and of central nervous system integrity and efficiency.

Research data suggests strongly that visual motor capabilities are predictors of overall reading and learning success. These same data suggest that a child should possess a minimum level of visual motor efficiency before beginning formal training in reading.

Up to a point, the AGT can be grouped with a host of other gestalt techniques. However, the major difference is to be found in the procedure for scoring. The AGT figures (child's reproductions) are read by an electronic optical scanner of our own design and scored by mathematical techniques previously entered into our digital computer system. Thus the AGT is the only gestalt technique which is scored with absolute objectivity.

There are a number of different factors that can influence the visual motor capability of a child. All of these factors likely interfere with the learning pattern as well. We have made the analogy of low AGT score to high temperature reading.

If either is out of range, a closer observation is warranted immediately. The low AGT score does not specify a diagnosis any more than does the high temperature reading. It is intended to be used as an initial screening instrument which does not imply a specific conclusion.

There are a number of factors which can lead to a low AGT score.

Immaturity—We know that there are substantial differences in the maturational rate of children, and that there are differences in performance at various stages of maturation. (Immaturity as used here implies the condition of neurological and/or psychological lag in total organic functioning evidenced by some children.)

Sensory Deficit—Children with uncorrected vision difficulties may be expected to do poorly on a visual motor task. Even children with speech and hearing problems, particularly if associated with poor attention span, will do poorly on the AGT. Certain other disorders of physical handicap might also be evidenced.

Low Intellect—As with most measurements of behavior, the child *with low-level intellectual capability* will do poorly on the AGT. However, it is important to note that there is no significant correlation between intelligence and visual motor skills in the average and above average range of intelligence. Brighter children will not necessarily be better at performing visual motor tasks; but at the lower levels of intellectual functioning where there is generally an overall behavioral deficit, children are likely to possess less visual motor skills.

Emotional Problems—The child with personality conflict, internal tension, and generally poor intersocial relationships is likely to score poorly on the AGT. The apparent causative factors here are inadequate attention span, lack of concentration or interest, anxiety, or perhaps even a compulsive need for perfection. Studies have shown that children already identified as having emotional problems in fact score in the lower deciles of the AGT.

Learning Disabilities—In this context, the term "learning disabled" applies to children who do not—or will not—perform to age-grade level of expectancy in school, but do not manifest to a significant degree any of the previously mentioned factors. This term has come into general use to include a variety of heretofore used labels including: perceptual handicapped, minimal brain dysfunction or damage, hyperkineticism, and even reading disabled.

Clearly, the AGT is not intended to be used as a diagnostic instrument. It is a call to action. Responsible educators, other professionals, and certainly concerned parents must follow through with a second observation in order to determine what, if any, is the nature of the problem and what intervening steps must be taken to remediate or alleviate or, at the very least, recognize the existence of the problem. Most importantly, these children can be protected from such psychologically detrimental labels as "dumb," "dunce," "obstinate," et cetera.

In the spring of 1971, the Office of Superintendent of Public Instruction (OSPI) of the State of Illinois determined to implement a mass screen methodology geared to the early detection of potential learning disabilities. The innovative spirit and farsightedness of that office is to be highly commended.

OSPI invited the university community and educational testing agencies to submit bids for the planned project. After review of all project proposals which were submitted, OSPI selected our firm to conduct a pilot screening of Illinois students in the first four grades using a stratified statewide sample. Twenty-eight counties were selected for participation in the first major study.

Our staff then contacted each of more than 1,000 schools in these 28 counties to provide full explanation of the project and to elicit their cooperation. With rare exception, the local districts and schools were enthusiastically cooperative. In this 1971–72 study, we sampled more than 77,000 children using the AGT. Conclusions taken from the final report of this field study follow:

1. Widespread distribution and scoring of the AGT is feasible.
2. Teachers are highly interested in the problem of early identification. They expressed keen appreciation for the AGT in terms of ease of administration, objectivity of scoring, cultural fairness, and easily understood reports. It must be noted that ratings given by qualified teachers will identify many children with problems; perhaps the lower 5 or 6 percentiles—the AGT, however, is intended to focus attention on those children between the 5th and 15th percentiles who may be slipping by undetected.
3. Schools involved in the project agreed with AGT predictions that children in the lower 15 percentiles warranted followup observation.
4. The most timely administration of the AGT is during the second semester of first grade or the first semester of second grade.

Upon presentation of the final report of this study to the Office of Superintendent of Public Instruction, the Department for Exceptional Children within that Office requested that a second, even larger screening take place.

The AGT screening was to be offered to virtually all Illinois first grade students during the second semester of the 1972–73 school year. We began again to contact the local school districts since the project is by design to be on a purely voluntary basis.

Of 102 counties in Illinois, each one independently, without exception, volunteered to participate. We are now in the process of screening more than 100,000 first-grade students in Illinois and are conducting further research studies with which to unequivocally substantiate our hypotheses.

AGT screening is not an end in itself; rather it is the beginning. When 6-year-old students are identified as having potentially developing learning difficulties, early intervention can become a fact. The goal then becomes that of bringing the experts in remediation and intervention down to the first grade rather than continuing the all too common present practice of attempting remediation techniques after the child has learned how to fail.

Success or failure orientation begins very early in life. Each individual's self-concept is tested very rapidly upon entering into peer level competition in primary school. The self-concept, once damaged or constantly threatened, is virtually impossible to restore in later years.

Conversely, when a child's image of self is consistently reinforced by understanding and appropriate disciplining, the self-concept naturally gains strength which gives the individual the necessary level of confidence with which to undertake the tasks required by formal training in school and with which to meet the challenges of life directly.

If a failure orientation is instilled in a first grade child, whether by self, peers, parents, or teachers, and if this "I can't do it" orientation prevails through the school years, then the child will have irretrievably missed the education which was offered and may well develop a contemptuous or disdainful attitude resulting in bitterness as well ("I could have done better if I had tried").

Our singular goal is to pre-empt, wherever possible, the early development of failure orientation. We would like to see the day when each seventh or eighth grade student can look forward with enthusiasm to the beginning of a new school term.

If, by virtue of our mass screening program, we can get interventive assistance to children before they have a chance to fail, we will have accomplished the necessary first step in reaching our overall goal.

Thank you, Senator.

Senator WILLIAMS. Thank you, very much, Mr. Gatza.

Are there any similar activities to yours in practice in the country?

Mr. GATZA. To our knowledge, there are no techniques remotely similar to our own activities. Other techniques which have been attempted on a mass screening basis have strongly used language and thus de facto have become culturally biased. There is no other organization which has a capability of computer scoring a gestalt test.

Senator WILLIAMS. I didn't have a chance to follow the earliest part of your statement. Did you describe how this particular process was developed?

Mr. GATZA. This process was developed independently by our own private company with a group of engineers, mathematicians, and research psychologists. We determined some 5 years ago that mass screening would be a very highly useful instrument and we set out to develop the most logical, useful culture fair mass screening instrument that we could design.

We reduced that to a gestalt test and we determined to design electronic equipment and relative computer technology with which to score the test, thereby making it available on a mass basis.

Gestalt tests are by their nature with the exception of the AGT's, scored individually by a qualified psychologist or special educator or some other person The cost is prohibitively expensive and the practical aspect of each child's being screened and analyzed on a one-on-one basis make the question virtually impossible.

Senator WILLIAMS. I am trying to get a picture of your Computer Psychometric Affiliates. Is this one of the many activities of this organization?

Mr. Gatza. This is our singular activity at this point.

Senator Williams. Did the affiliation come into being around this particular subject matter?

Mr. Gatza. This affiliation came into being because of this particular subject matter. At this point it is our only activity. We are heavily involved now in the general process of screening and the basic question of getting help to children before they have a chance to fail.

Senator Williams. How long have you been in the process of developing this technique?

Mr. Gatza. The earliest development of our associates began in 1962.

Senator Williams. Did this come about through the discovery of one man or a small group?

Mr. Gatza. It came about through the knowledge of several people who, coincidentally, got together and intermarried their knowledge in various fields.

Senator Williams. This was purely private, in origin?

Mr. Gatza. That is true.

Senator Williams. Not supported by any government funding?

Mr. Gatza. Not at all.

Senator Williams. Now having developed it you have described areas where you have been under contract?

Mr. Gatza. That is right. We have developed it and at this point we are in the process of completing a total package which in the last 14 months will include screening of almost 200,000 children. The data which we have at our disposal is virtually irrefutable.

Senator Williams. This is a good demonstration of something we are seeing more and more of out in the private areas, very useful things developed that the government hasn't discovered in its research activities. In this area we have had testimony as to the limited degree of research input that is government sponsored.

Doctor, don't you feel that that is accurate?

Mr. Senf. That is what I indicated, yes. At the same time, Senator, I do want it to be recognized that some of the input to this company has come from my own talents. I do not want it to appear that I do not know about this company. We are here because I have also been very concerned about the screening issue and support that hasn't been available elsewhere.

When I saw this private company moving ahead on a technique that I thought had great potential, I was willing to write for them a statement about what they should do to validate and make extremely credible their own procedure. We submitted that statement for support to the Bureau of Education for the Handicapped. I do not want it to appear that I have not met this gentleman before.

I think they are on the right track. I think that the private enterprise system, as is represented by their efforts, is indeed helping the total effort unquestionably.

Senator Williams. We see this in the areas of research in health particularly. Ideas that are purely privately arrived at are very useful and are under contract to the National Institutes of Health in many specific instances. This is the same sort of development that I see here.

Will you tell me again in how many States have you been called under contract for your screening process?

Mr. GATZA. We have talked to a number of States. In our first major project in 1971–72 we were contracted by the State of Illinois. Of the other States that we talked to—their Departments of Education—their interest level was as high as Illinois, but it was essential that we establish our capability and validity and reliability of our instrument in our home State.

The second major project is also in Illinois. The results of these projects are being viewed by a number of other States at this point.

Senator WILLIAMS. You both have suggested cultural discrimination in testing. I wonder if you could amplify a little bit for greater understanding of the problems you see here.

Mr. SENF. There are very few resources to bring to bear upon these problems. What happens so frequently is the parent who has the personal and economic resources can find help for her child. They either go directly to the school, they go directly to their pediatrician where they can pay that bill and they find help. The shy, quiet, poverty line child has almost no chance at all of receiving the rather meager services we have available.

It is for this reason that if we could identify the children in an objective manner and say this child has a certain probability of being very low by the time he gets in the third or fourth grade, it would be very difficult for a school system instead to give the services to the child whose parent comes and puts pressure on the school: in such cases the school can say, "Your child is predicted to be at least average or above average."

We must provide resources for those children who will not do well.

It is a simple fact that the people who are most attuned with our sociocultural system—that is, the ones who have made it, the wealthier, well-to-do people know how to use that system and they are the ones that get resources for their children.

I don't fault them for that, to be sure, but I think that given the limited resources we have to be more equitable about it.

In testing the idea is to predict accurately. If we ever adopt the screening instrument in this country that does not have the demonstrable validity that it actually does what it says it does, we are going to be in extremely bad shape.

There are many companies now who sell to our schools educational materials that don't have a shred of evidence that they are any good. California has taken a step and said, "We will not buy for our State materials that don't have demonstrated validity."

What I find extremely attractive about Mr. Gatza's company and them coming to me is they said, "We want to prove the efficacy of our technique." As an educator and psychologist, I couldn't fault that. I said, "I will provide whatever resources I have technically to that effort because I think that that is admirable."

Mr. GATZA. The most interesting point about the cultural fairness, which I believe was part of your question, must be emphasized that since the AGT is a drawing instrument, the only prerequisite to accomplishing satisfactorily on the AGT is having some prior experience using a paper and pencil.

We have done extensive studies in the inner city with black students, with Latin students who do not speak English, even in school, and, of course, with white students throughout the State.

We have found that each child, regardless of his origin, in fact has an equal opportunity under this technique, because it is not language oriented.

Senator WILLIAMS. Thank you.

Senator RANDOLPH. We appreciate your testimony. Both of you are making significant contributions to the subcommittee in our understanding of the efforts you have made and in our hope for better programs in the future.

We must realize that we are not seeking a confrontation with the administration. Those within the administration who seek to stop the programs that we believe have just really gotten under way are very frankly not using good judgment.

We are hopeful that there will be a body of sentiment within the Senate and within the Congress generally that will realize that what is not involved here is not just an expenditure of money, but an investment in young people who, rather than being dependent, will become independent and a part of a productive society.

Is that correct?

Mr. SENF. Absolutely.

Mr. GATZA. Totally correct.

Senator RANDOLPH. So we are going to make this effort. As far as I am concerned personally, there will be no partisanship involved, although sometimes that might seem to be involved by onlookers. It would not be in any sense a Republican-Democratic confrontation. It would be my determination that we move forward with these programs; to do that, we cannot turn a program on and then turn it off like a faucet. Continuity must be had if we are to make progress.

Thank you very much.

[The prepared statement of Dr. Senf follows:]

STATEMENT

ON S. 896 AND S. 808

by

Gerald M. Senf, Ph. D.

Associate Professor, Leadership Training Institute
in Learning Disabilities

Department of Special Education, College of Education

University of Arizona, Tucson

March 23, 1973

Subcommittee on the Handicapped
United States Senate

Jennings Randolph, Chairman

Prepared statement by Gerald M. Senf, Associate Professor, Leadership Training Institute in Learning Disabilities, Department of Special Education, College of Education, University of Arizona, Tucson. (Dr. Senf is on leave from the University of Illinois, Chicago, where he is Associate Professor of Psychology.)

I have been invited to testify for two reasons: first, I have recently been involved in constructing screening procedures for early identification of learning problems. Second, during the last year, I have had the opportunity to assist the model centers for learning disabled children funded under Title VI-G of the Elementary and Secondary Education Act of 1970. As one skilled in research and psychological measurement, and knowledgeable about learning disabilities, I am employed to provide technical assistance to the 23 Child Service Demonstration Projects in 23 States across the Country as a staff member of the Leadership Training Institute in Learning Disabilities, itself an ESEA Title VI-G program. This broad experience provides a unique perspective on the Nation-wide effects of Title VI-G on the education of the learning disabled child. In supporting the general continuation of these programs, and other programs for the handicapped, I would like to address a number of points where extension of Title VI, as is under consideration, is critical if we are to improve services to handicapped children. Because of my interest in learning disabled children, I shall speak most directly to Title VI-G but most of the points I shall make apply equally to other handicapping conditions.

To anticipate my testimony, I shall speak in favor of (1) S.B. 896, with at least a three-year extension in ESEA Title VI, particularly because research and training in the field of special education cannot be instituted or expanded on a one-year extension. Research and training need multiple-year funding together with Federal administration of the monies if the mandate to provide all children with a quality education during this decade is to be taken seriously. (2) I also support the screening act (S.B. 808) because of its potentially widespread positive effects, though screening procedures must meet certain specific criteria if the program is to be truly useful and nonabusive. Screening can highlight the need for intervention programs, show us which children need extra assistance before failure occurs, allow us to apportion our intervention resources in a non-discriminatory fashion, contribute technologically to the research effort, and represent a cost-effective method for dealing with learning problems. However, screening must meet stringent criteria including being optional to school systems, being a noncategorical, nonlabeling, nondiagnostic procedure, and being an entry into service and not a reason for exclusion from the mainstream of education.

The most critical issue facing us now is the existance or discontinuation of Federally supported programs for the handicapped. Without specifically designated legislation and appropriations, the handicapped have historically not received an equal educational opportunity. Dr. Samuel Kirk's testimony supporting the creation of the Bureau of Education for the Handicapped stressed this important basic point. It would be regressive to recind the mechanism created to achieve equality of opportunity for the handicapped.

Federal programming is essential for long-range planning, especially in the areas of research and training. Research and training needs are most important in the present hearings for two reasons: first, the value of screening will directly depend on the availability of valid intervention tactics and appropriately trained teachers as is elaborated later in this testimony; second, letting Title VI die and replacing it with direct aid to states would leave the field of Learning Disabilities without a viable research funding base. Knowledge necessary to design valid treatment programs requires multiple-year funding to enable researchers from the supporting sciences of psychology, pediatric medicine, biochemistry, genetics, neuropsychology and others to find answers to these children's various problems. Parenthetically, note that research support must be made available to investigators in a variety of disciplines, not just those in education. Only federally administered funding analogous to our present attack on cancer and heart disease can hope to make substantial advances within this decade. We cannot count on states to begin supporting long range research efforts; yet if such research is not funded, we will sentence handicapped children, especially the learning disabled child, to remedial programs based on theoretical speculation now decades old or on present-day clinical intuition which despite its sometime wisdom is no substitute for validated procedures. Because research does take time, extension of Title VI for a single year will further delay the initiation of substantial, long range research programs. A minimum three-year extension with appropriations for research under VI-G would represent a truly great service to the learning disabled child.

Failure to extend Title VI-G for at least three years will also have profound effects on direct services to learning disabled children and on the training of teachers. University training programs are yet too few and those existing, being in their infancy, cannot yet muster university support for their continuance. With universities facing cut-backs on all fronts, the chances of establishing new teacher-training programs or locating local funds for existing federally supported programs are minimal. A one-year extension of Title VI is not very useful to universities which must plan programs to make commitments to students for a minimum of two and, more typically, for three or four years. As with research, the university-based teacher training programs need a multiple-year extension if the services promised the learning disabled with the passage of Title VI-G are to be kept.

In addition to the three-year extension, Congress needs to address the discrepancies between authorization and appropriation levels. I am sure that you are aware that only 3½ million dollars of the 63 million authorized under Title VI-G have actually been appropriated. The task of aiding learning disabled children through direct services, teacher training programs, and research can obviously not be accomplished on 5% of the funds originally thought necessary.

The funds appropriated have exclusively supported direct service programs. Such an apportionment of the limited appropriation is likely wise and fair to those parents and professionals who struggled so long for funds to serve their children. With increased appropriations, however, the training and research mandate of Title VI-G must be honored. Limited appropriations can delude one into thinking that finances alone prohibit the delivery of services. With increased appropriations, we shall recognize that we need to know a lot more about the learning disabled child and convey this knowledge to the teacher in the field. It would indeed be short-sighted to satisfy the demands for immediate service to the exclusion of research and training. Such would be analogous to closing our medical schools and medical research facilities and accepting the implicit belief that the knowledge of 1973 is sufficient for ministering to the needs of the American people.

Let me turn now to the issue of screening (S.B. 808). Screening is of limited value if accomplished in isolation but is an essential ingredient of an integrated approach to early identification and treatment. My own involvement in constructing and validating screening devices speaks to my belief in the importance of such an endeavor. Even though screening is integral to the delivery of services to learning disabled children, it is a step susceptible to abuse; I wish, therefore, to comment in a cautionary way as well as in support of the "Screening Act."

Let me first describe what I take to mean screening and how such a procedure would ultimately interface with diagnostic and remedial services to learning disabled children. Screening is an early warning system, a predictor of ensuing disability and failure unless some alteration in typical education experiences occurs. Analogous to vision and hearing screening prevalent in our schools today, educational screening signals potential achievement problems. Screening finds problems but does not diagnose them; it looks only for ways to improve the future of all persons screened. Screening always should dictate the next step in the intervention process, identifying those in need of closer diagnostic evaluation and giving specific clues as to the specific problem areas the diagnostic work-up should investigate.

When screening can identify those needing a closer diagnostic examination and when this diagnostic examination can prescribe remedial procedures which are potentially available, then screening is optimally valid. There is no justification for screening undertaken without the promise of follow-up diagnostic and remedial procedures unless it be a legislative mandate requiring that a demonstration of the problems present precede the funding of intervention programs.

I shall present now the limiting conditions which screening must satisfy.

1. Screening must be inexpensive and add as much to the child's educational program as the cost of screening represents.

2. Screening must be as simple as possible and not be redundant with some equally inexpensive procedure. For example, screening by tests in the 4th grade would be nearly redundant with school grades,

which would represent a cheaper and equally valid method of identifying achievement problems. In early first grade, however, a screening device may be the most cost-effective means of early identification.

3. Related to both #1 and #2 above, screening must occupy little teacher and pupil time and be as positive an experience for both as possible.

4. Children must not be labeled nor otherwise categorized through screening. Differential diagnosis is an exacting task requiring clinical and psychometric sophistication beyond the realm of present-day screening. Analogous to sight and hearing problems discovered through public school screening, only follow-up examination can identify the existance of or the specific nature of the disorder and prescribe appropriate intervention. Therefore, screening must recognize its own noncategorical task; it only determines the probability that a certain individual will "achieve" a certain criterion behavior, such as being in the lowest 5, 10, or 15% of his class by the end of third grade. Screening does not say why he is predicted to be in the lowest 5, 10, or 15% of his class by the end of the third grade, although it may point the diagnostician in a certain direction. It remains for the diagnostician to determine the reasons for the empirically-based prediction and the proper remedial steps to institute.

5. Screening must represent an entry into a service network, not a dead-end for the identified child. Screening for learning problems is not analogous in any way to tests in other countries which select those worthy of advanced schooling. If those identified as high-risk for learning problems are penalized, segregated, or otherwise discriminated against, the screening procedure must be discontinued immediately. Brain dysfunction, unlike eye and ear problems, is socially stigmatizing. We must be able to render extra assistance without penalizing the recipient.

6. Screening must be highly valid, identifying most of the children who will have problems and almost none who will not. Validity must be empirically determined, not just promised. The cost of identifying a child as "high-risk" when he is in fact not "high-risk" must be reduced to near zero by appropriate follow-up diagnosis. Similarly, safeguards must be built into the screening-diagnosis-remedial system such that high-risk children missed by the screening will later be identified and receive proper services.

7. Finally, screening, like any other educational innovation in this country, must not be forced upon any State or school system. Only those school systems capable of using the screening information in the child's behalf should be encouraged to use a screening procedure.

Five of these seven limiting conditions are technical or administrative, their solution awaiting only for proper funding and the creative talents of very competent professionals. The concern about screening being used inappropriately as a diagnostic labeling procedure (concern #4) and children with high-risk for learning problems being provided less services instead of more (concern #5) are sociocultural in nature. Technical sophistication cannot stop misuse and abuse of otherwise useful and valid screening instruments. However, the potential value of screening, outlined immediately below requires that we not fail to progress out of fear that some persons might misuse our innovations. A safeguard is necessary, however: any screening program must include study of the uses made of screening data including the rate of nonuse and abuse of the data, the character of the abuse and potential harm to the child.

My own involvement in screening test construction leads me to be realistically optomistic that the task can be accomplished extremely well: Unless we adopt the untenable position that less information is better than more information, knowledge gained from screening can have numerous beneficial effects for the Nation's youngsters, their parents, and the Country.

First, where few special education programs exist, screening can act to raise consciousness and thereby precipitate legislative and administrative action. State legislatures and State Departments of Education need screening data in order to make knowledgeable funding and administrative decisions. Colorado, Illinois, Iowa, Massachusetts, Missouri, New York, and Texas are presently dealing directly with screening. Identifying that problems exist is the first step in problem solution (But note concern #5 above.)

A second major reason for screening is that early treatment has a higher probability of success than that undertaken after the child has repeatedly failed. The cycle of failure is hard to break; unintentionally, teachers come to expect failure from the failing child and in so doing can exacerbate the problem. It is for this reason that screening must not label children (see concerns #4 and #5 above) but instead capitalize on the greater psychological satisfaction inherent in helping the child <u>avoid</u> failure.

The fact that the skills learned in early elementary schools are successively dependent causes the child's chances of catching up once he is behind to become progressively smaller. The failing child's response to learning also becomes progressively more self-defeating. If we aid the high-risk child before he fails, he will not yet be made anxious by the school task and have developed the raft of subtle but pervasive task-avoidant behaviors which reduce his anxiety at the expense of his education. Nor will the child have recast himself as a failure; poor self-image produced by years of failure can become an even greater impediment to learning than the initial disabling problem. With curricular planning more flexible in the early grades, there is every reason to institute preventive assistance then rather than to wait for severe problems to develop.

A third major reason for uniform screening is that discriminatory apportionment of intervention resources otherwise necessarily results. Competent teacher screening by more highly paid, skilled, and experienced teachers is differentially available in well-to-do neighborhoods. Early identification via pediatric examinations is likewise more available to the country's more affluent citizens. The wealthier parent, typically with fewer children and greater personal resources, is more capable of involvement in the child's early schooling and more apt to seek assistance at the earliest signs of failure. The quiet, shy little child from a large, poverty-line family has almost no chance at all of receiving the extra help he needs. If we are to apportion our limited resources equitably, we must develop more objective screening procedures or else, as in so many other instances, those who have little will again be overlooked.

A fourth argument in favor of developing a screening procedure relates to research. Empirical study is extremely hampered by the great cost involved in selecting representative and reproducable samples for examination. Screening could significantly remedy this problem and have a resulting catalytic effect on research.

Finally, screening is cost-effective. Analogous to screening for cancer and other life-limiting physical ailments, early detection would allow us to confront a less severe problem. The cost of screening and early treatment is miniscule compared to the cost of school failure. The life-limiting effects of failure on the child, both now and especially in later life, the negative impact school failure can have on the family, and the societal cost in terms of wasted human resources and delinquency far exceed the cost of early screening and intervention. Many children with learning problems have immense talent which should not be lost to themselves or to our Country.

In summary, an early identification screening program voluntarily subscribed to by school systems capable of early intervention represents a cost-effective approach to learning problems. I described stringent conditions a screening program must meet to be useful, the two most critical being that labeling (diagnosis) must not derive from screening and that services for high-risk children must be forthcoming. Granting these conditions, development of a screening program could serve to (1) precipitate the development of additional services, (2) aid children when they are most susceptible to intervention, (3) rectify the discriminatory distribution of special education resources, (4) contribute technologically to the research effort, and (5) represent a cost-effective approach to learning problems.

My concern for early identification is linked to the availability of funds to carry out intervention, teacher training and research programs. Failure to pass S.B. 896 for three years will not only jeopardize the gains made to this point but also will deal a severe blow to the handicapped child's chances for an equal educational opportunity.

Senator RANDOLPH. Would our next panel come forward?

STATEMENT OF RAFER JOHNSON, OLYMPIC DECATHLON CHAMPION, SPECIAL OLYMPICS, LOS ANGELES, CALIF.; MRS. JAN SARNOFF, PRESIDENT OF WESTERN SPECIAL OLYMPICS, LOS ANGELES, CALIF.; RAY SCHOENKE, PROFESSIONAL FOOTBALL PLAYER, WASHINGTON REDSKINS, D.C. SPECIAL OLYMPICS, GAITHERSBURG, MD.; DR. WILLIAM C. CHASEY, KENNEDY PROFESSOR OF PHYSICAL AND SPECIAL EDUCATION, GEORGE PEABODY COLLEGE, NASHVILLE, TENN.; DWIGHT RETTIE, EXECUTIVE DIRECTOR, NATIONAL RECREATION AND PARK ASSOCIATION, ARLINGTON, VA.; DAVID PARK, EXECUTIVE SECRETARY, NATIONAL THERAPEUTIC RECREATION SOCIETY, NRPA, ARLINGTON, VA.; COMPRISING A PANEL

Senator RANDOLPH. Thank you very much, Mr. Rettie. I think we will have time if you identify yourself and those who sit with you at the witness table. All of you will then have an opportunity to speak of your activities.

Mr. RETTIE. Thank you very much, Senator. Mr. Chairman, we are both proud and honored to have an opportunity to appear before you today in support of your bill, S. 896, which would amend the Education for the Handicapped Act, and of the related matters that are before the commitee at this time.

With me today are four private citizens who have made some really distinguished records in improving the possibilities for satisfaction and happiness and human fulfillment among handicapped children through recreation activities.

On my left is Mrs. Thomas W. Sarnoff, president of the Western Special Olympics, an event sponsored annually by the Joseph P. Kennedy Foundation.

On my right is Mr. Rafer Johnson, vice president of Continental Telephone Service Corp., known, of course, worldwide and to millions of Americans, as the 1960 Olympic Decathlon Champion and Sullivan Trophy Winner. He was the field director in 1972 of the Special Olympics programs.

Sitting to my left is Mr. Ray Schoenke, president of Schoenke and Associates, known best perhaps and also as defensive lineman for the Washington Redskins. Mr. Schoenke has worked with the Special Olympics program and will share some of his own personal experiences with you.

Also with us is Dr. William Chasey, Kennedy Professor of Physical and Special Education, the Kennedy Center at George Peabody College in Nashville, Tenn.

I am Dwight Rettie, executive director of National Recreation and Park Association.

Mr. Chairman, we furnished you and the committee a copy of the written testimony by me. In order that you will have an opportunity to hear more from those who are with me, I would like to introduce that testimony for the record and only just highlight one or two things that we would like in particular to leave with the committee this morning.

First, we would like to express the strong feelings we have for the establishment of this new subcommittee under your chairmanship. This is the kind of national focus and the kind of national attention by the U.S. Congress that these programs that benefit handicapped people have needed for a long, long time.

We think that this action by the Congress goes a long way in undergirding and strengthening programs for the handicapped at both the Federal and the local level.

In this regard we would like to express a sense of profound disappointment that, at a time when these programs are in fact gaining new attention, the administration has not seen to support the full 3-year extension of the eduatcion for the handicapped authorization.

This represents a discontinuity in the kind of Federal attention, in the kind of administration support that makes life much more difficult for the professionals and for the citizens all over the United States who are trying to support these programs.

It is another example in our judgment of the administration being willing to settle for something less than the full fledged national effort in behalf of handicapped people.

We hope that the Congress will report this bill with the full 3-year authorization which to us represents a kind of minimum commitment on the part of the Nation's Government and our citizens in behalf of these handicapped programs.

The rationale the administration has used for folding a number of these programs into educational special revenue sharing is largely based on efforts to simplify the administrative process, the fact that there are multiple application forms and multiple regulations supporting these programs. We submit, Mr. Chairman, that this is a poor rationale for requiring congressional action in this field and for major untested delegations to the States. The State record in this field is very poor. The kind of national leadership that is necessary is already fully demonstrated.

The Secretary of Health, Education, and Welfare presently has authority to simplify these programs by combining application forms, by combining regulations under which they operate; the Congress of the United States has not in its own wisdom specified that kind of fragmentation.

We are very interested in not only extending these programs but in seeing in fact that they are broadened. We need a lot more attention to research in these fields, particularly research in the ways in which recreation programs can benefit handicapped people.

In the process we think it is time for the U.S. Congress to help in a redefinition of attitude about what recreation is in the United States. We live in a world that is becoming increasingly impersonal in productive processes and work processes that are removing many of the motivations for and the satisfactions from the world of work.

Recreation is becoming a more and more important part of the lives of the people of our country. It is becoming the way in which more and more people find human satisfaction, individual personal identification and fulfillment. For handicapped people this is even more important.

Many of them are barred from the world of work entirely or many of them have a great deal of trouble and problems in fitting into the world of work. What it is that these people do with their recreation, with their discretionary time becomes exceedingly important to their own sense of fulfillment, their own sense of human identification, and their own way of relating not only with other people but with the larger community.

Mr. Chairman, we strongly support the renewal of this authorization. I would like to turn to the members of the panel who can share with you some of their personal experiences in the way in which recreation programs can help handicapped people everywhere.

Senator RANDOLPH. Thank you, Mr. Rettie. Mrs. Sarnoff we are gratified that you joined us today.

Mrs. SARNOFF. Mr. Chairman and members of the committee, I am indeed pleased to have the opportunity to appear before this panel with Mr. Rettie of the National Recreation and Park Association to offer support for the Education of the Handicapped Act.

As president of Special Olympics for California, I am specifically concerned with those aspects dealing with meeting the needs of handicapped children through physical education and recreation activities.

I would like to share with you the problems that we face in California and some of the positive concrete examples of how physical education has benefited our handicapped and retarded children. We have a population of 22 million people in California. This includes 750,000 retarded, approximately 200,000 of them are schoolchildren.

Eighty-four thousand of these children are handled by special schools and upon the death of their parents most are placed in institutions.

Through sports training programs and physical education structured programs trainable mentally retarded persons are motivated and from successful experiences in these events become guided toward personal fulfillment.

Last January an area coordinator from California told our special olympics workshop that her pupil after winning two gold medals was reevaluated and accepted in public school. At Hope School in Anaheim, we have two trainable mentally retarded boy graduates from an adult education program in special olympics who are now employed full time as night custodians at Cypress College in Orange County.

The Anaheim Union High School district board of trustees has authorized three TMR students as full-time employees in the district as yard maintenance men and they will receive all of the benefits of the normal employees. The director of Hope School, Mr. Harley Smith, said he doesn't know another district that has done this. He feels participation in physical education through Special Olympics gave them the self-esteem needed to convince the board of trustees that they could handle the job.

According to our former executive director of Western Special Olympics, Mr. Gregg Mason, an indepth study was done in Wisconsin in 1969. The results showed that the cost for each retarded adult in institutions between the ages of 19 and 60 was approximately $1,700,000.

I have given you five examples of individuals who, through participation in physical fitness programs, have become self-supporting community citizens. Eliminating their need for lifetime institutionalization will save the State approximately $8,500,000.

One child at Hope School weighed 330 pounds. Through the cooperation of the foster parents and the physical fitness education training program, he now weighs 180 pounds and he can do 50 pushups and he has a much better self-image.

There were 15 games of basketball last year in Orange County played between the children from the special schools and the children from the regular schools. This expanded the awareness of the normal children making them understand that retarded children are capable of the same abilities that they have themselves.

Last year Hope School trained TMR students in three areas, house cleaning, lawn maintenance, and custodial work.

The children in school earn $5,000 while working part time and going to school. These young retarded adults have the opportunity and ability to become self-supporting and instead of failure and frustration they learn self-esteem through successful participation in physical education and sports training programs.

In 22 Los Angeles special schools, we have 40 physical education special school teachers who handle 4,000 children per day. That is 100 students each. In order to meet our State law requirements, many schools have mass play with supervision by a tournament coordinator. They let the entire school out for 1 hour. But there is no structured *physical education program*.

These coordinators simply keep the children from running off the playground and they might as well be termed as babysitters.

San Francisco has a recreation center for the handicapped. It currently serves over 525 persons whose ages range from 14 months to 80 years. Founded by Mrs. Janet Pomeroy in 1952, it has activities ranging from music, reading, writing, grammar, to physical fitness program. It is supported by the recreation and parks department, social service, Federal grants, and personal solicitations.

The most significant achievements have been in two major groups: One, the multiple handicapped and retarded children not accepted in regular school; two, retarded teens and adults who were previously institutionalized.

Of the 500 children served in the past 5 years, 225 have improved enough in physical, social, and emotional development and self-help skills to be accepted in city schools for the retarded or in special schools in the regular schools.

Of 300 teens and adults previously institutionalized, 83 have developed sufficiently in social and self-help skills to graduate from the center and to municipal recreation and park programs. Five have found jobs in the community.

