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ABSTRACT The basic assumption of this paper is that unused and underused public school buildings are appropriate facilities to become opportunity centers for neighborhood citizens of all ages. A detailed case study of a community education program in Grand Rapids, Michigan, illustrates this assumption, and a brief historical summary of changing population statistics documents the enrollment decline. The description of community education in Grand Rapids details uses of empty classrooms, alternative offerings in adult education, leisure activities, a factory-based industrial program, and the use of related community facilities for educational purposes. A budget summary of the Grand Rapids program is included in Appendix A.  
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Declining Enrollments: Problem or Opportunity?

Speech  
107th Annual Convention  
American Association of School Administrators  
Dallas, Texas  
February 22, 1975

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Abstract: Marilyn Steele

Declining Enrollments: Problem or Opportunity?

Speech: 107th Annual Convention,  
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February 22, 1975

The basic assumption of the speech is that unused and underused public school buildings are appropriate facilities and locations to become opportunity centers for use by neighborhood citizens of all ages with Community Education programs. A detailed case study of community education in Grand Rapids, Michigan illustrates the assumption. A brief historical summary of changing population statistics documents the enrollment decline. The description of community education in Grand Rapids details uses of empty classrooms, alternative offerings in adult education, leisure time activities, the factory-based industrial program, and the use of related community facilities for educational purposes. A summary of the budget is included.

## Declining Enrollments: Problem or Opportunity?

### The Problem

The enrollment boom is over. After twenty years of too many kids, too few classrooms and not enough teachers, with the spectre that taxpayers may be paying off construction bond issues in the next 20 years for now empty classrooms, administrators and school boards are faced with some sobering questions.

What will happen to us when there aren't enough students to keep the building open?

What will we do with our tenured staff?

How will the community react to empty school buildings?

Where will we get the money to maintain our present programs?

From 1800 when the average family had seven children, there has been a decline to 1970 when the average family size was down to three.<sup>1</sup> The number of elementary pupils has been decreasing since 1970, the year when elementary enrollments declined by 200,000.<sup>2</sup> The national birthrate has fallen to an all-time low of 1.9 children per woman.<sup>3</sup> Secondary school enrollments will peak this year and we can expect a continuing decline in K-12 enrollments until 1980 when elementary enrollments will rise again slightly.<sup>4</sup> Thus, from a period of a booming economy, a throw-away-prone society, an increasing population, we are suddenly faced with the shocking reality that the hey-day is over; the unemployment rate is 8 percent nationally (14% in my home town) planned parenthood appears to be here to stay, there's an undersupply of kids and an oversupply of classrooms. And what are we doing to do about it?

### The Opportunity

From feast to famine is not new to industrial Michigan because we faced a comparable situation 40 years ago in Flint, when Frank Manley, the young physical education director, viewed the empty classrooms of summertime as an opportunity to open up the schools and use the playground and buildings to provide safe recreation for the children and the adults of the community. From a concept that the community school was an extended school day primarily for play time and leisure activities, we are into the new generation of the 70's when the school is viewed as the opportunity center for the individual to fulfill her/his potential through learning.

The traditional view of public education concentrates on children ages 5 to 17, the age group with the currently decreasing numbers. We accept readily the responsibility to educate every child as their universal right because they are our most precious possession and the goal of most parents is that the children will enjoy a better life than theirs. Thus few dispute the concept of universal free elementary education which had its advent in America in the early 19th century, but whose origin in Western civilization can be traced to the early Greeks, who believed that leaders of the state were responsible for educating all citizens in the virtues (women were counted with the slaves). Education is nevertheless viewed as the pathway to personal and national improvement and those nations whose citizens are ill-housed, ill-clothed and

facing starvation are also illiterate.

The philosophy of human equality is the heritage of our Judeo-Christian faith which was translated for us by Thomas Jefferson in the Declaration of Independence with the words, "All men are created equal." Yet equality for the individual has been elusive these two centuries since, for while we give lip-service to the documents now housed in our National Archives Building, we are a group-oriented society, categorized by sex, by race, by ethnic and religious ties, and further stratified by economic caste. We can only hope to achieve equality through a system of Community Education that provides for a lifetime of learning alternatives that range from cognitive mastery of the basics to the avocational pursuits of a leisure-time society of adults, including the elderly. Nearly all eligible children ages 5 to 17 are enrolled in school, some 87%. This academic achievement is a twentieth century success, an increase of about ten percent in the last 50 years.<sup>5</sup> However, the older the age group of each decennial census the lower the average years of school completion. Many adults in our society are hungry for an education. We are a certificate happy nation. Job opportunity is limited by degrees: high school diplomas, bachelors, masters and doctoral degrees. And Christopher Jencks' statistics on Inequality notwithstanding, every national census provides evidence of the correlation between education and income. Thus, there are 16 million Americans in the age group 20-24 but some 90 million between 25-64.<sup>6</sup> In 1970 there were more than 12 million adults 65 to 74 and almost 8 million who were over 75.<sup>7</sup> These 110

million American adults are potential learners in our nation's schools. Among them are the adults with special needs, the former school dropouts, those who seek college and graduate degrees and adults who want occupational training or employees who need retraining. Still other adults have hobbies and cultural pursuits as their leisure time increases. Our communities' schools can provide the opportunity for each of us to actualize the dreams of equality through self-fulfillment. Your schools can satisfy that dream for the most highly motivated learners--the mature student whose learning may be a combination of few years of formal school but many years of experience, which John Stuart Mill and later John Dewey equated as education. As you face the problem of declining numbers of young learners, you can fill your empty classrooms with adults who are the growing age group in our society thanks to increasing life expectancy. The pains and frustration of change from "Future Shock" can be eased through lifelong learning.

#### Grand Rapids, Michigan: A Case Study

Grand Rapids, Michigan, has become a model consortium of lifelong learning where everyone goes to school. Grand Rapids Community Schools provides the entry for pre-schoolers, children, teenagers and adults-- for more education in technical schools, community college, Grand Valley State College and graduate programs of three universities.<sup>8</sup> A linkage system to provide easy access from one educational system to another has been formalized by University Consortium Center in Grand Rapids, Michigan. Over the last three years

the average decline of about 4 percent K-12 enrollments have been more than offset by an increasing number of full-time equated adults. Their 1972 regular K-12 enrollment of 32,503 decreased by 2375 to 30,128 in 1974. At the same time fulltime adult and alternative education teenagers rose from 974 in 1972 to 2812 in 1974, a gain of 1838 or 65% over the three year period.

The actual use of empty school space is illustrated between 1969-1974 when a total of 60 classrooms were used as follows for alternative education centers, pre-kindergarten and Follow-Through classrooms, a Fine Arts Center, a Day Care Center and a Latin American Center. This year Grand Rapids Public Schools are using 581 classrooms but they have an excess of 34 classrooms spread throughout 20 schools. Only one of these 34 extra rooms is presently unassigned.

In addition to the school-based programs, the amazing growth of Community Education over the last three years has created a demand for instructional space outside of the school buildings. One hundred thirty-eight Community Education Centers are spread throughout the community, in 36 schools and in 102 other found spaces. These include

- 5 churches
- 4 hospitals
- 36 industries
- 11 rest homes
- 6 Senior Citizen Centers
- 36 additional locations



Three cooperating public school districts for which Grand Rapids provides staff and operates programs, reverse the typical urban flight to better schools in the suburbs. This urban district delivers Community Education from the city to the suburbs.

Their Community Education directory suggests the range of programs offered. In addition to adult basic education, adult high school completion and alternative education, there is

Adult driver education--including driver education for Spanish Speaking people.

Two career education/job skills programs for adults in area skill centers.

An ex-offenders program for parolees and probationers at one center including the jail.

Offered in leisure time classes are

Know Your Automobile for Men and Women

Antique Identification

Beer Can Art

Dog Obedience

Conversational Dutch

Electricity for Homeowners

Metric System

Snowmobile Repair

Wig Care and Styling

Astrology

Powder Puff Mechanics

Modern Novel

Preparing for a European Experience

Income Tax Preparation

Adult Band - pick up your old instruments and begin playing in a band

Arabic Language and Culture

Herb Craft

Women's Self Defense

Practical Consumer Finance

Small Business Management

Community Problem Solving

Geneology

Especially for Brides and Bridesmaids

Silversmithing

Philosophy for Effective Living

Greek Cooking

Polish Heritage

People Problems - How and Why?

Amateur Radio

Micro Wave Oven

History of Rock and Roll

Coping with Retirement

Bread Dough Art

Belly Dancing

T. A. Transactional Analysis

Terrariums

Weaving

Yoga<sup>9</sup>

Grand Rapids Community Schools offer classes on site in 36 different industrial plants. Included among the nationally known factories are

American Seating

Amway Corporation

Bissell

Colonial Clock

Dexter Locks

General Motors Diesel

General Motors Fisher Body

Herman Miller

Keeler Brass

Kelvinator

Lear Siegler

Oliver

Rapistan

Steel Case

and Wolverine Brass.

Industrially-based classes are always taught in two sections by the same teacher, before a shift begins and between shifts. This permits a student to transfer sections if his shift is changed. Factory-based classes include such courses as:

Fundamental Shop Mechanics

Algebra, Geometry and Trigonometry for Tradesmen

Blueprint Reading

Electric Motor Controls

Fundamental Industrial Electronics

Welding - Arc and Acetylene

\*Hydraulics

In addition industrial students can enroll in ABE, high school completion, GED. This year third year college students who completed Associate Degrees in factory-site community college classes are enrolled in third year college and university factory-site classes.

Among our nation's most forgotten citizens are the aging residents of veterans' homes, handicapped victims of America's wars of the 20th century. Many of these same classes are available in the Veteran's Home. The offender's program operates a jail program for confined adults or those recently released from jail of prison. Some 250 offenders are served in six locations. A Babysitting Clinic is offered for students aged 12 to 16. Preparation for Retirement discusses "Your Second Career," "Retirement Income and Its Management," "Planning for Retirement Residence," and "Health and Medical Care in Retirement."

Some 2,000 Grand Rapids citizens are in the Golden Age Club whose membership entitles them to participation in any community school program free of charge.

Classes are held for the home-bound or hospital based for the physically impaired. This includes victims of multiple sclerosis, blindness, post polio, cerebral palsy, back injuries, kidney failure, stroke patients--for whom basic communication is taught. Persons in the hospital kidney dialysis unit attend classes twice weekly while they are on the kidney machine. Students working toward high school completion can receive co-op credit for jobs, for passing life experience and homemakers tests.

Last year 25 adult students seeking high school degrees were taught in their own homes in the Roving Teacher Program. This year there are 400 enrolled.

The Community Schools offer bus trips-- Theater and Shopping Trips to Chicago; a flower and garden show; for art lovers, the Ann Arbor May Festival with Eugene Ormondy; there are Ski Weekends and Bicycle Trips.

In addition safety classes are held in snowmobiling, boating and gun safety.

A food coop is held twice weekly and a community garden plot is plowed and cultivated in the spring and water is available on site. All the city farmer has to do is plant, weed and harvest. Finally, Michigan Blue Shield Health Insurance sponsored a new program on television called "Operation Second Chance," in a 12 week 60 program series designed to prepare the student in the five subject areas of

the GED test. Three paperback books available by mail serve as texts and monthly GED tests are scheduled at the local community college.

The following information demonstrates the tremendous growth of the Grand Rapids Community Education Department from 1971 to the 1974-75 school year.