That is another saving of $8,500,000. Isn't it worth investing in a program that has such great returns that are both economic and humane? The overall picture of recreation services for the mentally retarded in municipal recreation agencies suggests that a wide gap exists between the services provided and the services needed.

To aid the community in changing a deplorable picture of inequality in recreation services to the mentally retarded both State and Federal funds are paramount. Our Special Olympic Sports Training program has 200,000 mentally retarded in our 50 States and 8 foreign countries.

It is not winning that counts. But just participating and receiving recognition and the feeling of success of accomplishment, some for the first time in their lives.

Our motto for Special Olympic is: "The important thing in the Olympic games is not winning, but taking part. The essential thing in life is not conquering, but fighting well."

After attending our International Special Olympic Games at UCLA last August 13 our Los Angeles Times sportswriter, Jim Murray, wrote: "There was a winning runner who saw a companion trip and fall. He circled back to help his pal and he lost his gold medal."

Do you remember an auto race where a driver sped past a burning car and that car had his brother in it? Ask yourself, who is retarded? It is not a trick to win the long jump when you have got two legs and neither one is metal. It is no achievement to win a race when you can see which way to go. It is not an honor to win a 440-yard dash when a fellow athlete stumbles and falls and you don't stop to help him up.

In summary, Mr. Chairman, I offer my strong support for S. 896 and I also support Mr. Rettie's testimony which, in part, called for an expansion of the recreation in physical education program and administered by the Bureau of Education for the Handicapped.

We need this federally funded program so that for all the thousands of handicapped children who are stumbling and falling we will be able to help them up.

Senator WILLIAMS. That is compelling testimony. We appreciate it very much.

I wonder if you haven't had a chance to review another bill that I think would address itself to the special costs of better programs of physical education for the handicapped in the public schools. This bill, S. 6, happens to be the bill I introduced; so I would like to bring it to your attention.

It provides for a Federal contribution to the school for 75 percent of the extra costs involved in the education of handicapped youngsters. This would, I think, certainly be a very successful way of bringing forth greater effort within the public school system meeting all of the special education needs.

I recommend you review that and see if it does meet the needs of the young people you speak for. I would appreciate it.

Mrs. SARNOFF. Certainly, Senator.

Mr. RETTIE. Also with me is Mr. David C. Park, who is the executive secretary of the National Therapeutic Recreation Society, a branch of the National Recreation Park Association. That society is made up of professionals who are trained in the field of therapeutic recreation in this area of services to the handicapped and is one of the special fields in which they have professional competence.

Mr. JOHNSON. Mr. Chairman, I am, along with others on this panel, quite pleased to be here this morning and have this opportunity to speak in behalf and support of the provisions of the Education and Handicapped Act which deals with the recreation and physical education needs of the Nation's handicapped children.

I have personally benefited from the fine athletic program in this country. In Kingsbury, Calif., in a very small community, we had fine coaching and facilities. The moneys were always available to see to it that the youngsters in that community had the best in terms of physical education and recreational facilities.

In 1968 I was asked by the Kennedy Foundation to serve on their board of directors as they were about to establish a competitive program for the mentally retarded in this country.

Subsequently, I served on the Secretary's Advisory Board of the Department of Health, Education, and Welfare and was appalled in those early days to find that only one-half or more than one-half of the youngsters in this country who are retarded had no physical education at all and that 25 percent only had as much as 1 hour a week.

In talking with many of the experts at that time they felt that it might be almost impossible to set up a physical education and recreational competitive program on a nationwide basis. I found out later that this negative feeling was not because they disagreed with the idea, but that insufficient funds were available for competitive programing.

But many of us who had participated in athletics thought that it could be done because we saw a great need there as others did.

Today, 5 years later, volunteers have made that program work. We have, as Mrs. Sarnoff said, over 300,000 participating in our 50 States but the problem here is that only 15 percent of those eligible are participating. Again. one of our big problems is the fact that there are just not enough funds available for these kinds of activities.

I am pleased to be here because of the youngsters that I talked to, coached, and worked with over these past 5 years, who have participated in the special olympics program. I think of a young man out in California who is not going to set any world records when it comes to competition in the mile. He is not going to run a 4-minute mile. But he will run a 5-minute mile. A young man at Hope School down at Anaheim won't be setting a world record in the 50-yard dash, but he will run the 50-yard dash with his coach standing at the finish line clapping his hands and calling the youngster's name.

That youngster is blind and retarded.

There is a youngster in Oregon who has taken part in this program of physical education and recreation in special olympics who does one of the finest gymnastic free exercise routines that I have ever seen done by anyone. This young man, too, is blind and retarded. I saw a youngster out in Wichita, Kans., last year in their special olympics, the young lady threw the softball 2 feet and I suspect was as elated as I was when I received my gold medal.

These kinds of instances happen throughout our 50 States in terms of our special olympic competition. I suspect that with 50,000 competing in California that we are still not reaching enough of the retarded who could be participating in the program.

We are all concerned about these youngsters, and we sometimes wonder how it benefits them off the field of competition as well. There have been surveys and studies made. The youngsters have been asked what did they enjoy most about a particular weekend, say at an international meet, which last year we had some 3,500 youngsters participating in.

They had musicians and actors and actresses they have seen on television, and in motion pictures. There were famous professional athletes, amateur athletes that they have read about. But the thing that these youngsters enjoy the most is the fact they had a chance to compete. About 90 percent of the time the youngsters will say that "What I enjoy most was the competition."

So it seems to me we could be providing more funds, more facilities, and more coaching other than just voluntarily for these youngsters who desire this competitive situation which is now being established.

I know that one question that is often asked is. How are the losers affected? There are only a few of these youngsters that actually end up winning and so many end up losing. How do they react? Of what benefit can this be?

I believe that every youngster that participates in the special olympics program is a winner. First of all, every youngster that does participate receives a participant's medal and the first three places, of course, will receive medals. In some competitions awards, medals, and/or ribbons are presented to the first seven finishers.

So all of the youngsters can feel some accomplishment in terms of their performances.

There was one youngster in Los Angeles last year, he was on the phone to his mother, asking how he had done in the competition. He said, "Mom, I have done all right. I have won a medal that is 2 feet tall." To him that medal was 2 feet tall. I am sure it made him feel 2 feet taller. But in reality it was just a medal.

These youngsters have gone on from the competitive field to activities off the field of competition that obviously are as important as the competition itself.

They have started bands, they have participated as singers, they have performed better academically in school, and work habits have improved. The reason many of the instructors and teachers say they have been able to do these things off the field of competition, is that for the first time in their lives they were slapped on the back and congratulated for a job well done during their competitive situations in the respective cities.

So with all of this in mind, the fact the youngsters appreciate it, the fact that we do need more volunteers, the fact that we do need more facilities, more coaching, and more teachers, I am hopeful that this committee will agree to make these funds available to these youngsters and to those who need the assistance of the Education of the Handicapped Act. Thank you very much.

Senator WILLIAMS. Thank you very much.

Mr. RETTIE. Mr. Schoenke?

Mr. SCHOENKE. Mr. Chairman, I feel honored to be here with this illustrious list of witnesses. You have my statement. I don't want to go into it and read it for you.

I am strictly here to testify as to some of my personal experiences in this particular matter. I am in full support of the S. 896 and any development and further development or expansion of programs through physical education and recreation programs for the handicapped.

I am not a professional, I am a layman, I have been involved with athletics for a number of years, both on an amateur level and professional level.

I became involved with the special olympics program about 5 years ago and have continued to be involved with this particular program. The thing that I think we are really asking ourselves is, as a nation and as a government, are we going to commit ourselves to providing the full development for the handicapped, permitting them to reach their full capabilities? If we are, I think this particular program we are discussing and the physical education and recreation programs for the handicapped, are very important, because they are a tool.

I have personal experiences in seeing children develop, seeing children gain confidence in themselves. There are many instances that I can recount to you. But I just want to mention a few things, that I have seen personally.

One incident in particular was when I was mid-Atlantic director for the special olympics, and we had over 1,000 children come to Maryland University. The chairman, Senator Randolph, was there, and we had invited several other Senators to come. We had a parade. It was quite moving, so moving that Senator Randolph jumped out of the reviewing stand and ran over and marched with the delegation from West Virginia.

I bring that point up to dramatize the feeling that we have for the handicapped. They have been slighted; they have been hit in the back. Now they have had a chance to get out and do something. Why is this important? I think that if any of you have had the opportunity to see children participate who have been handicapped, you will understand—to build self-esteem and confidence to be able to do something, then you would have the answer to your question.

I speak of a personal experience when I spent a lot of time in clinics trying to help these children kick a football or catch a football. It is a very normal thing for a normal child, but for one particular child, who had worked hours trying to master his body to kick that football. When he finally kicked it the ball rolled 2 feet. It was immaterial how far it rolled, but the idea that he had kicked the ball, his joy and ecstasy, and the joy of his parents, was unbelievable.

This is what the program is all about. This is what physical educaton and recreation programs are all about, trying to build confidence in a child so that he can do something, that he can accomplish something. Once he believes that he can, then from that point on other educators can take the ball, so that this child can possibly reach his full capabilities and can become a participating member in our society.

This is what we are trying to do. In addition to the children gaining confidence, I think another tremendous impact of the program that I have seen these last 5 years, is on the parents. To me the parent has been the person who has been responsible for raising the child and he has often been limited because of our lack of concern as a nation and a government. Consequently, the parent has to catch the full brunt of this exhausting, frustrating responsibility and to a point that he doesn't know what to do or where to turn.

The programs that we offered gave the parent a chance to see his child come out, come out and be before the community. One of the most impressive things I saw, in a small preliminary meet in Virginia, was the joy of a mother watching her daughter march in a parade. Just the simple act of her walking in a parade was unbelievable.

You could see the tears in her eyes and the happiness. To me, the mother gained respect, and passing it on to the child, the daughter had the feeling she could accomplish something.

Another experience I'd like to relate was when we were preparing for a large meet one morning, very early, out at Maryland University. There were two or three of us doing paperwork and setting up some of the booths. A father came and he was very proud. He had his son with him. He said, "My son is here to compete today." It seemed like a very normal thing for a father to bring his son to a track and field event, but it was different because that child was retarded. Three of us were standing there. We were overwhelmed by the impact of the father's pride.

This is what [illegible] is all about. This is why it is very, very important that physical education and recreation programs are seen as essential in the development of handicapped children. They are tools. We are not saying they are the only way. But they are tools through which a child can gain confidence, a child can actually do something.

Once he believes that he can do something, then he has a chance to become a contributing member of our society and there are many instances where they have become contributing members of our society. This is our goal as a government. To me it is sort of strange that we should even be here testifying in this aspect because I think we must commit ourselves, and a government that doesn't commit itself, to me, is handicapped. Thank you.

Senator WILLIAMS. I missed your last point about testifying. Did you say you think it is necessary?

Mr. SCHOENKE. I don't think it really should be necessary, really. I think as a nation we should have the compassion and understanding that things have to be done. It should be done. I think often we lack foresight although I think that we spend a lot of time and hours and there are a lot of professional people here whose lives are centered on it.

I am not professional. I am a layman. I know often the frustrations that they see in trying to communicate with the problem, and there are millions of handicapped people in this country who need support and need help. As a nation, are we going to commit ourselves to helping these people. I think we should.

I am not trying to dramatize the situation, but there are a lot of programs that I question the allocation of funds by this country for things that I don't think are as important as our own citizens.

Senator WILLIAMS. Just for openers, give me an example.

Mr. SCHOENKE. I don't want to—I am not here to speak in behalf of that. If you want openers, I am talking about the war situation, I will talk about lack of compassion, for these people, we seem to want to destroy a country. We spent billions of dollars over there, killing and maiming, then we turn around and give them billions of dollars to rebuild that country. At the same time we are talking about a small portion of money here. That is just for openers. If you want to continue, we can.

[The prepared statement of Mr. Schoenke follows:]

STATEMENT OF

RAY SCHOENKE

On S. 896 TO EXTEND THE

EDUCATION OF THE HANDICAPPED ACT

BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED

MARCH 23, 1973

Mr. Chairman, I appreciate the opportunity to appear before this sub-committee to express support of S. 896 which will extend the Education for the Handicapped Act. I am also pleased to lend my support to the Statement of the National Recreation and Park Association relative to the important role played by recreation and physical education in the total education and development of handicapped children. I strongly support the need for greater emphasis and expansion of the recreation and physical education program authorized by this bill.

I have been actively involved in the Special Olympics Program in the Washington, D.C. area and in other recreation and physical education programs for handicapped and disadvantaged children. Through these experiences I have observed significant changes occurring in the individual participants through their involvement and interest in sports and recreation.

It is my belief, Mr. Chairman, that for many of the handicapped children I have worked with, the single most effective means of providing some stimulation of meaning to life has been active involvement in recreation and sports activities. For these children life has been a long list of failures and frustrations. Through physical fitness training, they have experienced success for the first time. Even though this success might seem small to those of us not handicapped, it becomes a "giant step" in the development of self confidence and self esteem to the individual child, and it can be the beginning of major achievements in improving interaction with his peers and in the more formalized educational settings. I firmly believe that by gaining some degree of competence, the child gains confidence in self and thus is on his way to achieving more meaning to his life.

Another point that I believe deserves mention, Mr. Chairman, is the impact that recreation and physical education programs can have on the parents of handicapped children. Much has been written about the profound impact that parents feel upon having a handicapped child. I have observed many parents, for the first time, take great pride in their child through achievement in the Special Olympics and other sports programs. The impact this pride can have on the total relationship between parent and child can not be underestimated.

Therefore, Mr. Chairman, I wish to go on record as strongly supporting the extension and expansion of the Education for the Handicapped Act, and asking for more support of the Recreation and Physical Education Program.

Through the efforts of the Bureau of Education for the Handicapped, a start has been made in meeting the recreation and physical education needs of handicapped children, but much remains to be done. Many more trained individuals are needed and a major effort is research, and demonstration is imperative.

Senator **Williams**. Your attitude is shared by many here. I agree with you it shouldn't be necessary to put this much effort in the recognition of the needs of the people who need special attention, but we have to do it. The programs we now have are limited, indeed, and they are in trouble, even limited programs.

Our effort now is to make sure that what we have developed is not reduced and, indeed, to extend our effort even farther, meeting the needs of the people with handicaps.

One of the efforts that is suggested to me that is being met in a very minimal way is the special training of people to be educators of the handicapped, whether in general education or in its specialized areas, and physical education is one of the special areas.

We have defined in law physical education as an area for special projects in training personnel. That is part of the bill that you are here to support. Certainly, the other bill that I mentioned to Mr. Sarnoff, the bill for general support for the extra cost, would come into the area of physical education.

I find your statements here more than helpful. They will be essential as we go from this committee to the Congress, to the Senate trying to get support we need.

Senator Randolph mentioned earlier this is not a partisan matter at all.

As I look through the sponsorship of our bills, we have on one bill equal numbers of Republicans and Democrats. We know where we are in trouble.

Senator **Randolph**. I suggested that the administration has less of a commitment at this point to these programs than does the Congress. It is our effort to bring wisdom to the White House.

Thank you.

Mr. **Rettie**. Dr. Chasey?

Mr. **Chasey**. Mr. Chairman, Senator Williams, that was an excellent prelude to the types of things I am going to be talking about today. I am primarily interested in the area of research and training in physical education and recreation for the handicapped

It is with pleasure that I present my testimony to this subcommittee as a representative of the vast number of professionals who are dedicated to the education of the more unfortunate citizens of our Nation. It is a difficult task for me to speak for my many colleagues who work daily in the area of research and training with handicapped children, but it is a little bit easier for me to speak as a recipient of many of the funds that have come to me as a trainer and researcher in the area of physical education for the handicapped since the inception of the physical education and recreation programs in 1969 through the Bureau of Education for the Handicapped.

I have submitted my testimony. I would like to talk directly from my feelings and the ideas that I have at this particular time.

The earliest history of this country, of course, reflects an almost total disregard for the handicapped and the mentally retarded, to be specific. Very little was done in the area of physical education and recreation for the handicapped until 1963 when the Joseph P. Kennedy, Jr. Foundation actually started developing programs in the area of the physical education and recreation, starting off initially with summer workshops, spreading into many, many areas, seminars, and then, of course, more recently the Special Olympics program that so many of my colleagues have mentioned this morning.

During the mid 1960's, America took a close look at her population of unfortunate citizens. Since then, medical scientists have attempted to determine the causes of various handicapping conditions, while behavioral scientists have investigated, among other things, learning problems with the handicapped.

In recent years educators have begun to pay increased attention to the needs and possibilities of improving the physical performance of handicapped children.

The vital role that physical exercise plays in the growth and development of the human organisms, from the initial movements in the fetus during the prenatal stages and continuing throughout the lifetime of the individual, has been the most important basis for the development of physical education and recreation programs for the handicapped.

While the physiological basis of physical activity is well vested in scientific facts and predicated on the principles that hold true for all living organisms, the planned program for physical education and recreation has not been a reality for all of the youth of our society.

Although physical education and recreation have been a part of the public school system for some time, only in recent years has there been a trend toward including the handicapped in the benefits that should be derived from such a program. Well organized programs of physical education and recreation for the mentally retarded, for example, in the public school system today is still a very rare situation and such programs are almost nonexistent in institutions for the mentally retarded.

In 1969, the Bureau of Education for the Handicapped for the first time funded programs that would prepare professionals in the area of physical education and recreation for the handicapped. This was just 1969 and a very small amount of money was appropriated. In 1969 there were $300,000 appropriated in the area of training and $300,000 in the area of research.

This was, I think, just a token amount.

In fiscal year 1973–74, the appropriations have been increased so that we now have $1 million—that is all, just $1 million—going into the training of physical education and recreation specialists in this country. I hate to say because it is an area so close to my personal interests, that we now have $350,000 in research. We have come up to that. We have had an increase of $50,000 over these years. That is all in the area of research.

Being one of those who gets in there daily and mixes it up with other researchers, trying to get a very small piece of the $350,000 that are available, I can say that it is certainly not enough. I would recommend at this point in my testimony that I think that immediately we need somewhere in the neighborhood of $2 million in training and $1 million in research.

I think it is also unfortunate that we had such a disproportionate situation in which we have $1 million for training, but yet we have had only an increase of $50,000 in research. I think that research is a very important aspect of this program.

Senator Williams mentioned Senate bill 6 that he has proposed in which the Federal Government would contribute 75 percent of the extra costs for the handicapped to public schools. I see very little value in this unless we have the professional staff members who are prepared to work with these children and this, of course, comes through the Bureau of Education for the Handicapped in the development of research and training programs now at 35 colleges and universities throughout the country.

We have had some improvement there. We started out in 1969 with 13 colleges and universities receiving funds. We now have 35. But in the process the amount of funds has not kept up with the number of programs that have been funded. Therefore, some programs have been stymied in that they could not progress as quickly as they would have liked to.

Why physical education? Why recreation? I am speaking now as a researcher in this area. I would like to say that we have a great deal of evidence that has come up just in the last few years trying to support the programs for physical education or indicating support for the programs of physical education.

I might add that during the forties there was one study that was conducted that would relate to the area of physical education and recreation for the handicapped. During the fifties there were six studies that we could find from the literature that related to this area.

All of the studies or the vast majority of the studies now have evolved since 1963, which is coincidental with the inceptions of the programs that were developed by the Joseph P. Kennedy Foundation in their first seminar series.

So most of the evidence is available now.

Let me go into this. I have summarized to a great extent some of the ideas of why. This information that I am providing now is not field, gut level type of data, but are based on scientific data that we have been able to establish in our research.

First of all, movement tasks that are designed to arouse or calm, enable a child to achieve a level of arousal appropriate to a classroom task with which he is confronted. Movement experiences help handicapped children to exercise more self-control and to focus their attention for longer periods of time on tasks at hand. Lead-up activities involving eye, hand coordination tasks will enable a handicapped child to effectively transcribe to paper with more facility.

These are not direct relationships, but they do have a bearing upon these areas.

To a large extent vocational opportunities for handicapped children and young adults involve competency in motor task performance. The handicapped child may help to better structure space by engaging in movement tasks in which space concepts are implicated. Rhythmic activities may aid, but again not directly, a handicapped child to organize time, to speak, to read, and to write more effectively.

Improvements in the generally low level of physical fitness of handicapped children may be achieved in a well-motivated program of physical activity.

Certain basic components of the intellectual process involving choice making, categorizing, and verbalization may be acted out through movement tasks.

Mathematics and spelling skills may be improved by engaging in movement activities. Again, I am not talking about direct relationships, but maybe through improvement in self-concept and body image.

The general self-concept of handicapped children may be improved by successful experiences in physical education and recreation activities which in turn may positively influence the level of aspiration to perform in other types of activities to which they may be exposed.

The motivating nature of motor activities may be utilized to improve linguistic and verbal skills in children with learning disabilities.

Quite basic to an eventual understanding of the nature and of the problems of the handicapped children is an understanding of how handicapped children learn and most particularly of how they learn to learn.

With the limited funds that are available now in the area of research in this particular area, it is no surprise that there is a deficiency in the research literature.

More funds are necessary—I would like to go on the record as saying that I think initially we need $2 million in the area of training and $1 million in research.

Physical education and recreation programs should continue to be priorities. Handicapped persons deserve the best all-around education possible to prepare them for life, to bring out their hidden abilities, talents, and interests and most of all to make living an enjoyable, respectable experience.

Thank you.

[The prepared statement of Mr. Chasey follows:]

Testimony

United States Senate Subcommittee on the Handicapped

Reference: Senate 896 and Senate 6 Bills to Extend and Amend the Education of the Handicapped Act;

Senate 34, the "Autistic Children's Research Act;" and

Senate Bill 808, the "Screening for Learning Disabilities Act."

Room 4232, New Senate Office Building, Washington, D. C.
Friday, March 23, 1973. 9:30 A.M.

By: William C. Chasey, Ph.D.
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Gentlemen:

It is with pleasure that I present my testimony to this Senate Subcommittee as a representative of the vast number of dedicated Physical Education and Recreation Specialists concerned with the special needs of the Handicapped of this Nation. It is a most difficult task to speak for my colleagues and provide this Committee with all of the input that I have received from the field of Physical Education and Recreation for the Handicapped over the years, through professional literature, consultations, meetings, conventions, site visits, and field evaluations. It is a much easier task to reflect upon my own personal experiences as a recipient of Department of Health, Education, and Welfare funds which have supported my interest in research and training from the inception of the Bureau of Education for the Handicapped, Physical Education and Recreation Research and Training Programs that began in 1969.

The early history of this nation reflects an almost total disregard for the rights and privileges of handicapped persons. Such individuals were usually relegated to either private or public institutional care in which the possibility for independence or self-sufficiency was nonexistent. They were often condemned to a life of physical and mental neglect, abuse, or sedentary boredom. Administrators, supervisors, and ward attendants frequently were untrained and often were a part of the "itinerant circuit" that moved from institution to institution and from state to state.

The earliest concern for handicapped persons usually came from members of the clergy who devoted their lives to improving the standards for institutional care. Although they had dubious credentials in dealing with the handicapped, they did have an honest desire to help the cause of the handicapped.

Little positive work was done with the handicapped until the early 1950s when research funds became available for residential institutions. The earliest work in this period reflected the sociologists' interest in social processes of institutionalization. The merit of the early research lay in the organization of the data so that they could be interpreted in terms of the role that institutions and the handicapped played in society. During the mid-1960s, America took a close look at her population of unfortunate citizens. Since then, medical scientists have attempted to determine causes of various handicapping conditions, while behavioral scientists have investigated, among other things, learning problems of the handicapped.

In recent years, educators have begun to pay increased attention to the needs and possibilities for improving physical performance of handicapped children. The vital role that physical exercise plays in the growth and development of the human organism, from the initial movements in the fetus during prenatal stages and continuing throughout the lifetime of the individual, has been the most important basis for the development of physical education and recreation as an established discipline in the educational systems of today. While the physiological basis of physical activity is well vested in scientific fact and predicated by the principles that hold true in all living organisms, the planned program of physical education and recreation has not been a reality for all the youth of our society. Although physical education and recreation have been a part of the public school systems for some time, only in recent years has there been a trend toward including the handicapped in the benefits that can and should be derived from such a program. Well organized programs of physical education and recreation for the mentally retarded, for example, in a public school system are still very rare and such programs are almost nonexistent in institutions for the mentally retarded.

Probably the most significant happening that brought an awareness of the need for research and training in the area of physical education for the mentally retarded has been the efforts of the Joseph P. Kennedy Jr. Foundation in the sponsorship and development of the Special Olympics. In 1963 the Joseph P. Kennedy Jr. Foundation began organizing and funding recreational programs for the mentally retarded. Because of the initial success of some summer camping programs, the Foundation began to support such other efforts in the area of physical education and recreation as playground development, summer institutes, workshops, research, and in some cases scholarships. In 1965, the Kennedy Foundation made a substantial financial contribution to the American Association for Health, Physical Education, and Recreation (AAHPER), which enabled the Association to establish its major project on Recreation and Physical Fitness for the Mentally Retarded. This project has continued to support leadership training and research, and has acted in the capacity of a disseminator and interpreter of information concerning physical education and recreation programs for the handicapped.

Progress has been made recently in the development of professional preparation programs that are designed to meet the changing needs of the handicapped and to fulfill responsibilities to schools, institutions, and agencies. While it has not been widely recognized, at least 300 colleges and universities have provided some type of special coursework in adapted or special physical education and/or therapeutic recreation. This trend, which is now on the rise, was given emphasis by a seminar series sponsored by the Kennedy Foundation in 1966. A commitment was made by selected representatives of colleges and universities to introduce special coursework dealing with physical and special education and/or recreational programs for children with any handicapping conditions, in general, and for mentally retarded children in particular. Additionally, many colleges and universities also offer practical experience to their students in teaching and working with the handicapped.

The Buttonwood Farms Project, a cooperative effort between Temple University and Buttonwood Farms, has reached some 64 college and university professors who have gone on to spread their knowledge throughout the United States in the form of workshops, clinics, and institutes in their own areas. This program, funded by the National Institutes of Mental Health, is one of the leading sources in the development of physical education programs for the mentally retarded. The United States Office of Education funded a teacher fellowship program in physical education and recreation for the handicapped during 1966 and 1967 at Colorado State University. Many individuals in this program have returned to their areas to disseminate information and develop programs. In 1967 another seminar was held jointly by the Southern Regional Education Board and the Kennedy Foundation in cooperation with the American Association for Health, Physical Education and Recreation. At this seminar, personnel from both physical education and special education determined that they would conduct some type of workshop or inservice program during the 1966-68 school years. Other workshops and clinics, during this period, were the results of efforts by the project on Recreation and Physical Fitness for the Mentally Retarded, now the Unit on Programs for the Handicapped for the American Association for Health, Physical Education and Recreation. The primary results of these workshops have been community-based programs in school systems and recreation departments.

More recently, the Bureau of Education for the Handicapped has awarded grants for evaluating, developing, and implementing graduate professional programs in physical education and recreation for the handicapped. There were 15 planning and quasi-operational grants awarded in 1970-71. A small number of students were enrolled in each program to assist in the evaluation of courses, practicum, and the total program. Twenty-five operational and planning grants and one technical assistance grant with approximately 175 students receiving various levels of training were awarded during 1971-72. Thirty-two operational, planning, and technical assistance grants were awarded to recreation and/or physical education departments during 1972-73. Approximately 250 students have been involved in various levels of graduate training as a result of these awards. Awards are now being made for 1973-74. Approximately $1-million is now being appropriated to support professional preparation in physical education and recreation for the handicapped. In addition, $350,000 per year has been appropriated for research in these areas. In 1969, a grant was awarded to the American Association for Health, Physical Education and Recreation to develop guidelines for professional preparation programs, and 134 specialists in the area of physical education, recreation, special education, and general education were brought together at various sites throughout the country to discuss and develop these guidelines.

Through a more recent grant from the Bureau of Education for the Handicapped, five regional conferences were conducted to bring together state directors of physical education, special education, and recreation from the 50 states, Puerto Rico, Virgin Islands, and Guam. The purpose of these conferences was to develop the working arrangements and understanding between disciplines and to develop state plans for implementing physical education and recreation programs for the handicapped. And most recently, the American Association for Health, Physical Education and Recreation received a three year grant from the Bureau of Education for the Handicapped to develop and operate an information and research utilization center. The purpose of this center is to collect, categorize, evaluate, interpret, and disseminate information about materials, methods, ongoing programs, promising practices, research, and demonstration in adaptive physical education and therapeutic recreation for the handicapped.

One of the weakest areas in the historical development of physical education and recreation for the handicapped has been an area that is very close to my personal interests, that being the area of research collection and dissemination. The majority of the research in this area has been reported only in recent years and is scattered throughout the literature. One of the first studies was an investigation by Brace in 1948 on motor learning of "feeble-minded" girls, but that was the only study reported in the 1940s; and only seven studies were reported in the 1950s. The majority of the research has been reported since 1963, the year that the Kennedy Foundation first began to show an interest in this area. Possibly because of the recency of physical education research with the handicapped, most studies reported to date have been concerned mainly with establishing a need for physical education for the handicapped and examining the differences between the handicapped and the nonhandicapped individual in physical performance. Only a small number of studies reported have involved actual research, and an even smaller number have been experimental in nature. Studies that have been reported fit into the following categories:

(a) Status Studies--those that describe the present state or condition of physical education and recreation programs for the handicapped as compared with those for the non-handicapped, and

(b) Experimental Studies--those that compare the physical fitness and motor ability of handicapped individuals with that of non-handicapped individuals.

Most of the studies have reflected the total inadequacy of the physical education and recreation programs for the handicapped, and all of them stressed the urgent need for such programs.

The following conclusion can be drawn from research in this area that has been conducted to date: There is a serious deficit in both quantity and quality of physical education and recreation programs offered for handicapped persons in public schools, day care centers, and institutions.

Physical education and recreation activities are important factors in the learning process; they make objects available to the child and enable him to learn about himself. Once a child learns the locomotive patterns of walking, and running, he is able to explore his environment and develop concepts of space; he learns the relationship of objects to other objects and to himself. He is able to explore the characteristics of objects by manipulating them and to develop concepts about the objects. Physical activities also enable the child to learn about himself. This knowledge of body-image reflects the awareness that a child has about his characteristics, what he can do with his body, and how much space it requires, and the like. Body-image is believed to be both an aspect of personality and an influence on the child's behavior. Successful experiences in physical activity are believed to enhance the development of a favorable body image while sparse or unsuccessful experiences contribute to the formulation of a poor body image. Educational programs for the handicapped are broad in scope, and encompass many disciplines. Each program makes its unique contribution by encouraging the child to perform adequately within social, personal, and occupational environments. Physical education and recreation are vital parts of the educational process, contributing greatly to the child's success in his social, personal, and occupational encounters. Handicapped children often develop emotional problems secondary to their impairment as they are unable to cope with social situations. Because some are isolated, they lack the opportunity to participate with others and, therefore, are unable to understand and adjust to different social settings. Some respond inappropriately to communication and find interpersonal relationships difficult. A speech or other disability can lead to difficulties in a child's relationship to others. Some will withdraw while others may become very aggressive or negative. Adding to the problem is the fact that handicapped children frequently have a tendency to over- or under-estimate their abilities. As a result, the failure experiences reinforce his self-devaluation. Purely on the basis of probability, chances are that the handicapped child will be fa d with difficult or impossible situations more frequently than might be expected for his non-handicapped peers. He is, therefore, more liable to find himself experiencing failure while others around him succeed. The increased frequency of such situations may render him more prone to frustration than his non-handicapped peers. The handicapped child who perceives himself unable to perform as well as his non-handicapped companions appears to give up trying to improve. This withdrawal may be accompanied by a regression in ability. Zeaman and Orlando subjected retarded children to unsolvable tasks. Following this experience, the children were unable and unwilling to solve similar problems which previously they had accomplished easily.

It has been said that freedom of movement allows one to explore and adjust to one's environment, and in doing so, promotes confidence and a means of expression. Few handicapped children have the physical qualities to permit them this freedom of movement without specialized developmental programs.

Although there are differences of opinion as to the degree of effect, most authorities agree that if properly applied, motor activities may contribute to the total education of the handicapped child. I have listed several possibilities which may be of benefit to the handicapped child:

(1) Movement tasks, designed to arouse or calm, may enable the child to achieve a level of arousal appropriate to classroom tasks with which he is confronted.

(2) Movement experiences help handicapped children to exercise more self-control and to focus their attention for longer periods of time on tasks at hand.

(3) Lead-up activities involving hand-eye coordination tasks will enable the handicapped child to effectively transcribe his thoughts to paper with more facility.

(4) To a large extent, vocational opportunities for handicapped children and young adults involve competency in motor task performance. Improvement in motor abilities appropriate to proficiency needed in industry should increase chances of employment.

(5) The handicapped child may be helped to better structure space by engaging in movement tasks in which spatial concepts are implicated.

(6) Rhythmic activities may aid a handicapped child to organize time, to speak, to read, and to write more effectively.

(7) Improvements in the generally low fitness level of handicapped children may be achieved in well-motivated programs of physical activity.

(8) Certain basic components of intellectual process involving choice making, categorizing, and serialization may be acted out in movement tasks.

(9) Mathematic and spelling skills may be improved by engaging in movement activities.

(10) The general self-concept of handicapped children may be improved by successful experiences in physical education and recreation activities which, in turn, may positively influence their level of aspiration to perform on other types of tasks to which they are exposed.

(11) Motivating nature of motor activites may be utilized to improve linguistic and verbal skills of children with learning difficulties.

Quite basic to an eventual understanding of the nature and problems of the handicapped children is an understanding of how handicapped individuals learn, and most particularly of how they learn to learn. Very few studies have been conducted to date that deal with gross-motor skill learning and retention in handicapped persons. Physical education and recreation programs to a great extent have been developed and funded on a trial and error basis without the benefit of a body of knowledge.

With the limited funds available for research in this area, it is no surprise that there is a deficiency in the research literature.

More funds are necessary to fully explore the special needs of the handicapped and to prepare professionals to meet these needs. Physical education and recreation programs should continue to be priorities. Handicapped persons deserve the best all-round education possible to prepare them for life, to bring out their hidden abilities, talents, and interests, and most of all, to make living an enjoyable, respectable experience.

Senator WILLIAMS. Thank you very much.

Mr. Rettie?

Mr. RETTIE. Mr. Park?

Mr. PARK. Mr. Chairman, I would like to very briefly try to summarize what I think the essence of the testimony is that our panel has tried to present here this morning.

We very strongly support the bill before this committee and before Congress now. I would call attention to the fact that the corresponding bill in the House, H.R. 4199, carries a larger increase in the authorizations than the Senate bill. We would support the authorization amounts in H.R. 4199.

I think the relevance of what we have tried to say here is that too often physical education and recreation programs have taken a back seat to other educational kinds of programs, that they are given consideration after other educational techniques in reading, writing, and arithmetic skills.

Senator WILLIAMS. You are addressing yourself only to the handicapped youngsters?

Mr. PARK. Yes, sir.

Senator WILLIAMS. That is not true of general education. Doesn't physical education rate in terms of funds rather high in most public education.

Mr. CHASEY. No, sir.

Senator WILLIAMS. Mr. Johnson addressed himself to that. He said for the youngsters who don't live with handicaps, you thought in your school system out in Los Angeles that physical education had high priorities.

Mr. JOHNSON. It is much better. But it is still not what it should be. I was comparing it with the funds that were available for the handicapped.

Mr. CHASEY. Los Angeles I would rate rather highly in this particular context. But I think we are mostly giving lip service across the country. For example, many States are required 15 minutes or a half an hour of physical education per day. But those programs that actually do exist are very, very small.

Senator WILLIAMS. Is that right?

Mr. CHASEY. Yes, sir.

Senator WILLIAMS. My limited observation then is inaccurate. I find some of the best swimming pools in the country in our public school systems in New Jersey.

Mr. CHASEY. Yes, sir. Primarily for the varsity competition. I am talking about a program for all individuals. I am not talking about the very highly skilled. Of course, they are able to get what they need through the coaching, the money, the facilities.

Senator WILLIAMS. That perhaps is the point I was struggling for, just what you said now, for the special skilled there is the highest priority.

Mr. CHASEY. Yes, sir.

Senator WILLIAMS. We have a very low priority?

Mr. PARK. Yes, specifically for the handicapped. These programs have taken a back seat. I would also call attention to the fact that the amendment to the Education for the Handicapped Act, Public Law 90-170, first authorized the unit on physical education and recreation within the Bureau of Education for the Handicapped. In the years that this program has been in existence a great deal has been done and yet we still have a long way to go. The need for additional physical education personnel who are trained to work with the handicapped has been identified here by the other panelist.

There is also a corresponding need for additional recreation programs for handicapped children. Some recent studies have shown that less than 35 percent of the communities in our country who have municipal recreation programs offer special programs for the handicapped. Even in the programs that do exist a very small percentage of the handicapped children in the community actually are being served.

Senator Williams. What is that percentage again?

Mr. Park. Less than 35 percent. The reason for this is lack of trained personnel in recreation leadership for the handicapped in public recreation, as well as lack of funds for actual programing.

The background information on the original amendment that authorized the unit on physical education and recreation called for the need of training an additional 5,000 individuals for helping handicapped children.

To date this program has provided training for approximately 450 individuals. So we still have a long way to go.

So, in summary, I would like to ask the committee to support the additional funding and support for this particular program of recreation and physical education.

Senator Randolph. Thank you very much for your counsel to the members of our subcommittee. We do have, as the chairman of our full committee knows, those on the subcommittee who are intensely interested and who want to do what must be done; also, we must be realistic about these programs because we think they are vital.

So I am very happy to find individuals like yourselves who have the knowledge that will help us in developing these important programs. As I said earlier, we do not seek confrontation with the administration, but we do know that there must be within Congress a very substantial body of persons who even now may not be informed as to what you know and what you are telling us. The subcommittee must let the Congress know in the coming weeks.

So you are backing us and leading us, and we are very grateful.

Continue to be crusaders in this field. Will you? Because we need you. The country needs you because you can be very, very important links in holding this program together and developing it in the future

We thank you again. My very best to all of you.

There was one question I should have asked at the beginning. Ray, you and Rafer participate in the only athletic programs as such that have competition with the handicapped and the nonhandicapped athlete or athletes.

Mr. Johnson. I don't believe so.

Senator Randolph. There are others of that kind that take place?

Mr. Schoenke. I think not on a regularly scheduled basis but I do believe there are competitions in some of the events, yes, between the handicapped and the nonhandicapped. I know they do in the CYO organization within the metropolitan area.

Senator Randolph. Senator Kennedy sent word to me and others here this morning that he would like very much to have been present. Unfortunately, he is unable to get here, but he assures you, as a member of this committee, of his appreciation. Thank you very much.

[The prepared statement by Mr. Rettie follows:]

STATEMENT OF
NATIONAL RECREATION AND PARK ASSOCIATION
ON S. 896, TO AMEND THE EDUCATION OF THE HANDICAPPED ACT, AND RELATED MEASURES
BEFORE THE SENATE SUBCOMMITTEE ON THE HANDICAPPED

MARCH 23, 1973

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Mr. Chairman, we appreciate the invitation to appear before you today and we are grateful for the opportunity to express our support for S. 896, which would amend the Education of the Handicapped Act, and related measures. I would first like to introduce the members of our panel this morning.

With me today are four private citizens who have made distinquished contributions to improving the possibilities for satisfaction and happiness for handicapped children through recreation activities.

Mrs. Thomas W. Sarnoff is President of the Western Special Olympics, an event sponsored annually by the Kennedy Foundation.

Rafer Johnson is Vice-President of Continental Telephone Service Corporation. He is known to millions of Americans as the 1960 Olympic Decathalon Champion and Sullivan Trophy Winner, and he was Field Director of the 1972 Special Olympics.

Ray Schoenke is President, Schoenke and Associates. He is also offensive lineman for the Washington Redskins. Mr. Schoenke has worked with the Special Olympics program.

Dr. William Chasey is Kennedy Professor of Physical and Special Education, Kennedy Center, George Peabody College, Nashville, Tennessee.

Also on the panel is David C. Park, Executive Secretary of the National Therapeutic Recreation Society, a branch of the National Recreation and Park Association. I am Dwight F. Rettie, Executive Director of the National Recreation and Park Association.

The National Recreation and Park Association is the nation's principle public interest organization representing citizen and professional leadership in the recreation and park movement in the United States and Canada. The National Recreation and Park Association's membership of some 18,000 includes professionals working in public park and recreation agencies, members of policy making boards and commissions, educators, leaders in the private recreation and leisure industry, and concerned lay citizens. We are dedicated to improving and expanding opportunities for personal development and fulfillment through parks, recreation and leisure activities.

The National Therapeutic Recreation Society, which is one of the seven professional branches of the National Recreation and Park Association, is dedicated to the improvement and expansion of leisure services for the ill and handicapped. The NTRS represents over one thousand professional trained individuals presently providing services for the ill and handicapped.

At the outset, Mr. Chairman, we want to express our great appreciation for, and support of, this new Subcommittee. For too long the needs of handicapped people have been afforded low priority in our nation's service programs. With the formation of the Subcommittee and the leadership of Chairman Randolph, we believe this trend will be reversed and the special needs of handicapped persons will be given the fair and equitable attention they deserve.

As I stated in my opening remarks, we support extension of the present law and an increase in the authorization level for the Education of the Handicapped Act. S. 896 also authorizes a new Associate Commissioner of Education to head the Bureau of Education for the Handicapped, and four supergrade assistants. We feel that the authorization of this additional executive capacity for the Bureau would strengthen the role of the Bureau within the Department of Health, Education and Welfare, and would utimately benefit the handicapped children who are the recipients of the Bureau's efforts.

Approval of the increased authorization amounts, and, hopefully, the appropriation of such amounts, would also greatly benefit the children who need help from this program. In passing, we note that other legislation before the Congress would place the authorization level for Part D - Training Personnel for Education of the Handicapped - even higher, and we would support the higher level.

As the Subcommittee examines the important legislation now under consideration, we urge that the members take a very broad look at the total program of the Bureau of Education for the Handicapped. We would like to discuss today the importance of recreation as a tool in the education and development of handicapped children, and not additional recommendations for Committee consideration.

There are over 30 million handicapped people in the United States. Of these, over 7 million are children. The Education of the Handicapped Act will contribute to the development of these children and their eventual happiness and fulfillment as adults through direct assistance and through the expression of national concern.

The time we spend in recreation and leisure is an important part of our lives. It represents approximately one-quarter of our lifetime. It is important, however, not because of the amount of time we spend, but because of what it contributes to our mental and physical health; how it acts as an outlet for our creativity; how it provides opportunities for social interaction; and how it serves in many ways to round out our lives.

We feel that an understanding of the importance of leisure and the development of life-time leisure interests is not now found in the curricula of our schools. Physical education programs do contribute to recreational outlet development but do not provide an adequate understanding of the place of recreation in our lives. What is needed is a broader concept of recreation and leisure than is currently found in most physical education programs.

But as important as recreation is to those of us blessed with good health, it is perhaps even more important to the mentally or physically handicapped--and in most cases, less understood and less accessible. A basic tenet of the recreation profession is that handicapped people are as entitled to personal fulfillment through recreation and leisure as non-handicapped individuals. Exclusion from recreation pursuits produces another handicapping condition--social and cultural deprivation.

What has been done in this area and what has the Education of the Handicapped Act contributed? The record is good, but it should be better. In 1967, the Congress initiated Federal efforts to meet the needs of handicapped children with the passage of PL 90-170. That Act authorized the creation of the Unit on Physical Education and Recreation within HEW's Bureau of Education for the Handicapped, and ten million dollars was authorized for appropriation over a three-year period. Also, a National Advisory Committee on Physical Education and Recreation for Handicapped Children was to be appointed by the Secretary of HEW to advise him on administration of the Act. The Advisory Committee was finally appointed in 1970 but had less than one year to work before its authorization expired. This was a start--and a good one--but a great deal more needs to be done.

The needs of handicapped persons must be met in two settings--institutional and public. There are deficiencies in both. In institutions, we often find that the care is custodial rather than developmental. The treatment in such institutions is a national disgrace. However, there are some enlightened institutions providing a wide-range of services and opportunities. One of these services is provided by people trained in therapeutic recreation. Therapeutic recreation specialists are able to reach beyond the handicap and touch the person, to teach him to utilize his abilities; to encourage social interactions to help him to respect himself as a person.

The National Therapeutic Recreation Society has a voluntary registration program for therapeutic recreation specialists. Presently over 800 professionals are registered and just under half of these individuals have completed graduate training.

Some therapeutic recreation specialists are also employed in public recreation programs. But the numbers, unfortunately, are not large. For the most part, only in recent years have public recreation agencies begun to accept their responsibilities to all segments of the population. With limitations on staff, facilities, and funds, sensitive development plans for parks and special programs which take into account the unique needs of the handicapped have been the exception and not the rule.

An assessment of recent studies on programs for the handicapped indicates that only approximately 35% of local park and recreation agencies offer programs for handicapped children and only a small proportion of the total number is being served. Those programs that do exist are not generally directed by individuals professionally prepared in services to handicapped persons.

The National Recreation and Park Association is actively encouraging recreation agencies to re-examine their programs, facilities, and personnel to meet the needs of handicapped persons of all ages.

Sensitivity to the needs of the handicapped is something that must be a meaningful part of all programs. There are both physical and attitudinal barriers. The legislation against architectural barriers is a start that, unfortunately, has neither been widely enough publicized or enforced. The Education of the Handicapped Act can help breakdown some of those barriers.

Some progress has been made by the Bureau of Education for the Handicapped but funding for recreation and physical education has been minimal. We feel the importance of these programs has not been adequately recognized.

The original legislation authorized $10 million for recreation and physical education for the first three years. Only $1.2 million was actually appropriated and spent during that time (FY 68-70). The 1970 amendments did not earmark funds specifically for recreation, but since that time $.7 million was allocated in FY 71; $1 million in FY 72 and $1.4 million in FY 73. Thus, the total amount allocated to this very important facet of services to the handicapped has been $4.6 million over the last six years.

The contributions of BEH have mainly been in the leadership and service it has provided, the assistance to training of physical educators and recreation personnel for handicapped children (Section 634, Education of the Handicapped Act), and grants for research and demonstration projects in physical education and recreation for handicapped children (Section 642).

Specific accomplishments include:

** Funding of Masters and Doctoral level professional preparation programs at 32 colleges and universities. This has provided training for approximately 450 advanced students and has helped alleviate the acute shortage of trained therapeutic recreation specialists.

** Coordinating and funding the preliminary phase of a concerted research and demonstration effort. Projects funded include (1) a mobile recreation and physical education program that has provided direct services to 50,000 mentally retarded children in Kentucky; (2) development of a description of recreation and leisure activities to be used as a guide to avocational counseling for handicapped children; and (3) curriculum development in physical education for the mentally retarded child in the elementary school.

** Supporting five regional conferences to improve the cooperation and communication among existing state and local agencies working in the areas of special education, physical education and recreation systems. By working together, these agencies can expand and improve the quality of services to handicapped children.

** Support of four national conferences on (1) therapeutic recreation services and adapted physical education curricula; (2) research and demonstration needs in physical education and recreation for handicapped children; (3) Black college involvement in physical education and recreation for handicapped children; (4) camping for handicapped children.

** Sponsoring a major project resulting in curriculum guidelines for graduate preparation in the professional specialities of therapeutic recreation service and adapted physical education.

** Publishing critically needed professional literature including the guidelines for professional preparation and a book entitled Training Needs and Strategies in Camping for the Handicapped.

** Providing basic information and technical advisory services to the field.

** Convening the National Advisory Committee on Physical Education and Recreation for the Handicapped. This committee began to review the overall needs for recreation and physical education for the handicapped and examine the thrust of the BEH program.

** Funding of the Information Research Utilization Project currently underway which will gather and disseminate information and establish a communication network.

What must we do? We still do not know enough about the best services for various handicaps. Applied research and demonstration projects are needed in such areas as the effectiveness of recreation and leisure counseling on handicapped children and their parents, effective recreation facility design for handicapped children; models of delivery of recreation service to handicapped individuals. There is a great need for additional trained personnel. There needs to be a definite expression and priority for and the role of recreation and physical education services in all phases of education of the handicapped.

We would like to make the following recommendations:

** that the Education for the Handicapped Act be extended and funding increased as proposed in H.R. 4199.

** that the committee report reflect Congressional and public interest in this program and the importance of recreation and physical education as a component of education for the handicapped.

** that training programs be expanded to include graduate level training in additional colleges and universities, pilot testing of undergraduate and two-year programs, special efforts to recruit the disadvantaged and handicapped for training programs.

** that research in recreation for handicapped individuals be expanded.

** that the National Advisory Committee on Physical Education and Recreation for the Handicapped be reauthorized.

We support S. 6, which would expand and improve the services available to all handicapped children through state programs. We share the goal of this legislation that all handicapped children be provided a free appropriate public education, and feel that the statement of purpose contained in the bill would be an important addition to the existing body of law. We note in passing that nowhere in the description of "free appropriate public education" is there explicit reference to therapeutic recreation services. While we assume that such services would logically be part of an integrated program, we recommend inclusion of language to that effect in the measure.

We are not commenting specifically on S. 34 and S. 808. However, in reference to S. 34, the proposed "Autistic Children Research Act," we note that recreation therapy has proven particularly important to children as an aid to their physical and mental development. Assistance to "any public or private non-profit entity operating or proposing to operate a residential or non-residential center with education for autistic children," as specificed in S. 447, should encourage comprehensive educational programs that include recreation and such recreation programs should be an eligible expenditure.

In conclusion, I reiterate our support for the extension and increased authorization contained in S. 896. We thank the committee for the privilege of appearing before you. We will be pleased to answer any questions.

Mrs. SARNOFF. There is competition in Orange County, Calif. They have basketball games with 12 schools. They have the regular schools, basketball games last year between the regular school children and the special school children. It was really very successful in showing the regular school children that some of the special kids could beat them.

Senator RANDOLPH. I appreciate your telling us this because it does educate us. That is what we want. Thank you.

Senator Stafford, I am delighted that you would come from another meeting.

Senator Schweiker, thank you, also, for coming.

You have, of course, missed important testimony today; but I have assured those that have spoken that the subcommittee members are intensely interested in and will be reading the testimony. Nanette Fabray, Dr. Crosby, Mrs. Sachs and Dr. Galloway.

STATEMENT OF NANETTE FABRAY MacDOUGALL, TV AND BROADWAY ACTRESS, CHAIRMAN, NATIONAL ADVISORY COMMITTEE ON EDUCATION OF THE DEAF; DR. ROBERT M. N. CROSBY, CHAIRMAN, NATIONAL ADVISORY COMMITTEE ON EDUCATION OF THE HANDICAPPED; MRS. BARBARA B. SACHS, PSYCHOLOGIST, ST. ELIZABETHS HOSPITAL, WASHINGTON, D.C., AND DR. VICTOR GALLOWAY, DIRECTOR OF PUPIL PERSONNEL SERVICES, MODEL SECONDARY SCHOOL FOR THE DEAF, ROCKVILLE, MD., COMPRISING A PANEL

Miss FABRAY. Before I begin reading my testimony I would like to say that Mr. Rafer Johnson mentioned facts and figures on mental retardation. I don't have exact figures myself at the moment. But I know that followup research carried out on Federal money discovered about 20 percent of the young people who were institutionalized as mentally retarded were not retarded. They were deaf. They had been what I would call thrown away as hopeless to educate.

Many of these children have since been removed from such institutions and are now being well educated young people who will eventually become integrated members of our taxpaying society.

That is a very important point.

Mr. Chairman and committee members.

It is a pleasure and privilege for me to make this testimony before you on behalf of deaf people and other handicapped people. As a member and now chairman of the National Advisory Committee on Education of the Deaf, I have had a unique experience over the past few years. I have been moved by the great hope and great good that I have seen; but I have also been saddened by the great despair and struggle and failure and waste that I have also seen when there is no room. Education for a handicapped child in our times is a very serious business because without it we are condemning the child to being an outcast in our society. It is my hope that you gentlemen will help, through this legislation, to assure that no child in America is forgotten and that every child has his or her chance in life.

In a way I have felt a little like Alice in Wonderland as I have traveled around the Nation visiting programs for the deaf and other handicapped children. In some cities, such as Seattle and Washington, D.C. I have found the wonders of our age. Deaf children of 8 or 9 years of age working with computers; professional actors and actresses from the National Theater of the Deaf teaching weeklong drama workshops to deaf high school students; deaf high school students working in the community as work-study students; dedicated and well trained teachers and counselors working with infants as young as 6 months of age and their parents; individualized instruction that meets the need of each student; creative teachers who guide the child through the learning experience with love, dedication, and knowledge.

But like Alice I have also felt as if I had to run fast just to stand in place because some cities and some States either do not have the money, nor the knowledge, nor the will to provide what modern America can and should provide for these children. I have seen deaf children neglected and delayed and put into institutions where they may remain all of their lives because of a lack of funds, because of fatalism—deaf people don't count and can't do—because of fear—I don't know any deaf people so I'll reject them rather than get to know them.

The truth is that money is always available in America for the things we value, whether it's a new car, a new dress, a new airplane, a new football player or I hope a ticket to a new Broadway play. That was a plug.

The American people will support anything they value and know about. The truth is that deaf people are achievers. Two of the most exciting young people that I know are with me today.

You will hear their testimony shortly. Dr. Victor Galloway is a graduate engineer and recently received his Ph. D. from the University of Arizona. He is now one of the major deaf leaders in this Nation and I am pleased to say a wonderful and exciting human being to have as a friend.

Mrs. Barbara Sachs is a mother, a wife, and a professional who is expecting to complete her work toward her Ph. D. in clinical psychology this year. The truth is that deaf people are just the neighbors down the street who love, cry, work hard, pay taxes, and like everyone else have trouble sometimes.

We are a little insecure, I guess, and some of us are afraid to take the extra time to get to know people who are slightly different. Whether it's the Italian family that speaks with an accent or the deaf family whose speech may take a few minutes to adjust to or who may feel more comfortable if you learn a combination of the language of signs and speech, which we are seeing demonstrated here today. Once you take the time to know a person the fear of being different disappears and our own lives are renewed.

To be an open person and an open society means to care about other people not in a silly sentimental way, but to really get to know one another to exchange ideas as equals and to learn from one another. I have never met a person that I haven't learned from. The wonderful thing about life is that each human being is unique. I am sure that you know more about the business of the Senate and lawmaking than I ever will, and I am sure that I know more about the entertainment field than you; but I think that you can learn from me some of the needs that deaf people have and that together we can assure that all handicapped children in America have a chance.

In preparing this testimony I came across the writings of Helen Keller when she was a college student. To me, Helen Keller has always been a national resource of moral courage and hope. How can we measure in dollars and cost effectiveness terms what her single life has meant to the morality of America. In 1903 Miss Keller wrote in her book on Optimism:

> It is true, America has devoted herself largely to the solution of material problems—breaking the fields, opening mines, irrigating deserts, spanning the continent with railroads; but she is doing these things in a new way, by educating her people, by placing at the service of every man's need every resource of human skill. She is transmitting her industrial wealth into education of her workmen, so that unskilled people have no place in American life, so that all men shall bring mind and soul to the control of matter. The Constitution has declared it, and the spirit of our institutions has confirmed it. The best the land can teach them shall know.
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> America might do all this, and still be selfish, still be a worshipper of Mammon. But behold what America has already done to alleviate suffering and restore the afflicted to society, given sight to the fingers of the blind, language to the dumb lips, and mind to the idiot clay, and tell me if indeed she worships Mammon only. Who shall measure the sympathy, skill and intelligence with which she ministers to all who come to her, and lessens the ever-swelling tide of poverty, misery and degradation which every year rolls against her gates. * * *

I think these thoughts of Miss Keller can be just as true today as they were in 1900 if the America of hope that she talked about does not become so fearful of the unknown that it forgets its children and its schools in its search for a balanced budget. I feel that the power and honor of a nation will be known by how it uses its resources in support of its people.

Why do I support the extension of the Education for the Handicapped Act? This act, as you know, blends together a number of activities, including the authority for the National Advisory Committee on Education for the Deaf. This act brings together early education, research, teacher training, media and technology support for schools and classes for handicapped children. That singleness of purpose based upon a constituent population, that is, 7 million handicapped children and the 25 million members of their families brings together a unified focus of national resources to solve problems concerned with handicapped people.

If you will pardon a personal reference, the blending together of medical research and electronic technology have restored my hearing so that I can pursue my career in music and more important, be with you today and share with you my work in behalf of deaf people. These same advances are available in some instances to children.

Advancement in research frequently changes the techniques used to teach the child in school. Yesterday's most sacred facts may, through increased knowledge, become today's myths. Without coordinated long-term efforts among specialists we might all rediscover the wheel again.

Sesame Street, the Electric Company, and Captioned Films have expanded the language base of the deaf child. The school must adapt to what happens in the world at large and use it as the platform.

The Education of the Handicapped Act better than any other piece of Federal legislation brings together unified action in a comprehensive way. The choice is not whether education of handicapped children will be done, but how and who will do it. The Federal Government must assure that every child is educated; otherwise, we are dumping them on the trash heaps of our society and that, gentlemen, we can not do and remain an honorable people. When Congress created this bill it did much to move all groups concerned with the handicapped into complementary rather than duplicative activities.

In closing I would like to reemphasize that handicapped people are a national asset to this Nation; if the doors of education are open to them. Most handicapped people are taxpayers and not tax burdens. All handicapped people and especially deaf people have great untapped resources. Herbert Otto, in discussing human potential, said:

> We are all functioning at a small fraction of our capacity to live fully in its total meaning of loving, caring, creating, and adventuring. Consequently, the actualizing of our potential can become the most exciting adventure of our lifetime.

Gentlemen, I thank you for allowing me to testify before you today. With all my heart I feel that this bill is an opportunity for America to show her greatness and to reach out to help her own citizens who may not be able to help themselves unless society provides a helping hand. This business of our land is too important to leave in the hands of charity; education is the right of every American child without respect to color, religion, deafness, blindness, crippledness, retardation, or other learning barriers, and should be supported by our taxes.

Let it never be said that America forgot a single child.

Thank you.

Senator RANDOLPH. Thank you very much.

Miss FABRAY. That overwhelming support comes from many of the people our taxes support in educational programs. I see many young students here from Gallaudet. I am thrilled to see the turnout they have made today in support of the moneys that are needed to continue their education.

Senator RANDOLPH. Nanette Fabray, your testimony is not only interesting and informative, I think it is a moving document as you have presented it precisely, in challenging terms.

For the record, we can well understand why you received the Eleanor Roosevelt Humanitarian Award in 1964.

Miss FABRAY. Thank you.

Senator RANDOLPH. We compliment you. You are deserving of that recognition.

Miss FABRAY. Thank you.

Senator RANDOLPH. I find it a little difficult to move to the other witnesses and I know that my colleagues may have other appointments. So for just 1 minute I am going to break in at this point and then we will move to those who sit with you at the table.

Because of your concern and because of your understanding and leadership, especially in the field of service to and for the deaf, I would want the record to reflect that there are persons and organizations that somehow we tend to overlook which are making contributions because they have not only an awareness, but also the desire to be helpful.

I recall two such units of our society that I had the responsibility to work with in 1960. In Parkersburg, W. Va., the Loyal Order of Moose determined that they wanted to begin a program of testing for possible hearing defects.

So volunteers came into the program and some 535 children were involved. There was an opportunity to work with Zenith Radio Corp. in Chicago, a business unit that wanted to be helpful working with this fraternal organization.

So from that modest beginning in 1960, 1 year later, 2 million children and adults had had these testing programs.

Miss FABRAY. Two million?

Senator RANDOLPH. Yes, indeed. Two million. As of this time, there have been more than 11 million persons that have had the advantage of this program.

In speaking in the Senate on December 14, 1970, I called attention to this effort. I read these words:

> Hearing loss is one of our major health problems. More than 15 million Americans, including three million children, suffer some degree of deafness. Even though more people have hearing problems than suffer from heart disease, tuberculosis, and polio combined, it is one of our least publicly assisted afflictions. The reason, I suspect, is that the majority of persons experiencing a hearing loss have no crutch, no brace, no cane; and those with impaired hearing who resist surgery or the use of a hearing aid walk the streets in loneliness, withdrawn from what we call the lively world of sound. Unfortunately it is a common belief that only the older or aged person becomes deaf.
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> This is a fallacy because hearing troubles develop at any time, even before birth. We know, too, of the recent alarms raised by schools and medical authorities over the deteriorating effects of electronic amplification on our young music lovers.

I used the last expression, our young music lovers, because you, Nanette, have had leadership also in acting. I believe you open in a new play in a few days.

Miss FABRAY. Thank you for the plug.

Senator RANDOLPH. But in music, you have referred to your opportunity to continue.

Do you care to comment on my observation? I may have been wrong.

Miss FABRAY. First, no you are not wrong. Let me thank you for your past involvement. I know how deeply concverned all of you members of the committee are with the problems of the handicapped and my particular interest, in the problems of the deaf and the hearing impaired.

You are not wrong in your statistics but I must say that since you made this last reference to the hearing handicapped these figures have been enlarged considerably. We now know that there are approximately 20 some million people who have become a statistic. In other words, they have had a hearing impairment to a degree severe enough that they have had to go and be tested or have somewhere along the way become a statistics of some kind.

That is as many people as all other handicaps combined. That becomes an overwhelming number of people who suffer from a degree of hearing loss.

I am very much aware, as chairman of the National Advisory Committee on Education of the Deaf of the great good that is done by private organizations such as the Loyal Order of Moose, and these good works must not be let to deteiorate because we must continue to support the works that they initiate.

It is extemely important that the fine, good things that are initiated by private citizens and private groups such as the ones that you belong to, be able to carry out the good works that they begin partnership with the Government.

I really want to thank you and if I sound emotional, I am emotional. I want to thank you with all of my heart in behalf of all of the people who have handicaps, including myself, for the great care and the great concern and the great interest that you have shown in our behalf in the past.

We thank you with all of our heart. There is just no way to tell you how deeply we appreciate what you have done for us. I want the record to show that very clearly. We know how much you care.

Senator RANDOLPH. Thank you very much. I want the record, also to reflect that even though we have a very heavy responsibility, Senator Williams, Senator Stafford, Senator Schweiker and I have no desire to walk ahead of someone in this work, to be pointed out as having done something unusual. We just want to walk beside you and all of the others in this effort.

I feel about this very, very strongly.

Thanks again for your testimony. Perhaps I shouldn't have interrupted at this point. But you speak with, you know, that humanness and understanding which comes very close to me, and I am sure to my colleagues. Bless you in your work.

Miss FABRAY. Bless you, too, and thank you.

Senator RANDOLPH. Mr. Chairman?

Senator WILLIAMS. I want to express my deep appreciation and gratitude. In legislating these programs you are indispensable.

Senator RANDOLPH. Dr. Crosby?

Mr. CROSBY. Using Miss Fabray's terminology, she is always a hard act to follow. But this morning I think she is impossible to follow. She is magnificent.

Senator Randolph and gentlemen.

The National Advisory Committee on Handicapped Children is grateful for this opportunity to present testimony on this important legislation.

My submitted testimony is brief because we have just completed our annual report and a major portion of this deals with legislation. This report has been submitted to the Commissioner of Education and within a period of a week or two will be in the hands of the Members of the Congress as well as the public.

I would like, however, to discuss briefly some of our priority recommendations in this annual report.

First, we reaffirm the right under the Constitution of all handicapped children to be supported and have money appropriated regardless of their physical or mental capabilities.

Second, we recommend the maintenance and strengthening of a population targeted administrative unit which coordinates programs for the handicapped at the Federal level and carries out all Federal programs and projects for the education of the handicapped including service, personnel preparation, research and technology. Effective Federal fiscal contribution is essential to the implementation of education programs of all handicapped children.

We recommend that Federal assistance to the States for education of the handicapped be clearly identified and earmarked for this purpose.

Our fourth recommendation is one that Senator Williams will recognize. We list a number of things and discuss them that we feel ought to be in any legislation.

These include rights of the handicapped, a specific State plan, a plan for each child including due process procedures, nondiscriminatory testing, assessment of performance, range of programs, citizen participation, administration and supervision and finally accountability, both fiscal and pragmatic.

Any coincidence between this and Senator Williams' bill is actual.

Senator RANDOLPH. Senator?

Senator WILLIAMS. This is in your report?

Mr. CROSBY. This is in our annual report that went a few days ago to the Commissioner of Education. You should get it within about 2 weeks' time.

Senator WILLIAMS. Excellent. Thank you.

Mr. CROSBY. Finally, the final recommendation is that we recommend extension of the Education of the Handicapped Act and consider essential the continuation of full services to all handicapped children.

There are several of these items that I would like to expand just a little bit on. There is increasing insistence on accountability, both financial and pragmatic. This is to be commended. However, this should not interfere with advancement of programs for the handicapped. The apparent coalition between advocacy and accountability should be prevented.

We cannot discount our present program nor can we fail to include in them the approximately 4 million handicapped children not now being served until such time as specific detailed evaluation of programs can be made.

This evaluation can and should be an ongoing process which leads to the expansion of all services to handicapped children in the United States.

On the other hand, the expansion of services to encompass all of those not being served should not replace the effort to improve the programs already in existence. Only by combining advocacy and accountability will we insure that all of the handicapped are placed in an educational program with the assurance that there will be high quality in the education appropriate to each child.

There is an enlarged need for Federal funds devoted to the education of handicapped children. That arises for a number of reasons.

The education of the handicapped child should in this time of cost resource squeeze be given special consideration because it is one of the most vulnerable services provided by the State. The great discrepancy between the budgets for military service and transportation on one hand and education on the other demand a drastic realinement of priorities in the area of Federal spending as this Nation moves into its third century of progress and hope for all people.

The Federal Government has given special education financing to State programs in the past, but not as a permanent subsidy. The cost of education of the handicapped must be shared by the Federal Government on a permanent basis rather than a temporary one.

There are many national collective priorities such as defense, environmental protection, cancer research, and so on. It is now a necessity for Federal support of education both from the standpoint of State fiscal incapability as well as the disastrous impact upon communities if programs for the handicapped fail to be permanent and predictable.

It is impossible to plan effective quality programs if available financing is provided only for 1 to 3 years. The present concept that when a program has proved its worth it then must be supported by the State or private interests is no longer practical. We, therefore, call for active, permanent participation of the Federal Government in education of the handicapped.

We suggest also that all programs for the handicapped be combined under one administrative unit at the Federal level. Such combination would include not only those now served by the Bureau for the Education of the Handicapped, but also those considered under developmental disabilities—that is, cerebral palsy, mental retardation, and epilepsy. This offers economy and efficiency of administration as well as prevention of overlapping and duplicated service.

Finally, the national advisory committee would like to take this opportunity to thank the members of this committee and all of those Members of Congress who have demonstrated their sincere and continued interest in aiding this needy and otherwise neglected minority group.

Thank you.

Senator RANDOLPH. Thank you very much, Dr. Crosby.

Doctor, do you feel that if the people of the country generally are awakened, not just aware, but if they are awakened to this situation which exists today that they perhaps can come forward to make an all-out frontal attack rather than timid approaches? Do you think we have that reservoir of strength in this country if we can tap it?

Mr. CROSBY. It has always been there. I think it always will be there. The national advisory committee has been very concerned about this particular time in legislation, in reference to education of the handicapped, and we are now attending meetings in various areas of the country as individual members in order to discuss the problems of legislation with the membership of these various societies and organizations interested in the handicapped individual.

Senator RANDOLPH. Dr. Crosby, one final question: Could you tell us, perhaps, what agencies administer the set-aside in title 1 of the Elementary and Secondary School Act, the set-aside in title 3, vocational education, and part B of the Education of the Handicapped Act?

Mr. CROSBY. Yes; as I understand it, there has been some statement that under revenue sharing it would be used to unify the administration of this and so on. At the present time the administration of this is pretty unified. Part B and 313 are administered by the same staff within the Bureau of Education for the Handicapped and title 3 and vocational education are very well coordinated through this same unit.

I don't personally think, and the committee doesn't think, that revenue sharing as such offers an administrative advantage over what we have now.

Senator RANDOLPH. Thank you very much.

Senator Stafford?

Senator STAFFORD. I have no questions, Mr. Chairman.

Senator WILLIAMS. Doctor, you are in private practice?

Mr. CROSBY. Yes, sir. I am a pediatric brain surgeon and neurologist. I am clinical professor of neurosurgery at the University of Maryland and assistant professor of pediatrics there. But I am in private practice.

Senator WILLIAMS. The advisory committee will be reporting as you indicated. There will be a public report within a few weeks?

Mr. CROSBY. Yes. According to protocol this report goes to the Commissioner of Education because it becomes a part of his report. Then it is transmitted to the Vice President and the Speaker of the House and when that occurs, then it becomes a public document.

Senator WILLIAMS. How long has the committee been developing the material for this report?

Mr. CROSBY. I became chairman of the committee last July and we have been working on it for about 15 months before I took the chair.

For the past several years the committee has been working under a great handicap of staff and a few things and these annual reports have not been coming out on time and I took a personal vow that when it said the 15th of March it was going to be out on the 15th of March and it is.

Senator WILLIAMS. This is to be commended, too, your contribution as a member of that committee.

Mr. CROSBY. This is our only method of communicating our thoughts to the executive and to the legislative branches.