<u>Programs</u>	<u>1972-73</u>	<u>1973-74</u>	<u>1974-75</u>
Leisure Time Students	9,581	12,219	14,000*
After School Students	3,000	4,350	5,250
Golden Age Applications	1,000	1,500	1,800
Additional Services	3,500	7,600	9,000
Total Population Serviced	24,629	36,472	42,830
% Growth	88%	48%	17%
<u>Staff</u>			
Teachers, Aides, Secretaries	375	570	779
Administrators	13	15	23

Declining/Increasing Student Enrollment, Grand Rapids, Michigan, 1972-1974

K-12 Enrollment Loss, Grand Rapids, Michigan, 1972-1974

	1972	1973	%-	1974	%-	3 Year Total
Elementary	17,706	16,621		16,071		
Secondary	14,797	14,634		14,057		
Total	32,503	31,255		30,128		2,375
Loss		1,248	4	1,127	4	
<u>Community Education Enrollment Gain, 1972-1974</u>						
Alternative Education	302	339	%+	481	%+	
Adult FTE*	672	1,392		2,331		
Total	974	1,731	78	2,812	38	1,685
Net Gain		483		1,685		437

Every enrollee has a different life drama. One graduate from last year, Mrs. Elizabeth Battaglia, fulfilled her life's ambition by completing three years of high school in one year. She received credit for life experience and work experience by passing tests and enrolling full time. A sixteen year old high school dropout, Mrs. Battaglia, husband, two sons and daughter were smiling proudly when she received her diploma. This year she is a freshman in community college and some of her poetry has been published by Ladies Home Journal.<sup>10</sup>

The symbol of community education in Grand Rapids is Ginny Schmitt, a pretty blonde, blue-eyed girl who serves as Community Secretary. All of the brochures, handouts and bulletins display her picture with the caption for information about Community Education, "Call Ginny" and the phone number. Her name and face appear on billboards and theater marquees. Her voice is heard on radio spots. She was featured in Community Education displays in shopping malls. She gives the information on the operation Second Chance GED television series. But Ginny and her boss knew that Ginny was a local celebrity when they drove up to the Mall before their display opened and there blazoned on all three marquee signs were three words "Ginny Is Here!"

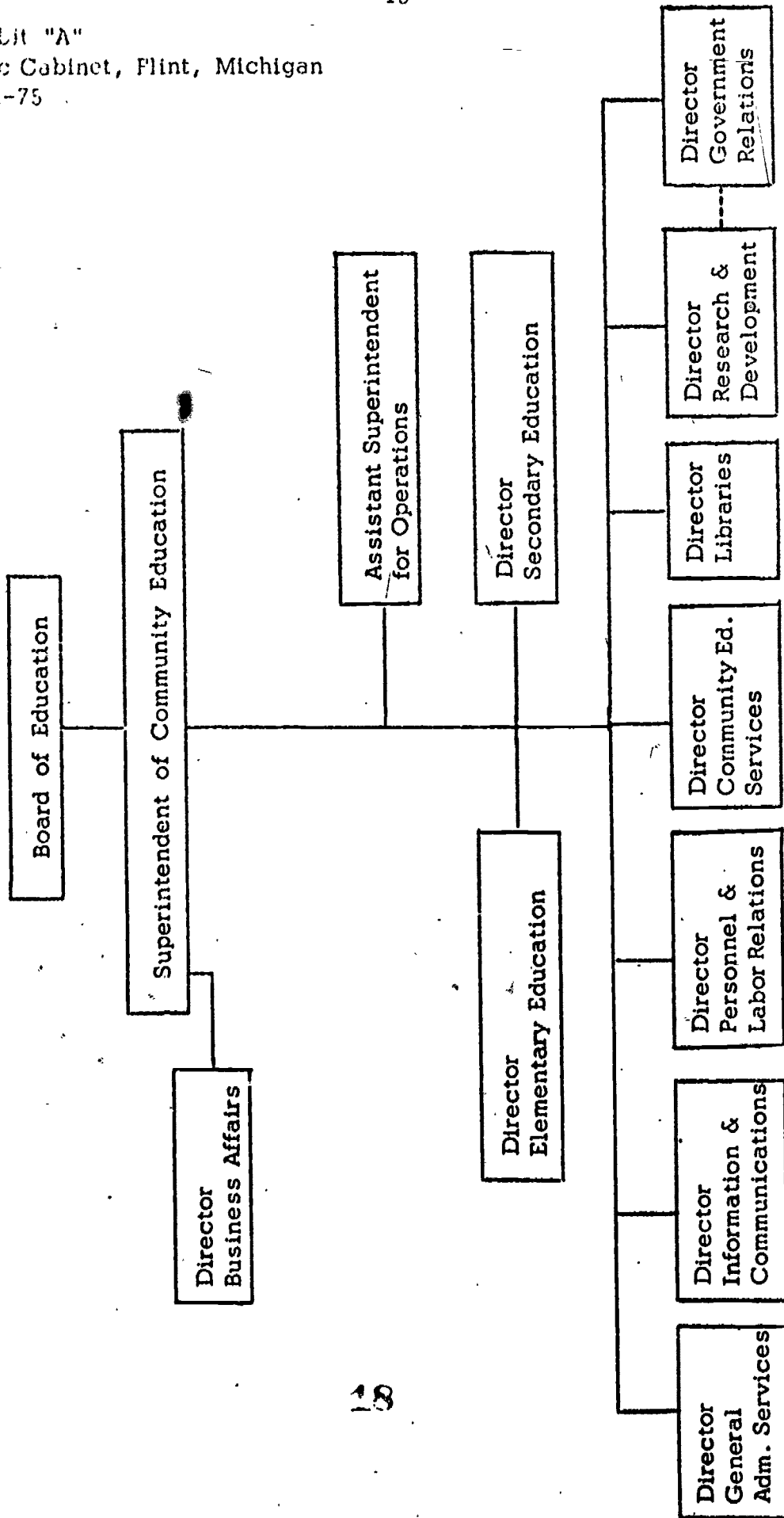
Education for adults is more than promotional stunts, belly dancing, community gardens or learning in a kidney dialysis unit. In addition to providing opportunity for individuals to keep reaching toward fulfillment of their human potential, community schools provide the base for citizens to become involved



in decision-making to improve the quality of life in their own communities. The revised organization chart for Flint, Michigan illustrates the integration of Community Education into the main line relationship with the Flint Board of Education. Every elementary principal is designated as the community leader. Every elementary community school director assists the elementary principal and reports to the Director of Elementary Education. The elementary attendance area has been identified as the geographic base for citizen participation in Community School Advisory Councils which are involved in Community Needs Assessment, Goal-setting, Priorities and Annual Program Evaluation and Review. Principals work with their Advisory Councils as the Superintendent works with the Board of Education. Each Council is represented on a Central Coordinating Council who reflect community concerns, wants and needs to the Board of Education.

The Mini-City Hall Project conceptualized by former Mayor John Lindsay in New York City, was implemented by Mayor Kevin White in 18 decentralized locations in Boston. This model has been implemented again in 20 of the 41 elementary schools in Flint with one community service representative assigned to an average of two elementary attendance areas located at one of the two designated schools, linking City Hall to the community and to the school. The

Exhibit "A"  
Basic Cabinet, Flint, Michigan  
1974-75



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city representative serves as an ombudsman for citizen complaints including all city services: garbage collection, street repairs, lights, sewers, housing code enforcement, vandalized houses, and abandoned automobiles. Water bills and city taxes can be paid there and the CSR's have been trained to provide assistance in filling out income taxes. In the first three days of this new program which began last month, one school recorded 80 citizen contacts, most of them complaints. The program is paid for by local revenue-sharing funds.

The secondary schools in Flint, Michigan, are city wide Special Community Education Program Centers because these buildings provide auditoriums, libraries, gymnasiums, special homemaking and shop facilities, science laboratories, etc. Secondary community school directors report to the Director of Secondary Education.

The problem of finances is always a critical issue. The Grand Rapids case study illustrates that the gain in fulltime equated adult students not only offsets the declining birthrate by providing adults with a second chance, but the revenue from State Aid and fees for services exceeds the budget for Community Education.

Education provides that second chance for the individual who didn't make it for any number of reasons. A poignant story was told by Diana Miller, a housewife in Lakewood, Ohio at the Lakewood Adult Graduation Ceremony.

Before I returned to school I was very shy and extremely unsure of myself. My husband and family didn't really think I had too much on the ball. The only topics I discussed with them were the children, housekeeping and the baby I wanted. All my husband discussed was his job, golf, why he did not want a fourth child, and motorcycles.

As the year progressed we learned to discuss what I was learning at school. We had many discussions on government and politics, why I wanted a fourth child, history, why he insisted on no more kids, our school system and more on motorcycles.

We became more interested, as a family in our world. We discussed likes and dislikes of our world and our society. We discussed our dreams, goals, and problems more openly.

We became happier as we realized we could change our lives, our laws, and our society. As time passed, Dad became interested in babies while Mom became interested in motorcycles.

You may say we have failed on one of our goals because we no longer have our baby.

Danae was born a courageous little girl. The first 6 months of her life were marked by illnesses. . . . Danae had open heart surgery January 23. . . . On February 2 she died. You may wonder why I chose to tell you of something so sad, but I believe in impossible dreams.

If someone had had a bigger dream, had dared to fight a seemingly unbeatable foe, Danae might still be here. . . . One man succeeded in surgery, but another failed in a wider field of anesthesiology.

Only you can decide what success really means and is. Your dream and goals are just as important as your neighbor's. You can beat the unbeatable foe. There is a special key to open just the right door for you and your personal needs. But the key you seek is in the classrooms of your schools. Once you hold the key you will be armed for a final and victorious battle.<sup>11</sup>

Declining K-12 school enrollments are a problem, yes, but they also offer the challenge to concerned, creative and energetic educators to equalize opportunities for the increasing numbers of adults in our society, adults who want to keep on learning and growing and becoming. You may have seen the poster that says "Give me a fish and I can eat for a day; Teach me to fish and I eat for a lifetime."

## References

1. Declining Enrollment: What To Do, Vol. II, AASA Executive Handbook Series, American Association of School Administrators, Arlington, Va., 1974, p. 8.
2. Patricia A. Graham, "Few Lessons from the Past," The New York Times, January 15, 1975, p. 87.
3. Edward B. Fische, "Education Feeling No-Growth Pains," The New York Times, January 15, 1975, p. 57.
4. Ibid., p. 88.
5. Ibid.
6. Arthur M. Lee, Learning a Living Across the Nation, Vol. III, Project Baseline, Northern Arizona University: Flagstaff, Arizona, November, 1974, pp. 16-17.
7. Bureau of the Census, U. S. Census of Population, 1970, Vol. Part B, p. 31.
8. Donald D. Fink, "The Grand Rapids Story: Extension Units Form a Consortium," Planning for Higher Education, Educational Facilities Laboratory, December, 1974, 4/6.
9. Community Education, Winter Program 1975, Grand Rapids Public Schools, pp. 4-23.
10. "The Graduate: You Can," The Community Educator, Grand Rapids Public Schools: Grand Rapids, Michigan, November, 1974, p. 1.
11. Diana Miller, "Dare to Have a Bigger Dream," Community Education Journal, November-December 1974, p. 51.