Senator RANDOLPH. You are correct in saying both, the executive and the legislative branches. Your study is transmitted to the Congress and then it is referred to this committee. So we will have the opportunity to assess your recommendations, which we know will be helpful.

Dr. Galloway?

Dr. GALLOWAY. Mr. Chairman, it will be necessary for me to give this testimony in the language of signs. We have asked Mrs. Dona Hoke to serve as my translator.

I am very grateful that more and more often deaf persons are being accorded the privilege of submitting testimony in support of legislation that will have direct bearing on their own lives or on the lives of those children who, because of a hearing impairment or other handicapped condition, require special education. It is, therefore, a distinct pleasure and privilege to testify before you and the members of your committee at these hearings to extend the Education of the Handicapped Act as set forth in Public Law 91–230. It is especially meaningful because this committee is comprised of sensitive persons who are aware of the contributions handicapped citizens can make to their community and country if given the opportunity.

As a member of a minority group myself I find it noteworthy that this Subcommittee on the Handicapped is the only subcommittee of the Congress that has an all-woman staff.

Today I would like to speak primarily as a person who has been deaf since the age of 1 year and one who has gone through a wide variety of educational programs with and without special assistance. It might also be useful to mention that I have had successful careers as a high explosives research chemist, a senior material and process engineer, an adult education specialist with deaf persons, a research assistant in community resources development for deaf persons, and a director of a technical and vocational training program for hearing impaired youth of college age.

In the 100-plus years of education of deaf persons in the United States, there have been all types of educational programs of varying degrees of quality. The failure of efforts in educating deaf persons during these years is well known and has been repeatedly documented.

With the creation of the Bureau of Education for the Handicapped in 1967, there have been radical changes in the educational process for deaf persons. New and innovative materials and equipment have become available all over the country. These materials-captioned films, filmstrips, overhead transparencies, and other visual aids, were developed especially to enrich the learning environment for deaf individuals. It would be easy to pass off such aids as simply more useful tools in the difficult and challenging tasks of educating deaf persons. But if you will permit me for a moment to dwell upon this aspect of educational innovation, I will tell you the impact it can have on the quality of deaf persons' lives.

Persons with normal hearing will, I am sure, regard as inconsequential such tasks as giving the barber specific instructions for a haircut, ordering from a menu in a restaurant, or responding properly to the many social amenities. Gentlemen, I submit that such tasks are never learned from textbooks or in classrooms but rather from adults such as parents, friends, relatives, or even from older siblings. With deaf children and the attendant extreme difficulty in communication, the parents are unable to constantly provide them with this kind of input.

Maybe in this age of long hair for men and infrequency of visits to the barber, the example I am about to give you is untimely. But I will proceed anyway. In the barber's chair the hearing child hears a parent give instructions to the barber on how to cut his hair every time he is taken to the barbership. It is only natural that by the time he can go to the barbershop by himself he is able to give the barber his own instructions. It was not until I had the opportunity to see a certain captioned feature film which has a barbershop scene in it before I even realized just what sort of instructions a barber had to be given. For most of my adult life I have sat in a barber's chair and trusted to luck that my hair would be cut the way I liked it.

Today thousands of school age deaf children are being exposed to such learning experiences through the use of captioned films and other visual aids developed by the Media Services and Captioned Films Branch within the Bureau of Education for the Handicapped. Because of these aids the process of acculturation of deaf children to the American way of life is sharply accelerated.

The educational assistance that has been made possible by the Bureau of Education for the Handicapped has enabled increasing numbers of hearing-impaired individuals of preschool or lower age, as well as those who have additional handicaps such as blindness or mental retardation to become beneficiaries of more educational programs. For example, a significant percentage of children throughout the Nation who have had the advantage of early childhood assistance have now been successfully integrated into regular public school classes. Where it is more advantageous to educate handicapped children in special residential schools, the quality of such children's education has increased significantly, largely because funds from the Bureau of Education for the Handicapped made possible the training of a greater number of well-trained teachers who can provide the more intensive educational support that these children must have.

After nearly 6 years of providing services, the Bureau of Education for the Handicapped has amply demonstrated that the handicapped can be assimilated into the mainstream of everyday life, thereby lessening the stresses upon the handicapped individual and his parents.

Items in the newspapers of recent weeks indicate that the administration is preparing to initiate an education revenue-sharing plan that will include within its scope educational programs for handicapped children. While this approach would appear to be sound conceptually, in practice it will fail.

The cost of implementation of educational programs is in direct proportion to the severity of the handicapped condition of the child. This, in turn, places a great strain upon the local educational and professional resources. There have been instances where the lack of resources for some deaf children have forced entire families to move from low density population areas to metropolitan areas and even from State to State. The tax burden of such recipient areas which have established programs frequently increase and unjustly so. With the influx of families seeking specialized assistance for their handicapped children the facilities become overcrowded to the point that they become inadequate. It has been noted that some States allocate as much as four times more financial resources to education of the deaf than others. The mobility of the population thus can cause an educational failure of one State to become a lifetime tax burden of another State. Let me emphasize here that this problem of scale is a national problem that can be solved only through complete participation of the Federal Government as a cooperating partner with State and local resources.

There is no doubt in my mind that there will be considerable regression in the quality of the lives of handicapped children and adults should the revenue-sharing plan be implemented. At the State or local level the handicapped population will lose out in the competition for its fair share. And then we will have come full circle, since it was because of this pervasive problem that the families with handicapped children turned to the Federal lawmakers for assistance in the first place.

As a member of the National Advisory Committee on Education of the Deaf, I am always impressed with the number of requests from many cities, States, and also from regional programs for assistance in program reviews and development. Although it is quite well known that the NACED was authorized only to advise and assist the Secretary of Health, Education, and Welfare through the Bureau of Education for the Handicapped with respect to the education of the deaf, the committee continues to receive such requests from groups or programs who desperately need assistance. The passage of Public Law 91–230, title VI, consolidated all the previous legislation related to handicapped children which the Bureau of Education for the Handicapped administers. The NACED thus has a wealth of information and resources available to it from the Bureau.

Before us today, gentlemen, lies a question of both moral and material consequence: Can we in good conscience fail to continue the breakthroughs that the Bureau of Education for the Handicapped has begun to achieve? Can we afford to lessen our support of programs which have proved themselves to surely be the salvation of the thousands of hearing-impaired human beings whose greatest hope, indeed prayer, is to work shoulder to shoulder for a better world with those who have never experienced firsthand the dilemma of being handicapped.

With your continued concern and support, gentlemen, those individuals can truly become responsive and responsible citizens of their communities and their country.

Senator RANDOLPH. Thank you very much, Dr. Galloway. You know I was not able, of course, to follow the expertise of the interpreting. But I notice, Doctor, there was one sign that I could understand. When you used the word pray, you placed your hands in this position. I understood, of course, what you were saying.

Doctor, you made a passing, but very pointed, reference to women working in important positions within the Federal structure.

This is as it should be. There are more women of voting age in the United States than there are men of voting age. Any man running for office should keep that in mind, of course.

Do you have any comment, Senator Williams?

Senator WILLIAMS. I think the point should be emphasized that Dr. Galloway made here, the need for a national program. This disparity of effort within the public school system and the mobility of the population and the extra burden that is placed upon those communities that do respond with the special effort suggests national programing is essential.

What is the sign for the Government, Mr. Galloway? That is Federal Government. What is government and then what is Federal Government? Why do you point to your head?

Dr. GALLOWAY. [Demonstrates the appropriate signs.]

Miss FABRAY. In hopes they will think. [Laughter.]

Senator WILLIAMS. Thank you very much.

Senator RANDOLPH. Thank you, Mr. Chairman.

Mrs. Sachs, we now shall have the benefit of your counsel.

Mrs. SACHS. Thank you, Mr. Chairman.

I think before I start I would like to explain that when I sign and speak at the same time, I get confused because I would be speaking in two languages at the same time. So I will speak to you and the interpreter will sign for the deaf audience.

Mr. Chairman, and committee members, I am delighted to be allowed to testify on behalf of the extension of the Education of the Handicapped Act. I have been asked to testify specifically on behalf of the need of American deaf people for modern technological developments that would help them with their communication difficulties at minimal cost. By this is meant, for example, our need for equipment that would allow us to use the conventional telephone and our need to benefit from television and motion pictures by captions or subtitles.

Perhaps one of the best ways to explain to you our need in this area is to describe our use of the third party. Ours is a problem in information reception. When all the different kinds of information going on around us every day is not transmitted to us in visible form, then we cannot process and respond to this information. Consequently, we depend on a third party, who is any person with normal hearing to hear for us. This third party makes the telephone call for us. This third party tells us what is happening or what is being said on the radio, on television, or in the movies. Inasmuch as we need to depend on this third party, we no longer want to because his ability to transmit information to us is far from satisfactory.

The information transmitted to us through this third party does not always come to us in the same intact form that it comes to you. We are often told just the title of the story, but not the story itself. Something usually gets lost or garbled in this kind of translation. Therefore, when we attempt to process and respond to that kind of translated information, we often impress many of you as being backward, as being uneducated, as being slow; in other words, as being dummies. This is one of the reasons why, no matter how willing or how capable we are, we frequently do not get called upon to serve in many capacities to the best of our abilities. This is also one of the reasons why we are undereducated and underemployed.

This dependence on a third party also has another kind of impact on us. This third party may mean well, but good intentions are not enough and can, in fact, be downright harmful. For example, we are often criticized by this third party for the reasons why we are making a particular telephone call. Sometimes he refuses to help us out at all. Also, when we ask what is being said on television or in the movies, we are often told to shut up. Or we are informed that we will be told later. What does this mean for us? It means that we lose our self-esteem and our self-respect. It also means that we lose our rights to privacy and to independence, the kind of rights that many of you take for granted. And when there is no third party around to help out in an emergency, we lose our peace of mind, the kind that you also take for granted.

I should also mention that most deaf people, most of whom have normally hearing children, depend so much on their children for this kind of third party communication. This extreme dependence on normally hearing children, at any age, but particularly during the early years, places responsibility on them that is inappropriate and that has been reported to be extremely frightening to them.

This, and all of what I have said now, underscores our need for sensory and communications devices and equipment that will take care of this third party function. They will return the communication responsibility back to us where it rightfully belongs. They will also result in greater respect of us by our children and by others.

Now, if I have this story right, when Alexander Graham Bell invented the telephone, he really meant for his invention to be a hearing aid for his deaf wife. A very strange thing happened: His invention did indeed become a hearing aid. The telephone is your hearing aid. I do not have to tell you how this hearing aid of yours has helped many of you to advance as far as you have advanced today. But where is our hearing aid? And how can we get it?

Today there are many devices and equipment available that could do the hearing for us. Captioning and subtitles help us to see what you hear. There is a new electronic device out now, called the TV phone, that would allow us to use the conventional telephone. But all these are very expensive and more than our pocketbooks can handle. You must remember, for example, that in addition to the cost of a device permitting us to use the telephone, we must also pay for the monthly use of the telephone itself.

There are nearly 2 million of us—approximately 1 percent of the total population of the United States—who cannot effectively use the conventional telephone or benefit from television and other media because of a total or near-total hearing loss. The need to benefit from these is not a luxury but an absolute necessity. The inability to satisfy this need is not just inconvenient, but extremely incapacitating for us.

This country has made fantastic accomplishments in modern communications technology. It is difficult to understand that the United States cannot find the expertise and the funding to allow us to communicate more freely and to compete on an equal basis with you.

In closing, I would like to say this: I have been deaf from the day I was born. In my lifetime, I have done enough traveling outside of the United States to be able to say that, if I have to grow up deaf, there is no country in which I would rather grow up deaf than these United States. This country has served me well. I think I can say the same in speaking for my deaf countrymen. We would like to return the favor. There are 2 million of us who pay taxes. There are 2 million of us who vote for you. There are 2 million of us who are depending on you to help us to do more.

Thank you.

Senator RANDOLPH. Mrs. Sachs, I think I can speak for many Members of Congress, your request for help will not go unheeded. In a sense you don't perhaps mean to put us on the spot, but I think that your challenge, of course, will be accepted.

I want to ask any of you on the panel this question: I know that there is a shortage of teachers in this field. I know that there are inadequate facilities in this field. Is there any estimate or figures or statistics that you can comment on? I am not sure who would want to respond. Doctor?

Mr. CROSBY. On the shortage of teachers?

Senator RANDOLPH. Shortage of teachers. I am told that there is a shortage and also that there is equipment which needs to be supplied.

Miss FABRAY. Shortage of everything.

Senator RANDOLPH. A shortage of everything.

Miss FABRAY. While you are looking up the statistics, I would like the record to show that I am formally inviting the members of this committee to be my guests at the—not the opening—but sometime during a run at my new play which is opening very soon. The play is called No Hard Feelings. There is nothing personal in that. But my making this offer is threefold. First of all, I welcome the opportunity to plug what I consider to be a very fine show; second of all, I am glad to have the opportunity to give you an evening of what I think will be a great enjoyment; but my third reason is a little bit subversive.

I want you, while you are enjoying my offer to see this fine comedy, to realize that you are enjoying my performance because, as I said in my testimony, it is due to the moneys that have already been spent from the Federal Government that have made it possible for me to continue to perform and when I am up there performing for you, I want you to remember that I am there because of money you have already spent. Let's don't lose more people like me. Let's keep that in mind.

I do hope that you will, when you come to New York, please take advantage of my offer which is very sincere. Let me know. You may have the whole theater, if you like.

Senator **Randolph**. That is what we call a blanket invitation.

Miss **Fabray**. It is, too.

Senator **Randolph**. Thank you very much.

I know Senator Stafford has a question.

Senator **Stafford**. Mr. Chairman, this isn't really a question. I was going to say first of all not entirely seriously to Miss Fabray that I have to take my biannual pilot's physical in June. I maybe should investigate some of the assistance you had to make sure I can pass the hearing portion of the examination.

Miss **Fabray**. Come to us. We will help you.

Senator **Stafford**. I did want to say that in 30 years of public life I think I have never encountered quite as moving testimony as this subcommittee has been listening to in the last hour and a quarter. There is only one thing that has been said that I would even question at all and before I observe with respect to it, I want to point out that I am a cosponsor with you, Mr. Chairman, of the legislation before this committee.

Then I would say to Dr. Galloway that the statement in his prepared material that he considers there will be a considerable regression in the event of revenue sharing being implemented is one that I accept with some reluctance. I do so only because I am hesitant to agree that government officials at the State and local level will be less sensitive to the rights and to the needs and to the opportunities when education is made available of handicapped people than our Federal officials.

Again, I point out that I am a cosponsor of this bill.

Senator **Randolph**. Yes, and thank you, Senator.

Dr. Crosby, you had the answer? If you will give it at this time, then I have an announcement to make.

Mr. **Crosby**. Your question concerned the shortage of special education teachers in the United States?

Senator **Randolph**. Yes.

Mr. **Crosby**. I can't talk about equipment. I don't know that answer. In our annual report of this recent study of this need, only general education of the handicapped, it still has unmet manpower need. The recent study of this need indicates that there is still a shortage of more than 250,000 teachers.

Senator **Randolph**. Thank you very much.

Again, I would reemphasize what Senator Stafford and Senator Williams have said. All of us have said it in various ways. Within our hearts all are saying the same words and these words are we thank you. You help us. We want to move forward together. Thank you very much, all of you, who gave this tremendously important testimony. We are grateful. Thank you.

The announcement that I have to make is that this afternoon we were to have the testimony of Dr. Leon Reid. Dr. Reid and I have been friends for many, many years. He must catch a plane at 2.

So rather than have him this afternoon as a witness, Dr. Reid is going to be a part of our so-called morning, which has stretched into the afternoon. He is going to demonstrate a machine, the opticon, which helps the blind, assists them to read print. It is a breakthrough.

Leon, I am going to ask you to come now and give your testimony and those of you who are on the panel can sit there, if you want to.

STATEMENT OF DR. L. LEON REID, DIRECTOR, GREATER PITTSBURGH GUILD FOR THE BLIND, BRIDGEVILLE, PA.

Dr. REID. Senator, as you know, you and I have been friends almost five decades. I have known Senator Randolph all of this time and he is about the greatest statesman the world has ever had. I am very pleased, Senator Williams, to be before you and Senator Stafford, and Senator Schweiker, the Senator from Pennsylvania, had to excuse himself because of prior commitments.

I will not read my testimony, Senator, because it is before you.

I would like to emphasize that I come here testifying on behalf of all four of Senate bills which are very good. I have had experience with every type of exceptional child and therefore in the 30 years that I have been in the field I feel that I can emphasize to you once again the importance of all four of these bills being passed.

Today, I would like to demonstrate to you the greatest breakthrough in reading for the blind in 110 years since the Braille system was adopted.

Senator RANDOLPH. I would like to say that I believe that statement you made. I have knowledge of this breakthrough. Doctor, I personally know what you have been doing. I have been among those to whom you have brought a new enlightening, and I just want the record to show that we value people like you.

So, if you will move ahead now with that demonstration, I think people will really be amazed.

Dr. REID. Thank you. I will need a moment.

Senator, what I am doing is looking onto the optacon. First of all, this machine is what you see here. It has attached to it a TV camera. The blind person only needs this. That is all. This instrument here is a teaching display instrument. So you can see what is going to be happening in a few seconds. But I am connecting this visual display to the optacon. There are a lot of little plugs here.

This is a complicated electronic instrument. This instrument has in it 144 pins.

Senator Randolph, if you will put your finger right here, you will feel 144 pins vibrating as there are 144 pins here. This, the TV camera will pick up. You can see the letters that this pin is picking up. That is exactly the same form that is here.

Senator Stafford, if you would like to feel it.

The blind person takes this along the reading line and picks up with his fingers, Senator Williams, the exact form of the letter. I cannot see the display, but I assume you can pick up the letters. This is a system, Senator Randolph, that we feel is a great breakthrough.

The U.S. Office of Education has devoted $1,700,000 to this machine I think since 1962. What we need to do is get to this machine to a lot of blind people so we can test it in the field.

Senator Williams. Is what you are saying coming over?

Dr. Reid. No, sir. I am reading off this printed document.

Senator Stafford. This will read the television screen?

Dr. Reid. No, sir. It won't read the television screen. It will read any kind of print. It will vary. If I go up to larger print, I can pick up larger print like headlines by merely bearing on this here. The intensity can of course be increased. The vibration depends on how well you feel.

Senator Williams. In other words, this machine in principle puts the principle of braille to work on anything without printing braille?

Dr. Reid. Right. It will pick up any kind of print, in German, Chinese, English. It would be beneficial to blind people all over the world.

Senator Randolph. This is the breakthrough that we were talking about; it is useful not only in this country, but in the dialects and languages of other people throughout the world.

Dr. Reid. There are 100 of these machines in Sweden, Denmark and Germany, being used by computer programers. When the sheets come off the machines, they can read them independently. This will greatly enhance the confidence of blind people and, of course, their facility to be independent.

Of course, one of these days we hope this machine will be smaller than this. That will take some time. Apparently this machine sells for $3,450. It used to be $5,000.

Senator Williams. Is there a possibility of making that board larger?

Dr. Reid. There is hope for it. There is a good chance, Senator, it can be increased so you can pick up more letters than one. But this will take a lot of research.

Senator Randolph. Who did the research and development?

Dr. Reid. This was done at Stanford University originally conceived by the professor of electrical engineering out there. Then it has been perfected by many engineers there at Stanford.

But this is the product, Senator Randolph, of the moneys and directions that our great Congress has taken over the years. This is a good product. We feel that for the blind this is a tremendous breakthrough. We have trained 10 people.

Senator Williams. I am sure it was funded under the Bureau of Education for the Handicapped?

Dr. Reid. That is right.

Senator Williams. We are frightened about what is going to happen to that Bureau. Already you are telling us of a breakthrough here that seems to be very, very important.

Dr. REID. Right. Even though it has taken a long time, as you know, these kinds of things aren't done overnight. This thing has great promise for the blind. As you gentlemen sat up here and read your papers, a blind person cannot have done so this morning. He would have it read to him or had it on tapes or braille. He could have done this this morning himself sitting here reading these reports if he was a Senator and happened to be blind.

Senator STAFFORD. Was it manufactured in the United States?

Dr. REID. Yes, sir. Palo Alto, Calif.

Senator RANDOLPH. Thank you Dr. Reid.

Dr. REID. Thank you, sir. I will submit for the record at this time a memorandum furnishing additional information on the machine in question.

[The following was subsequently supplied for the record:]

MEMORANDUM

TO: Senator Jennings Randolph

FROM: Dr. L. Leon Reid, Director
The Greater Pittsburgh Guild for the Blind
311 Station Street
Bridgeville, Pennsylvania 15017

DATE: March 20, 1973

SUBJECT: Testimony Before the Subcommittee on the Handicapped
March 23, 1973

The Optacon is an electronic instrument which includes a small television camera designed to assist blind individuals to read regular print of their respective language, be it English, German, etc. The instrument was originally conceived by Dr. J. G. Linvill of Stanford University, California, who also is the father of a daughter who was born blind. Many people have assisted in its current development, and it is now manufactured by the Telesensory Systems, Inc., 2626 Hanover Street, Palo Alto, California, 94302, telephone 415--493-2626. The president of the company is Dr. James G. Bliss, Ph.D. from M.I.T.

The instrument would not have reached its current level of development if monies had not been provided through the avenues of research through the U.S. Office of Education, U.S. Department of H.E.W. The staff of the U.S. Office of Education had the unusual foresight to agree that such an instrument might be possible and encouraged its development to Dr. Linvill and Dr. Bliss and contributed approximately 1.7 million to its development. It is my understanding that monies from other sources had to be obtained also for its development.

The instrument has been available to the public for approximately 18 months and is, therefore, just being tried with blind people in schools, vocational and personal pursuits. It is important that the federal government continue to help finance the further development (refining) of this instrument because of the high cost of such development. In addition, the financing of the testing of this instrument with blind people in real life situations (personal, scholarly, and vocational pursuits) must continue for another several years. It is mandatory that this instrument be made available to a large population of people, at all age levels, throughout these United States, in order that it can be tested over time for its ease of use and perseverance in use, as well as helping determine significant modifications for its functional use.

The Greater Pittsburgh Guild for the Blind is convinced that this instrument is the greatest aid for reading to the blind in over 110 years since the braille language system was developed. It will insure immediate retrieval of information from printed sources independently by each blind person. It will make the blind person less dependent upon sighted readers or the modification of the printed matter into braille or tape. It will enhance the psychological confidence of each individual who uses it.

Currently as the instrument is developed, it is estimated that persons with high intelligence or better are the best candidates for its use. It is felt that as field experience with the instrument is gained and as electronic-computer technical expertise is further refined, that the machine will be available, in time, to most blind individuals. It is currently estimated by The Greater Pittsburgh Guild for the Blind that 10% of the half-million blind people in America could use and be trained to use successfully this instrument, or 50,000 individuals. In addition, it is estimated that approximately 200,000 severely visually handicapped persons (but not legally blind) could benefit from this instrument.

The greatest obstacle for blind persons to obtain this instrument at this time is the cost which is now $3,450 per instrument, plus maintenance contract of $100 for the first year and $200 for each year thereafter. The Board of Directors and the professional staff of The Greater Pittsburgh Guild for the Blind highly recommend to the Congress that monies be provided to the U.S. Office of Education and to state vocational rehabilitation agencies for the outright purchase of Optacons for blind people who have been evaluated by a competent teacher as having the capability of learning to use the instrument and needing it for his future life goals. It is felt that if several thousand of these could be distributed over America immediately, that the effect of the use of these instruments after 1-2 years would be momentous, and thus, it would gain acceptance among blind and severely visually handicapped persons.

A brief demonstration will be given of the Optacon for the Senators' better understanding of this sensory aid for the blind. Questions from the Committee will be welcome.

THE GREATER PITTSBURGH GUILD FOR THE BLIND
[illegible] STATION STREET • BRIDGEVILLE, PENNSYLVANIA 15017

March 26, 1973

Honorable Jennings Randolph
Senator from West Virginia
Chairman of the Senate Subcommittee
on the Handicapped
New Senate Office Building
Washington, D.C.

My Dear Senator:

First of all, it was a pleasure appearing before your Committee on March 23, 1973. I appreciate all the courtesies extended to me on this occasion and I would, of course, liked to have had much more time with you.

The Greater Pittsburgh Guild for the Blind is a non-sectarian, non-profit educational and charitable organization chartered in the County of Allegheny, Pittsburgh, Pennsylvania, on October 21, 1959. It serves the states of Pennsylvania, West Virginia, Virginia, Ohio, Delaware, District of Columbia, Maryland, North Carolina, Indiana and Missouri. Since we opened the rehabilitation center in April of 1961, we have graduated 750 blind persons from our programs.

I am enclosing for you a fact sheet dated February 1, 1973, which gives you some basic statistics of our program. In addition, I am enclosing a list of our staff and a listing of the various courses we teach here at the Guild. I am also sending you several copies of A Look At Blindness which gives a very complete story of our agency.

May I also take this opportunity to insert some other facts into the record for my testimony. I believe that the suggestion you made that all four bills, Senate 6, 34, 808, 896, could be combined into one bill. This bill basically should be for the education of all children, including *exceptional* children and those with learning disabilities. You and I well remember the one-room schools that had children from first through eighth grade, and these later became two-, three-, and four-room schools. You and I both remember the consolidated school movement. It seems that shortly after schools became consolidated, teachers became so specialized that they do not recognize many of the problems which are included under learning disabilities bill, Senate 808. Perceptual problems of either auditory or visual, motor visual, coordination, etc., have been a problem of children since man began. All teachers need to be trained to pick up these deviations and treat the child at the nursery, kindergarten, or early primary grades. This used to be done years ago, but because of specialization, it's less emphasized. If you suggest that 20% of the children in the country have learning disabilities, and we know that an additional 15% have exceptionalities, you then have only 65% of the children who can adequately be handled by regular class teachers. This is greatly in error and certainly the learning disabilities should be for all teachers. In teacher training agencies today, most teachers do not get courses in the education of exceptional children and, indeed, they should. This should be pointed out to Commissioner Marland and others so that teachers are properly trained as opposed to being trained to ignore many of the problems presented to you in the morning testimony on March 23, 1973. The secret then is training teachers properly. This is especially able to be done with the number of teachers going without jobs and the selectivity in colleges and the like could be mandated by the Congress.

I would like to also indicate that there are many colleges in the country that are not training teachers as they should. Many people hold various degrees of professor who really do not have the training themselves and, therefore, the experience and expertise that is needed to train teachers to face the youth of date. These colleges need to be looked at very carefully by the U.S. Office of Education and other agencies of our government, to be sure they are doing the job. Those of us who are in the field and have watched this develop over the years could tell you many more stories about then and now.

There are many people over the country who have expertise in learning disabilities. Indeed, most of these people are much older than those who testified before you on this factor. This factor still boils down to the fact that if teachers were trained to teach individual students, they would have to include learning disabilities, the understanding of the sociology and cultural deviations for various groups of children, and the like.

As to the autistic child, when Dr. Kanner wrote this symptomotology up in about 1956, he pointed out that this would be a rare individual. I think I have seen six truly autistic children in my professional life since that date. I saw others prior to that, of course, but did not label them as autistic but merely labeled them as schizophrenic children, many of them of the hebephrenic type. We had people of this type at the Huntington State Hospital and other places where I worked. Probably schools today label many people autistic when they really are not, and this is due to the fact that they are not really qualified to make the diagnosis. This bill attempts to get at this factor and to separate the behavioral problem children from those who are autistic. The person who is truly autistic needs a great deal of specialized help over a long period of time, and I would encourage your Committee to recommend assistance in this area.

THE GREATER PITTSBURGH GUILD FOR THE BLIND
311 STATION STREET • BRIDGEVILLE, PENNSYLVANIA 15017

Senator, I extend to you and your Committee any assistance that I may give to you now and in the future. Among the people who stand in front of you, I am one person who has had experiences with all exceptionalities over a long period of time. This gives me much more of a broader view about the problems facing you and the Committee on the Handicapped than you find, I am sure, from most of the people who testified before you. My services are available to my Senator from West Virginia and his entire Committee.

My best prayers go with you always.

Sincerely,

L. Leon Reid, Ph.D.
Director

Senator RANDOLPH. We will close the hearing this morning, now at 1:05 p.m., and we will return at approximately 1:45 p.m. Thank you all very much.

[Whereupon, at 1:05 p.m., the subcommittee recessed, to reconvene at 1:45 p.m., the same day.]

AFTERNOON SESSION

Senator RANDOLPH. Good afternoon. We will begin our hearing which is a continuation of a most interesting, helpful morning, which ran into some 5 minutes after 1 p.m.; and that accounts for us being a little late in beginning this afternoon.

Robert Lauritsen, will you come to the witness table, please. We were to have had the presence of Senator Mondale of Minnesota, who is a member of our Labor and Public Welfare Committee, with us. He had hoped to be here, but his schedule had to be altered; and he is not able to introduce you as he desired.

I know that you are of course a leader in technical vocational education. I am sure that your testimony will be helpful to our subcommittee.

So if you will proceed, please.

STATEMENT OF ROBERT LAURITSEN, ST. PAUL TECHNICAL VOCATIONAL INSTITUTE, ST. PAUL, MINN.; ACCOMPANIED BY ED SKARI AND MS. FLOYD SMITH

Mr. LAURITSEN. If it pleases you, Mr. Chairman, I can sign and talk for myself at the same time.

We have three deaf people here and no interpreters, so I can do that. It is natural for me to do it.

We of course are very, very honored to be here. I want to say, first, that I speak not only for myself, but for the deaf students that we serve in our schools in St. Paul, students served in Seattle, students served in New Orleans, and students served in other schools throughout the United States. We speak for students that we have served in the past, students we are serving today, and students we hope to serve in the future.

I am the son of deaf parents, so from a personal point of view and a professional point of view, I do have a lifetime acquaintance with deafness. I speak to deafness from this perspective.

There are two other perspectives that are equally important, that of a student, and so I have with me this afternoon a student, Mr. Ed Skari, formerly from North Dakota and now from Minnesota. We will talk with him in a little while.

Anoher important perspective is that of the parent. On my left is Ms. Floyd Smith from Rockville, Md. She will speak as a parent in a few minutes.

In addition to the prepared testimony that I have, I did include a number of inserts. I would like to talk to these inserts for a few minutes.

The first insert I would like to talk to is the regular TVI Focus. TVI is St. Paul Technical Vocational Institute. The Focus is the regular magazine of the institute and is not a publication for deafness alone. It represents the thinking of 2,000 hearing students, plus 100 deaf students.

I have marked this issue, and I think it is interesting to note that in an integrated issue we have 16 references to deaf students. These references are made not only because they are deaf, but because they are regular students in the institute.

The second book I would like to point out is the new guide to college career programs for deaf students. This is a very, impressive book.

This book will be of great help to large numbers of deaf people, to their families, and to their counselors.

At the same time I would like to point out one or two cautions about this book. The book indicates that there are 2,271 deaf students in postsecondary education this year. Of this number, 1,404 are going to Gallaudet College or to NTID. That leaves a balance of 867 going to schools in other States. Of this number, there are seven schools or colleges in the State of California which have 399 students in attendance. This means there are 469 deaf students in the other States in the other programs.

Of the 27 programs listed in this book, there are 23 programs that have 100 or less students. Of the 27 programs, there are 17 programs that have 50 or less students.

Of the 27 programs, there are 15 programs that have 25 or less students. So despite the fact that we have a very nice looking book, it still appears that the programs at the postsecondary level are not well established, and from hearsay evidence are not well funded. These programs need a great deal of help as time goes on.

The third item I would like to point out is the newsletter that comes from TVI. This is a newsletter about the deaf program itself. This newsletter talks about several things.

This morning we had some reference to training of teachers. We see at the postsecondary level one of the most important people being the interpreter. Our experience shows us that interpreters are highly skilled people, and they are difficult people to find. For these reasons we established an Interpreter Institute during the summer of 1972. With 26 hearing people going through that institute, we succeeded with an 80-percent-success ratio, 80 percent in this case means that 80 percent were employed as interpreters. We will run a second such institute this summer. At the same time we will run an institute to train trainers of interpreters in cooperation with New York University and California State University at Northridge.

The second page of the newsletter speaks to a special media program. We like to think this is a highly innovative kind of program. It is developing media that is exportable, that features programed learning, using Project Life hardware. It uses four way simultaneous communication. We hope to have this nationally distributed by September of this year.

Also we talk about student activities, and we are very proud of our students. Students are the one thing that make the program go.

In our activities we have drama, and modern dance. In the modern dance there is one part that talks about how deaf students, deaf people themselves, feel. Through the medium of sign language, our students express some deep philosophical personal concerns, moving from thoughts like "agree to disagree," "anger to relief," "frustrate to encourage," "fail to succeed," "copy to create," and "I don't care to I do care." I think that for many deaf people these concepts illustrate some of the feelings they have had through their educational years.

We also talk about admissions of students for their referring counselors. It is appropriate to mention that as of today our program has more than enough applicants to completely fill us up for at least the next year. In terms of numbers, that means there are well over 100 deaf students from different parts of the United States that have expressed an interest in coming to our program during the coming academic year.

Finally, the newsletter talks about our job placement record. We show a placement record of deaf graduates working in their area of training of 84.9 percent; of deaf people graduates working in unrelated areas of 6.6; and 4.7 percent of students going on to higher education. Totally, this is a 96.2 percent success rate.

The other two documents I have placed in the packet are the regular brochure that goes out to different people that inquire and the fact sheet which illustrates very quickly where the students come from, the different areas they are in training, other basic demographic information. Data is maintained on a cumulative and a quarterly basis.

With that I would like to move to just a few charts to illustrate where students come from and what happens to students when they come to us.

I am going to ask Ed Skari to help me with the charts.[1]

Chart I shows where our students come from. It is obvious that we serve more than one State. We serve 28 States and the District of Columbia.

We have had a few students from across the border. Students come through the counseling program at TVI. They may enter either the regular program or the preparatory program.

We offer a number of supportive services, including interpreting auditory training, counseling, note taking, recreation, media, tutoring, and the preparatory program. What we are trying to show in this chart is postsecondary training is not a closed system. It keeps ongoing to continuing education. Ed, who will answer a few questions, is a good illustration of that. These are some of the services that have been made possible by BEH.

In our experience deaf students coming out of post secondary programs require a great deal of basic education and in particular require assistance for career guidance. We attempt to offer both in our preparatory program. This type of intensive input for our student results in an expanded selection of training areas.

The chart illustrates the training areas that students go through. The orange indicates those areas that deaf students have been in. The green illustrates graduates from those areas, and again the success rate—96.2 percent. We are very satisfied with the progress to date.