Appendix A

Grand Rapids Community Schools Budget, 1972-1974

<u>Account</u>	<u>1972-73</u>	<u>1973-74</u>	<u>1974-75</u>
<u>Revenue</u>			
State Aid	\$ 900,000	\$1,949,000	\$5,013,000
Miscellaneous	100,000	350,000	800,000
<b>Total</b>	<b>\$1,000,000</b>	<b>\$2,299,000</b>	<b>\$5,813,000</b>
<u>Budget</u>			
Directors' Salaries	\$ 136,000	\$ 145,000	\$ 228,000
Teachers' Salaries	233,000	595,000	1,186,000
Security Salaries		24,000	29,000
Secretarial Salaries	12,000	29,000	70,000
<b>Total Salaries</b>	<b>\$ 381,000</b>	<b>\$ 793,000</b>	<b>\$1,513,000</b>
Contracted Services	\$ 46,500	\$ 56,000	\$ 190,000
Textbooks	3,500	15,500	40,000
Instructional Materials	7,000	13,200	25,000
Instructional Supplies		4,000	1,200
Office Supplies	5,850	4,000	5,500
Miscellaneous Supplies	2,750	1,250	600
Mileage Reimbursement	3,950	4,250	7,500
Conference and Convention	1,000	1,200	2,800
Rental Expenses	2,200	11,250	14,000
Matching Contribution		156,332	295,000
Miscellaneous Expenses	18,750	20,000	55,000
In-Service Community Schools	-0-	6,000	10,000
Data Processing		-0-	10,000
<b>Total Other Expenses</b>	<b>\$ 91,500</b>	<b>\$ 292,982</b>	<b>\$ 656,600</b>
<b>Total Community Schools</b>	<b>\$ 472,500</b>	<b>\$1,085,982</b>	<b>\$2,169,600</b>
<u>Other Community Services</u>			
Appropriations	\$ 196,100	\$ 240,000	\$ 292,000
<b>Total Community Schools and Services</b>	<b>\$ 668,600</b>	<b>\$1,325,982</b>	<b>\$2,461,600</b>

Appendix B

Leisure Time Classes,  
Grand Rapids Community Education  
1974-75

Know Your Automobile for Men and Women  
Antique Identification  
Beer Can Art  
Dog Obedience  
Conversational Dutch  
Electricity for Homeowners  
Metric System  
Snowmobile Repair  
Wig Care and Styling  
Astrology  
Powder Puff Mechanics  
Modern Novel  
Preparing for a European Experience  
Income Tax Preparation  
Adult Band - pick up your old instruments and begin playing in a band  
Arabic Language and Culture  
Herb Craft  
Women's Self Defense  
Practical Consumer Finance  
Small Business Management  
Community Problem Solving (which takes place at Our Lady of Sorrow Hall)  
Genealogy  
Especially for Brides and Bridesmaids  
Silversmithing  
Philosophy for Effective Living  
Greek Cooking  
Polish Heritage  
People Problems - How and Why?  
Amateur Radio  
Micro Wave Oven  
History of Rock and Roll  
Coping with Retirement  
Bread Dough Art  
Belly Dancing  
T. A. Transactional Analysis  
Terrariums  
Weaving  
Yoga

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## Appendix C

### Industrial Based Classes Grand Rapids Community Education 1974-75

American Seating Co.  
Amway Corp.  
Applied Arts  
Bissell, Inc.  
Butternut Bread Co.  
Canfield  
Carbonneau  
Colonial Clock  
Dependable Engineering Foundry  
Dexter Lock Corp.  
Doehler-Jarvis  
Evans  
General Motors Diesel  
General Motors Fisher Body #1  
General Motors Fisher Body #2  
Goodwill Industries  
Grand Rapids Die Casting  
Herman Miller  
Herrud & Co.  
John Batts  
Johnson Furniture Co.  
Keeler Brass Co. - Godfrey  
Keeler Brass Co. - Kentwood  
Kelvinator Inc.  
Knape & Vogt Co.  
Lear Siegler Inc.  
Marine Reserve  
Naval Reserve  
Oliver Co.  
Rapistan Corp.  
Reynolds Co.  
Rospach  
Rowe International Inc.  
Sparta Co.  
Steelcase Inc.  
Wolverine Brass Wks.

(20 U.S.C. 241) Enacted, Sept. 30, 1959, C. 1124, P.L. 874, 81st Cong., sec. 6, 64 Stat. 1107; amended Aug. 8, 1953, C. 402, P.L. 248, 83d Cong., sec. 8, 67 Stat. 535; amended Aug. 1, 1955, C. 467, P.L. 204, 84th Cong., 69 Stat. 433; amended Aug. 1, 1956, C. 852, P.L. 896, 84th Cong., sec. 10, 70 Stat. 909; amended May 6, 1960, P.L. 80-449, Title V, sec. 501, 74 Stat. 89; amended April 11, 1965, P.L. 89-10, Title I, secs. 2, 4(d) (2), 79 Stat. 27, 35; amended July 21, 1965, P.L. 89-77, sec. 2, 79 Stat. 243; amended Nov. 3, 1966, P.L. 89-750, Title II, sec. 204, 80 Stat. 1212; subsection (g) repealed April 13, 1970, P.L. 91-230, Title IV, sec. 401(f) (1) and superseded by sec. 422 of P.L. 90-247, Title IV, as amended (20 U.S.C. 1232a).

ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN CASES OF CERTAIN DISASTERS

SEC. 7. (a) In any case in which—

(1) (A) the Director of the Office of Emergency Planning determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area which after August 30, 1965, and prior to July 1, 1978, has suffered a major disaster as the result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government; or

(B) the Commissioner determines with respect to any such agency that public elementary or secondary school facilities of such agency have been destroyed or seriously damaged prior to July 1, 1978, as a result of flood, hurricane, earthquake, storm, fire, or other catastrophe, except any such catastrophe caused by negligence or malicious action; and

(2) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

and if the Commissioner determines with respect to such agency that—

(3) such agency is utilizing or will utilize all State and other financial assistance available to it for the purpose of meeting the cost of providing free public education for the children attending the schools of such agency, but as a result of such disaster it is unable to obtain sufficient funds for such purpose and requires an amount of additional assistance equal to at least \$1,000 or one-half of 1 per centum of such agency's current operating expenditures during the fiscal year preceding the one in which such disaster occurred, whichever is less, and

(4) in the case of any such major disaster to the extent that the operation of private elementary and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by such disaster, such local educational

agency has made provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate: *Provided*, That nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction,

the Commissioner may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five-fiscal-year period beginning with the fiscal year in which it is determined pursuant to clause (1) of this subsection that such agency suffered a disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the school of such agency prior to the occurrence of such disaster, taking into account the additional costs reasonably necessary to carry out the provisions of clause (4) of this subsection. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which it is so determined that such agency has suffered a disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

(b) In addition to and apart from the funds provided under subsection (a), the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such disaster, to make minor repairs, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the disaster.

(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner is authorized to expend (without regard for subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665)) from any funds appropriated to the Office of Education and at that time available to the Commissioner, such sums as may be necessary for providing immediate assistance under this section. Expenditures pursuant to the preceding sentence shall—

(1) be reported by the Commissioner to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor, and Public Welfare of the Senate within thirty days of the expenditure;

(2) be reimbursed from the appropriations authorized by the first sentence of this subsection.

The report required to the Committees on Appropriations by clause (1) in the preceding sentence shall constitute a budget estimate with-

in the meaning of section 201 (a) (5) of the Act of June 10, 1921 (31 U.S.C. 11 (a) (5)).

(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with the regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

(e) Amounts paid by the Commissioner to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

(20 U.S.C. 241-1) Enacted Nov. 1, 1965, P.L. 89-313, sec. 2, 79 Stat. 1159; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 218, 81 Stat. 811; amended April 13, 1976, P.L. 94-230, Title II, sec. 201(c), 84 Stat. 154; amended August 21, 1974, P.L. 93-380, sec. 303(a) (3), 88 Stat. 522.

## TITLE II—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES

\* \* \* \* \*

(NOTE.—This title was added by Title I of the Elementary and Secondary Education Act of 1965, and is cited as such; see page 57.)

## TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

### SHORT TITLE

SEC. 301. This title may be cited as the "Indian Elementary and Secondary School Assistance Act."

Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

### DECLARATION OF POLICY

SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

(20 U.S.C. 241aa) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

## GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1978, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C)) multiplied by (ii) the sum of the number of children determined under paragraph (1).

(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under this subsection, with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment. The requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

(20 U.S.C. 241bb) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 335; amended August 21, 1974, P.L. 93-380, sec. 631(b), 88 Stat. 585.

## USES OF FEDERAL FUNDS

SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom, or other space used, for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

(20 U.S.C. 241cc) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 335, 336.

#### APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

Sec. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

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

(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

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

(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Com-

missioner may find necessary to assure the correctness and verification of such reports.

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

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

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

(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

(B) has been developed—

“(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

“(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students of which at least half the members shall be such parents;

(C) sets for such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B) (ii).

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

(20 U.S.C. 241dd) Enacted June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 336, 337.

#### PAYMENTS

SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency

finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

(20 U.S.C. 241ee) Enacted June 23, 1972, P.L. 92-318, sec. 141, 86 Stat. 337.

#### ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

SEC. 307: (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year, during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

(20 U.S.C. 241ff) Enacted June 23, 1972, P.L. 92-318, sec. 141, 86 Stat. 337, 338.

### TITLE IV—GENERAL PROVISIONS

#### ADMINISTRATION

##### SEC. 401.<sup>1</sup>

(a) (Repealed).

(b) The Commissioner shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

<sup>1</sup> Title IV and section 401 of the Act of Sept. 30, 1950, P.L. 81-874. References in this title to Title I of the Elementary and Secondary Education Act of 1965, are to its original designation on enactment, "Title II" of Public Law 81-874.



(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

(20 U.S.C. 242) Enacted Sept. 30, 1950, C. 1124, P.L. 874, 81st Cong., Title III, sec. 301, formerly sec. 7, 64 Stat. 1107; redesignated April 11, 1965, P.L. 80-10 Title I, sec. 3(c) (1), 79 Stat. 35; amended Nov. 3, 1966, P.L. 89-750, Title II, sec. 205, 80 Stat. 1212; subsection (a) repealed April 13, 1970, P.L. 91-230, Title IV, sec. 401(f) (1) and superseded by sec. 422 of P.L. 90-247, Title IV, as amended (20 U.S.C. 1232a); redesignated June 23, 1972, P.L. 92-318; sec. 411, 86 Stat. 334.

USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

SEC. 402. (a) In carrying out his functions under this Act, the Commissioner is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and, when he deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 6 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under title I, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of title I.

(c) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as title I, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of title I, be transferred to the Commissioner for use by him in carrying out such purposes.

(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the employment of teaching personnel for the provision of free public education for children in any State or for payments to any local educational agency (directly or through the State educational agency) for free public education for children, except that nothing in the foregoing provisions of this subsection shall affect the availability of appropriations for the maintenance and operation of school facilities (1) on Federal property under the control of the Atomic Energy Commission or (2) by the Bureau of Indian Affairs, or the availability of appropriations for the making of payments directed to be made by section 91 of the Atomic Energy Community Act of 1955, as amended, or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., sec. 452).

(20 U.S.C. 243) Enacted Sept. 30, 1950, C. 1124, P.L. 874, 81st Cong., Title III, sec. 302, formerly sec. 8, 64 Stat. 1108; amended Aug. 8, 1953, C. 402, P.L. 248, 83d Cong., sec. 9, 67 Stat. 536; amended Aug. 4, 1955, C. 543, C. 11, P.L. 221, 84th Cong., sec. 202, 69 Stat. 485; amended Aug. 12, 1955, C. 868, P.L. 382, 84th Cong., sec. 1, 69 Stat. 713; amended Aug. 3, 1956, C. 915, P.L. 949, 84th Cong., Title II,

sec. 210, 70 Stat. 972; amended Aug. 12, 1958, P.L. 85-620, Title II, sec. 204, 72 Stat. 560; redesignated, and amended April 11, 1965, P.L. 89-10, Title I, sec. 3(c), 79 Stat. 35; amended April 13, 1970, P.L. 91-230, Title IV, sec. 401(c), 84 Stat. 173. Repealed provision superseded by sec. 411 of P.L. 91-247, Title IV, as amended (20 U.S.C. 1231(a)); redesignated June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

## DEFINITIONS

## SEC. 403: For the purposes of this Act—

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes (A) except for purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States; (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this Act, (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provisions of this paragraph, such term does not include any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal service. Real property which qualifies as Federal property under clause (A) of this paragraph shall not lose such qualification because it is used for a low-rent housing project.

(2) The term "child" except as used in title II, means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State, except that for the purposes of title II such term does not include any education provided beyond grade 12.

(5) The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruc-

tion, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under title II of this Act or title II or III of the Elementary and Secondary Education Act of 1965.

(6) (A) For purposes of title I, the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(B) For purposes of title II, the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school, and it also includes (except for purposes of sections 203(a)(2), 203(b), and 205(a)(1)) any State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education) or for children in institutions for neglected or delinquent children.

(7) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(8) The term "State" means a State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands, and for purposes of title II, such term includes the Trust Territory of the Pacific Islands.

(9) The terms "Commissioner of Education" and "Commissioner" mean the United States Commissioner of Education.

(10) Average daily attendance shall be determined in accordance with State law, except that (A) the average daily attendance of children with respect to whom payment is to be made under section 3 or 4 of this Act shall be determined in accordance with regulations of the Commissioner, and (B) notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment

for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of such child at such school shall be held and considered (i) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (ii) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract.

(11) The term "county" means those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties.

(12) The term "construction" includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(13) The term "school facilities" means classrooms and related facilities (including initial equipment) for free public education and interests in land (including site, grading, and improvements) on which such facilities are constructed, except that such term does not include those gymnasiums and similar facilities intended primarily for exhibitions for which admission is to be charged to the general public.

(14) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(15) For the purpose of title II, the term "elementary school" means a day or residential school which provides elementary education, as determined under State law, and the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(20 U.S.C. 244) Enacted Sept. 30, 1950, C. 1124, P.L. 874, 81st Cong., Title III, sec. 303, formerly sec. 9, 64 Stat. 1108; amended Aug. 8, 1953, C. 402, P.L. 248, 83d Cong. sec. 10, 67 Stat. 536; amended Aug. 1, 1956, P.L. 896, 84th Cong., sec. 10, 79 Stat. 909; amended Aug. 3, 1956, C. 915, P.L. 949, 84th Cong., Title II, sec. 211, 70 Stat. 972; amended Aug. 12, 1958, P.L. 85-620, Title II, sec. 205, 72 Stat. 509; amended June 25, 1959, P.L. 86-70, sec. 18(d)(4), 73 Stat. 145; amended July 12, 1960, P.L. 86-624, sec. 14(d)(4), 74 Stat. 414; amended Oct. 16, 1964, P.L. 38-665, Title XI, sec. 1102(b), 78 Stat. 1109; redesignated and amended April 11, 1965, P.L. 89-10, Title I, secs. 3(c)(1), 4(a)-(c), (d)(1), (e), 79 Stat. 35; amended Nov. 1, 1965, P.L. 89-313, sec. 6(c), 79 Stat. 1162; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 117(a)(1), (b) 80 Stat. 1198, 1199, Title II, sec. 206, 80 Stat. 1213; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 201, 81 Stat. 806; amended Apr. 13, 1970, P.L. 91-230, Title II, sec. 203(b), 84 Stat. 156. Amendments effective after June 30, 1970; redesignated June 23, 1972, P.L. 92-318 sec. 411, 86 Stat. 334; amended August 21, 1974, P.L. 93-380, sec. 304(d)(1), 88 Stat. 523.

## SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES

(P.L. 815, 81st Congress)

AN ACT Relating to the construction of school facilities in areas affected by Federal activities, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### PURPOSE AND APPROPRIATION

**SECTION 1.** The purpose of this Act is to provide assistance for the construction of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and each fiscal year thereafter, such sums as the Congress may determine to be necessary for such purpose. Sums so appropriated, other than sums appropriated for administration, shall remain available until expended.

(20 U.S.C. 631) Similar provision enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 522 as Title III, sec. 301, P.L. 815, 1st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 548.

### PORTION OF APPROPRIATIONS AVAILABLE FOR PAYMENTS

**SEC. 2.** For each fiscal year the Commissioner shall determine the portion of the funds appropriated pursuant to section 1 which shall be available for carrying out the provisions of sections 9 and 10. The remainder of such funds shall be available for paying to local educational agencies the Federal share of the cost of projects for the construction of school facilities for which applications have been approved under section 6.

(20 U.S.C. 632) Similar provision enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 522 as Title III, sec. 302, P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 548.

### ESTABLISHMENT OF PRIORITIES

**SEC. 3.** The Commissioner shall from time to time set dates by which applications for payments under this Act with respect to construction projects must be filed, except that the last such date with respect to applications for payments on account of children referred to in paragraphs (2) or (3) of section 5(a) shall be not later than June 30, 1978. The Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, to be followed in approving applications in the event the funds appropriated under this Act and remaining available on an such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this Act have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6(b)(2)(C)) shall be considered applications for purposes of the preceding sentence.

(20 U.S.C. 633) Similar provisions enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 522 as Title III, sec. 303, P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title 1, sec. 101, 72 Stat. 548; amended Oct. 3, 1961, P.L. 87-344, Title I, sec. 101(a), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88-210, Title III, sec. 301(a), formerly sec. 301(a), 77 Stat. 419; amended Oct. 16, 1964, P.L. 88-665, Title XI, sec. 1101(a), 78 Stat. 1109; amended Nov. 3, 1966, P.L. 89-750, Title II, sec. 221, 80 Stat. 1213; amended Jan. 2, 1968, P.L. 90-247, Title III, sec. 301(d) (1), 81 Stat. 813; redesignated Oct. 16, 1968, P.L. 90-576, Title I, sec. 101(a) (1), 82 Stat. 1034; amended April 13, 1970, P.L. 91-230, Title II, sec. 201(a) (1), 84 Stat. 154, 156; amended August 21, 1974, P.L. 93-380, sec. 301(a) (1), 88 Stat. 521.

#### FEDERAL SHARE FOR ANY PROJECT

SEC. 4. Subject to section 5 (which imposes limitations on the total of the payments which may be made to any local educational agency), the Federal share of the cost of a project under this Act shall be equal to such cost, but in no case to exceed the cost, in the school district of the applicant, of constructing minimum school facilities, and in no case to exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the schools of such agency at the close of the second year following the increase period and who will otherwise be without such facilities at such time. For the purposes of the preceding sentence, the number of such children who will otherwise be without such facilities at such time shall be determined by reference to those facilities which (1) are built or under contract as of the date on which the Commissioner set, under section 3, the earliest date on or before which the application for such project was filed, or (2) as of the date the application for such project is approved, are included in a project the application for which has been approved under this Act.

(20 U.S.C. 634) Similar provision enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 522, as Title III, sec. 304, P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 549; amended Nov. 3, 1966, P.L. 89-750, Title II, sec. 224, 80 Stat. 1214.

#### LIMITATIONS ON TOTAL PAYMENTS TO ANY LOCAL EDUCATIONAL AGENCY

SEC. 5. (a) Subject to the limitations in subsections (c) and (d), the total of the payments to a local educational agency under this Act may not exceed the sum of the following:

(1) the estimated increase, since the base year, in the number of children residing on Federal property, multiplied by 95 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated; and

(2) the estimated increase, since the base year, in the number of children (A) residing with a parent employed on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district), or (B) who had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949), multiplied by 50 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated; and

(3) the estimated increase, since the base year, in the number of children whose membership results directly from activities of the United States (carried on either directly or through a contractor), multiplied by 45 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated. For purposes of this paragraph, the Commissioner shall not consider as activities of the United States those activities which are carried on in connection with real property excluded from the definition of Federal property by the last sentence of paragraph (1) of section 15, but shall (if the local educational agency so elects pursuant to subsection (b)) consider as children whose membership results directly from activities of the United States children residing on Federal property or residing with a parent employed on Federal property; and

(4) for the fiscal year ending June 30, 1967, the estimated number of children, without regard to the limitation in subsection (d), whose membership in the schools of such local educational agency resulted from a change in residence from land transferred to Mexico as part of a relocation of an international boundary of the United States, multiplied by 50 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated; but if, by reason of any other provision of law, this clause is not considered in computing the maximum payments a local educational agency may receive for the fiscal year ending June 30, 1967, the additional amount such agency would have been entitled to receive shall be added to such agency's entitlement for the first fiscal year for which funds appropriated to carry out this Act may be used for such purpose.

In computing for any local educational agency the number of children in an increase under paragraph (1), (2), or (3), the estimated number of children described in such paragraph who will be in the membership of the schools of such agency at the close of the increase period shall be compared with the estimated number of such children in the average daily membership of the schools of such agency during the base year.

(b) If two or more of the paragraphs of subsection (a) apply to a child, the local educational agency shall elect which of such paragraphs shall apply to such child, except that, notwithstanding the election of a local educational agency to have paragraph (2) apply to a child instead of paragraph (1), the determination of the maximum amount for such agency under subsection (a) shall be made without regard to such election.

(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraph (1), (2), or (3) of subsection (a) unless the increase in children referred to in such paragraph, prior to the application of the limitation in subsection (d) is at least twenty and—

(1) in the case of paragraph (1) or (2), is—

(A) equal to at least 10 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

- (B) at least one thousand five hundred, whichever is the lesser; and
- (2) In the case of paragraph (3), is—

(A) equal to at least 10 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

(B) at least two thousand five hundred, whichever is the lesser: *Provided*, That no local educational agency shall be regarded as eligible under this paragraph (2) unless the Commissioner finds that the construction of additional minimum school facilities for the number of children in such increase will impose an undue financial burden on the taxing and borrowing authority of such agency.

(d) If (1) the estimated number of nonfederally connected children who will be in the membership of the schools of a local educational agency at the close of the increase period is less than (2) 106 per centum of the number of such children who were in the average daily membership of such agency during the base year, the total number of children counted for purposes of subsection (a) with respect to such agency shall be reduced by the difference between (1) and (2) hereof, except that the number of children counted for the purposes of paragraph (1) or (2) of subsection (a) shall not be reduced by more than one thousand five hundred and that the number of children counted for the purposes of paragraph (3) of subsection (a) shall not be reduced by more than two thousand five hundred. For purposes of this subsection, all children in the membership of a local educational agency shall be counted as nonfederally connected children except children whose membership in the base year and increase period was compared in computing an increase which meets the requirements of subsection (c).