However, we think we can do much better, and that is why we put the right side of the chart on. This portion of the chart illustrates the consortium approach. In our State, as in many, many other States, there are good resources available. We have 33 area technical schools in the State that offer over 300 unduplicated courses of study. In the

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[1] Because of mechanical limitations the charts referred to were not printed, but may be found in the files of the subcommittee.

metropolitan area, there are six junior colleges, rehabilitation facilities, and the University of Minnesota. With a little more financial input into our program, we can offer all these kinds of training programs to deaf students.

Again, we are proud of that success rate and we think we can continue that success rate in the other programs. Now I would like to talk with Ed for just a minute.

Ed is a good friend of mine and represents another type of deaf person that we want to talk with. I think we will start with your age.

[Through sign talk Mr. Lauritsen asked questions of Mr. Skairi and through sign talk responded to Mr. Lauriten, and Mr. Lauriten gave the audio answer as follows:]

Q. How old are you now?

A. Thirty.

Q. Can you hear any of my voice at all?

A. No.

Q. If I pound, can you hear me?

A. Yes.

Q. When did you lose your hearing?

A. Lost my hearing at 2 years old.

Q. Where were you living at that time?

A. In a small town in Minnesota.

Q. When did you start school?

A. At 10 years.

Q. No school between 2 and 10?

A. No.

Q. How long did you stay in school?

A. Until 10th grade.

Q. Why did you leave in the 10th grade?

A. Smoking.

Q. What were you smoking?

A. Cigarettes.

Q. Smoking cigarettes. What happened then?

A. Got work. Moved to Minneapolis, Minn. Stayed with the company.

Q. How long did you stay with the company?

A. Seven years and the company closed.

Q. Then you went to school. How old were you then?

A. Twenty-eight.

Q. You were 28 when the company closed?

A. Yes.

Q. Did the company close 1 day and you go to school the next day?

A. Six months.

Q. What did you do for 6 months?

A. Looked for a job, no luck.

Q. Then how did you happen to pick TVI?

A. I visited TVI and asked you if I could come in.

Q. Where did you hear about TVI?

A. Talked.

Q. Talked with whom?
A. With other deaf people.
Q. You started TVI when?
A. December 1970.
Q. In what area?
A. Machine tool processes.
Q. How long did you stay in that area?
A. One and a half years.
Q. Finished as a graduate?
A. Yes.
Q. When did you graduate, what time, what month?
A. Graduated June 1972.
Q. Go to work?
A. Worked just before graduation.
Q. Still on that same job?
A. Yes.
Q. What is the name of the company you work for?
A. Minnesota Pollution Engineering Co.
Q. What is your job there now?
A. Tool maker.
Q. Are you going back to school again now?
A. Every Monday.
Q. Monday nights?
A. Yes.
Q. Why did you decide to go back to school Monday nights?
A. To get more experience and become a good tool die maker.
Q. Are you satisfied with your job?
A. Yes.
Q. Married?
A. Yes.
Q. Any children coming soon?
A. Maybe.

[End of sign talk between Mr. Lautsen and Mr. Skari.]

Mr. LAURITSEN. Now I think we should hear from a parent. I have no formal introduction for Ms. Smith, except she is one of our parents, and she has a story that she wants to tell. I think it is a very important story.

Ms. SMITH. I am the parent of a deaf daughter. She is now 22 years old. She graduated from the Maryland School for the Deaf and did not pass the entrance exam to Gallaudet, which was a disappointment to us. But she did feel, and we did too, that she did want to go on for postsecondary education. We at that time did not know in what direction to look, because we did not know what was available. I trust that by this time resources are available to parents to find the programs that are available to their students, if they do not qualify for the program at Gallaudet. An acquaintance of ours told us about the program at TVI and they were very enthusiastic about it and invited us over that evening to see slides, and they introduced us to the program.

I was so excited that the next day I called Mr. Lauritsen and he told me they were accepting applications, but there were a limited number of students being accepted. This was a very frustrating period. But, of course, this was April, and our daughter was to graduate in

June. He told us he would let us know as soon as possible if she was accepted in the program at TVI.

She was accepted which we were most grateful for. It was a concern. Our 19-year-old daughter, going out to Minnesota, we had not visited out there, and we had limited resources. We were concerned about her being this far away from home. But just as soon as we met the staff and were introduced to the program at TVI, I felt very enthusiastic because I felt this was a program that would meet the needs of our daughter.

She graduated and was placed in employment, Mutual Insurance Co., in St. Paul. She was very happy during her complete stay, and in fact she was so happy that she did not want to come back to Maryland. She worked at Mutual Insurance Co. for 13 months and is now married and is living in Sioux Falls, S. Dak. I cannot say enough for a program such as TVI, because it would be wonderful if all of our children could go to Gallaudet, but it is not realistic for us all to know that our children will go on to the higher education, but they certainly do have a place in the working world.

I certainly am proud of our daughter and am very proud for the contribution that she has made.

So I think that programs such as TVI will fill a real need for children when they are ready for the need for post-secondary education. I heartily support the bill S. 896 and the appropriations that we are asking for.

Thank you for this privilege to be able to share our interest.

Mr. Lauritsen. Thank you very much, Ms. Smith.

I think maybe you have a feel for the program now, and my final comment that we would be we feel our major problem or dilemma is continuing funding. We are on a 5-year program. We think we have demonstrated to some degree success. We have looked at the many various funding resources. We do not feel it is realistic to ask the local unit of government or a State unit of government to continue funding this program.

We looked hard at the different regional sources of funding, and we find regional funding nonexistent. We look against to BEH for some way of continuing a program that does help deaf students, that does bring them back into the main street, it keeps them there, and hopefully with a good potential for being an important part of our total lives.

Thank you, Mr. Chairman.

Senator Randolph. Thank you, and thank all of you. I know you spoke very earnestly about your daughter. I could sense that as you talked.

It comes out of personal family experience. I am sure that many times you were not only frustrated, you almost gave up hope.

Ms. Smith. You are absolutely right.

Senator Randolph. You perservered and how truly worthwhile it is to have had a daughter.

I think the results are worthwhile as I have listened to you today. But you are in a position to know how very worthwhile they are, and they cannot move forward, of course, without funding. There must be substantial sums of money, and certainly you know that both the human and the dollar signs are all about you.

Mr. Lauritsen. I should point out, Mr. Chairman, as I think you know, that the cost for a program like ours are only the excess costs. In our own situation, we ride on a $20 million building, to which we have complete access, $4.5 million annual operating budget, and all we are looking for are the excess funds that are required to support our own staff, so we can use the facilities that are already there.

Senator Randolph. In looking at the guide to college career programs for deaf students, I was struck by the very large total student enrollment in these institutions and then by the relatively smaller deaf enrollment.

These institutions that have been set forth, are they the whole group in this country that carry on the programs for the deaf?

Mr. Laurtisen. There perhaps would be one or two that did not get reported for some reason, but these would certainly be virtually all of them.

Senator Randolph. I have been noting also the costs for the resident and the out-of-State student. And as always, the out-of-State student is spending more money for his education. This causes us some difficulty.

We are attempting to broaden the base of voting in this country by recognizing the mobility of people and not requiring a long length of time for residency within a State in order to vote. I sometimes wonder if it would not be better for us to have a more even distribution of cost, rather than to weight it heavily against the student who today is only a few hours away from the State in which he or she is not actually a resident. I have been thinking about this in our general education programs throughout the country.

Mr. Lauritsen, you, of course, as has been indicated, are the son of deaf parents. I cannot express in mere words how really excited I am because there are people like you. You have been helpful to others, and for this service we will also be in your debt.

Ms. Smith, you have a daughter who went to the institution headed by Mr. Lauritsen, what were the costs involved.

Ms. Smith. We had to pay her living costs which were approximately $900 and her books, we paid for that year. We were not supposed to, but it worked out that we were asked if we could cover the cost of the books, and we were so afraid that she might not be able to continue that we were certainly willing to pay for the cost of the books. It was about $950, our portion, a year, which for many parents this would be a tremendous hardship, because a good deal of money is spent during these years of determining a child's problem and then the cost for education and so forth throughout that period.

Senator Randolph. I remember, Ms. Smith, in your earlier statement you spoke of limited resources. This of course affects many, many people. There is also the problem of constant searching to find the best possible institution for these children.

Ms. Smith. That certainly is true. I think it is just marvelous that we do have—I hope that it is continuing to be funded that there is an organization where parents can go to, because this is a tremendous hardship. During these years we were tossed back and forth between therapists and hospitals and this type of thing, but now I believe the Bureau of Education does provide facilities for pre-school children.

Of course I feel like our children were guinea pigs 22 years ago, and I hope that funds will continue that other parents and other deaf children will not go through these years that our deaf children had to go through.

Senator RANDOLPH. This is so true. We do not plan ahead, sometimes, as a Nation. I am not critical of any party or any part of our governmental system, but it is only when somehow or other we are shaken out of apathy that we become aware of our shortcomings. We should never be afraid to admit them, and to know that we can do better.

Someone said something today about building a better world or words to that effect. I do not know who said it, but I caught the better world part. How important it is that we do just that.

I remember when I brought the bill before the House of Representatives to give the blind the opportunity to be trained and to manage vending facilities in Federal buildings. I remember that it was the Post Office Department at that time, in 1936, and the Assistant Postmaster General who came before the committee to testify against my bill, simply saying that it would not work, it could not be done.

Yet today there are 3,400 plus blind persons who are a part of our productive society. They are a part of our sales force in this country. They are not on welfare; they are taxpayers. If we have faith in these people, whatever category we are talking about, the deaf or the blind or the many others that I am not so familiar with, but am learning about, I think the expenditures will be coming back to us.

Thank you so much for adding your words, and the young man adding his words, and for the leadership that you have given, Mr. Lauritsen, in this field.

Thank you very much.

Mr. LAURITSEN. Thank you very much.

Senator RANDOLPH. Our next witnesses are Ms. Janet Rhoads and Ms. Dorothy Marsh. You come from the American Occupational Therapy Association, Ms. Marsh; and Ms. Rhoads is a candidate for study for the master's degree in special education at the University of Maryland. Would that be at the Maryland campus itself?

STATEMENT OF MS. JANET RHOADS, OTR, PRINCE GEORGES COUNTY, MD.; AND MS. DOROTHY MARSH, OTR, PRINCE GEORGES COUNTY, MD.; AMERICAN OCCUPATIONAL THERAPY ASSOCIATION

Ms. RHOADS. Right in College Park.

Senator RANDOLPH. I know your special interest in the physical perceptual motor programs.

What is the word "dysfunction"? What does it mean?

Ms. RHOADS. It would be something that is not functioning properly.

Senator RANDOLPH. Why is there a "Y" instead of an "I"?

Ms. RHOADS. I suppose from the Latin, the medical concept.

Senator RANDOLPH. I just look at it and wondered and hesitated. That is school age children malfunctioning or not responding?

Ms. RHOADS. We would also include preschool children.

Senator RANDOLPH. And, Ms. Marsh, you are an occupational therapist, and you think in terms of remedial work for these disabilities.

We know you are a special education consultant at Laurel Elementary School, and we feel both of you have contributions to make. You proceed as you desire to give testimony.

Ms. MARSH. Thank you, Senator. We are grateful for this opportunity to appear before you to present the views of the American Occupational Therapy Association on the several bills before the subcommittee.

I would like to submit our statement for the record, and I will summarize here and not go into the lengthy details.

First, Mr. Chairman, we wish to record our wholehearted support for S. 896, extending the Education of the Handicapped Act.

We are aware of the pending proposals for educational revenue-sharing, and we should like to comment on them at this time. It is our feeling that funds for the education of the handicapped should not be distributed as part of a block grant to the States. Such a broad grant would be extremely vulnerable to budget cuts.

We should like to submit several recommendations, Mr. Chairman, for minor amendments to this act. Our first proposal would help to bring occupational therapy into the mainstream of public educational programs for these children. The role of the occupational therapist should not be viewed as encroaching upon the role of special educators, since the therapist focuses on the function of the neuromuscular system in developing those skills necessary to academic performance.

Specifically, the functions of the occupational therapist with handicapped children include screening and evaluation of developmental delays, particularly in sensory-motor integration, and providing or recommending suitable teachniques to correct or modify deficiencies. We are concerned with the occupational or everyday performance of these children and their ability to function adaptively at home, at play, and in school.

Occupational therapists may also serve as consultants to school personnel regarding sensory-motor integrative techniques useful for groups and individual children in the classroom. By participating in in-service education programs, we help to extend available knowledge, thereby helping to make more effective use of classroom personnel.

Many State departments of education still require a therapist to be a certified teacher of special education, with a teaching certificate and/or a specified number of hours in practice teaching before she can be employed at an appropriate level in the school system.

While recognizing that the credentialing problem must be dealt with directly at the State level, we feel that specific mention of occupational therapy in the Federal statute or the accompanying committee report would give recognition to and further legitimatize our role in special education programs. Accordingly, we would like to suggest that section 631(2) be amended by adding the phrase, "occupational therapists" before or after the phrase "speech correctionists."

Because of the impact of our therapeutic efforts with handicapped children in the preschool and early school years, we should like to submit a proposal for a change in section 623 of the act, "Early Education for Handicapped Children." This section authorized grants and contracts for the development and implementation of experimental preschool and early education programs for handicapped children and has been a stimulus to many very successful projects.

We would like to suggest, therefore, that section 623(a) be modified by deleting the phrase, "such programs shall include activities and services designed to," and substituting this phrase; "such programs shall utilize educational specialists and other personnel to carry out a comprehensive assessment of the developmental and educational status of each child, to identify special problems, and to provide activities and services designed to" and continue with the present language.

Our last suggestion is concerned with the language of part G of the present act. This is entitled, "Special Programs for Children with Specific Learning Disabilities". Section 661(a) restricts the training money authorized by this section to "educational personnel who are teaching or preparing to be teachers of children with specific learning disabilities . . . " We feel that such a stipulation is unduly restrictive.

A. Jean Ayres, O.T.R., Ph. D., is an occupational therapist who has developed methods for the evaluation and treatment of learning disorders that have gained nationwide recognition. Her sensory-integrative approach to the identification and treatment of learning disabilities stemming from perceptual-motor dysfunction in children has become an invaluable supplement, not a substitute to formal classroom instruction or tutoring. She has demonstrated "that the treatment based on this theory can bring about statistically significant increases in academic learning among young disabled learners with certain types of sensory-integrative dysfunction."

This brings us to a consideration of S. 808 to screen elementary schoolchildren for specific learning disabilities prior to their entrance into the third grade. We commend the Senators for their interest and attention to this problem. As this committee knows, estimates of the number of children affected by learning disabilities range from 5 percent of school-age children to as many as 40 percent, a figure recently mentioned by Maryland's Governor Mandel in making a special request to the State legislature.

We should like to make two observations on S. 808. First, the earliest possible detection of learning disabilities and developmental deficits is extremely important. Case-finding measures can be initiated among certain high-risk populations at very early ages. For example, those infants and children subjected to severe deprivations in early life, including nutritional deficiencies; those exposed to overcrowded, unsanitary or unstable living conditions; and those with genetic and metabolic disorders, experience an abnormally high rate of developmental disorders. Premature infants, especially boys, and full-term infants with extremely low birth weights belong to this high-risk population. Early intervention, before these youngsters reach school age, will pay substantial dividends.

For the public school system, this screening should take place no later than kindergarten in States with public kindergarten programs, and no later than first grade in the remaining States. Some children with minimal learning disabilities may fall between the cracks and require identification and intervention at second, third, or even higher grade levels.

Second, we wish to emphasize not only the importance of early detection but also early intervention to minimize the effects of developmental deficits before they are compounded by the pressures and problems which arise when school-age is attained or when higher levels of school-age are reached. This is recognized by the present language of part G, section 661, which instructs the Commissioner of Education to give special consideration to projects which "emphasize prevention and early identification of learning disabilities." We should like to add the phrase "and intervention to minimize their effects."

We also support the purposes of S. 34, introduced by Senator Hollings, to provide for accelerated research and development in the care and treatment of autistic children and those with other child psychoses. Perhaps the necessary additional efforts and moneys can be directed to this problem through the vehicle of specific instructions from the committee coupled with congressional requests for special progress reports, without necessitating the passage of special legislation.

Finally, Mr. Chairman, we should like to endorse in principle S. 6, the proposed Education for All Handicapped Children Act. In other sections of this statement we have supported a comprehensive assessment of the developmental and educational status of handicapped children, which might take the form of an individualized written program, as specified by S. 6, section 6(a)(4). We also heartily support the concept in S. 6 regarding maximum involvement of the handicapped child in the mainstream of his educational world. Again we trust that those charged with this complex responsibility will represent a variety of professional disciplines, including occupational therapy.

In order to remain in the regular school setting, handicapped children may require not only supplementary services during the regular school day, but could benefit substantially from year-round or summer programs. It was my recent privilege to participate recently in a summer program for a group of kindergarten and first grade children who had been identified as not succeeding in their regular school year. The objective was to increase their learning potential. It was rewarding to find that the before and after test scores of the group on a battery of developmental measures showed a significant increase after only 1 month of intensive programing.

As a matter of fact, two of the children had already been slated for special schools and went back to the regular school and are still there today.

Our statement does include several other suggestions which I shall not discuss at this time.

Mr. Chairman, I hope that my testimony makes it clear that the American Occupational Therapy Association enthusiastically supports the proposed 3-year extension of the Education of the Handicapped Act with amendments to broaden its scope and extend its benefits to all handicapped children. I have tried to point out the contribution, both actual and potential, that occupational therapists can make to educational programs for handicapped children. We share your conviction that more children can be better served, to the ultimate benefit of all Americans.

Admittedly the cost will be considerable but the ultimate costs of not meeting the developmental and educational needs of handicapped children, are bound to be much greater.

Thank you very much. Ms. Rhoads would also like to make a comment, if it is all right.

Senator STAFFORD. Ms. Marsh, for the committee we want to thank you for your testimony and invite Ms. Rhoads to make either an oral or a written statement or a combination of both.

If you have a written statement you wish to put in the record or you can speak extemporaneously.

Ms. RHOADS. I prefer to speak extemporaneously on a couple points.

I think one of the major points we want to emphasize is that education for the handicapped not be interpreted strictly as education or academics specifically, but rather in terms of putting these children in the mainstream. As Senator Williams' bill suggests, including these children in a regular school setting means that their physical handicap can be quite a barrier.

For this reason ancillary professions such as occupational therapy can contribute a great deal to these children's preparation in a regular school, because if they cannot hold a picture or if they cannot control their arm, they cannot function. This along with the perceptual motor training that the occupational therapist provides for the learning disability child is an integral part of their education.

I also wanted to point out in reference to Senator Gravel's bill that occupational therapists do have available, standardized perceptual motor tests that are standardized at age 4, so that a lot of very important screening and detection of potential learning disabilities can be determined as early as age 4 and certainly at kindergarten level. We would really like to have that emphasized.

Senator STAFFORD. Might I address this question to either of you. Are there any alternative means of achieving professional preparations to be an occupational therapist?

Ms. RHOADS. You mean other than in the school of occupational therapy?

Senator STAFFORD. Yes.

Ms. RHOADS. I certainly do not think so. It is a pretty specialized area.

Ms. MARSH. It includes a basic 4-year college program, and about 9 months of what we call clinical training; about a 5-year course.

Senator STAFFORD. Does the clinical training result in a master's degree?

Ms. MARSH. No. That comes later.

Ms. RHOADS. There is a program now, however, 2 years beyond the bachelor's degree that leads to a master's degree if you have a bachelor's in something else.

Senator STAFFORD. Do you consider that there is enough leadership personnel at the present time in the occupational therapy field?

Ms. MARSH. Enough leadership in the field of occupational therapy?

Senator STAFFORD. Yes.

Ms. MARSH. Well, Senator, we tend to have a Sunday school teacher attitude toward the handicapped, and I think we are becoming a more solidified profession all the time, and as a therapist, I am very pleased with the progress we have made.

I would welcome any new leadership, however.

Senator STAFFORD. Thank you both on behalf of the committee. We appreciate your appearing here, and your testimony will be carefully read by the staff and by the members of the subcommittee who are not here this afternoon, because of other commitments elsewhere.

We appreciate your taking the time and trouble to help us in our deliberations. Thank you.

The subcommittee next invites Rita Charron, cochairman, Governmental Affairs Committee, National Association for Retarded Children, Royal Oak, Mich., and Louise Ravenel, member, Governmental Affairs Committee, Charleston, S.C.

We invite you on behalf of the subcommittee to proceed in any way that is agreeable to each of you, whichever of you wishes may go first, and if you have a full statement you want in the record and wish to speak extemporaneously, or you may read your statement into the record.

STATEMENT OF RITA CHARRON, COCHAIRMAN, GOVERNMENTAL AFFAIRS COMMITTEE, NATIONAL ASSOCIATION FOR RETARDED CHILDREN, ROYAL OAK, MICH.; AND LOUISE RAVENEL, MEMBER, GOVERNMENTAL AFFAIRS COMMITTEE, NARC, CHARLESTON, S.C.

Ms. CHARRON. Thank you, Senator Stafford. We will not repeat our written testimony, but we will try to summarize and to emphasize a few points.

Senator STAFFORD. In that event, without objection, we will have your full statement carried in the record as if delivered. You may proceed orally.

Ms. CHARRON. We appreciate that. I wish to thank you for this opportunity of representing over 150,000 members of the National Association for Retarded Children. I am sure you are aware of the many years that we have worked toward the total program, educational services for the retarded people. We have attempted in every way to bring full training and education to all retarded, and we appreciate the efforts made by this committee to support this effort.

Our organization has supported a campaign to develop mandatory education programs for all of our Nation's children, regardless of their handicap, and according to their needs. Many States now have mandatory education laws. Several class action suits are now in process. We hope this will be a legal way of deciding whether the handicapped child can be excluded from a public school program.

We all can point to the many improvements that have been made over the past 10 years. However, we still know that less than 50 percent of the total needs of education training have been met. In some important areas of the United States less than 15 percent of the need is being met.

In addition to the numbers there is the issue of quality. We are aware now of the value of comprehensive programs where the individual handicapped person is able to develop skills necessary to cope with his environment. Many school programs for the handicapped are inferior and do not begin to meet the developmental needs of the retarded person. The success stories indicating the results of intensive care and developmental training of severely handicapped and retarded children are very encouraging. These success stories make it all worthwhile. We are able to see examples of physical growth and of personality developing in a retarded person. I can give you a few examples which are only a few of the many that are available.

Let me first start with Susie Clark, who is a 6-year-old severely retarded spastic cerebral palsied child. Susie was recently returned to the community from an institution, where she was really a helpless individual, unable to do anything for herself; to sit, to stand, to eat or to be toilet trained. She has been in our community program of intensive care for 6 months. She has received orthopedic correction, physical therapy, speech correction, and language development.

She is attending a public school program which is supported by money from this committee's act, Education for the Handicapped. Today, after a little over 6 months, Susie is able to push her own wheelchair with her hands that were once considered too helpless to be used at all. She can carry a cup and bring a fork to her mouth and does it willingly. She is able to feed herself independently. She has a vocabulary of approximately 50 words. She has attended school every day for the past 5 months, except for the time she was in the hospital receiving her corrective surgery.

Yesterday we placed Susie Clark, who has no parents, on the available for adoption list. I am sure that in a very short period of time Susie will move from intensive care with total community support within a home for a normal kind of life.

Another example is little David Hughes. David, who is 8 years old, has spent all his life except for his first year, in a State institution. He came to the same intensive care program and is taking advantage of the same education program for the handicapped, supported by results of this committee's work. He is now able to operate his own wheelchair, has become the charmer of the entire program, has a large vocabulary, is able to feed himself, is toilet trained.

Now David and Susie are just two examples of many. We know today through the many demonstration projects of the past 6 years that the most valuable and essential time to reach the severely handicapped child is in his earliest years.

We know that developmental training between the years of 2 and 5, even in a public school program, pay off in very rich rewards. We know that the severely handicapped child needs assistance through orthopedic correction, physical therapy, all kinds of stimulation, speech development, and with the results of this intensive care in a school program or in specialized programs, the individual child can attend a normal school eventually, live with her family, and, yes, even grow up to be taxpayers instead of tax users.

The cost of a lifetime of institutional care versus the cost of intensive care in early childhood and beyond, the unmeasurable value of making a productive life where once it was doomed to institutional total care, are seemingly adequate reasons to justify the continued support by Congress of the Education for the Handicapped Act.

I have had the unique opportunity of being a parent of a severely retarded child who is now a young man, and of being a social worker, both within the institution environment and currently in the community. In my experiences as a volunteer, I have served many, many roles, including that of a State president, and a member of the National Association for Retarded Education Board of Directors, as well as in my current role, governmental affairs chairman for the national association, and this total experience has helped me to appreciate the importance for society to intensify its responsibility for maintaining comprehensive school services for handicapped people.

The urgent need to prevent the hopelessness that goes with institutional life requires commitment from all levels of government and from all volunteers. The gains we have made over the past few years are still tender and require continuing nourishing by Congress. The educational revenue sharing proposal would seem to endanger this essential area of special need. Those concerned with State and local governments, concerned because State and local governments were not doing the job a few years ago, turned to Congress for leadership. This leadership has developed and programs have been moving, however slowly.

To relinquish this responsibility now may cause considerable setbacks to special needs in States where the need is greatest, the States that do not have the sophistication to carry on these programs by themselves. It took many years to get these services developed. We have proof of their value.

This great Nation of ours must not allow these gains to be lost. Your leadership is still required, if we are to establish a solid foundation of services that will provide an opportunity for every child, including those with severe handicaps, to reach his maximum potential.

Senate bill 6 represents legislation that will serve to encourage and reinforce States in their efforts to develop mandatory education programs. We wholeheartedly support this legislation and feel it is a very desirable followthrough for the education for the handicapped legislation.

Congress must continue to provide the impetus as it has in the past, extending the Education for the Handicapped Act, which will assure continued services to a segment of the population that has a desperate need. We urge you to do your utmost to increase the level of funds under this act.

We thank you very much.

Ms. Lonis Ravenel, whom you have already met, would like to talk about a very special area of services to the mentally retarded.

Ms. RAVENEL. Senator, as you may or may not know, I am a member of the President's Committee on Mental Retardation. Last weekend we met here in Washington, and I am very excited about a new venture which the committee has designated as a priority target for fiscal year 1974.

The problem I wish to discuss this afternoon is the desperate plight of approximately 10,000 to 20,000 children who have mental retardation and hearing impairment of such a degree that they cannot be served by traditional programs for the retarded alone or for the deaf alone. Mental retardation and deafness, when present in the same child, create such a devastating disability that its victims have a 10 to 1 chance of being sent to a public institution for the retarded, rather than to a school for the deaf.

Under the present circumstances, chances for these individuals to return to the community are very, very slim.

In keeping with President Nixon's goals to reduce the occurrence of mental retardation by 50 percent before the end of the century and to return one-third of the retarded that are now residing in institutions back into the community, we on the committee enthusiastically endorsed an HEW supported national task force on the mentally retarded deaf to develop new programs for the seriously impaired and underserved children.

They are a long neglected segment of our population. Now I know how busy you are, so I will not try to review all the recommendations, but I would like to zero in on one of the most vital aspects of this report. Are the mentally retarded deaf going to be properly served?

The task force felt that it is imperative that the Federal Government establish a national network of exemplary demonstration centers on a regional basis. The proposed mental retardation-deaf centers should utilize and build on the experience and the resources already required by the highly successful regional deaf-blind centers and also by the 100 first chance projects, which of course as you know are funded under the Handicapped Children's Early Education Act. These centers should also focus on a full range of interdisciplinary services such as outreach diagnosis, evaluation, treatment, education and rehabilitation.

As a parent of a retarded child or handicapped child, I know that the creation of these programs would offer great hope to the mentally retarded deaf and their families. In my retarded son's class back home in Charleston, S.C., there are two retarded deaf girls. The program is adequate for the retarded child, but it is grossly inadequate for a child that is retarded and has a severe hearing impairment. These two little girls have received no help in developing any communicative skills whatsoever. Consequently, they have no means of communication and are functioning far below the level of their capabilities. Because of the inappropriate programing in the early and most formative years, I feel that the future for these two little girls is very grim. I am sure they are destined to a lifetime in an institution for the retarded.

I am certain that it would have been a different story if the centers which I had described had been in existence for these two little girls. We on the President's Committee of Mental Retardation are very excited about the potential of targeting in on the needs of this long neglected group of children, and we hope that you will share our enthusiasm.

I have copies of the working summary of the task force, and I believe your staff has them.

Thank you for allowing me to present my plea on behalf of the mentally retarded deaf.

Senator RANDOLPH. Thank you very much, Ms. Ravenel. We will want your report which you are going to provide for study and for use by the members of this subcommittee.

To both of you we are indebted, and I think that Senator Stafford during my absence perhaps was formulating a question or two, so will you carry on?

ROLE OF THE STATES

Senator STAFFORD. Thank you, Mr. Chairman. I have just one question, which I would address to either or both of the ladies, and that is what they might conceive a State's role and responsibility to be in the education of handicapped children?

Ms. CHARRON. What the State's role would be? Well, we feel that the State does have the responsibility of educating all children regardless of the disability. Unfortunately when the States had this full responsibility prior to the assistance that came through Congress, they neglected those who needed the most care, those whose care was the most costly.

For many, many years, people believed that the severely handicapped individual could not benefit from a formalized training program. I think the assistance that has come through this act has shown the value of intensive care. However, the States that have not reached that level of sophistication are going to be the ones that will not take advantage of revenue sharing because the needs of education are so intense in most States that again these people would be left out. I am talking about the deaf-retarded, the blind-retarded, and I am talking about the severely handicapped, the multiple handicapped, and these are the people that the education for the handicapped legislation has really helped.

We are beginning to demonstrate the advantages of this.

We have many examples, not just the two that I gave, but many more where individuals have actually grown up to become self-supporting as a result of intensive care given, even given at a later time than what was desirable. I think at this time there needs to be continued assistance on the part of Congress toward the need of these very severely handicapped individuals.

Senator STAFFORD. Thank you very much. I appreciate that answer. Would you wish to add to it?

Ms. RAVENEL. No, that is fine.

Senator RANDOLPH. I would like to commend you, Ms. Ravenel, for your membership on the President's Committee on Mental Retardation. Keep working. You said you were excited about it. That is the way we want to be, too. Thank you very much.

Ms. RAVENEL. Thank you very much.

[The prepared statement of the National Task Force on Mentally Retarded Deaf follows:]

Working Summary of the Report of
National Task Force on Mentally Retarded Deaf

Sponsored by National Advisory Committee on Education of Deaf
and
Office of Mental Retardation Coordination
Department of Health, Education, and Welfare

Presented to President's Committee on Mental Retardation

March 17, 1973

Mental retardation and deafness, when present in the same individual create such devastating disability that victims have a 10 to 1 chance of being sent to a public residential institution for the retarded rather than to a school for the deaf - and chances for return of these individuals to the community are slim, under current circumstances. Much of this human wastage is avoidable! Although the problem is complex, knowledge gained during the past decade in serving those who are mentally retarded alone or deaf alone and in serving the deaf-blind can provide an excellent foundation for creation of programs which offer hope to the mentally retarded deaf (MRD) and their families.

This report is a product of two working conferences held at Airlie House, Warrenton, Virginia, on October 19-21, 1972 and January 25-28, 1973. Participants in these conferences assembled as an interdisciplinary National Task Force on the Mentally Retarded Deaf at the invitation of Mrs. Patricia Reilly Hitt, then Assistant Secretary for Community and Field Services, Department of Health, Education, and Welfare. The conferences were cosponsored for the Department of Health, Education, and Welfare by the National Advisory Committee on Education of the Deaf (NACED) and the Office of Mental Retardation Coordination (OMRC). This report is a distillation of far ranging discussions appropriate to such a complex topic. It provides a series of concrete recommendations, most capable of implementation now, which can enhance the liklihood that the mentally retarded deaf (MRD) will be able to participate in a community life from which they are currently isolated.

The report restricts its concern to the mentally retarded deaf (MRD), a group of persons we have arbitrarily and operationally defined as "having a combination of mental retardation and hearing impairment of sufficient degree such that they cannot be appropriately served by traditional programming for the mentally retarded alone or the deaf alone. The MRD person may have other handicapping conditions."

The precise number of MRD in the United States is not known, but numerous studies already completed of children enrolled in schools for the deaf and residential facilities for the mentally retarded justify an estimate that 10,000 to 20,000 children (age 0 to 20 years) fit the operational definition of MRD. More accurate data on the number of MRD can not be obtained until full service programs become available.

Significant changes in a number of interrelated areas contribute to the timeliness of focusing attention on the MRD. These include: (1) Recognition of the changing clinical characteristics of handicapped children. Medical advances have improved prenatal and perinatal care resulting in higher survival rates among multihandicapped infants, and decreases in adventitious causes of single handicaps, such as deafness alone. Therefore, the relative incidence of multihandicapped children to singly handicapped children is increasing. (2) Progress in special education for the singly handicapped child which can provide starting tools for habilitating the multihandicapped. Increased emphasis on early detection and intervention, individualized instructtion, behavior modification and improved media, materials and technology for the handicapped bring justifiable new boldness and enthusiasm for working with more severely impaired children. (3) Advances in audiology resulting from primary audiologic research and the remarkable spin off from the new electronics. Diagnostic audiology and amplification already have profited and will benefit increasingly from interdisciplinary research on communications. The MRD who have been particularly difficult to diagnose and treat will benefit immensely from improved technology. (4) Improved techniques and concepts for early detection of the infant and child with developmental delay. Increased utilization of outreach screening instruments must uncover more MRD children at younger ages when intervention can be most effective for the child and his family. (5) Changing community concepts of right to treatment and educational services for all. The MRD regularly have been excluded from services from which they have so much to gain. As these gross inequities become identified, a just society must take those steps necessary for correction.

The MRD, for practical purposes can be located in three well efined categories - each group perhaps less well served than the other. In decreasing order of special service, they are:

1. MRD children in public and private day and residential schools or classes for the deaf. By and large, this group is receiving most service in the critical area of communication skills, but quality and quantity of programming leaves much to be desired, and has not profited from new, interdisciplinary technology. The MRD are the last excepted and least served in these programs, all too often.

2. MRD children enrolled in facilities for the mentally retarded. Most of this group (which contains the largest number of idenfified MRD) live in public residential facilities and as a consequence of their dual disability they frequently cannot profit even from the meagre programs for the non-deaf majority of the inhabitants of these facilities. Detection of a child or young adult living and being misserved as mentally retarded or mentally disturbed in such facilities, when the only handicap originally present was deafness is still not a rare event. In the press of other program needs for the non-deaf retarded, the MRD currently are tremendously short changed in MR facilities.

3. MRD children who are in no program. The number of MRD children receiving no service is not known for obvious reasons. Regular experience in finding such children when they appear too late for them and their families to profit fully from service now available is a particularly tragic event well known to those who serve the urban and rural poor.