(e) Notwithstanding the provisions of subsections (c), (d), and (f) of this section, whenever and to extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this Act, the Commissioner may do any one or more of the following: (1) he may waive or reduce the minimum number requirement or any percentage requirement or requirements in subsection (c); (2) he may waive the requirement contained in the first sentence of subsection (d) or reduce the percentage specified in clause (2) of such sentence; or (3) he may waive or reduce the requirement contained in subsection (f).

(f) In determining under this section the total of the payments which may be made to a local educational agency on the basis of any application, the total number of children counted for purposes of paragraph (1), (2), or (3), as the case may be, of subsection (a) may not exceed—

(1) the number of children whose membership at the close of the increase period for the application is compared with membership in the base period for purposes of that paragraph, minus

(2) the number of such children whose membership at the close of the increase period was compared with membership in the base year for purposes of such paragraph under the last previous application, if any, of the agency on the basis of which any payment has been or may be made to that agency.



(20 U.S.C. 635) Similar provision enacted Aug. 3, 1953, P.L. 246, 83d Cong., sec. 1-67 Stat. 523, as Title III, sec. 305, P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 549; amended Nov. 1, 1965, P.L. 89-313, sec. 5, 79 Stat. 1161; amended Nov. 3, 1966, P.L. 89-750, Title II, secs. 222(a), (c), 223, 226, 227, 80 Stat. 1218-1215; amended Jan 2, 1968, P.L. 90-247, Title II, sec. 205(b), 207, 81 Stat. 809; amended April 13, 1970, P.L. 91-230, Title II, sec. 203(a) (3), 204, 84 Stat. 155, 157; amended May 21, 1970, P.L. 90-260, 84 Stat. 254; amended August 21, 1974, P.L. 93-380, sec. 302(a), 88 Stat. 521, 522.

## APPLICATIONS

SEC. 6. (a) No payment may be made to any local educational agency under this Act except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him.

(b) (1) Each application by a local educational agency shall set forth the project for the construction of school facilities for such agency with respect to which it is filed, and shall contain or be supported by—

(A) a description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as may reasonably be required by the Commissioner;

(B) assurance that such agency has or will have title to the site, or the right to construct upon such site school facilities as specified in the application and to maintain such school facilities on such site for a period of not less than twenty years after the completion of the construction;

(C) assurance that such agency has legal authority to undertake the construction of the project and to finance any non-Federal share of the cost thereof as proposed, and assurance that adequate funds to defray any such non-Federal share will be available when needed;

(D) assurance that such agency will cause work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence;

(F) assurance that the school facilities of such agency will be available to the children for whose education contributions are provided in this Act on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district; and

(G) assurance that such agency will from time to time prior to the completion of the project submit such report relating to the project as the Commissioner may reasonably require.

(2) The Commissioner shall approve any application if he finds (A) that the requirements of paragraph (1) have been met and that approval of the project would not result in payments in excess of those permitted by sections 4 and 5, (B) after consultation with the State and local educational agencies, that the project is not inconsistent with overall State plans for the construction of school facilities, and (C) that there are sufficient Federal funds available to pay the Federal share of the cost of such project and of all other projects for which

Federal funds have not already been obligated and applications for which, under section 3, have a higher priority: *Provided*, That the Commissioner may approve any application for payments under this Act at any time after it is filed and before any priority is established with respect thereto under section 3 if he determines that—

(i) on the basis of information in his possession, it is likely that the urgency of the need of the local educational agency is such that it would have a priority under section 3 which would qualify it for payments under this Act when such priorities are established, and

(ii) the number of children in the increase under section 5(a) is in large measure attributable to children who reside or will reside in housing newly constructed on Federal property.

(c) No application under this Act shall be disapproved in whole or in part until the Commissioner of Education has afforded the local educational agency reasonable notice and opportunity for hearing.

(20 U.S.C. 636) Provisions similar in part enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 524, as Title III, sec. 303 of P.L. 815 81st Cong., Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 551, as sec. 6, P.L. 815, 81st Cong.; subsection (b) (1) (E) repealed April 13, 1970, P.L. 91-230, Title IV, sec. 401 (g) (4) and superseded by sec. 423 of P.L. 90-247, Title IV, as amended (20 U.S.C. 1232b).

#### PAYMENTS

Sec. 7. (a) Upon approving the application of any local educational agency under section 6, the Commissioner of Education shall pay to such agency an amount equal to 10 per centum of the Federal share of the cost of the project. After final drawings and specifications have been approved by the Commissioner of Education and the construction contract has been entered into, the Commissioner shall, in accordance with regulations prescribed by him and at such times and in such installments as may be reasonable, pay to such agency the remainder of the Federal share of the cost of the project.

(b) Any funds paid to a local educational agency under this Act and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

(20 U.S.C. 637) Similar provision enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 525, as Title III, sec. 307 of P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 552, as sec. 7, P.L. 815, 81st Cong.

#### ADDITIONAL PAYMENTS

Sec. 8. Not to exceed 10 per centum of the sums appropriated pursuant to this Act for any fiscal year (exclusive of any sums appropriated for administration) may be used by the Commissioner, under regulations prescribed by him, to make grants to local educational agencies where (1) the application of such agencies would be approved under this Act but for the agencies' inability, unless aided by such grants, to finance the non-Federal share of the cost of the projects set forth in their applications, or (2) although the applications of such agencies have been approved, the projects covered by such applications could not, without such grants, be completed, because of flood, fire, or similar emergency affecting either the work on the projects or the

agencies' ability to finance the non-Federal share of the cost of the projects. Such grants shall be in addition to the payments otherwise provided under this Act, shall be made to those local educational agencies whose need for additional aid is the most urgent and acute, and insofar as practicable shall be made in the same manner and upon the same terms and conditions as such other payments.

(20 U.S.C. 638) Similar provision enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 525, as Title III, sec. 308(a), P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 552, as sec. 8 of P.L. 815, 81st Cong.

#### WHERE EFFECT OF FEDERAL ACTIVITIES WILL BE TEMPORARY

SEC. 9. Notwithstanding the preceding provisions of this Act, whenever the Commissioner determines that the membership of some or all of the children, who may be included in computing under section 5 the maximum on the total of the payments for any local educational agency, will be of temporary duration only, such membership shall not be included in computing such maximum. Instead, the Commissioner may make available to such agency such temporary school facilities as may be necessary to take care of such membership; or he may, where the local educational agency gives assurance that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of this Act) to such agency for use in constructing school facilities an amount equal to the amount which he estimates would be necessary to make available such temporary facilities. In no case, however, may the amount so paid exceed the cost, in the school district of such agency of constructing minimum school facilities for such children. The Commissioner may transfer to such agency or its successor all the right, title, and interest of the United States in and to any temporary facilities made available to such agency under this section (or section 309 of this Act as in effect January 1, 1958); any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time as the Commissioner deems appropriate to carry out the purposes of this Act.

(20 U.S.C. 639) Similar provision enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 525, as Title III, sec. 309 of P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 553, as sec. 9 of P.L. 815, 81st Cong.

#### CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

SEC. 10. (a) In the case of children who it is estimated by the Commissioner in any fiscal year will reside on Federal property at the end of the next fiscal year—

(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.

the Commissioner shall make arrangements for constructing or otherwise providing the minimum school facilities necessary for the educa-

tion of such children. In any case in which the Commissioner makes arrangements under this section for constructing or otherwise providing minimum school facilities situated on Federal property in Puerto Rico, Wake Island, Guam, or the Virgin Islands, he may also include minimum school facilities necessary for the education of children residing with a parent employed by the United States though not residing on Federal property, but only if the Commissioner determines, after consultation with the appropriate State educational agency, (1) that the construction or provision of such facilities is appropriate to carry out the purposes of this Act, (2) that no local educational agency is able to provide suitable free public education for such children, and (3) that English is not the primary language of instruction in schools in the locality. Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children. To the maximum extent practicable school facilities provided under this section shall be comparable to minimum school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commission, and (B) to Indian children attending federally operated Indian schools. Whenever it is necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, the membership of such children may not be included in computing under section 5 the maximum on the total of the payments for any local educational agency.

(b) When the Commissioner determines it is in the interest of the Federal Government to do so, he may transfer to the appropriate local educational agency all the right, title, and interest of the United States in and to any facilities provided under this section (or sections 204 or 310 of this Act as in effect January 1, 1958). Any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time as the Commissioner deems appropriate to carry out the purposes of this Act.

(c) If no tax revenues of a State or of any political subdivision of the State may be expended for the free public education of children who reside on any Federal property within the State, or if no tax revenues of a State are allocated for the free public education of such children, then the property on which such children reside shall not be considered Federal property for the purposes of section 5 of this Act.

(20 U.S.C. 640) Similar provision enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 526, as Title III, sec. 310 of P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-020, Title I, sec. 101, 72 Stat. 553 as sec. 16 of P.L. 815, 81st Cong.; amended May 6, 1960, P.L. 86-449, Title V, sec. 502, 74 Stat. 89; amended July 21, 1965, P.L. 89-77, sec. 1, 79 Stat. 243; amended Nov. 3, 1966, P.L. 89-750, Title II, secs. 228, 229, 80 Stat. 1215; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 202; 81 Stat. 807.

## WITHHOLDING OF PAYMENTS

SEC. 11. (a) Whenever the Commissioner of Education, after reasonable notice and opportunity for hearing to a local educational agency, finds (1) that there is a substantial failure to comply with the drawings and specifications for the project, (2) that any funds paid to a local educational agency under this Act have been diverted from the purposes for which paid, or (3) that any assurance given in an application is not being or cannot be carried out, the Commissioner may forthwith notify such agency that no further payment will be made under this Act with respect to such agency until there is no longer any failure to comply or the diversion or default has been corrected or, if compliance or correction is impossible, until such agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

(b) The final refusal of the Commissioner to approve part or all of any application under this Act, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States court of appeals for the circuit in which the local educational agency is located, in accordance with the provisions of the Administrative Procedure Act.

(20 U.S.C. 641) Provision similar to subsection (a) enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 526 as Title III, sec. 311 of P.L. 815, 81st Cong. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 554 as sec. 11 of P.L. 815, 81st Cong.

## ADMINISTRATION

## SEC. 12.

(b) The Commissioner of Education shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

(20 U.S.C. 642) Similar provision enacted Sept. 23, 1950, P.L. 815, 81st Cong., Title II, sec. 208, 64 Stat. 975. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 554, as sec. 12 of P.L. 815, 81st Cong.; subsections (a) and (d) repealed April 13, 1970, P.L. 91-230, Title IV, sec. 401 (f) (3) and (g) (4), 84 Stat. 173, 174, and superseded by secs. 422 and 423 of P.L. 90-247, as amended (20 U.S.C. 1232a, 1232b).

USE OF OTHER FEDERAL AGENCIES: TRANSFER AND AVAILABILITY OF  
APPROPRIATIONS

## SEC. 13.

(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may give rise to a need for the construction of school facilities, shall to the maximum extent practicable, comply with requests of the Commissioner for information he may require in carrying out the purposes of this Act.

(c) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the same purpose as this Act; except that nothing in this subsection shall affect the availability of appropriations authorized,

prior to September 23, 1950, for the construction of school facilities to be attended by Indian children, or appropriations (1) for the construction of school facilities on Federal property under the control of the Atomic Energy Commission, (2) for the construction of school facilities which are to be federally operated for Indian children, or (3) for the construction of school facilities under the Alaska Public Works Act, approved August 24, 1949.

(20 U.S.C. 643) Similar provisions enacted Sept. 23, 1950, P.L. 815, 81st Cong., Title I, sec. 105, and Title II, sec. 209, 64 Stat. 969, 975. Enacted Aug. 12, 1958, P.L. 85-620. Title I, sec. 101, 72 Stat. 554, as sec. 13 of P.L. 815, 81st Cong.; subsection (a) repealed April 13, 1970. P.L. 91-230, Title IV, sec. 401(c)(3), 84 Stat. 173, and superseded by sec. 411, P.L. 90-247, Title IV, as amended (20 U.S.C. 1231).

#### SCHOOL CONSTRUCTION ASSISTANCE IN OTHER FEDERALLY AFFECTED AREAS

SEC. 14. (a) If the Commissioner determines with respect to any local educational agency that—

(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Indian lands, and whose membership in the schools of such agency has not formed, and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, or that such Indian lands constitute a substantial part of the school district of such local educational agency, or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds 100;

(2) the immunity of such Indian lands to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the purpose; and

(4) such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education of a substantial percentage of the children in the membership of its schools,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the

purposes of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (e)) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection "Indian lands" means Indian reservations or other real property referred to in the second sentence of section 15(1).

(b) If the Commissioner determines with respect to any local educational agency that—

(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Indian lands, and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, or that such Indian lands constitute a substantial part of the school district of such local educational agency, or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds one hundred; and

(2) the immunity of such Indian lands to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

he may, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest, provide the additional assistance necessary to enable such agency to provide the minimum school facilities required for free public education of children in the membership of the schools of such agency who reside on Indian lands; but such additional assistance may not exceed the portion of the cost of constructing such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (e)) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection, "Indian lands" means Indian reservations or other real property referred to in the second sentence of section 15(1).

(d) There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section. There are also authorized to be appropriated such sums as may be necessary for administration of such provisions. Amounts so

<sup>1</sup> Apparent error in P.L. 91-230, sec. 205. Subsection (c) should precede subsection (d) in this section.

appropriated, other than amounts appropriated for administration, shall remain available until expended.

(c) If the Commissioner determines with respect to any local educational agency—

(1) that (A) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide, free public education for children who are inadequately housed by minimum school facilities and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and (B) the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, and (C) Federal property constitutes a substantial part of the school district of such agency,

(2) that the immunity of such Federal property from taxation by such agency has created a substantial and continuing impairment of such agency's ability to finance needed school facilities,

(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance for the purpose, and

(4) that such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education of a substantial percentage of the children in the membership of its schools,

he may provide the assistance necessary to enable such agency to provide minimum school facilities for children in the membership of the schools of such agency whom the Commissioner finds to be inadequately housed, upon such terms and conditions, and in such amounts (subject to the applicable provisions of this section) as the Commissioner may consider to be in the public interest. Such assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this subsection.

(e) No payment may be made to any local educational agency under subsection (a) or (b) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b) (1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility. No payment may be made under subsection (a) or (b) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the con-



struction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

(f) Amounts paid by the Commissioner to local educational agencies under subsection (a) or (b) may be paid in advance of, or by way of reimbursement for, work performed or purchases made pursuant to the agreement with the Commissioner under this section, and may be paid in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

(g) None of the provisions of sections 1 to 10, both inclusive, other than section 5(b) (1), shall apply with respect to determinations made under this section.

(h) It is hereby declared to be the policy of the Congress that the provision of assistance pursuant to subsections (a) and (b) of this section shall be given a priority at least equal to that given to payments made pursuant to section 10 of this Act.

(20 U.S.C. 644) Similar provisions enacted Aug. 8, 1953, P.L. 246, 83d Cong., sec. 1, 67 Stat. 526, as Title IV, sec. 401 of P.L. 815, 81st Cong. Enacted Aug. 12, 1968, P.L. 85-620, Title I, sec. 101, 72 Stat. 555, as sec. 14 of P.L. 815, 81st Cong.; amended Oct. 3, 1961, P.L. 87-344, Title I, sec. 101(b), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88-210, Title I, sec. 301(b), formerly sec. 31(b), 77 Stat. 419; amended Oct. 16, 1964, P.L. 88-665, Title XI, sec. 1101(b), 78 Stat. 1109; amended Nov. 3, 1968, P.L. 89-750, Title II, sec. 225, 80 Stat. 1214; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 203, 81 Stat. 807; redesignated Oct. 16, 1968, P.L. 90-576, Title I, sec. 101(a) (1), 82 Stat. 1064; amended April 13, 1976, P.L. 91-230, Title II, secs. 206(a) and 206, 84 Stat. 158/159.

#### DEFINITIONS

SEC. 15. For the purposes of this Act—

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Except for the purposes of section 10, such term includes (A) real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States, any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provisions of this para-

graph, such term does not include (A) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers and (B) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services.

(2) The term "child" means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

(5) The membership of schools shall be determined in accordance with State law or, in the absence of State law governing such a determination, in accordance with regulations of the Commissioner; except that, notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the membership of such child, shall be held and considered—

(A) if the two local educational agencies concerned so agree, and if such agreement is approved by the Commissioner, as membership of a school of the local educational agency receiving such tuition payment;

(B) in the absence of any such approved agreement, as membership of a school of the local educational agency so making of contracting to make such tuition payment.

In any determination of membership of schools, children who are not provided free public education (as defined in paragraph (4)) shall not be counted.

(6) The average per pupil cost of constructing minimum school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Commissioner of Education on the basis of the contract cost per square foot under contracts for the construction of school facilities (exclusive of costs of site improvements, equipment, and architectural, engineering, and legal fees) entered into in the State for the second year of the four year increase period designated in the application, increased by a percentage estimated by the Commissioner to represent additional costs for site improvements, equipment, and architectural, engineering, and legal fees, and multiplied by a factor estimated by the Commissioner to represent the area needed per pupil in minimum school facilities. If the Commissioner finds that the information available for the State concerned for such preceding fiscal year is inadequate or not sufficiently representative, he shall determine such cost on the basis of such information as he has available and after consultation with the State educational agency. The cost of constructing minimum school facilities in the school district of a local educational agency shall be determined by the Commissioner, after consultation with the State and local educational agencies, on the basis of such information as

may be contained in the application of such local educational agency and such other information as he may obtain.

(7) Estimates of membership, and all other determinations with respect to eligibility and maximum amount of payment, shall be made as of the time of the approval of the application for which made, and shall be made on the basis of the best information available at the time of such approval.

(8) The terms "construct", "constructing", and "construction" include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(9) The term "school facilities" includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contents, or games or other events for which admission is to be charged to the general public. Except as used in sections 9 and 10, such term does not include interests in land and off-site improvements.

(10) Whether or not school facilities are minimum school facilities shall be determined by the Commissibner, after consultation with the State and local educational agencies, in accordance with regulations prescribed by him. Such regulations shall (A) require the local educational agency concerned to give due consideration to excellence of architecture and design, (B) provide that no facility shall be disqualified as a minimum school facility because of the inclusion of works of art in the plans therefor if the cost of such works of art does not exceed 1 per centum of the cost of the project, and (C) require compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this Act shall be to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons.

(11) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education or which has responsibility for the provision of such facilities.

(12) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(13) The term "State" means a State, Puerto Rico, Guam, the District of Columbia, American Samoa, the Virgin Islands, or Wake Island.

(14) The terms "Commissioner of Education" and "Commissioner" mean the United States Commissioner of Education.

(15) The term "base year" means the third or fourth regular school year preceding the fiscal year in which an application was filed under this Act, as may be designated in the application, except that in the case of an application based on children referred to in paragraph (2) or (3) of section 5(a), the base year shall in no event be later than the regular school year 1973-1974; and

(16) The term "increase period" means the period of four consecutive regular school years immediately following such base year.

(20 U.S.C. 645) Similar provisions enacted Sept. 23, 1950, P.L. 815, 81st Cong., Title II, sec. 210, 64 Stat. 976. Enacted Aug. 12, 1958, P.L. 85-620, Title I, sec. 101, 72 Stat. 556, as sec. 15 of P.L. 815, 81st Cong.; amended June 25, 1959, P.L. 86-70, sec. 18(c), 73 Stat. 144; amended July 12, 1960, P.L. 86-624, sec. 14(c), 74 Stat. 414; amended Oct. 3, 1961, P.L. 87-314, Title I, sec. 101 (c), 75 Stat. 759; amended Dec. 18, 1963, P.L. 88-210, Title III, sec. 301(c), formerly sec. 31(c), 77 Stat. 419; amended Oct. 16, 1964, P.L. 88-665, Title XI, sec. 1101(c), (d), 78 Stat. 1109; amended Nov. 3, 1966, P.L. 89-750, Title II, secs. 222 (b), (c), (d), 230-232, 80 Stat. 1213-1216; amended Jan. 2, 1968, P.L. 90-247, Titles II, III, secs. 201, 301 (d) (2) 81 Stat. 806, 813; redesignated Oct. 16, 1968, P.L. 90-578, Title I, sec. 101(a) (1), 82 Stat. 1064; amended April 13, 1970, P.L. 91-230, Title II, secs. 201(a) (2), 203(a) (1), (2), 84 Stat. 154, 155; amended August 21, 1974, P.L. 93-380, sec. 301(a) (2), 88 Stat. 521.

#### SCHOOL CONSTRUCTION ASSISTANCE IN CASES OF CERTAIN DISASTERS

SEC. 16. (a) In any case in which—

(1) (A) the Director of the Office of Emergency Planning determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area which, after August 30, 1965, and prior to July 1, 1978, has suffered a major disaster as the result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government; or

(B) the Commissioner determines with respect to any such agency that public elementary or secondary school facilities (or, in the case of a public agency other than a local educational agency, school facilities providing technical, vocational, or other special education to children of elementary or secondary school age) of such agency have been destroyed or seriously damaged as a result of flood, hurricane, earthquake, storm, fire, or other catastrophe, except any such catastrophe caused by negligence or malicious action; and

(2) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

and if the Commissioner determines with respect to such agency that—

(3) as a result of such major disaster, (A) public elementary or secondary school facilities of such agency (or, in the case of a public agency other than a local educational agency, school facilities providing technical, vocational, or other special education to children of elementary or secondary school-age) have been destroyed or seriously damaged, or (B) private elementary or secondary school facilities serving children who reside in the area

served by such agency have been destroyed and will not be replaced, thereby increasing the need of such agency for school facilities;

(4) such agency is utilizing or will utilize all State and other financial assistance available for the replacement or restoration of such school facilities;

(5) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance in such school facilities, and requires an amount of additional assistance equal to at least \$1,000 or one-half of 1 per centum of such agency's current operating expenditures during the fiscal year preceding the one in which such disaster occurred, whichever is less, to provide the minimum school facilities needed (A) for the restoration or replacement of the school facilities of such agency so destroyed or seriously damaged or (B) to serve, in facilities of such agency, children who but for the destruction of the private facilities referred to in clause (3) (B) would be served by such private facilities; and

(6) in the case of any such major disaster, to the extent that the operation of private elementary and secondary schools, in the school attendance area of the local educational agency has been disrupted or impaired by such disaster, such local educational agency has complied with the provisions of section 7(a)(4) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), with respect to provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate,

the Commissioner may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster. For the purpose of the preceding sentence, the phrase "cost of construction incident to the restoration or replacement of the school facilities" includes such additional amounts as the Commissioner may approve in order to assure that the facilities, as restored or replaced, will afford appropriate protection against personal injuries resulting from a disaster. In all cases determined pursuant to clause (1) (B) of this subsection, and in any other case deemed appropriate by the Commissioner, such assistance shall be in the form of a repayable advance subject to such terms and conditions as he considers to be in the public interest.