[redacted] Recommendations

Rec. 1 An operational definition of the multihandicapping condition of mentally retarded deaf (MRD) which can provide a framework for program development should be adopted now. Specifically, "a mentally retarded deaf person is an individual who has a combination of mental retardation and hearing impairment of sufficient degree such that he can not be appropriately served by traditional programming for the mentally retarded alone or the deaf alone." The MRD person may have other handicapping conditions.

Rec. 2 The MRD should be designated as a priority population for program development by appropriate agencies and professional groups for the coming year. This priority should be established clearly on the basis of the severity of the need and the timing which provides unusual opportunity for rapid progress within the framework of available national resources. Since programs for the MRD are essential in order to achieve Presidential goals, the Department of HEW through PCMR, the BEH and the D/DD and with the support of Congress should be asked to exert the national governmental leadership necessary for reaching this widely scattered, needy and silent population. The CEASD, NAPRF and NASCMRP, as organizations with existing service responsibilities for the MRD should incorporate program development for this underserved group as an immediate priority, with support for these efforts solicited from the organizations and individuals which form the constituency of these national, executive level organizations.

Rec. 3 The Federal government should establish in FY '74 a national network of exemplary demonstration centers, distributed on a regional basis. These centers, utilizing the experience acquired in the highly successful Regional Deaf Blind Centers and First Chance (Handicapped Childrens Early Education Act) programs should focus on a full range of <u>interdisciplinary</u> services: outreach identification, diagnosis, evaluation, treatment, education, daily living and vocational training, habilitation and family services. Research, training and dissemination components which lead to replication of quality programs for all MRD should be included. These programs should provide an opportunity for two major service components of the Department of HEW, the BEH and D/DD to demonstrate the synergistic effects of collaborative programming.

Rec. 4 A broad program of public education to obtain community understanding, commitment and support for the MRD should be generated through those existing agencies and organizations already concerned with the mentally retarded and the deaf. This Recommendation is a corollary of Rec. 2 which targets the MRD as a priority group for the coming year.

# # #

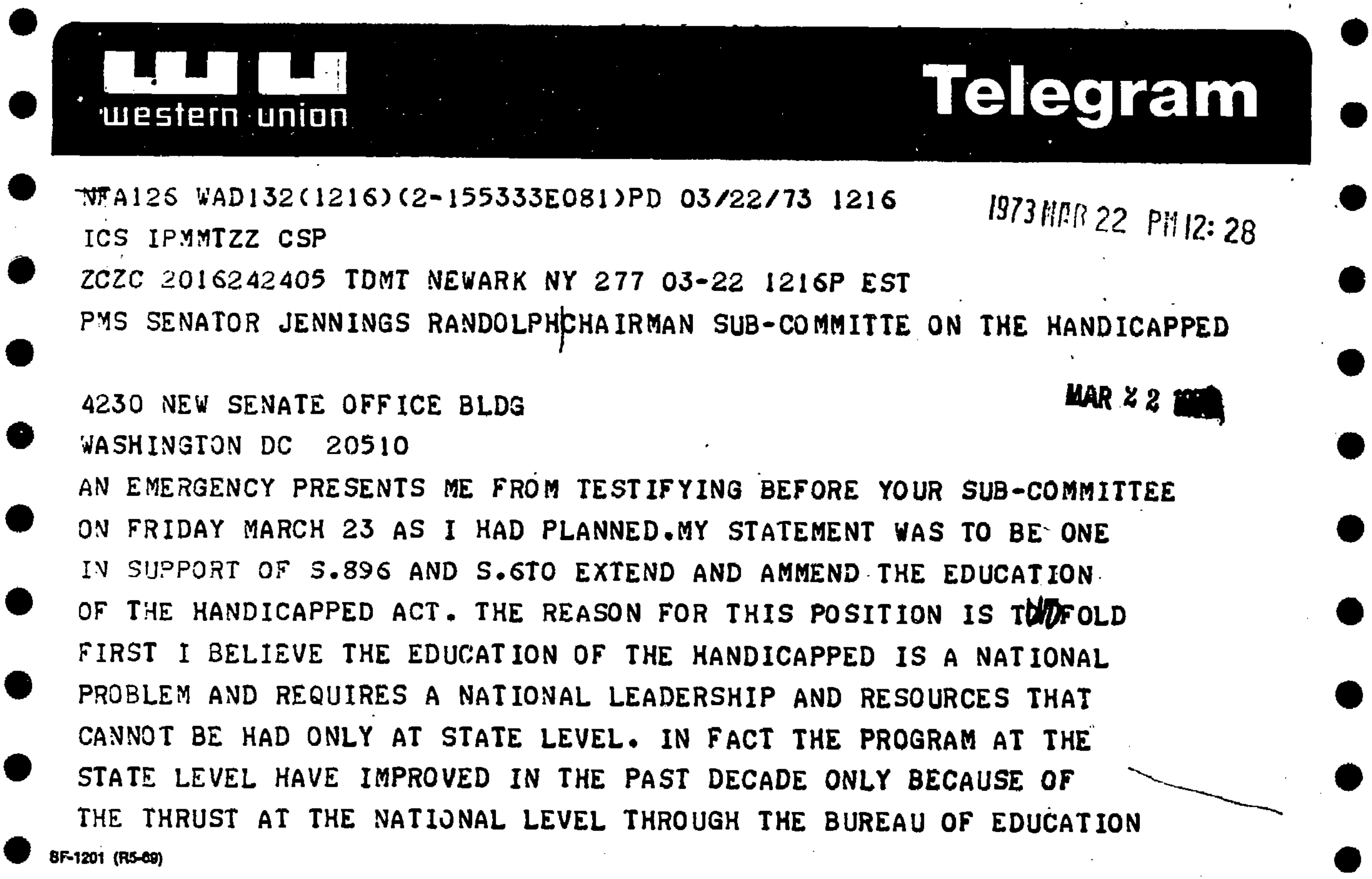
Legend:
MRD - Mentally Retarded Deaf
HEW - Department of Health, Education, and Welfare
NACED - National Advisory Committee on Education of Deaf
OMRS - Office of Mental Retardation Coordination
PCMR - President's Committee on Mental Retardation
BEH - Bureau of Employment of the Handicapped
D/DD - Division of Developmental Disabilities
CEASD - Conference of Executives of American Schools for the Deaf
NAPPRR - National Association of Superintendents of Public Residential Facilities for the Mentally Retarded .
NASCMRD - National Association of Coordinators of State Programs for the Mentally Retarded

Prepared by: Louis Z. Cooper, M.D., and
John W. Melcher, Chairman
Task Force on the Mentally Retarded Deaf

3/17/73

Senator RANDOLPH. We were to have had the testimony this morning of Monsignor Hourihan. I know Senator Williams had anticipated seeing the monsignor and all of us were going to be helped by his testimony. But he has sent a telegram which indicates his desire to be helpful and that telegram without objection will be used as a part of the record of the hearing today.

[Telegram referred to follows:]



western union **Telegram**

WA126 WAD132(1216)(2-155333E081)PD 03/22/73 1216

1973 MAR 22 PM 12: 28

ICS IPMMTZZ CSP

ZCZC 2016242405 TDMT NEWARK NY 277 03-22 1216P EST

PMS SENATOR JENNINGS RANDOLPH|CHAIRMAN SUB-COMMITTE ON THE HANDICAPPED

4230 NEW SENATE OFFICE BLDG
WASHINGTON DC 20510

MAR 22

AN EMERGENCY PRESENTS ME FROM TESTIFYING BEFORE YOUR SUB-COMMITTEE ON FRIDAY MARCH 23 AS I HAD PLANNED.MY STATEMENT WAS TO BE ONE IN SUPPORT OF S.896 AND S.6TO EXTEND AND AMMEND THE EDUCATION OF THE HANDICAPPED ACT. THE REASON FOR THIS POSITION IS TWOFOLD FIRST I BELIEVE THE EDUCATION OF THE HANDICAPPED IS A NATIONAL PROBLEM AND REQUIRES A NATIONAL LEADERSHIP AND RESOURCES THAT CANNOT BE HAD ONLY AT STATE LEVEL. IN FACT THE PROGRAM AT THE STATE LEVEL HAVE IMPROVED IN THE PAST DECADE ONLY BECAUSE OF THE THRUST AT THE NATIONAL LEVEL THROUGH THE BUREAU OF EDUCATION

SF-1201 (R5-69)

western union

Telegram

OF HANDICAPPED. SECOND MR WILLIAMS OUR OWN SENATOR WHO HAS VISITED OUR MT.CARMEL GUILD PRESCHOOL FOR DEAF CHILDREN HAS SEEN THE EFFECTIVENESS OF A MODEL WHICH COULD ONLY HAVE BEEN SO SUCCESSFUL BECAUSE THE LEADERSHIP EXPERTISE SUPPORT ADVISE AND ENCOURAGEMENT THAT CAME FROM PROFESSIONALS IN THE BUREAU WHO HAD A NATIONAL VIEWPOINT. MOREOVER TRUE NATIONAL LEADERSHIP FROM THE BUREAU HAS A RETURN ON THE INVESTMENT MADE WE ARE PROOF OF THAT BECAUSE AS A RESULT OF OUR MODEL PRE-SCHOOL FUNDED UNDER P.L.90-538 THERE IS PRESENTLY A BILL (1095) IN THE STATE ASSEMBLY WHICH WILL SET UP 20 OTHER PRE-SCHOOL PROGRAMS BASED ON THE PRINCIPAL DEVELOPED IN OUR MODEL. FINALLY MAY I PAY TRIBUTE TO THE MEN IN THE U.S.SENATE BECAUSE THE LEADERSHIP I REFER TO WAS POSSIBLE ONLY BECAUSE OF THE COURAGE OF OUR LEGISLATURES TO DO WHAT HAD TO BE DONE. GOD WILL BLESS YOU NOT ONLY FOR WHAT YOU HAVE DONE

western union Telegram

BUT ALSO FOR WHAT YOU MUST DO NOW.

MONSIGNOR JOHN P HOURIHAN REPRESENTITIVE COUNCIL ON EDUCATION
OF THE DEAF MT CARMEL GUILD ARCH-DIOCESE OF NEWARK 17 MULBERRY
STREET NEWARK NJ 07102

94-941 817

Senator Randolph. Our next witness is Dick Dowling, Director of Governmental Affairs, American Speech and Hearing Association, Bethesda, Md. Dick, identify yourself, and I believe Ms. Jones is here to actually tell the story.

STATEMENT OF DICK DOWLING, DIRECTOR OF GOVERNMENTAL AFFAIRS, AMERICAN SPEECH AND HEARING ASSOCIATION, WASHINGTON, D.C.; ACCOMPANIED BY MS. SHIRLEY A. JONES, PROFESSIONAL STAFF, SCHOOL AFFAIRS PROGRAM, AMERICAN SPEECH AND HEARING ASSOCIATION

Mr. Dowling. Thank you very much. I am Dick Dowling, Associate Secretary of the American Speech and Hearing Association, which is the national professional and scientific association of some 15,000 speech pathologists and audiologists nationwide.

Our association and membership are most grateful for your sponsorship, Senator Randolph, and yours, Senator Stafford, of S. 896, and for the sponsorship of the rest of the subcommittee on the handicapped.

Ms. Shirley Jones is here today, to testify our general support for S. 869. We have a formal statement, which we hope will be submitted for the record.

Senator Randolph. We will include that in the record as if given.

[The statement referred to was not made available in time for inclusion in the record at time of printing.]

Mr. Dowling. Thank you, sir. Ms. Jones is a professional staff member of our public schools program, and until recently was involved in the speech correction activities of the Baltimore City public schools. Let me present Shirley Jones.

Ms. Jones. Thank you. I would like to focus my remarks on S. 869 on what this could mean to local school districts who must deal with those children who have speech, hearing, and language problems. It is a noble goal of the Bureau to develop full services for the handicapped by 1980. We are particularly concerned with peer groups of exceptional children.

The first is those with language impairments. This group is not mentioned in any of the current or proposed laws. As we have indicated in our prepared statement, these are children who have severe problems in understanding spoken language, read language, or written language, and expressing themselves through any of these avenues of communication.

. These children are not, however, either hearing impaired, mentally retarded or severely or emotionally disturbed.

We are concerned, too, with the needs of those children who do have impaired hearing. We think there is an urgent need for preschool programs for them. These children too have the right to read, but unless they receive training early, early identification of their problems, then their language deficiencies will prevent them from academic achievement.

Mandatory services legislation in a number of States recognizes the urgency and legal rights of these children for services, and when we have a State law that says we have to begin to look at the needs of children from birth to age 21 or over, then what are the kinds of things we need to do. We will need consultation services, leadership personnel, demonstration projects, to develop exemplary services. Bureau help we feel will be vital to meet these requisites.

In Baltimore City our needs are great. We have documented that less than half of the children that we have identified as needing services are actually receiving them. This is due to the lack of trained personnel and to a fairly low priority that has ben set for the handicapped and the total educational planning.

We can cite rather dramatic instances where children in our services programs have shown improvement. When children improve it is because of the hard dedicated work of the training professionals. Training programs have been substantially operated through Bureau efforts, in cooperation with associations like ours, and universities and colleges who supply our personnel. Special continuing education service institutes in Maryland have been held, as a result of cooperative efforts between the Maryland State Department of Education and the Bureau.

I was able to observe changes in the skill level of our staff, as a direct result of these opportunities. One of the most exciting projects that the State developed in cooperation with the Bureau was an instruction television series aimed at the regular classroom teachers to help them to identify those children who might have special needs and to begin to help them in the regular classroom and cooperate more with resource personnel.

We have been also using information to upgrade our programs which would not have been available to us in many instances without the direct support of the Bureau in approving the funding of research and demonstration projects.

We have experienced failures as well in developing comprehensive services for some children in Baltimore City, and these must always cause us concern. We have not fallen into the trap of blaming the victim, however. Where we have failed, we realize that the fault was ours, as professionals, for not having the kind of programs children needed or not reaching them early enough.

The awesome numbers of children in one city alone over 4,000 that we have identified—point to the need for continued and increased efforts on behalf of the handicapped. We feel that the designation of the Bureau of Education for the Handicapped as the agency specifically charged with program stimulation, development and monitoring is needed to assure adequate service for the handicapped.

We think this is fully appropriate to have a designated agency because staff is available there who have specialized training and knowledge of the needs of the handicapped.

The cost involved in planning, research efforts and a program to ameliorate handicapped conditions in children will be much less than the eventual cost to the public of supporting handicapped adults who may not ever be fully achieving, contributing members of our society because they did not receive the services they needed.

Thank you.

Senator RANDOLPH. Thank you very much, Ms. Jones. Thank you, Mr. Dowling.

Ms. Jones, I am wondering if there have been changes in the teacher training programs through the past few years?

Ms. JONES. Yes. We know that there have been. For example, in our field we are turning out more people who are trained at the master's level or at the equivalent master's level. While we feel that a degree does not always insure quality services, we feel that the chances are these people being able to provide higher level training is increased when they have had an extended preparation program. The State of Maryland has just adopted the master's level as a minimum degree for certification for speech pathologists and audiologists, and this pattern seems to be a trend in a number of other States.

Senator RANDOLPH. Senator Stafford, do you have any questions?

ROLE OF THE STATES

Senator STAFFORD. I have just one, Mr. Chairman, and that is the same one I asked of the two earlier witnesses.

If Ms. Jones or the gentleman with her cares to comment on what you might consider to be the State's role and responsibility in the education of handicapped children?

Mr. DOWLING. I would like to say I think the Association's position would be that, ideally, the States should have the primary responsibility. They have traditionally been viewed as primarily responsible for delivering educational services and special education services as well. But I think the lesson is written in rather large type, at least insofar as special education is concerned, that they have failed that responsibility. There are people, such as the Secretary of Education in the State of Pennsylvania, John C. Pittenger, and others throughout the States who are foresightful and leaders in helping special education make it on the State level. But the multiplicity of special-education suits at the State level indicates clearly that there aren't enough such leaders to entrust States to the extent we might like. I am afraid we have still to depend on the Federal Government for the primary responsibility in meeting the needs and solving the problems of handicapped people—at least until we can be sure that they begin receiving equal educational opportunities.

Ms. JONES. We are currently involved in analyzing the laws and regulations of all States and territories and possessions, regarding delivery of services to children with communicative handicaps. Following our analysis of these laws, we hope to train a corps of people to go into the States and persuade them to make necessary changes to support comprehensive services for the educationally handicapped.

So we do see the need for working actively to help the States in their efforts to improve.

Senator STAFFORD. Thank you very much.

Senator RANDOLPH. Thank you, Ms. Jones, and Mr. Dowling.

We come to the end of—may I say in thinking of a song that not many in the room would remember—the end of a perfect day. When you come to the end of a perfect day, you sit alone with your thoughts; those are the words to that old song.

What you have said will continue to be in our thoughts. Our series of current hearings have run well into 2½ days, 2 whole days and a half day. We have had the help of some 30 plus witnesses, and we believe we are having from those witnesses the underpinning, the girding which is necessary to move forward in these areas of legislation.

At this time I order printed in the record all statements and other pertinent material submitted by persons unable to attend this hearing.

[The following was subsequently supplied for the record:]

GALLAUDET COLLEGE
KENDALL GREEN, WASHINGTON, D.C. 20002

MODEL SECONDARY SCHOOL
FOR THE DEAF

29 March 1973

The Honorable Jennings Randolph
United States Senate
New Senate Office Building, R 5215
Washington, D.C.

Dear Senator:

As I stated in my testimony, it was definitely a pleasure to testify before the Senate Subcommittee on the Handicapped last Friday, March 23rd, at the hearing to extend the Education of the Handicapped Act. I appreciated very much your invitation to appear before your committee.

Although I wanted to respond to Senator Stafford's statement concerning my discussion of the Administration's intention to initiate an education revenue-sharing plan, the opportunity did not present itself. I will agree with his contention that administrators at the state level are sympathetic to and concerned with the needs of the handicapped population. The overriding problem, however, is that of scale which very often escalates the cost of educating handicapped children beyond the state's financial capability.

According to the data supplied by Secretary Casper Weinberger to the Honorable Carl Albert, Speaker of the House of Representatives, the State of Vermont is currently receiving $916,000 for education of the handicapped children under Part B, EHA, P.L. 89-313; ESEA, Title III; and Vocational Education. Under the revenue sharing plan this will be reduced to $356,000. This change, I assume, is because each program now has a minimum level of funding for each state. In general, the larger state will receive increased funding while the smaller states stand to lose ground under the revenue sharing plan. For example, the same data shows that California now receives $9,909,000 under the current programs and will receive $15,213,000 for the education of the handicapped under the revenue sharing plan. Further, the data supplied by the Secretary of H.E.W. indicate that the amounts now received by 28 states will be reduced under the revenue sharing plan for the education of the handicapped.

The District of Columbia and the State of Vermont seem at first reading to be the major losers. District of Columbia loses $602,000 and Vermont $560,000. The reductions tend to hit the smaller states the hardest although New York and Pennsylvania also have minimal reductions.

In addition to the absolute monies coming into a State, the shift in monies going to state supported programs, i.e. P.L. 89-313, will be drastically changed under revenue sharing. These monies are generally directed towards state schools for the deaf, the blind and the retarded. The Austine School for the Deaf in Vermont currently gets about $400 per child in average daily attendance. There is no assurance under revenue sharing that they will remain at this level since these funds currently make up 40% of the total monies going to the State for the education of the handicapped.

It is for these reasons that I made the remarks in my testimony expressing my concern for the handicapped and especially the deaf under revenue sharing. The concepts behind revenue sharing are good, however, careful examination of the present programs and the consequences of major changes should be studied.

As a representative of the constituency that will be affected by this pending legislation, I urge you to do everything within your power to ensure its passage. Also, if at all possible, I would like to request the inclusion of this letter in the Records along with the testimonies given at the hearings of March 23rd.

If I can be of further assistance, I shall be pleased to be at your service.

Very sincerely,

Victor H. Galloway

Victor H. Galloway, Director
Division of Pupil Personnel Services

VHG/ge
cc: Senator Robert Stafford

Resolution approved by the Board of Trustees of the Division *of Children With Learning Disabilities* and published in the CEC DCLD Newsletter in the summer of 1972:

Whereas the appropriations for implementing the intent of P.L. 91-230-VI-G, "Special Programs for Children with Specific Learning Disabilities," while extremely meager as compared to the authorizations, at least afforded the opportunity for a cooperative effort between BEH-USOE, State and local education agencies, non-profit private institutions, and national and state parent and community groups to implement some of the intent of the legislation, be it resolved that the Division for Children with Learning Disabilities goes on record as urging BEH-USOE, the Congress of the United States of America, and the President of the United States of America, to implement the full intent of that law, by introducing legislation which will provide for a continuous authorization and appropriation not less than $31 million for each fiscal year for at least 5 years, beginning July 1, 1973, and ending June 30, 1978.

End of Resolution.

MACLD

MARYLAND ASSOCIATION for CHILDREN with LEARNING DISABILITIES

320 Maryland National Bank Bldg./ Baltimore, Maryland 21202

TESTIMONY CONCERNING S.808
PRESENTED TO THE COMMITTEE ON LABOR AND PUBLIC WELFARE
by Mrs. Joan M. Rupp

Mr. Chairman:

As a member of the Governmental Affairs Committee of the National Association for Children with Learning Disabilities, as President of the Maryland Association for Children with Learning Disabilities, as a parent and as an educator, I respectfully submit the following testimony.

While Senator Gravel's intentions are appreciated, several concerns need to be voiced:

1: As Senator Gravel points out in his own testimony, teachers are not being prepared to identify children who have learning disabilities. Screening is a process requiring a certain degree of teacher preparedness, in which a large number of children are evaluated (not individually, and not by means of a singular evaluatory tool) to identify children with potential or existent learning disabilities. This process, operating within some school systems throughout the country, is effected by a multi-disciplinary staff at the pre-school level, and is effected primarily by the classroom teacher at the Kindergarten through Grade 2 level.

Senator Gravel's bill would provide teachers with "screening devices". However, the simple provision to a teacher of a screening device does not insure that the teacher can effectively utilize that device. Much more than a screening device is needed to achieve cognizant, accurate, knowledgeable identification of children with learning disabilities.

Would it not be better to provide funds for learning abilities education for students majoring in Early Childhood and Elementary Education at the college level? It is necessary that a teacher be aware of learning abilities, accompanying disabilities, and the symptoms thereof before accurate identification of children with learning disabilities can occur.

2: Senator Gravel's provision to provide for a screening program for administration to schoolchildren prior to their entrance into the third grade is commendable. However, the use of a screening device such as is called for in the bill presents the danger of the mislabeling of children, because of the imperfections of such devices. A variety of screening measures (generally known to educators as an "early identification program" or an "early detection program") directed by the teacher are more likely to achieve correct evaluation of children's learning difficulties than the use of a device.

3: Another point of concern lies in the area of remediation. Would

> a screening device provide any opportunity for direction or implementation of a remediation program for children identified as having learning disabilities? Identification programs now in operation are universally paired with remediation programs, which offer remedial intervention individualized to the needs of children according to the results of identification processes. Unless remedial intervention is provided for, identification of children with learning disabilities is both pointless and hazardous to the well-being of the children who are identified.

For a detailed description of early identification and remediation, I respectfully request that the attached report entitled "Early Identification and Remediation of Learning Disabilities" be referred to. The report will serve to indicate the critical need for legislation designed to make funds available for comprehensive identification and remediation programs. However, considerable care must be taken to insure that any such legislation provide specific guidelines for well-balanced programs.

In summary, once again, Senator Gravel's efforts are very much appreciated.

Respectfully submitted,

Joan M. Rupp

Joan M. Rupp
President

MACLD
1973

MARYLAND ASSOCIATION for CHILDREN with LEARNING DISABILITIES
320 Maryland National Bank Bldg./ Baltimore, Maryland 21202

EARLY IDENTIFICATION AND REMEDIATION OF LEARNING DISABILITIES

This report presents facts relevant to early identification and remediation, the needs of such programs, and current developments involving early identification and remediation programs and efforts.

DEFINITION OF TERMS

Learning Disability: The terms learning disabilities, learning problems, learning difficulties and learning disorders are used interchangeably, and shall be considered to be synonymous. Learning disability refers to:

1) children who have educationally significant discrepancies among their sensory-motor, perceptual, cognitive, academic, or related developmental levels which interfere with the performance of educational tasks;
2) who may or may not show demonstrable deviation in central nervous system functionaing; and
3) whose disability is not secondary to general mental retardation, sensory deprivation, or serious emotional disturbance.

Screening: A process by which large numbers of children are evaluated informally (not individually and not by a singular evaluatory tool) to identify children with potential or existent learning disabilities. This process generally includes a multi-disciplinary staff at the pre-school level, and is effected primarily by the classroom teacher in grades Kindergarten through grade 2.

Identification: Synonymous with Screening.

Remediation: A process by which educational tasks and activities are engaged in by children identified as having or possibly having learning disabilities. Such tasks and activities are designed to provide the means by which children develop skills and concepts in which they are disabled, or appear to be disabled.

Early Detection and Intervention: Synonymous with Early Identification and Remediation.

THE NEEDS

- Teacher training at the college pre-graduate level;
- In-service training opportunities for teachers and other professionals;
- Diagnostic fascilities;
- Therapeutic fascilities, both educational and medical;
- Counseling services; and
- School early identification and remediation programs.

Teacher Training: The immediate development of educational programs at the college level for the purpose of educating prospective teachers is necessary. Such training should include the study of learning abilities, learning disabilities, and techniques for the identification and remediation of learning disabilities in the regular classroom. ALL prospective teachers, including Special Education students, Elementary Education students and Secondary Education students should be required to include the above-mentioned training in their degree program.

In-Service training for Teachers and other professionals: At this time, very few teachers have had ANY training or preparation for identifying learning disability children in their classrooms. Supportive personnel such as psychologists, reading and speech diagnosticians and resource teachers are also, in the majority of instances, insufficiently aware of proper diagnostic techniques for identifying children with learning disabilities or diagnosing the specific disabilities of children referred to them.

Therefore, in-service training for ALL ELEMENTARY TEACHERS AND DIAGNOSTICIANS is the FIRST AND MOST NECESSARY step to be taken by any school system toward meeting the needs of learning disability children.

For school systems not yet ready to implement an early identification and remediation program, a series of in-service workshops for school staff should be considered. Teacher awareness alone can markedly increase a learning disabled child's chances for improvement, because awareness alone encourages understanding - and the vast lack of understanding faced by learning disability children in classrooms today is the single greatest problem to be overcome.

In-service training would do much to lessen to rate of school failure of learning disability children, in that there are many ways in which a knowledgeable teacher can assist a learning disability child measurably within the regular classroom.

School Early Identification and Remediation Programs: Screening for identification of children with learning disabilities in the regular classroom or at the pre-school level need not be, in fact should not be, a highly formalized process. Administration of a single standardized test or device is not an adequate means of identification. Informal screening over a period of time provides the means for identification with a minimum risk of error. Such a program would begin at the pre-school level during Kindergarten registration in the Spring preceding Fall entrance. The program would continue by means of a curriculum-based evaluatory process in Kindergarten through the second grade. The major elements of the program might include:

Pre-school level	SPRING REGISTRATION OF KINDERGARTEN STUDENTS
(screening)	Evaluation in areas of: Visual acuity Visual processing Auditory acuity(hearing) Auditory processing (perception) Language development Motor development Medical and dental records Parent conference (child's history)
	staff: teachers and diagnosticians appropriately trained in evaluatory techniques for the above-mentioned areas. Coordinator: responsible for drawing together all information gathered on each child.

Kindergarten through Grade 2 level
(Identification and Remediation)

Kindergarten

1) curriculum-based activities for all pupils, emphasizing the use of visual, auditory and motor abilities: for the purpose of serving as developmental tasks and as a means of identifying those children with difficulties.
2) additional curriculum-based tasks and activities for those children who were identified during Kindergarten Registration OR during the Kindergarten year as having possible or actual learning disabilities. These additional activities should be assigned to children according to their indicated areas of need.
3) Wherever possible, a resource teacher should be available to work with individual children and the teacher as needed.
4) Periodic evaluations (such as in the form of check-off sheets) for the purpose of evaluating progress, changes, or lack of progress.
5) Recommendations for individualized evaluation (by a diagnostician or outside agency) when indicated.

Staff: teachers trained (in-service) to conduct the program;

resource personnel: learning diagnostician (capable of evaluating a child's abilities in visual, auditory and motor functioning;)

academic diagnostician:(capable of ascertaining mental abilities and academic achievement and deficiency levels;)

language diagnostician (capable of evaluating speech and related language disorders;)

resource teacher: (capable of providing remedial therapy in perceptual, motor, and academic areas, and of providing assistance to the classroom teacher.)

Diagnostic Fascilities: The most appropriate means of meeting this need is the establishment of Regional Child Development Centers. The staff of such a center would necessarily include the following: pediatrician, psychiatrist, psychologist, neurologist, orthopedist, optometrist, opthalmologist, audiometrist, language therapist, occupational therapist, academic diagnostician and a team counselor.

While the diagnostic functions of many of the above-mentioned are self-explanatory, particular notice should be taken of the academic diagnostician and the team counselor. The academic diagnostician is seen as being provided by the school system, and shall serve as the laison to the school. The team counselor would serve the crucial function of coordinating all

Diagnostic... cont'd...

diagnoses. and interpreting the composite diagnosis to the parent and family physician, as well as the academic diagnostician. It is worth noting that most available team diagnostic fascilities (and there are few of these) lack cohesive follow-through to those who must live and work with the child. This lack frequently nullifies to a great degree the effectiveness of the diagnosis.

Regional Child Development Centers would be administered most suitably under the State Department of Health and Mental Hygiene.

Therapeutic fascilities: Certain diagnoses would call for prescriptive therapy beyond the abilities of school personnel. Such therapy would best be offered at Regional Child Development Centers, and might include: language therapy, physical therapy, motor therapy, visual therapy, and in severe instances academic therapy in small groups. In addition, year-round recreational programs should be made available to learning disability children who have special physical development needs.

Counseling Services: Many learning disability children need, at one time or another, some form of mental health services. Regional Child Development Centers would best serve this need by offering individual and group counseling opportunities under the direction of psychiatrists, psychologists and related professionals. Counseling for parents and family members of children with learning disabilities would be included in this area of service.

CURRENT DEVELOPMENTS What is being done • Implications

What is being done:

Burton L. White, director of the Pre-School Project, Laboratory of Human Development, Graduate School of Education at Harvard University writes that "current professional neglect of the first six years(of life) is a serious disservice to most children, including many we consider perfectly 'normal'." The state of California is presently attempting to deal with this problem by considering the California Plan, which calls for restructuring the K through 2 school program so that the individual needs of children can be met, and calls for optional inclusion of four year olds into the school program, in the form of a developmentally oriented program.

The state of Illinois has begun a project entitled The Illinois Program for Screening for Learning Disabilities, involving a total of 75,000 primary level children. The program includes in-service workshops for primary level teachers.

The Seattle Public Schools in the state of Washington are nearing completion on introduction of perceptual training in its ninety 1rst grade classrooms. The Rationale of Seattle's Early Identification and Remediation Program for 1972 - 1973 states in part that" Early Identification and proper remediation within a regular calssroom setting will alleviate many potential learning problems before they become aggravated by successive years of failure."

The Skokie, Illinois, School District is registering and screening three and four year olds for the purpose of identifying children with possible learning and speech problems.

In the Anchorage Borough School District of Alaska, a Child Service

Demonstration Program has begun, directed toward Kindergarten and first grade children. The project provides for identification of children with specific learning disabilities. Included in the project are diagnostic prescriptive classrooms, a developmental first grade program for mildly learning disabled children, and in-service training for regular classroom teachers.

While some learning disabled children have no special medical or social needs, all learning disability children have one common need - the need for responsible education based on an understanding of the nature of their disabilities and on the recognition of those disabilities.

For this reason, the Council for Exceptional Children states that the need for Early Identification (early screening) is its primary concern this year. The Council points out that Early Screening not only is beneficial to learning disabled children, but also to those children who have undetected speech, hearing and vision problems.

The Maryland Governor's Commission on Dyslexia (1972) has made the recommendation that an immediate "crash program" to "properly educate" the estimated 150,000 dyslexic children in Maryland be initiated. This clearly indicates the Commission's recognition of the present instructional inadequacies faced by dyslexic children alone (most of whom are in regular classrooms, where their problem is neither understood nor dealt with.)

The Commission further recommended that local Education Agencies reconsider their staff allocations to place more teachers in the area of identification and remediation programs, and that efficient use should be made of para-professionals and volunteer assistance.

A few colleges and universities throughout the country are now offering graduate degree programs in Learning Disabilities. Others are offering graduate level courses in Learning Disabilities within a Special Education degree program. More of these programs and courses are needed, along with courses for undergraduates as previously mentioned.

Implications: Consider the cost to the individual child who is learning disabled, but who is not receiving education appropriate to his needs. These children often develop emotional problems as a result of their disability. Social and adjustment problems then often lead to greater problems such as juvenile delinquency, unemployment and psychiatric disorders.

The Mental Health Association of Montgomery County, Maryland, has astutely named as a priority for this year: Early Identification of the Learning Disability Child. MHAMC fully realizes the disastrous effects, in terms of mental health, that befall children with undiagnosed learning problems.

Dr. Harry C. Faigel, director of adolescent medicine at Kennedy Memorial Hospital in Brighton Massachusettes states that " Just recognizing the existance of a treatable learning disability can do much to assure children. Once the pressures of their parents and teachers are removed, their improvement can be rapid and dramatic."

Dr. Gilbert Schiffman, Dean of the Evening School at John's Hopkins University recently described the plight of the learning disabled child quite graphically to a group of parents and teachers. Dr. Schiffman cited a recent study made of 240 7th and 8th graders who were reading at the 2nd grade level. School records indicated their I.Q. scores to be in the 70's and 80's; and yet 79% of these children were discovered (during the study) to have average or superior ability. However, the consequences of their undiagnosed learning problems became readily apparent when only 10% of these students, in response to a questionaire, indicated that they considered themselves to have at least average intelligence; only 6% of their parents considered their children to have average or better intelligence, and only 5% of the their teachers considered the students to have average or better intelligence. The damage done to students such as these can only be guessed at.

However, recent studies indicate what some of that damage is: In one 2½-year education and rehabilitation program for unemployed adults with multiple problems considered severe, 26.6% of those enrolled gave clear evidence of developmental dyslexia.[1] In another study, 31% of a group of teen-aged boys in an institution for juvenile delinquents have been classified as developmental dyslexics. A continuation of that study has yielded incidence figures of 46% to 49%.[2]

Vocational Rehabilitation agencies cite the critical need for identifying children with learning disorders, pointing out that it is far more costly to "rehabilitate" a learning disabled young adult than it is to vocationally educate the learning disabled child before emotional and social adjustment problems set in as a result of lack of appropriate education. In support of this view is the fact that, in the state of Maryland, the state spends eighteen thousand dollars ($ 18,000) to house just ONE juvenile delinquent for ONE year.

It has become clear to leading educators and to social agencies across the country that our schools have been inadvertently creating and cultivating a high percentage of school dropouts, juvenile delinquents and future social dependents - the unemployed. These, the "by-products" of conventional education, can no longer be considered to be " inadvertently produced" but must henceforth be considered to be the products of educational negligence.

Early Identification and Remediation Programs for children with learning disabilities is indeed a critical need in public education today. Jeanne McCarthy, author of How to Teach The Hard To Reach states that it is necessary to have "Early Identification of these children and a complete change in attitude toward our interests in, and responsibility for, preschool children."

Samuel Kirk, author of Educating Exceptional Children, states that "The main responsibility for remediation of learning disabilities will fall upon the schools. The sooner the public schools assume the responsibility for the analysis of these children - their identification and remediation - the sooner the problem will be solved for many of them."

The problems accompanying efforts to establish appropriate educational programs for learning disability children were discussed recently by Dan Frank, editor of CANHC-GRAM, the official newsletter of the California

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[1] The Work Training Program, Santa Barbara, California, December 1964-August 1967.

[2] Los Prietos, Star Route, Santa Barbara, California, October 1967-March 1969; continuation, 1969 - .

Association for Neurologically Handicapped Children. In Mr. Frank's editorial presented in the Spring publication of Academic Therapy [1], he said: " Since this is a national problem, the basic diagnostic parameters should be established at the federal level along with the criteria which would ensure that all youngsters are correlated to the same population baseline. In fact, I see no reason why the entire method, materials, and guidelines cannot be developed and provided by a federal agency to ensure conformity throughout the entire educational system. Then, once our common yardstick is established, it must be applied. Not on a permissive basis at the local level but on a mandatory basis across the nation..."

In summation, further words from Mr. Frank's editorial express the situation in regard to Early Identification and Remediation:

> " At this time, less than two percent of our school children are receiving financial aid for their identified learning disabilities. Contrast this with the thirty-five to forty percent afflicted and the disparity is ominous. If the same number of children suffered from measles, mumps, or venereal disease, the hue and cry about the epidemic proportions would be heard across our country. However, in a sense the children with learning disabilities have an even more serious problem than a temporary illness. Theirs is a malady which could cause them to remain educationally and emotionally crippled for the rest of their lives. And, like the proverbial stone dropped in a pool of water, the resultant ripples of unemployment, nihilism, welfare, penal confinement, or institutionalization are the real penalties paid by both the individual and our society."

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[1] Dan Frank, "Are We Really Meeting Their Needs?", Academic Therapy, Volume VIII Number 3: Spring, 1973.

EDUCATION OF THE HANDICAPPED AMENDMENTS OF 1973

Statement
of

Hyman J. Gardsbane
Shreveport, Louisiana

Representing the
ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES

TO

THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

April 12, 1973

It is a privilege to submit this statement on behalf of the Association for Children with Learning Disabilities. I am Hyman Gardsbane, a past-president of ACLD and, as are all of ACLD's officers and directors a parent.

The Association for Children with Learning Disabilities is a federation of state and local organizations, composed primarily of parents of learning disabled children. We have over 300 chapters in 44 states, the District of Columbia, and the Virgin Islands. Our newsletter reaches some 40,000 readers monthly and our last annual conference which was held in Detroit in March of this year had an attendance of almost 6,000 parents and professionals.

Four years ago, representatives of this Association, including myself, appeared before Congressional Committees asking that our children be recognized in federal legislation. At that time, Dr. Samuel Kirk who was then Chairman of the National Advisory Committee on the Handicapped said this:

"The problem of Special Learning Disabilities affecting children is not new. It is, however, one of the more complex areas in the education of handicapped children. Children with learning disabilities have only recently begun to receive the attention they deserve from research personnel, from public and private schools, and professionals in special education. The reason for the previous neglect of this group is the complexity of the problem and the diversity of children who are covered by the term "special learning disability."

"Title III, of Public Law 88-164, passed by the U.S. Congress in 1963, provided for the more easily identifiable handicapped children, such as the deaf, the blind, the mentally retarded, speech impaired, seriously emotionally disturbed, crippled, and other health impaired. The term "special learning disabilities" had not yet evolved and was not specifically defined and included in the law. Considerable work, however, has been done in the area of children's learning disabilities under different categories and different names.

"During the formation of programs for the traditional categories of handicapped children it became apparent to parents and educators that there were other handicapped children who had severe problems in development. Some were not deaf but could not hear or understand spoken language; some were not visually handicapped but could not see their environment; some were not mentally retarded but could not learn to read or write. These children were given different labels such as word-deaf, or dyslexic, or asphasic, or they were called perceptually handicapped or brain injured.

"Fourteen states have included in their education code provisions for children with learning disabilities. They have used different terms usually undefined, but indicating that a problem exists. The terms include language handicap, neurological disorder, perceptual handicapped, brain damaged. The preferred term in the code of states however, is 'specific learning disability.'

"In 1966 the United States Congress created, under Title VI of ESEA, a National Advisory Committee for Handicapped Children. This Committee was created and given the responsibility of making recommendations to Congress with reference to programs for handicapped children, and it has given earnest consideration to the problem of special learning disabilities. In the Committee's Annual Report to Congress on February, 1968, it listed 'special learning disabilities' as one of the four most crucial problems to be brought to the attention of Congress. In this report the Committee stated:

'Confusion now exists with relation to the category of special learning disabilities. Unfortunately, it has resulted in the development of overlapping and competing programs under such headings as minimal brain dysfunction, dyslexia, perceptual handicaps, etc.' For that reason the Committee formulated the following definition:

> Children with Special Learning Disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling or arithmetic. They include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, etc. They do not include learning problems which are due primarily to visual, hearing, or

> motor handicaps, to mental retardation, emotional disturbances, or to environmental disadvantage.

"This definition, essentially, has been incorporated in the proposed bill. It has been adopted by the Association for Children with Learning Disabilities as their official definition, and has been generally accepted by the professionals in the field of special education.

"At the last meeting of the National Advisory Committee, in May of this year, the Committee again took note of the problem, stating in reference to S. 1190 and H.R. 8660.

> The National Advisory Committee strongly endorses this legislation and urges the appropriation of sufficient funds to accomplish the purpose of the bill.

"In addition to the endorsement of the 'Learning Disabilities' Bill, the Committee recommended that the term 'specific' be used before the term 'learning disabilities,' so that the bill will read 'Specific Learning Disabilities' to more clearly identify this area of handicap. This is similar to the use of 'Seriously Emotionally Disturbed' instead of 'Emotional Disturbed.'"

With the enactment of Part G, Title VI, in 1970, the volume of interest in our children grew at an amazing rate. Prior to Part G, our children received some services under the catagory of "other health impaired," but since the field of learning disabilities was so new, recognition of this problem was not widespread. Today, there is some degree of commitment to our children in every state. However, even with this increased commitment, only a small fraction of children with specific learning disabilities are being served. For example, in my state of Louisiana there were a total of 827,000 students of public school age at the beginning of this school year. With a conservative 3% estimate of children with learning disabilities, we have over 24,000 learning disabled children in Louisiana, with only 1,800 children being served in 166 classes. This, despite a fine state education agency which has made a serious commitment to our children. The figures for Louisiana are believed to be typical for many of the states. The need for improved and expanded help is clearly here.

The Association for Children with Learning Disabilities strongly supports the extension of the Handicapped Act, S. 896. Although we would very much like to see specific learning disabilities added to the list of handicaps under Title VI, Part A, Section 602(1), we recognize the difficulties involved in requesting such a change at this time and therefore are only seeking enactment of S. 896. Handicapped children have in the Handicapped Act an appropriate vehicle for the provision of services. While we call for extension of the Handicapped Act primarily because of our own learning disabled children, ACLD supports the extension for what it has done and can continue to do for children with all the other various handicaps. However, even though this statement is in support of S. 896, we also want to go on record as supporting the concepts embodied in S. 6, the Education for All Handicapped Children Act.

We, in ACLD, as parents have faced terrible challenges in our lives - to help our handicapped children. It is gratifying to know of your interest and we greatly appreciate this opportunity to urge your support of S. 896.

PRESENTATION
of the
STEVEN PATRICK CHRISTIAN MANOR

The Steven Patrick Christian Manor for Exceptional Boys, Inc., was formed in March, 1971, as, and is to exist as, a Residential School for mentally and emotionally handicapped children. Our purpose is to help give relief to families who are burdened with this problem by providing an atmosphere as closely related to home and family as conceivably possible in group living, so as to take some of the heartache out of the situation and provide a place that will be easy for the boys and their families to accept. We have found in the past two years, that our emphasis of dedication and concern can and does, provide the effort needed for these boys to live a happy and prosperous life.

Founded by the parents of a mentally handicapped boy, Steven Patrick Tewksbury, our Residential School has developed into a program extending years ahead of its time in the field of mental health education. We firmly believe that programs such as ours present the upcoming techniques and educational practices in the field of mental health. Furthermore, the "institutionalization" of mentally deficient children will eventually be phased out in our society and the Residential School will become the most important aspect to communties for the treatment of their handicapped children. I know of no other program in New England with the true dedication, concern, and "tender loving care" associated with it to provide the best possible care for these children, and attain the results achieved at Steven Patrick Christian Manor.

Steven Patrick Christian Manor is staffed by people who, have not only the dedication, and concern for our boys; but the knowledge and professional ethics needed to carry our program to total effectiveness. Mr. Ellsworth Tewksbury, our administrator, as the parent of a mentally handicapped boy, has a great deal of knowledge, understanding and insight in the field of mental health. I believe there are few people who have this knowledge and total involvement which has proven our school a pilot success for mental health. This enthusiasm is shared, equally, with his wife Ella, who not only presents our school with a very experienced Nurse, but has become "Mom" to our fifteen boys. These two, wonderful people have developed our concepts and created the feelings which make our school totally, one of a kind.

In addition to Mr. & Mrs. Tewksbury, their son James is our administrative Headmaster. We also have a marvelous cook, an efficient secretary/receptionist, maintenance and housecleaning personnel and a Public Relations Director.

Our Residential School, at present, is staffed by full time teachers with degrees in Special Education at the Trainable and educable level, one teacher's aid and a DUO student from a nearby High School. The State of Vermont requires one teacher and one teacher's aid for each fifteen students. At the present time our enrollment is fifteen students with a capacity for forty-five to sixty. With the attainment of more students to our programs, the need for more teachers will become inevitable and we are now in the process of interviewing more teachers who can not only meet State requirements of certification, but have the love and compassion for these children which we emphasize as our most important asset and requirement.

The community of Randolph is geographically in the center of the State and readily accessable to Interstate 89. We are more than blessed with the ideal accomodations to provide for these boys. The Manor itself is quite picturesque and is one of the main beauty spots in Randolph. Located on approximately One Hundred Fifty acres of wooded land our facility consists of the Main Building (Administrative offices Dining Room, Upstairs dormitory, and Library), a Schoolhouse (classrooms on the first level, Dormitory on the second level, recreation room in the basement), a three year old Chapel (which we utilize at present for recreational space during the week, and services to emphasize the Christian Ethic on Sundays and conceivable classroom space in the future) and two barns for our horses, ducks and a sheep. We have recently constructed a swimming pool on the grounds which is utilized for our summer camp program.

Our school is also located directly across from Randolph's Gifford Memorial Hospital. We feel this is a definite asset to our program which provides us with a care which might be needed for our boys. The Orange Mental Health Clinic is also a short distance away which provides us with referral students and any Psychologists or Social Workers that we might need.

Our future proposals for the upcoming year include the acquistion of additional classrooms from the nearby Bethel School Board. At this time Bethel is utilizing three mobile classroom buildings for their elementary school system. Our intentions are, if funding becomes accessable, to purchase these and convert them into permanent buildings with foundations for additional classroom space and a recreational center for our boys.

We would also like to acquire additional funds for our boys so as to become tuition free to Vermont residents. At this time the State of Vermont is aiding us for a few of our boys, but not nearly enough to support our growing needs and provide us with additional boys. We are all aware of the large number of "back woods" children throughout the State of Vermont who really need special education help. Families of these children just cannot afford $6,500. per year to send their children to a school on a total budget of $7,000. Our goal as a Non-Profit Organization is to provide our residential school to anyone searching for help from us in the State of Vermont, tuition free. We realize this cost is high but where else can we obtain the monetary support. We must look to the future with every conceivable obtimism.

There are many other items and improvements needed in the future, but from day to day we live for our "exceptional" boys. A visit to Steven Patrick Christian Manor is welcomed to anyone interested in our program and those whom we believe will value such an experience. Our thoughts and a definition of our program are as follows:

WHAT IS A RETARDED CHILD ?

A retarded child is not a shut-in but a "shut-out"
An unmatched plaid; a reject of humanity
An understudy whose leading lady is never sick
The little boy who can't quite reach the brass ring
on the merry-go-round
The person left watching the elevator going up and
always being told "next car"
A retarded child is a puppy who never catches its
tail
He is a little boy dressed in his Sunday best one
minute and Sunday messed the next
A perserving clock whose hands will never move
beyond a certain hour for all its endless ticking
He is a baby trying desperately to make his own
acquaintance in the mirror
A second string player destined to sit on the bench
for every game.
But above all this - a retarded child is more
A retarded child is a God-like child
Filled with faith, innocence and trust that all little
ones are born with
They are the chosen ones, for they know not that
they cannot reach the brass ring
Nor do they realize that for them the clock stopped
long ago
A retarded child is a visitor in your conscience
Do not turn him away
He stands with one foot in the door of life waiting
for you
Invite him in.

Reprinted from The Burlington Free Press, Tuesday, June 15, 1971

School for Exceptional Boys To Open Saturday

By ELIZABETH KIRKNESS

RANDOLPH — A private nonprofit educational project "founded on faith and planned with much prayer" reaches reality Saturday with opening of the Steven Patrick Christian Manor for Exceptional Boys Inc., 41 S. Main St.

An open house Saturday from 10 a.m. to 7 p.m. will introduce to all comers a program unique in northern New England. A family-type residential school for mentally retarded boys ages 6 to 18.

Open house observances will be highlighted by a ceremony at 1 p.m. and a 5 p.m. concert by the Randolph Union High School Band.

And Sunday the eight-week summer program will be launched for trainable-educable boys for the entire period or any part thereof.

The school realizes a long-time dream of Mr. and Mrs. Ellsworth Tewksbury, parents of five children, whose youngest son, Steven Patrick, now 13, suffered brain damage from spinal meningitis before he was 2. The school, which he will now attend, bears his name, with the added word "Christian" signifying its compassion for all handicapped children regardless of race, color or creed.

"It seems," said Tewksbury, "as if this project was meant to be, for every circumstance has helped bring it about."

There was, for instance, his own concern with problems of the mentally retarded even before Steven's birth.

Tewksbury, for many years a Randolph funeral director, had formed a non-profit corporation called the "Randolph Friends of the Retarded," which sponsored a special education project aided by private donations and some state funds. He also aided this group by providing transportation until the program was absorbed into the public school system.

With the tragic onset of Steven Patrick's handicap, the Tewksburys realized still more the great need in this area for a homelike residential facility to serve such children.

While Steven attended such a school, an ecumenical group operated by the Little Brothers of the Good Shepherd in Ohio, they hoped, planned and "most of all," prayed to bring it about.

The opportunity came last February with availability of an ideal Randolph property, the 140-acre estate occupied by the Paraclete Fathers since 1939. Seemingly made to order for such a purpose is this beautiful site with its fine old mansion in good condition and a complex of other buildings adaptable to special education. Among them is a modern chapel built only two years ago.

ON THE MANOR GROUNDS, its founders, Mr. and Mrs. Tewksbury (at left) review open house plans with their secretary and friend, Mrs. Fran Brown.

THIS BEAUTIFUL CHAPEL, built by the Paraclete Fathers two years ago, has its own pipe organ and will serve as the school's inspirational center.

To acquire this property and transform it immediately into an ideal environment for their purpose became the Tewksburys' full-time goal.

To meet the demands of the tremendous undertaking required giving up their former professions, his as undertaker, hers as registered nurse in a local nursing home.

The project was capitalized from private donations, including their own entire resources, and is backed by the belief that further funding will maintain its mission of service.

Inspired by the Manor's purpose and program, its officers, directors and advisory board members represent many fields of professional interest throughout the region.

Community interest and support have been evident from the outset, said Tewksbury.

"Not a single objection to the project has been voiced," he declared. "Instead individuals, contractors and concerns have done everything possible to be helpful. Some have postponed personal projects to provide the services needed here, others have furnished materials at cost or helped in various other ways."

"Formulating our own philosophy from the ground up," its founders are dedicated to creating "a happy, homelike atmosphere free from pressures or dissension, besides providing as much training and education as each child can benefit from."

This is evident in the physical plant, where bright, attractive surroundings are provided everywhere. Furnishings avoid any semblance of the institutional. Dorm rooms, big and sunny, each with separate lavatory, sleep only two to six boys. Dining and recreation facilities carry out the theme.

Rooms are not designated by numbers or letters, but by names of animals and birds (such as "the Red Robin room"). The infirmary is "Happy Health Haven."

Besides classrooms, arts and crafts centers, workshops and swimming pool, the children will have a horse or two for summer rides and winter sleighing. The extensive acreage of meadows and wooded hills invites sports, picnicking and camping.

For 15 boys (the present enrollment limit) the staff of 30 will include six teachers with six teachers with bachelor's or master's degrees in special education, and summer counselors trained in [illegible]. Aides and attendants will be called "TLC's" for "Tender, Loving Care."

Tewksbury hopes the boys will call him "Pop" and humorously placed after his own signature the letters "LCDD," standing for "Love, Compassion, Dedication and Determination."

The Manor is close to Gifford Memorial Hospital and the Orange County Mental Health Center, where psychological and pediatric-psychiatric services will be available. Mrs. Tewksbury will be the school nurse.

Tuition for both regular and summer programs "has been kept as low as possible, to place it within the reach of as many as we can," Tewksbury noted.

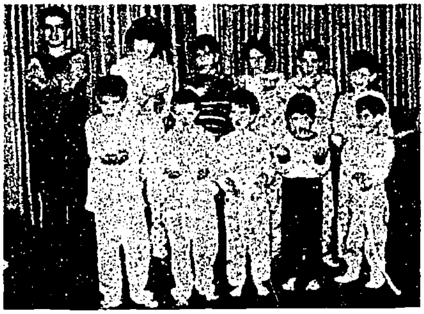
Thus the project has "great need for individuals and organizations to participate financially." He will gladly talk to interested groups about the school and its goals "anywhere, anytime."

"We want this program to excel, to be something the state can look on with pride," he declared. "Visitors will always be welcome."

Summed up by the Tewksburys, in a statement combining their deepest feeling:

"We believe our Steven was given us for a purpose. This purpose is what we're accomplishing here in establishing this residential school for mentally handicapped children, in his name."

STEVEN PATRICK
CHRISTIAN MANOR
for Exceptional Boys Inc.
(residential school for
mentally handicapped boys)



41 South Main Street
Randolph, Vermont 05060
Tel. 802/728-9561
non-profit organization

YOU ARE NEEDED

Would you like to give meaning to the life of a mentally handicapped boy by giving a little of yourself? Our request is not unrealistic as we are only asking you to make a small donation!

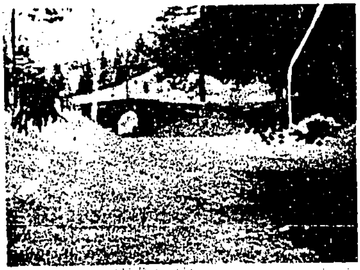
THE NEED?

To reach the goal of $300,000 for our Building Fund Drive, which includes meeting present obligations, and necessary expansion of present facilities. Many gifts of $100 or more are needed, but if you can send us $1.00, $5.00, or even $25.00 it will be such a major factor in our endeavor. We are determined to meet our needs, but it has to be done through your generosity and support. Please help us make our dream of providing this residential school - where love, understanding, and individualized instruction lay the foundation for personal growth and development - a reality for more mentally handicapped boys!

We are "determined". Will you be "determined" too and help us meet and carry through this challenge?

PLEASE DO NOT DISAPPOINT US!

Donations are tax deductible
(return envelope enclosed)



STEVEN PATRICK
CHRISTIAN MANOR
For Exceptional Boys, Inc.

41 SOUTH MAIN STREET
RANDOLPH, VERMONT 05060

Complete information and application forms may be obtained by writing to:

Administrator
Steven Patrick Christian Manor
for Exceptional Boys, Inc.
41 South Main Street
Randolph, Vermont 05060

or telephone
802 - 728 - 9561

Do you want to give meaning to the life of a mentally handicapped boy this summer? Send him to camp at the Steven Patrick Christian Manor for Exceptional Boys, Inc. in Randolph, Vermont

The Manor is a private, non-profit organization serving mentally handicapped boys between the ages of 6 and 18, of all faiths and national origin.

Summers at the Manor are free from the pressures of school and home, and are filled with a wide variety of recreational activities including arts and crafts, swimming, hiking, horseback riding, sports, and much more.

Interested boys may also participate in the care and feeding of our many animals, or in helping with the flower and vegetable gardens.

Day-long outings and picnics are also planned so that the boys may enjoy the beauty and activity of surrounding communities.

S
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STEVEN PATRICK CHRISTIAN MANOR
for Exceptional Boys, Inc.

A Residential School For Mentally Handicapped Boys

41 South Main Street
Randolph, Vermont 05060

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INTRODUCTION

The endeavor of the Steven Patrick Christian Manor for Exceptional Boys, Inc. is to provide a residential school for boys of all races and creeds who are exceptional because of mental or emotional handicaps or learning disabilities. The structure of our program provides a relaxed homelike atmosphere along with an educational program designed to meet the needs and interests of each individual. We intend for our students to obtain the most feasible and logical level of learning needed for them to live a happy and prosperous life.

For those students who will eventually become contributing members of society, we offer all the academic, occupational, and social instruction required for either sheltered or independent living.

For students who will remain dependent, the program will guide them to the greatest possible self-fulfillment in their own community, the Steven Patrick Christian Manor.

We firmly believe that a handicapped person will be able to function as the result of the dedication, tender loving care, and true understanding provided at the Steven Patrick Christian Manor.

Creed

"May the warm winds of
heaven blow softly on this
house and may the Great Spirit
bless all who enter here."

The Cherokees

The Steven Patrick Christian Manor was founded by the parents of a mentally handicapped boy who are well aware of the problems that a family encounters in trying to provide the best for their child.

It is not an easy decision for parents to make when they have been advised to place their handicapped child away from home. And it becomes an even more difficult task to find the right place - the best place for both parents and child. Parents look for a setting where their child will learn, but more importantly, a setting that provides the personal attention and care that the child receives at home. This is a mutual concern that is shared by all. The teachers and staff at the Manor strive to fulfill the needs and expectations of each child and his family.

To a handicapped boy, the Manor becomes a second home where he is free to grow and learn, a place where he can share the joys and pains of childhood with people who care about him as a person.

Birthdays and holidays become extra special days as everyone joins in making it a happy occasion.

Close contact and involvement by the child's family is encouraged so that all of those people that the child has grown to love are aware of his progress and can share in his joys. For this reason also, visiting is permitted at all times and it is not necessary for the family to notify us of their intended visit.

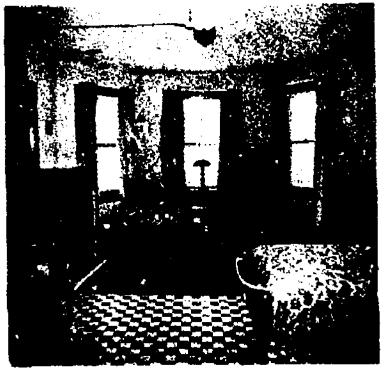
PHYSICAL FACILITY

The Steven Patrick Christian Manor for Exceptional Boys, Inc. is a residential school for mentally handicapped boys, and is located in the heart of the Green Mountains of Vermont. Randolph is a progressive community of 4,000 and is directly off Interstate 89 (Exit 4).

The Manor is situated on an 140 acre estate of fields and woods in the village. The buildings are of brick and wood construction, and are surrounded by beautiful spacious lawns. Our setting offers privacy for the residents, and, at the same time, gives them the feeling of belonging to the community.

Established in March 1971, the Manor operates a year round program, with the academic year from September to June, and a camp program during the months of July and August. This summer program gives the continuity and structure needed by these boys so that they may grow and learn at their own pace.

The acceptance age for students at the Manor is 6 to 18 years. Care is provided for boys who may be unable to return to their home or live in society after reaching the age of 18.



Bedrooms are comfortable and colorful, keeping with our efforts to maintain a homelike atmosphere

Dormitory rooms accommodate 2 to 6 boys and each bedroom has its own lavatory so that the boys may practice good self-care habits before meals and at bedtime, without having to wait in line at a bathroom.

A modern chapel on the property is utilized for religious services.

We also have our own health facility - the "Happy Health Haven" - and a Registered Nurse on duty at all times, in case of illness. If hospitalization should be required, we are located across the street from a modern well-staffed hospital. There is also a pediatrician on call at any time the need may arise. Parents are notified immediately should any illness or injury of a serious nature occur. Among other services available are those of psychologisis, psychiatrists, and other professionals who are trained in Special Education and other related areas.

Well balanced home-cooked meals, and a great deal of individual attention and tender loving care, round out the family atmosphere that the Steven Patrick Christian Manor provides for all the boys.

EDUCATIONAL PROGRAM

Small classes, individualized instruction, and teachers qualified in Special Education provide students with the opportunity to reach their fullest potential in all areas of growth.

Educating handicapped children so that they may develop skills essential to living an adequate social and occupational existence in an adult world, is a challenge we must meet. And, it is only through professional training and personal experience in working with handicapped children that a teacher is able to guide each student to success and full potential. For this reason, all members of the Educational Staff are required to have met college and state certification requirements, and must have previous background experience in the field of Special Education

As we are concerned with the whole child, all areas of development (social, emotional, physical, and mental) are stressed. Instruction ranges from basic skills, such as self-care, readiness skills, language development, and motor training, to complete vocational and occupational programs in areas such as shop training, maintenance, kitchen, dining room, agriculture, husbandry and laundry. Physical education, music, and arts and crafts are incorporated in the educational program as they are very important factors in the future economic efficiency and personal development of the student

Through individual and group instruction in all areas of development the student is able to grow and progress at his own speed. He will experience success and, at times, failure; but because our main concern is for the student and his future, we will guide him in all aspects of personal and community living. Not only does he learn the basic skills necessary for sheltered or independent living, he practices and develops them in daily life situations encountered in and around the Manor.

A child progresses to the succeeding level of instruction based on: teacher evaluations, the student's social and emotional maturity, and satisfactory knowledge of the skills established for his present level. Parents are informed of their child's progress through written reports, parent-teacher conferences, and informal visits, from the time he enters our program.

A student is ready to graduate from the academic program when he has attained his fullest potential, and following an evaluation by a team of professionals including a psychologist, the teachers, and the administrators. These evaluations are based on the student's mental, social, and emotional maturity, as well as his occupational abilities.

Education for our students is an on-going experience in living. It is our aim to provide our students with academic and social knowledge which will guide them in living a self-fulfilling, prosperous and happy life.

RECREATION

What activities do the boys enjoy after school and on weekends at the Manor? The winter months bring plenty of snow to Vermont so the boys enjoy skiing, skating, sliding and tobogganing, and sleigh rides with an old-fashioned sleigh and horse.

Warmer days offer a wide variety of activities including swimming, hiking, horseback riding, and many other outdoor sports.

The newly constructed swimming pool offers hours of fun for all.

The boys also enjoy feeding and caring for the many animals we have, and our extensive acreage provides both a vegetable garden, (which serves us with fresh vegetables throughout the year) and flower gardens for interested boys.

Spacious grounds offer ample room for picnics,
carnivals, hiking, and camping.

Day long outings and picnics are also organized so that the boys have a chance to enjoy the beauty and fun offered by the many seasonal activities of other Vermont communities, or just the chance to go for a ride "in the country".

For days when outside activity must be limited, there are playrooms, recreation rooms, and a TV room.

TLCs

The people who care for the children after school and on weekends are known as TLCs (Tender Loving Care). They are not only responsible for the physical well-being of the boys, but also play an important role in their social and emotional growth. The TLCs are with the children from the time school ends each day until bedtime. Being well aware that parents are concerned about their children during sleeping hours, TLCs are also on duty at this time.

It is because of this close contact with the boys, and the integral part that the TLC plays in the daily life of each child, that all applicants for this position are carefully screened and trained by the administrator.

Everyone at the Manor is concerned with the progress each child makes. Monthly staff meetings are held for all personnel, at which time they are brought up-to-date on each child's behavior patterns and daily routines during the 24 hour period that he is always in contact with at least one member of the staff

ADMISSION INFORMATION

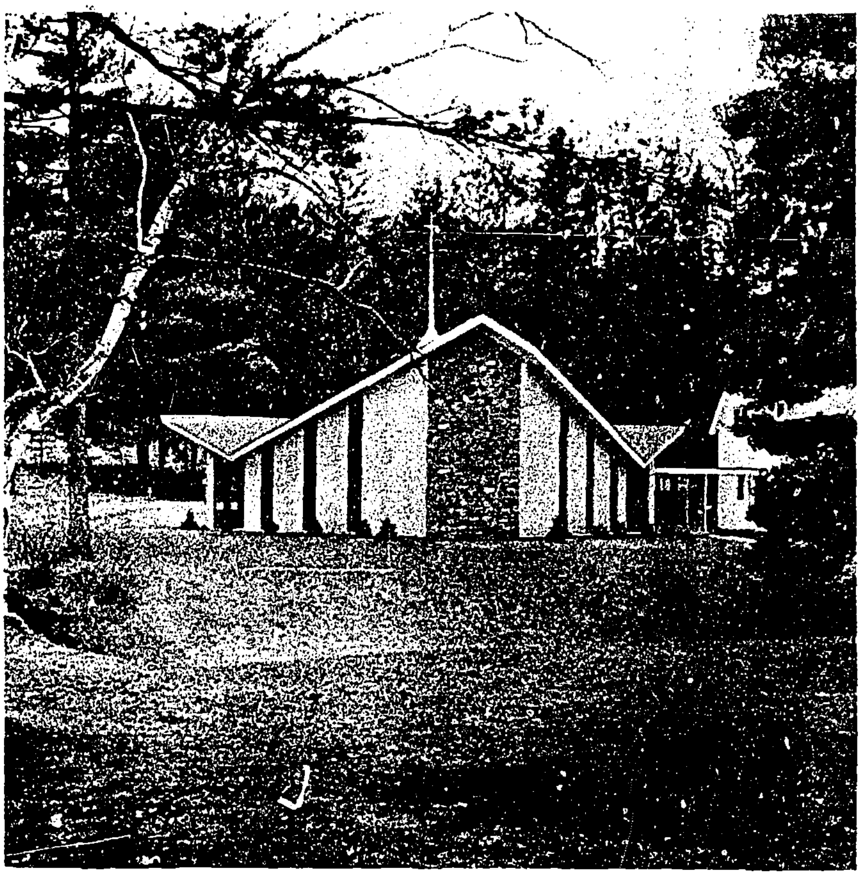
An application for admission will be sent upon request. The acceptability of the prospective student will be determined by the administrative staff, and if the student is accepted, and the accommodations are available, all further details will be handled by the Administrator.

The tuition arrangement includes room and board and education. Payments are due at the beginning of each month, and are made in full even if the child is absent for any length of time due to vacations, home visits, etc.

Inquiries should be directed to:

Administrator
Steven Patrick Christian Manor for Exceptional Boys, Inc.
41 South Main Street
Randolph, Vermont 05060
or
Telephone: 802-728-9561

Approved by the Vermont Department of Education and the Vermont Department of Health



COMMUNICATION TO SENATOR ROBERT T. STAFFORD, RANKING MINORITY MEMBER SUBCOMMITTEE ON THE HANDICAPPED, FROM BARBARA STAFFORD, SPEECH THERAPIST, EVERETT PUBLIC SCHOOL SYSTEM, EVERETT, MASS.

MAY 11, 1973.

Hon. ROBERT T. STAFFORD,
U.S. Senator from Massachusetts,
U.S. Senate, Washington, D.C.

DAD: Well, it's taken awhile, but here it is. I don't really know if there's anything here that you haven't heard already.

I talked to some people in the Mass. Dept. of Special Ed., and some other people who are associated with the legislature concerning education of the handicapped. I didn't really come up with any significant findings—most of the people just had numerous complaints. And all the complaints were founded on one case—*lack of funds.* Everybody here, in the public schools and in the private schools, rehabilitation centers, and hospitals have some great programs that could really raise the quality of our education—but they'll remain in the closet until the monies can get them out.

I'm sending along some information and an explanation of Chapter #766. This law, I feel, is a very good one. It is, in some ways, similar to your Senate Bill #6 which everybody here *strongly* supports.

In other areas, I think three of the most important facets of educational needs are in: 1) coordination of federal funds through a *central* state agency, 2) a more appropriate distribution of funds between public (allotted $939,000) and private/other (allotted 3.1 million cut to 2.4), and 3) the development and improvement of educational teachers and tools. The gap between research and application of new programs is one problem that impedes the further education of the handicapped.

Back to Number 1, there are some Federal programs set up like Title I, II, III and IV that work in conjunction with state programs. These programs we set up & funded directly from Washington. Now the people and the State Dept. would have a lot less confusion and trouble, they feel, if a coordination of all funds was channeled through a central agency in such state. The state can pick up the funds where the federal programs are lacking—or something like that.

The role of the state is, of course, more direct than the federal role. The federal role is based more on initiating funds and programs, which is extremely important, while the role of the state is more involved in the actual evaluation and teaching of the handicapped child.

One of the things that #766 is requiring (by Sept. 1974) is a program to screen elementary school children to identify specific learning disabilities. This part is like your Senate Bill #808. But your bill says "prior to their entrance into the third grade." *This is too late.* Early identification is one of the most important aspects of special education! The children *must* be screened out before their entrance into kindergarten. The education of the handicapped child needs to be a preventative program. If you identify a S.L.D child in the third grade, he is already 2 whole years (very important years) behind. His education will have to be set up so that he can catch up before he can build with what little he has. This is so much more work for speech therapists, psychologists, reading teachers and learning disability teachers. If we can get the child "while he's hot"—find out his weak areas, then programs that will more facilitate his learning can take place.

The business of preventative programs and early identification is really what needs to be initiated for the quality of special education to be raised. Also, more children can be served if we save others early. Chapter 766 will require this screening in kindergarten.