(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend (without regard to subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665)) from any funds heretofore or

hereafter appropriated for expenditure in accordance with other sections of this Act such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b)(1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to this section.

(20 U.S.C. 646) Enacted Nov. 1, 1965, P.L. 89-313, sec. 1, 79 Stat. 1158; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 217, 81 Stat. 810; amended April 13, 1970, P.L. 91-230, Title II, sec. 201(c), 84 Stat. 154; amended August 21, 1974, P.L. 93-380, sec. 301(b), 88 Stat. 521; amended August 21, 1974, P.L. 93-380, sec. 302(b), 88 Stat. 522.

#### SPECIAL BASE CLOSING PROVISION

SEC. 17. In determining the payment to be made to a local educational agency under this Act the Commissioner shall disregard the announcement, made November 19, 1964, of a decrease in or cessation of Federal activities in certain areas, and shall carry out such Act as if such announcement had not been made.

(20 U.S.C. 647) Enacted Nov. 1, 1965, P.L. 89-313, sec. 3, 79 Stat. 1161.

### NATIONAL DEFENSE EDUCATION ACT OF 1958

#### Titles I, III, V-A, and X

(P.L. 85-864)

AN ACT To strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; 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, di-*

vided into titles and sections according to the following table of contents, may be cited as the "National Defense Education Act of 1958".

## TITLE I—GENERAL PROVISIONS

### FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares that the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will give assurance that no student of ability will be denied an opportunity for higher education because of financial need. All correct as rapidly as possible the existing imbalances in our educational programs.

The Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

To meet the present educational emergency requires additional effort at all levels of government. It is therefore the purpose of this Act to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

(20 U.S.C. 401) Enacted Sept. 2, 1958, P.L. 85-864, Title I, sec. 101, 72 Stat. 1581; amended Oct. 16 1964, P.L. 88-635, Title I, sec. 101, 78 Stat. 1100.

Section 102 repealed by sec. 401(f) (2) of Title IV of P.L. 91-230 and replaced by sec. 422 of P.L. 90-247 as amended by sec. 401(a) (10) of Title IV, P.L. 91-230 (20 U.S.C. 1232a).

### DEFINITIONS

SEC. 103. As used in this Act—

(a) The term "State" means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, and, for the purposes of titles II, III, and V, the Trust Territory of the Pacific Islands, except that as used in sections 302 and 502, such term does not include Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full

credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. For purposes of title II, such term includes any school of nursing as defined in subsection (1) of this section; any proprietary institution of higher education (as defined in section 461(b) of the Higher Education Act of 1965) which includes in its agreement under section 204 of such title such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under such title has not, and will not, increase tuition, fees, or other charges to such students; and any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), (4), and (5). If the Commissioner determines that a particular category of such schools does not meet the requirements of clause (5) (but meets the requirements of clause (4)) because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (i) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in the student loan program under title II, and (ii) determine whether particular schools not meeting the requirements of clause (5) meet those standards. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(c) The term "Commissioner" means the Commissioner of Education.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) 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.

(f) The term "school-age population" means that part of the population which is between the ages of five and seventeen, both inclusive, and such school-age population for the several States shall be determined by the Commissioner on the basis of the population between such ages for the most recent year for which satisfactory data are available from the Department of Commerce.



(g) The term "elementary school" means a school which provides elementary education, as determined under State law or, if such school is not in any State, as determined by the Commissioner.

(h) The term "secondary school" means a school which provides secondary education, as determined under State law or, if such school is not in any State, as determined by the Commissioner, except that it does not include any education provided beyond grade 12. For the purposes of sections 301 through 304, the term "secondary school" may include a public junior college, as determined under State law or, if such school is not in any State, as determined by the Commissioner.

(i) The term "public" as applied to any school or institution includes a school or institution of any agency of the United States, except that no such school or institution shall be eligible to receive any grant, loan, or other payment under this Act.

(j) The term "nonprofit", as applied to a school or institution, means a school or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and for the purposes of part A of title V, includes a school of any agency of the United States.

(k) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(l) The term "school of nursing" means a public or other nonprofit collegiate or associate degree school of nursing.

(m) The term "collegiate school of nursing" means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

(n) The term "associate degree school of nursing" means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

(o) The term "accredited" when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education.

(20 U.S.C. 403) Enacted Sept. 2, 1958, P.L. 85-864, Title I, sec. 103, 72 Stat. 1582; amended June 25, 1959, P.L. 86-70, sec. 18(a) (1), 73 Stat. 144; amended July 12, 1960; P.L. 86-624, sec. 14(a) (1), 74 Stat. 413; amended Dec. 18, 1963, P.L. 88-210, sec. 21, 77 Stat. 415; amended 88-665, Title I, secs. 102, 103, 78 Stat. 1100; amended Nov. 8, 1965, P.L. 89-329 Title IV, sec. 461, 79 Stat. 1251; amended Nov. 3, 1963, P.L. 80-752, sec. 16(b), 80 Stat. 1245; amended Oct. 16, 1968, P.L. 90-575, Title I, sec. 174, 82 Stat. 1035.

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TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, AND OTHER CRITICAL SUBJECTS

PART A—GRANTS TO STATES

APPROPRIATIONS AUTHORIZED

SEC. 301. There are hereby authorized to be appropriated \$70,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, \$90,000,000 for the fiscal year ending June 30, 1965, and \$100,000,000 for the fiscal year ending June 30, 1966, and for the succeeding fiscal year, \$110,000,000 for each of the fiscal years ending June 30, 1968, and June 30, 1969, \$120,500,000 for the fiscal year ending June 30, 1970, and \$130,500,000 for each of the fiscal years ending prior to June 30, [1977,] for (1) making payments to State educational agencies under this title for the acquisition of equipment and for minor remodeling, described in paragraph (1) of section 303(a), and (2) making loans authorized in section 305. There are also authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, and \$10,000,000 for each of the succeeding fiscal years ending prior to July 1, [1977,] for making payments to State educational agencies under this part to carry out the programs described in paragraph (5) of section 303(a). Notwithstanding the preceding two sentences, no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part B of title IV of the Elementary and Secondary Education Act of 1965.

(20 U.S.C. 441) Enacted Sept. 2, 1958, P.L. 85-864, Title II, sec. 301, 72 Stat. 1588; amended Oct. 3, 1961, P.L. 87-344, Title II, sec. 202(a), 75 Stat. 760; amended Dec. 18, 1963, P.L. 88-210, sec. 23(a), 77 Stat. 416; amended Oct. 16, 1964, P.L. 88-665, Title III, sec. 302, 78 Stat. 1103; amended Nov. 8, 1965, P.L. 89-320, sec. 467(a) (a), 79 Stat. 1254; amended Nov. 3, 1966, P.L. 89-752, sec. 82 Stat. 1052-1053; amended April 13, 1970, P.L. 91-230, sec. 807(a) (3), 84 Stat. 192; amended June 23, 1972, P.L. 92-318, sec. 502, 86 Stat. 345, 346; amended August 21, 1974, P.L. 93-380, sec. 651, 88 Stat. 588.

ALLOTMENTS TO STATES

SEC. 302. (a) (1) From the sums appropriated pursuant to the first sentence of section 301 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine for allotment as provided in section 1008(A), and such amount, not in excess of 1 per centum thereof, as he may determine for allotment as provided in section 1008(B), and shall reserve 12 per centum for loans authorized in section 305. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the product of—

(A) the school-age population of the State, and

(B) the State's allotment ratio (as determined under paragraph (2)).

bears to the sum of the corresponding products for all the States,

(2) The "allotment ratio" for any State shall be 100 per centum less the product of (A) 50 per centum and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the United States, except that the allotment ratio shall in no case be less than  $33\frac{1}{3}$  per centum or more than  $66\frac{2}{3}$  per centum. The allotment ratios shall be promulgated by the Commissioner between July 1 and August 31 of each even-numbered year beginning with calendar year 1964, on the basis of the average of the incomes per child of school age for the States and for the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Each such promulgation shall be conclusive for each of the two fiscal years in the period July 1 next succeeding such promulgation, except that the ratios promulgated in 1959 shall be conclusive for each of the five fiscal years in the period beginning July 1, 1960, and ending June 30, 1965.

(3) For the purposes of this part—

(A) The term "child of school age" means a member of the population between the ages of five and seventeen, both inclusive.

(B) The term "United States" means the fifty States and the District of Columbia.

(C) The term "income per child of school age" for any State or for the United States means the total personal income for the State and the United States, respectively, divided by the number of children of school age in such State and in the United States, respectively.

(b) From the sums appropriated pursuant to the second sentence of section 301 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine for allotment as provided in section 1008. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of such State bears to the total of the school-age populations of all of the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than \$50,000 shall be increased to \$50,000, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than \$50,000.

(c) The amount of any State's allotment under subsection (a) of this section for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to the other States in proportion to the original allotments to such States under subsection (a) of this section, but with such proportionate amount for any such State being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reserved for any fiscal year for making loans under section 305 which the Commissioner determines will not be required for that purpose for such year shall be available for

allotment among the States in the manner provided in the preceding sentence for reallocations. Any amount allotted or reallocated to a State under this subsection during a year from funds appropriated pursuant to section 301 shall be deemed part of its allotment under subsection (a) of this section for such year.

(20 U.S.C. 442) Enacted Sept. 2, 1958, P.L. 85-864, Title III, sec. 301, 72 Stat. 1588; amended June 25, 1959, P.L. 86-70, sec. 18(a)(2), 73 Stat. 144; amended July 12, 1960, P.L. 86-624, sec. 14(a)(2), 74 Stat. 413; amended Oct. 3, 1961, P.L. 87-344, Title II, sec. 202(b), 75 Stat. 760; amended Dec. 18, 1963, P.L. 88-210, sec. 23(b), 77 Stat. 416; amended Oct. 16, 1964, Title III, sec. 303, 78 Stat. 1103; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 303, 304, 351, 82 Stat. 1053, 1058.