Well, at this moment I can't think of anything else to tell you—a year of teaching is not much exposure. I am learning more all the time. I think the papers I sent along are self-explanatory, but if you have any questions—don't ask me! Seriously, there is so much in our educational system that is lacking, inadequate or wasteful, but how to change it is beyond me. I'll send more along as I find out more. I really don't know if any of this will help—if you want to know something more specific—tell me, okay? I hope this helps some.

In the meantime, Dinah sends her love and so do I.

Love.

BARB.

COALITION FOR SPECIAL EDUCATION 251 Mass. Ave., Arlington,Ma. 02174
Phone: 861-8515 OR 227-9608

SUMMARY OF BARTLEY-DALY LAW (Chap.766) - Effective date of law:Sept.,'74

1. The purpose of this law is "...to provide for a flexible and uniform system of special education program opportunities for all children requiring special education; to provide a flexible and non-discriminatory system for identifying and evaluating the individual needs of children requiring special education; requiring evaluation of the needs of the child and adequacy of the special education program before placement and periodic evaluation of the benefit of the program to the child and the nature of the child's needs thereafter; and to prevent denials of equal educational opportunity on the basis of national origin, sex, economic statue, race, religion, and physical or mental handicap in the provision of differential education services."

2. Chap. 766 replaces statutory labels (such as "mentally retarded," "deaf," "emotionally disturbed") with the designation "children with special needs." This change was made for the following reasons:

a. to reduce the lifelong stigmatization that handicapped persons so often suffer, even when they are able to overcome their handicap;

b. to ensure that no children are left without programs simply because they have never had a neat label pinned on them.

NOTE: This change does not mean that all children will be lumped together in the classrooms. On the contrary, the bill underlines the crucial role of APPROPRIATE EDUCATION FOR ALL THESE CHILDREN.

3. The new law mandates special educational programs for children with special needs from age 3 to 21, where appropriate (Section 11).

4. Responsibility for educating children with special needs is placed squarely on local school committees, with carefully spelled out assistance from the Division of Special Education. These responsibilities include:

a. Evaluation and identification of children with special needs.

b. Setting up programs or finding appropriate placement, in existing special schools for instance.

c. Providing transportation (with State reimbursement).

d. Contributing up to the amount of the school district's per pupil average toward the education of every child with special needs, no matter where he goes to school.

5. The law contains a wide range of options for placement, all the way from special instruction that is supplementary to a regular classroom, through self-contained classes in the public school or special day school, to residential programs (Section 2).

6. The law expands and defines in detail the powers and responsibilities of the Division of Special Education of the State Department of Education (Section 1). Among many other important functions, this section mandates:

a. Establishment of regional branches of the Division of Special Education within the regional offices of the Department of Education to assist local school committees in complying with the law, to facilitate regionalization where indicated, to help monitor programs and placements, and otherwise act as liaison between the Division of Special Education and the local school committees.

b. Significant involvement of parents at both the regional and State levels.

7. State financing of special education services is defined as follows:

a. The State will reimburse local school districts 100% of excess costs over the district's average per pupil cost up to 110% of State average excess costs for a similar program (same pupil/teacher ratio, for example). (Section 13).

The following is a hypothetical example of how the formula would work:

This example is a class consisting of 8 pupils, one teacher, and one aide. Suppose the State average for such a class is $3,000 per pupil and the State per pupil average for all children is $950.

State per pupil average for this type class.	$3,000
State per pupil average for all children.	950
State average excess per pupil cost for this type class. .	$2,050

110% of $2,050 = $2,255 (limit of reimbursement for this type of class).

School District A (This type class)

Local per pupil cost for this class.	$2,800
Local per pupil average for all children.	900
Local excess per pupil excess cost for this class.	$1,900

School District B (This type of class)

Local per pupil cost for this class.	$3,200
Local per pupil average for all children.	1,200
Local excess per pupil excess cost for this class.	$2,000

b. The law mandates that these reimbursed funds must go directly to school committees, who must use the money for special education. (Under old laws, this money has gone to the general treasuries of cities and towns.) (Sections 3 and 4).

c. Changes in the mechanics of reimbursement make it easier to set up regional classes.

d. Payment of tuition to private schools will remain as now, based on an annual appropriation by the Legislature.

8. The law requires cooperation and coordination from State agencies other than Education, such as the Departments of Mental Health, Public Health, Welfare, and Division of Youth Services.

9. Protection against inappropriate placements is provided by detailed machinery spelled out in the law. It also contains guarantees against discrimination based on national origin, sex, economic status, race or religion.

A GUIDE TO AN ACT FURTHER REGULATING PROGRAMS FOR CHILDREN REQUIRING SPECIAL EDUCATION AND PROVIDING REIMBURSEMENT THEREFOR

CHAPTER 766 OF THE ACTS OF 1972
THE COMMONWEALTH OF MASSACHUSETTS

DEVELOPED BY:

DIVISION OF SPECIAL EDUCATION
DEPARTMENT OF EDUCATION
IN COOPERATION WITH
BUREAU OF DEVELOPMENTAL DISABILITIES
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
FEBRUARY 27, 1973

PULBICATION NUMBER: 6675(16-625-3-73-CR)
APPROVED BY ALFRED C. HOLLAND, STATE PURCHASING AGENT.

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PART II

Begining on page 9, a detailed outline indicates the subject matter of sections of Chapter 766, paragraph by paragraph.

CHAPTER 766 OF THE ACTS OF 1972

The accompanying chart and footnotes herein present Chapter 766 in the specific language of the Act. The purpose of this guide is to interpret Chapter 766 in light of the policy of the Commonwealth to provide an adequate publicly supported education to every child residing therein and the purposes of the Act as provided in SECTION 1:

- Provision of flexible and uniform system of special education program opportunities for all children requiring special education;
- Provision of flexible and non-discriminatory system for identifying and evaluating individual needs of children requiring special education;
- Requiring initial and periodic evaluation of needs of the child and adequacy of special education program to benefit the child;
- Prevention of denials of equal educational opportunity on the basis of discriminatory categories.

Neither the chart nor the footnotes attempt to interpret specific statutory language. This will be done through regulations promulgated by the department of education in cooperation with other agencies.

The footnotes below supplement the accompanying chart and (1) indicate every section referring to key subjects under the Act (for example, footnote 9 indicates every section referring to school committee rights and responsibilities); (2) further explicate particular provisions of the Act. (Unless otherwise specified, references are to Chp. 71B (S.11 of Chp. 766); DE refers to Department of Education and DMH, DPH, DPW, DYS refer to the departments of mental health, public health, public welfare and youth services, respectively).

PART I

FOOTNOTES

[1] Secretary of Education approves placements of children by DE, S. 10; submits annual report, in conjunction with secretary of human services, to governor and general court evaluating success with which departments under their administration have cooperated with the implementation of Chp. 766, together with recommendations for improving ability of commonwealth to meet needs of children with special needs, Chp. 766, S.15.

[2] Chapter 71B provides that the "department"shall issue various regulations, sometimes jointly with other agencies concerned with children with special needs. Addenda to Chp. 15 indicate to some extent what constituents of DE are responsible for such regulations (See footnotes). Summarily, the "department" is responsible for regulations in the areas of: educational placements by school committees, S.1; programs for children with special needs, S.2; admissions to programs on pre-school level, S.2;

identifying, diagnosing, evaluating children with special needs, and proposing and arranging for provisions of such programs by school committees; child's right to independent evaluation at clinics or facilities approved by DE, S.3; qualifications for persons assessing children, S.3; provision of treatment and/or services related to child's needs in connection with a child's special education program, S.3; annual report of school committee regarding assignment and distribution of children, S.6; tests for selection of children for referral, diagnosis, evaluation, S.7; circumstances in which school committees required to provide special education programs, and standards for such, S.9; requirements necessary for institution to be approved by DE for special education purposes, S.10; placement of children by DE in certain special education programs, S.10; cost of educational programs and who bears such, S.10; establishment of school departments in DMH, DPH, DYS, S.12 (S.10 and S.12 emphasize that nothing contained therein shall affect the continued authority of departments operating institutions over all non-educational programs and all treatment for residents or patients in institutions under their control).

[3] Board of Education: responsible for rules, regulations and guidelines to carry out purposes of Chp. 15, S.1 N to 1 Q establishing new administrative set-up for special education; appoints director of regional branches and bureaus, S. 1N and O; establishes restrictions regarding confidentiality of information regarding special education programs, S. 1 P; issues regulations concerning tests used in the selection of children, S.7.

[4] Commissioner of Education recommends (to board of education) appointment of directors of regional branch, Chp. 15, S.1 O,(Chp. 766, S.2) and of bureaus of special education, Chp. 15, S.1N; shall issue annual report concerning children whose placement in special education DE is responsible for, S.10; appoints (jointly with superintendent of said institution) director of school departments in institutions under control of departments of mental health, public health and youth services, S.12; certifies sums for reimbursements on account of special equipment purchased, leased and maintained or of classes or special instruction periods conducted, S. 14.

[5] Powers and duties of Division of Special Education: (1) To regulate and assist school committees in identification, classification, referral and placement of children requiring special education; (2) To regulate development of all special education programs supported by the Commonwealth; (3) To coordinate professional expertise and all state agencies providing educational assessment and services to children requiring special education; (4) To compile data on children needing special education; (5) To review and analyze data, disseminate statistical data, (individual records maintained confidential); (6) To develop public information on nature and extent of special needs and availability of programs to meet those needs; (7) To develop and recommend certification standards for special education personnel and regulations to encourage greater use of ancillary personnel; (8) To assist colleges in developing courses in

special education areas; (9) To receive and investigate complaints and conduct hearings; (10) To receive and allocate federal and state funds; (11) To recommend such rules, regulations and guidelines to board of education and to issue necessary directives to carry out purposes of Sections 1N-10 (setting up new mechanism for special education within the department), and to execute other provisions of law to administer the special educational program; (12) To provide for maximum practicable involvement of parents; (13) To approve purchase of special audio equipment for homebound children with special needs and to regulate conditions under which a child may be considered so handicapped; (14) To investigate and hold hearings concerning denials of equal education opportunity by reason of race, sex, national origin, economic status, religion or physical or mental handicap of school age children; issue declaratory and injunctive orders; (15) To require cost accounting and reporting procedures for special education programs; (16) To conduct or contract for reseach and improve program quality and efficiency; (17) To allocate resources proportionately in case of funding shortages; (18) To provide for placement near residence of child, if possible; (19) To ensure public expenditures, provide maximum benefit to children with special needs; (20) To develop and encourage parent and family counselling when necessary for educational development of child with special needs; (21) To recommend to Board of Education withholding of special education funds for noncompliance with law or regulations. Chp. 766, S.2 (Chp. 15, S.1M). The division is alluded to in Chp. 71B only as excercising direction and approval over recreation programs established by a city or town for school age children with special needs, S.11. The division along with the school building assistance bureau must indicate that adequate provisions have been made for children with special needs before a school construction project is "approved", S.14 of Chp. 766.

[5A] Associate Commissioner for Special Education recommends appointment of directors of regional branches, Chp. 15, S. 1 O, and of bureaus of the division of special education, S. 1 N (Chp. 766, S. 2).

[6] The Commission shall annually submit a report to DE evaluating the quality and adequacy of special education programs in the commonwealth and recommending improvements in those programs (DE shall implement recommendations of Commission or shall state reasons why recommendations can not or should not be implemented. If an informed settlement can not be reached through the bureau responsible for holding bearings in the division of special education, the state board of education shall conduct public hearings to investigate the bases for the disagreement and resolve any dispute between DE and the Commission. (Each special education advisory council shall elect 2 representatives to the Commission, at least 1 of whom shall be a parent or guardian whose child is receiving special education. Commissioners of DMH, DPH and DPW shall each appoint a representative to serve as ex officio members of the Commission.) Chp. 15, S. 1Q (Chp. 766, S. 2).

[7] Regional branch functions are: (1) to consult with and assist school committees in implementing the regulations, guidelines and directives of the department in the area of special education; (2) to directly assist school committees in identify, diagnosing and evaluating children with special needs and in developing special education programs to meet their individual educational needs; (3) to approve all special education placements by school committees of children with special needs; (4) to assist and encourage the formation of joint agreements between two or more school committees for the provision of special education pursuant to S.4; (5) to investigate and evaluate any special education program at the request of DE or on its own initiative; (6) to maintain a list and inform school committees of professional personnel within and without the region qualified to assess children with special needs pursuant to the provisions of S.3 and to make such information available upon request to parents, guardians or persons with custody of such children; (7) to have such other responsibilities as may be delegated to it by DE, Chp. 15, S.10 (Chp. 766, S.2). With the local school committee, it may recommend that DE refer children requiring special education to any institution within or without the state which offers instructions and facilities appropriate to the child's needs and approved by DE, S.10.

[8] Advisory Council shall: advise the regional branch regarding all aspects of special education programs within region; submit annual report on quality and adequacy of such programs to state advisory commission, Chp. 15, S.1P (Chp. 766, S.2), advise and consult with DE which may recommend an alternative education program when parents, guardians or persons with custody refuse education program suggested by the initial evaluation, S.3; with the local school committee, prepare and submit plans detailing time needed to establish facilities adequate for children with special needs in the city, town or school district where the child resides -- in the case of a request to refer children to programs outside the school district, S.10. (The Council shall consist of 16 members appointed for a term of 3 years, and at least 8 of whom shall be parents who reside in the region and whose children are enrolled in special education programs; no more than 2 parents shall have children who are not in public school day programs, S.1P; 5 members of the Council shall be appointed for a 1 year term, 5 for a 2 year term, and 6 for a 3 year term, Chp. 766, S.20).

[9] School Committee: cannot refuse a school age child with special needs admission to or continued attendance in public school without the prior written approval of DE, S.3; may enter into agreement with any other school committee to jointly provide special education, or enter into agreement with any public or private school, agency, or institution to provide necessary special education within the city, town or school district, S.4; may recommend to DE that DE refer children requiring special education to certain institutions within or without the state, and shall prepare and submit plans(with regional advisory council)detailing time needed to establish facilities adequate for children with special needs, and may under certain circumstances be required to bear part or all of the expenses of instruction and support (but such cost shall not be less than the average per pupil cost for pupils of comparable age within the city, town or school district), S.10.

Any school committee providing or arranging for special education under S.3 shall pay for such special education personnel, materials and equipment, tuition, room and board, transportation, rent and consulting services as are necessary for provision of special education - - said amount to be included within its budget for fiscal year including Sept. 1, 1973 and annually thereafter, S.5, and reimbursable under S.13 for the amount by which such costs exceed the average per pupil expenditure of the city, town or school district for the education of children of comparable age; may be required to provide transportation within or without the city, town or residence of parents/guardians, S.8. Reimbursements made to cities and towns under S.13 shall be paid to school committees which shall apply such to the costs of programs provided for under Chp. 766 without further appropriation. In addition to above reimbursements, school committee may be reimbursed for Chp. 19, S.27, 28 programs of DMH concerning clinical nursery schools and education, habilitational or day care programs or facilities; such reimbursements being equal to 1/2 cost of transportation of child, and full cost of adult, S.13. With DE, school committee of city or town determines expense incurred by reason of school attendance of a child not theretofore a resident of said city or town residing in an institution located in said city or town; but the amount recoverable by a city or town is limited to the annual per pupil cost of education, and no costs are reimbursable under S.11 of Chp. 76 which are reimbursable under S.13 of Chp. 71B. Chp. 76, S.11 (Chp. 766, S. 13). School committee not responsible for more than average per pupil cost for pupils of comparable age within its locality as its share of cost of continuing placement of child whose tuition in an institution is paid by the commonwealth as of the effective date of this act, Chp.766,S.18.

[10] A school age child with special needs is any person of ages 3 through 21 who has not attained a high school diploma or its equivalent, and who because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional, or physical factors, or other specific learning disabilities or any combination thereof, is unable to progress effectively in a regular school program and requires special classes, instruction periods, or other special education services in order to successfully develop his individual educational potential, S.1.

No child shall be refused admission or continued attendance in a public school by a school committee without the prior written consent of DE. If so refused, no child shall be denied an alternative form of education; or placed in a special education program "without prior consultation, evaluation, reevaluation, and consent as set forth and implemented by regulations," S.3. Child has a right to independent evaluation at clinics or facilities approved by DE, S.3, and to appeal from any evaluation first to DE and then to the courts, S.3. Until proven otherwise, every child shall be presumed to be appropriately assigned to a regular education program, S.3; and every child in a special education program shall be presumed to be appropriately assigned, Chp. 766, S.16, and may not be removed from that program without the written consent of the parents/guardians/ persons with custody of the child, Chp. 766, S.17.

[11] Regular education is the school program and pupil assignment which normally leads to college preparatory or technical education or to a career.[S1] Within 5 days after referral of child enrolled in regular education program for purposes of determining whether child requires special education, school committee shall notify parents or guardians of procedure to be followed and child's right to independent evaluation and right to appeal from any evaluation. Note: During course of evaluations, assessments, hearings, a child shall be placed in a regular education program unless it endangers health or safety of child or substantially disrupts program for other children. S. 3.

[12] Special education refers to educational programs and assignments, namely special classes, programs or services designed to develop the educational potential of children with special needs including but not limited to educational placements of children by school committees, the departments of public health, mental health, and youth services and the division of family and children's services in accordance with the regulations of the department of education. S.1.

[13] Evaluation of child enrolled in a regular education program and referred for evaluation shall include: assessment of child's current educational status by representative of local school department; assessment by classroom teacher who has dealt with child in classroom; assessment by physician; assessment by psychologist; assessment by nurse, social worker, or guidance or adjustment counselor of the general home situation and pertinent family history factors; assessments by such specialists as may be required in accordance with the diagnosis, S.3. Assessment(s) may be waived so long as an evaluation appropriate to the needs of the child is provided, S.3. Persons assessing shall maintain complete record of: diagnostic procedures attempted, results, conclusions reached, suggested course of special education (may include family guidance or counseling services) and medical treatment, specific benefits expected, and, when education is other than regular, a method of monitoring benefits and conditions indicating that child should return to regular classes, and a comparison of expected outcomes in regular class placement. Such records, available to parents, guardians or persons with custody of the child, shall be confidential, S.3.

[14] Parents, guardians or persons with custody of child: shall be given written record and clinical history from evaluation(s) along with information required for adequate care of child (to those persons directly concerned with care of child); shall be notified that child in a regular program shall be evaluated, S.3; may refuse education program suggested by initial evaluation and request hearing by DE into the evaluation of the child and the appropriate education program, S.3; must consent to school committee's decision to enter into agreement with any public or private school, agency or institution to provide necessary special education within city, town or school district, S.4; may be required to reimburse the Commonwealth for part or all of the expenses incurred when a child is placed in a special education program by DE, but no charge shall be made for any educational cost but only for support and care (in determining such cost, DE shall apply criteria which take into account relative ability to pay, S.10; must give written consent before child in a special education program on effective date of this act shall be removed from program, Chp. 766, S.17; no parent or guardian of any child placed in special education program shall be required to perform duties not required of a parent or guardian of a child in a regular school program, S.3.

[15] DE shall reimburse city or town for 1/2 cost therof, including transportation of said children to and from the city of such program; DE shall also fully reimburse a city or town in which said children are residents for the cost of transportation to and from approved recreation programs at any state facility.

[16] Such referral shall be on an annual renewal basis. Before acting on said request, DE shall determine nature and extent of a child's special needs; require local school committee and regional advisory council to prepare and submit plans detailing time needed to establish facilities adequate for children with special needs in the city, town or school district where child resides; ascertain whether adequate facilities and instruction programs are available or when adequate facilities can be made available in said city, town or school district. Until adequate facilities can be made available, such child shall be placed in the most adequate program available as determined by DE. No child shall be denied access to any program operated by DMH, DPH or DPW to which in the judgment of the operating department the child should be admitted. Expenses of instruction and support actually rendered or furnished to said children, including their necessary traveling expenses may be paid by Commonwealth; but regulations shall define circumstances in which Commonwealth bears all or part of such cost, in which school committees bear part or all of such cost, in which parent or guardian required to reimburse Commonwealth for part or all of such cost.

[17] This shall be done jointly with department controlling the particular institution. Appropriations for adminsitration of said school departments shall be administered by DE which shall assume costs of all aspects of educational programs in such departments. Each school department may operate 12 months of the year, and shall have such staff as DE and department which administers the institution involved deem appropriate. Per capita expenditure on education programs in such school departments shall be equivalent to or higher than the average expenditure for special education programs in the public schools of the Commonwealth less the average transportation costs. City, town or regional school district in which each school-age child in such institution would normally be eligible to attend school shall pay to the Commonwealth, the costs of education of said child in an amount determined by regulations under S.10; but payment for each child shall not be less than its average per pupil cost for pupils of comparable age within the city, town or school district.

[18] Such reimbursement shall be made only after approval and certification by DE that such expenditures are reasonable; that funds for such special education personnel, materials and equipment, tuition, transportation, rent and consultant services were actually expended; that such special education classes, instruction periods and other programs have met standards and requirements prescribed by DE; S.13.

[19] Amount reimbursed to city, town or school district under S.13 combined with reimbursements for special education under Chp. 70 shall not be less than reimbursements for special education programs for FY74 until and unless it qualifies for a lesser amount after September 1, 1979, Chp. 766, S.21.

[20] In the event of funding shortages, the Division of Special Education shall allocate resources proportionately, Chp. 15, S.1M (17). Other duties of the Division related to funding provided in Chp. 15, S.1M are: to require public or private schools and educational agencies receiving any funds from the Commonwealth to establish cost accounting and reporting procedures, forms, schedules, rates and audits in conformity with DE standards, (15); to take all steps necessary to insure that state and local expenditures for special education provide the maximum feasible benefit to every child receiving or requiring special education, (19); to recommend to Board of Education withholding of special education funds for noncompliance with special education law or regulations, (21).

[21] Section 11 provides that DE reimburses. In actuality, the Commonwealth will reimburse under general reimbursement procedures.

[22] An amount of money to comply with Chp. 71B shall be added to annual budget appropriation for school purposes in each city or town notwithstanding any general or special laws or charter provisions limiting amount of money that may be appropriated in any city or town for school purposes, S.5.

[23] Section 13 provides that a city or town shall be reimbursed for 1/2 the transportation cost for each child residing therein who attends a clinical nursery school of DMH, or other program provided for in S.27 of Chp.19, or an educational, habilitational or day care program or facility of DMH (S.28 of Chp. 19). Section 13 also provides that a city or town shall be fully reimbursed for the cost of transportation of each retarded adult residing therein who attends an educational, habilitational or day care program or facility of DMH. (Section 13 provides that DE shall reimburse for the above. In actuality, the Commonwealth will reimburse under general reimbursement procedures.)

[24] Section 4 specifies that an agreement between school committees to jointly provide special education shall designate one city, town or school district as operating agent. All funds received or appropriated by such operating agent, in addition to gifts and grants, shall be deposited with and held as a separate account by its treasurer; funds may be applied to costs of programs operated pursuant to the agreement without further appropriation.

PART II

The following outline indicates the subject matter of sections of Chapter 766. It is meant to aid reference to the law and to be read in conjunction with the Act. Note that SECTION 2 of Chp. 766 (re: new sections of Chp. 15 concerning organization of DE for special education purposes), and SECTION 11 of Chp. 766 (re: Chp. 71B concerning Children with Special Needs) are the two most extensive and important sections of Chp. 766.

SECTION 1: Declaration of policy.

SECTION 2: Amendments to Chp. 15 of the General Laws setting up new mechanism for special education.

S.1M: Powers and duties of division of special education. See footnote 5.

S.1N: Division of special education to include sufficient bureaus, one of which will hold hearings and carry out investigations.

S.1O: Regional branches of division of special education to be located in each regional office of DE. See footnote 7 for regional branch functions.

S.1P: Advisory councils established in each region. See footnote 8.

S.1Q: State advisory commission established. See footnote 6.

SECTION 3: Amends S.35 of Chp. 41. Reimbursements under Chp. 71B, S.13 go directly to school committees which must use such money for special education programs.

SECTION 4: Amends S.53 of Chp. 44. All moneys, except those reimbursements under S.13 of Chp. 71B and certain other moneys, paid into city, town or school district treasury.

SECTION 5: Amends S.18A of Chp. 58 to provide for Chp. 71B reimbursements.

SECTIONS 6 and 7: Amend sections 7C and 7D of Chp. 69 respectively by providing for scholarships to students pursuing courses for certification "as a special class teacher" (striking out the words "of the mentally retarded").

SECTION 8: Repeals sections 26 to 29E, and sections 32 to 34 inclusive of Chp. 69 (re: DE).

SECTION 9: Amends S.2 (c) of Chp. 70. Costs of special education specified in Chp. 71B, S.13 to be reimburseable under state school aid formula (up to average per pupil cost in the city, town or school district).

SECTION 10: S.46 - 46B, 46D - 46F, and 46H - 46M of Chp. 71 (re: "Public Schools - Committees") repealed.

SECTION 11: Chapter 71B, Children with Special Needs.

S.1: Definitions. See footnotes 10, 11, 12 (first sentences).

S.2: (paragraph 1) DE promulgation of regulations (in cooperation with DMH, DPH, DPW) re: programs for children with special needs. Indicates program options available for children with special needs. See Chart, PROGRAM RECOMMENDATION.

(para. 2) Pre-school programs restricted to children with substantial disabilities.

(para. 3) No child assigned to special education program unless evaluated. Periodic evaluations thereafter at least annually. Alteration or abolishment of special education programs which fail to benefit the child.

5.3 (para. 1) School Committee responsibilities. See Chart, SCHOOL COMMITTEE. Until proven otherwise, every child presumed to be appropriately assigned to a regular education program.

(para. 2) No refusal of admission to public school without approval of DE. Child so refused provided with alternative form of education approved by DE.

(para. 3) "Consultation, evaluation, reevaluation, and consent" as set forth by regulations promulgated by DE necessary prior to placement of child in a special education program.

(para. 4) Procedures for referral of a child in a regular education program for evaluation.

(para. 5) Assessments included in such evaluation. See footnote 13.

(para. 6) Issuance of regulations specifying qualifications for persons assessing.

(para. 7) Circumstances may be defined for waiver of assessments so long as evaluation appropriate to needs of child provided.

(para. 8) Procedures for those assessing said child.

(para. 9) Treatment for child as part of special education program, or services for family related to child's special needs made available in accordance with regulations. Reimbursable costs for such.

(para. 10) Provision for independent evaluation upon completion of initial evaluation by school committee.

(para. 11) Evaluation records available to parents, guardians, persons with custody. Instructions for adequate care of child. Confidentiality of records.

(para. 12 and 13) Hearing procedures if parents etc. refuse education program suggested by initial evaluation. See Chart, HEARING PROCEDURE.

(para. 14) Placement of child during course of evaluations, assessments or hearings.

(para. 15) Regarding duties of parents or guardians of child placed in a special education program.

(para. 16) Reevaluation. See Chart, REEVALUATION.

(para. 17) Confidentiality of evaluations and assessments.

S.4 (para.1) Joint provision of special education program by school committees with approval of DE; agreements between school committee and public or private facilities, subject to consent of parents or guardians and constitutional limitations.

(para. 2) School committee as operating agent under a joint agreement.

S.5 (para. 1) Payment for S.3 programs by school committee (reimbursable under S.13).

(para. 2) FY74 budget to include funds sufficient to meet obligations for such programs, regardless of any limitations in law or otherwise limiting amount of money that may be appropriated for school purposes.

S.6 School Committee must submit annual report re: distribution of children. See Chart, ANNUAL REPORT.

S.7 Tests and other methods used in selection of children for referral, diagnosis, or evaluation.

S.8 Transportation payments; reimbursements under S.13.

S.9 DE to regulate aspects of special education for children and provide standards.

S.10 (para.1) Placements of children by DE in appropriate institutions within or without the Commonwealth. Procedures. See footnote 16.

(para. 2) Plans by local school committees to provide adequate facilities. Regulations defining circumstances when DE responsible for placements. Admittance to programs operated by DMH, DPH, or DPW.

(para. 3) Payment of expenses of instruction and support furnished to child under above circumstances. See Chart, FINANCIAL RESPONSIBILITY.

(para. 4) DE direction and supervision of education of children in above programs. Annual report by Commissioner.

(para. 5) Continued authority of DMH,DPH over all non-educational programs and all treatment.

S.11 (para. 1) DE authorized to cooperate with cities and towns establishing recreation programs for children with special needs.

(para. 2) Such programs are under direction and approval of division of special education. Reimbursements therefor.

S.12 (para. 1) DE establishment of school departments for children with special needs in institutions run by DMH, DPH, DYS, jointly with department controlling particular institution. Appropriations administered by DE.

(para. 2) Appointment of director to administer.

(para. 3) Staff.

(para. 4) Regulations for operation of such school departments. Authority of operating departments.

(para. 5) Costs of educational programs under S.12 assumed by DE.

(para. 6) Per capita expenditure on such education programs.

(para. 7) Financial responsibility of city, town or school district in which school age child in institution would normally be able to attend school. Method of payment.

S.13 (para. 1) Special education reimbursements (formula). See Chart, FINANCIAL RESPONSIBILITY.

(para. 2) Reimbursements for transportation costs for child attending DMH clinical nursery school (Chp.19, S.27); for transportation costs for retarded person attending DMH program or facility (Chp.19, S.28).

(para. 3) S.13 Reimbursements to school committees applied to costs of Chp. 766 programs without further appropriations.

S.14 State reimburses city, town or regional school district annually on or before November 20th under Chp. 58, S.18A for special education costs certified by commissioner of education.

SECTION 12: Amends S.1 of Chp. 76 (re: School Attendance) to modify exclusion option.

SECTION 13: Amends S.11 of Chp. 76. City or town reimbursed for the school expense of a child from an institution educated in the public schools of the city or town where the institution is located. Reimbursements are no longer restricted to towns with less than 10,000 residents. Amount recoverable under S.11 limited to annual per pupil cost of education; (but excess costs reimbursable under S.13).

SECTION 14: Amends S.5 of Chp. 645 of Acts of 1948. No school construction project to be approved by the state for reimbursement, unless school assistance bureau and discussion of special education are safisfied that adequate provisions have been made for children with special needs.

SECTION 15: Annual evaluation of interdepartmental implementation cooperation to Governor and General Court from Secretaries of Human Services and Education.

SECTION 16: Children's present placement in special education programs not altered until prescribed evaluation indicates change would benefit child more.

SECTION 17: Written consent of parents necessary to remove child with special needs from present special education programs.

SECTION 18: School Committee not responsible for more than their school average/pupil cost for their children placed in institutions with tuitions paid by the Commonwealth as of effective date of this Act.

SECTION 19: Regarding regulations pursuant to Chp. 71B.

SECTION 20: Term specifications for Regional Special Education Advisory Council.

SECTION 21: Reimbursement floor guarantee for Chp.71B, S.13 combined with Chp. 70 reimbursement for special education programs until September 1, 1979.

SECTION 22: If any provision of Chp. 766 found unconstitutional, this shall not impair any of the remaining provisions.

SECTION 23: September 1, 1974 is effective date of Chp. 766.

The Commonwealth of Massachusetts
Department of Education
182 Tremont Street, Boston 02111

May 9, 1973

Ms. Barbara Stafford
17 Middle St.
Marblehead, Massacusetttts 01945

Dear Ms. Stafford:

I hear via the grapevine that you came in last week, and I'm very sorry not to have had the chance to meet you.

I am enclosing a copy of the testimony given by Dr. Rice at the May 7th hearing in support of Senate Bill 6. We have great hopes for this bill; it's passage would allow for vast improvement in delivery of service for children with special needs.

Thank you so much for your interest Barbara. Please feel free to call this office at any time.

Sincerely,
Carolyn Scott
Carolyn Scott
Supervisor,
Speech and Hearing
Division of Special Education

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CS:ld

Testimony of Dr. Joseph P. Rice, Associate Commissioner for Special Education for the Commonwealth of Massachusetts, Given at Children's Hospital, Boston, on May 7, 1973

Dr. Joseph P. Price in his office as Associate Commissioner for Special Education of the handicapped, affirms a free public school education appropriate to need Commissioner of Education and Dr. Joseph Cronin, Secretary of Educational Affairs, supports Senate Bill Six (6) of the first session of the Ninety-third Congress, The Education for All the Handicapped Act.

This Bill, reflective of most recent court decisions concerning the education of the handicapped, affirms a free public school education appropriate to need to be a right of this segment of the population. It parallels Chapter 766 of the Acts of 1972 of the General Court of the Commonwealth of Massachusetts in many respects: the requirement that all children in need of services be located and the agencies responsible for their schooling be clearly defined; the mandate that an individualized written educational plan be developed for each handicapped child, and that due process procedures protect the parent or guardian in any determination of an educational placement; in its extension of services from age three to twenty-one; in its restriction of dependence solely upon culturally biased tests; and in its mandate for a state advisory council with parent and professional representation. It is praiseworthy in going beyond the state law in requiring a state plan and a review of any procedures involving the institutionalization of children.

The most noteable and salient parallel to the Massachusetts legislation is in its excess cost formular for payment as it relates to the right of the handicapped child to a public school education. The burden which this right to special services for a minority of the school-age population places upon the local tax base is sufficient to discriminate against them when it comes to the actual provision of these services. In order to encourage their development and availability on an equal basis it is necessary to affirm the obligation to the expenditure of only average per capita costs to the local educational agency and to refer the excess cost of special services to a broader tax base. In Massachusetts these costs will be referred to the General Fund of the state, largely supported by the sales tax. An order to encourage the development of broad based publicly supported services on analogous federal program is essential.

The federal legislation for the handicapped of the sixties helped define our problems, the nature and needs of the disabled populations, the dangers of segregated programming, and established viable models for the provision of educational services. Sufficient numbers of professionals were trained so that we can now begin to consider providing appropriate educational services to the handicapped on a universal basis. Senate Six will have the effect of subsidizing on an excess cost basis the expensive building years of universal public school education for the handicapped. leaving the job of ongoing support for the new programs to the local and state agencies once the services are set in place. It is a natural component to revenue sharing legislation, protecting the investment in past programs and the rights of a minority.

Massachusetts is prepared to take full advantage of this legislation, if passed. Senate Six would make a reality, sooner than we might otherwise reasonably anticipate, needed services now on the planning board for which we have aready legislated ongoing maintenance support. Among these would be regional centers for assessment, child development centers for the multiple handicapped, programs for early identification and disability prevention, parent counseling programs, a computer based census and registry of children with special needs, prevocational, vocational, and sheltered workshop programs for the handicapped, supportive programs for children in regular classes to prevent school failure due to learning disabilities, consultative services for the public schools through the offices of the Department of Education, and the establishment of a community related school system for children who require residential care.

At this point in time Senate Six presents the best model for legislation furthering services to the handicapped.

Senator RANDOLPH. Thank you very much, and a very good weekend to all of you.

[Whereupon at 3:22 o'clock p.m. the hearing was adjourned.]