## STATE PLANS

SEC. 303. (a) Any State which desires to receive payments under this part shall submit to the Commissioner, through its State educational agency, a State plan which meets the requirements of section 1004(a) and—

(1) sets forth a program under which funds paid to the State from its allotment under section 302(a) will be expended solely for projects approved by the State educational agency for (A) acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in academic subjects in public elementary or secondary schools, or both, and of testgrading equipment for audiovisual libraries serving such schools, and such equipment may, if there exists a critical need therefor in the judgment of local school authorities, be used when available and suitable in providing education in other subject matter, and (B) minor remodeling of laboratory or other space used for such materials or equipment;

(2) sets forth principles for determining the priority of such projects in the State for assistance under this part and provides for undertaking such projects, insofar as financial resources available therefor make possible, in the order determined by the application of such principles;

(3) provides an opportunity for a hearing before the State educational agency to any applicant for a project under this part;

(4) provides for the establishment of standards on a State level for laboratory and other special equipment acquired with assistance furnished under this part;

(5) sets forth a program under which funds paid to the State from its allotment under section 302(b) will be expended solely for (A) expansion or improvement of supervisory or related services in public elementary and secondary schools in the fields of academic subjects, and (B) administration of the State plan; and

(6) sets forth any requirements imposed upon applicants for financial participation in projects assisted under this part, including any provision for taking into account, in such requirements, the resources available to any applicant for such participation relative to the resources for participation available to all other applicants.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

(20 U.S.C. 443) Enacted Sept. 2, 1958, P.L. 85-864, Title III, sec. 303, 72 Stat. 1589; amended Dec. 18, 1963, P.L. 88-210, sec. 23(c), 77 Stat. 417; amended Oct. 16, 1964, P.L. 88-665, Title III, sec. 304; 78 Stat. 1103; amended Nov. 8, 1965, P.L. 89-329, Title IV, sec. 467(a)(1), 79 Stat. 1254; amended Nov. 3, 1966, P.L. 89-752, sec. 17(a), 80 Stat. 1244; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 302, 304, 82 Stat. 1052-1053; amended April 13, 1970, P.L. 91-230, sec. 807(a)(1)(2), 84 Stat. 192.

#### PAYMENTS TO STATES

SEC. 304. (a) From a State's allotment for a fiscal year under section 302(a), the Commission shall, from time to time, during the period such allotment is available for payment as provided in paragraph (4) of section 302(a), pay to such State an amount equal to one-half of the expenditures for projects for acquisition of equipment and minor remodeling referred to in paragraph (1) of section 303(a) which are carried out under its State plan approved under section 303(b); except that no State shall receive payments under this subsection for any period in excess of its allotments for such period under section 302(a).

(b) From a State's allotment under section 302(b) for the fiscal year ending June 30, 1959, the Commission shall from time to time pay to such State an amount equal to the amount expended by such State for such year to carry out the program referred to in paragraph (5) of section 303(a) under its State plan approved under section 303(b). From a State's allotment under section 302(b) for the fiscal year ending June 30, 1960, and for each of the eleven succeeding fiscal years, such payments shall equal one-half of the amount so expended under its State plan approved under section 303(b); except that no State shall receive payments under this subsection for any fiscal year in excess of its allotment under section 302(b) for that fiscal year.

(20 U.S.C. 444) Enacted Sept. 2, 1958, P.L. 85-864, Title III, sec. 304, 72 Stat. 1589; amended Oct. 3, 1961, P.L. 87-344, Title II, sec. 202(c), 75 Stat. 760; amended Dec. 18, 1963, P.L. 88-210, sec. 23(d), 77 Stat. 417; amended Oct. 16, 1964, P.L. 88-665, Title III, sec. 305, 78 Stat. 1104; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 301, 82 Stat. 1052.

#### LOANS TO NONPROFIT PRIVATE SCHOOLS

SEC. 305. From the sums reserved for each fiscal year for the purposes of this section under the provisions of section 302(a), the Commissioner is authorized to make loans to private nonprofit elementary and secondary schools in any State. Any such loan shall be made only for the purposes for which payments to State educational agencies are authorized under the first sentence of section 301, and—

(1) shall be made upon application containing such information as may be deemed necessary by the Commissioner;

(2) shall be subject to such conditions as may be necessary to protect the financial interest of the United States;

(3) shall bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average market yield on outstanding marketable obligations of the

United States with redemption periods to maturity comparable to the average maturities of such loans as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum; and

(4) shall mature and be repayable on such date as may be agreed to by the Commissioner and the borrower, but such date shall not be more than ten years after the date on which such loan was made.

(20 U.S.C. 455) Enacted Sept. 2, 1958, P.L. 85-864, Title III, sec. 305, 72 Stat. 1590; amended P.L. 88-665, Title III, sec. 306, 78 Stat. 1104; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 303, 82 Stat. 1053.

## PART B—GRANTS TO LOCAL EDUCATIONAL AGENCIES

### APPROPRIATIONS AUTHORIZED

SEC. 311. There are hereby authorized to be appropriated, for carrying out this part, \$84,373,000 for the fiscal year ending June 30, 1969, and \$160,000,000 for the fiscal year ending June 30, 1970. For the fiscal year ending June 30, 1971, there may be appropriated to carry out the provisions of this part only such amount as the Congress may hereafter authorize by law.

(20 U.S.C. 451) Enacted Oct. 16, 1968, P.L. 90-575, title III, sec. 304, 82 Stat. 1054.

### ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 312. From the sums appropriated pursuant to section 311 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine for allotment as provided in section 1008(A). From the remainder of such sums the Commissioner shall allot to each local educational agency (other than local educational agencies of States which receive their allotments under this part as provided in subsection 1008(A)) an amount which bears the same ratio to the amount of such remainder as the amount received by such agency from funds appropriated for the preceding fiscal year for grants under title I of the Elementary and Secondary Education Act of 1965 (title II of Public Law 874, Eighty-first Congress, as amended) bears to the amount received by all local educational agencies from such funds for such year.

(20 U.S.C. 452) Enacted Oct. 16, 1968, P.L. 90-575, title III, sec. 304, 82 Stat. 1054.

### APPLICATION OF LOCAL EDUCATIONAL AGENCY

SEC. 313. (a) A local educational agency may receive a grant under this part for any fiscal year only on application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)—

- (1) that payments under this part will be used for the acquisition of equipment and materials referred to in section 303(a)
- (1) to be used in programs and projects designed to meet the special educational needs of educationally deprived children in

school attendance areas having a high concentration of children from low-income families;

(2) that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) which will afford such children the benefits of the equipment and materials provided under this part;

(3) that the local educational agency has provided satisfactory assurance that the control of funds provided under this part, and that title to equipment and materials acquired therewith, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and equipment and materials; and

(4) that the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State educational agency to perform its duties under this part, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.

(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this part without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(20 U.S.C. 453) Enacted Oct. 16 1968, P.L. 90-575, Title III, sec. 304, 82 Stat. 1054-1055.

#### STATE APPLICATION

SEC. 314. (a) Any State desiring to participate under this part shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance—

(1) that payments under this part will be used only for programs and projects which have been approved by the State educational agency pursuant to section 313, and that such agency will in all other respects comply with the provisions of this part, including the enforcement of any obligations imposed upon a local educational agency under section 313.

(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

(3) that the State educational agency will make to the Commissioner such reports as may be reasonably necessary to enable the Commissioner to perform his duties under this part (including such reports as he may require to determine the amounts which local educational agencies of that State are eligible to receive for any fiscal year), and assurance that such agency will keep such records and afford such access thereto as the Commis-

sioner may find necessary to assure the correctness and verification of such reports.

(b) An application submitted under this section shall be deemed a State Plan for the purposes of sections 1004 and 1005.

(20 U.S.C. 454) Enacted Oct. 16, 1968, P.L. 90-575, Title III, sec. 304, 82 Stat. 1055.

#### PAYMENTS

SEC. 315. (a) The Commissioner shall, from time to time pay to each State, in advance or otherwise, the amount which the local educational agencies of that State are eligible to receive under this part. Such payments shall take into account the extent (if any) to which any previous payment to such State educational agency under this part (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it.

(b) From the funds paid to it pursuant to subsection (a) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved to pursuant to section 313(a) the amount for which such application has been approved, except that this amount shall not exceed its allotment for the fiscal year under section 312.

(20 U.S.C. 455) Enacted Oct. 16, 1968, Title III, sec. 304, 82 Stat. 1055.

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### TITLE V—GUIDANCE, COUNSELING, AND TESTING; IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS<sup>1</sup>

#### PART A—STATE PROGRAMS

##### APPROPRIATIONS AUTHORIZED

SEC. 501. There are hereby authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1963, \$17,500,000 for the fiscal year ending June 30, 1964, \$24 million for the fiscal year ending June 30, 1965, \$24,500,000 for the fiscal year ending June 30, 1966, \$30 million for each of the 2 succeeding fiscal years, \$25 million for the fiscal year ending June 30, 1969, \$40 million for the fiscal year ending June 30, 1970, and \$54 million for the fiscal year ending June 30, 1971, for making grants to State educational agencies under this part to assist them to establish and maintain programs of testing and guidance and counseling.

(20 U.S.C. 481) Enacted Sept. 2, 1958, P.L. 85-864, Title V, sec. 501, 72 Stat. 1502; amended Oct. 3, 1961, P.L. 87-344, Title II, sec. 204, 75 Stat. 700; amended Dec. 18, 1963, P.L. 88-210, sec. 25(a), 77 Stat. 417; amended Oct. 16, 1964, P.L. 88-665, Title V, sec. 502, 78 Stat. 1105; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 321, 82 Stat. 1057.

<sup>1</sup> Title III, section 303(a) of the Elementary and Secondary Education Act, as amended Apr. 13, 1971, by section 131 of P.L. 91-230 reads:

"It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by this title and title V-A of the National Defense Education Act of 1958, and except as expressly modified by this title, Federal funds may be used for the same purposes and the funding of the same types of programs previously authorized by those titles."



## ALLOTMENTS TO STATES

SEC. 502. (a) From the sums appropriated pursuant to section 501 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine for allotment as provided in section 1008(A), and such amount, not in excess of 1 per centum thereof, as he may determine for allotment as provided in section 1008(B). From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of such State bears to the total of the school-age populations of all of the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than \$50,000 shall be increased to \$50,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than \$50,000.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State plan (if any) approved under this title shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such subsection for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year from funds appropriated pursuant to section 501 shall be deemed part of its allotment under subsection (a) for such year.

(20 U.S.C. 482) Enacted Sept. 2, 1958, P.L. 85-864, Title V, sec. 501, 72 Stat. 1592; amended Dec. 18, 1963, P.L. 88-210, sec. 25(b), 77 Stat. 1105; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 351, 81 Stat. 1058.

## STATE PLANS

SEC. 503. (a) Any State which desires to receive payments under this part shall submit to the Commissioner, through its State educational agency, a State plan which meets the requirements of section 1004(a) and sets forth—

(1) a program for testing students in the public elementary and secondary schools of such State or in the public junior colleges and technical institutes of such State, and, if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

(2) a program of guidance and counseling at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of such State (A) to ad-

wise students of courses of study best suited to their ability, aptitudes, and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions and such programs may include, at the discretion of such State agency, short-term sessions for persons engaged in guidance and counseling in the elementary and secondary schools, junior colleges, and technical institutes in such State.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

(20 U.S.C. 483) Enacted Sept. 2, 1958, P.L. 85-864, Title V, sec. 501, 72 Stat. 1592; amended Oct. 3, 1961, P.L. 87-344, Title II, sec. 204(b), (c), 75 Stat. 760; amended Dec. 18, 1963, P.L. 88-210, sec. 25(d), 77 Stat. 418; amended Oct. 16, 1964, P.L. 88-665, Title V, sec. 503, 78 Stat. 1105; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 321, 82 Stat. 1057.

#### PAYMENTS TO STATES

SEC. 504. (a) Payment under this part shall be made to those State educational agencies which administer plans approved under section 503. For the fiscal year ending June 30, 1959, such payments shall equal the amount expended by the State in carrying out its State plan, and for the fiscal year ending June 30, 1960, and for each of the succeeding fiscal years, such payments shall equal one-half of the amount so expended, including amounts expended under the State plan for State supervisory or related services in public elementary or secondary schools in the fields of guidance, counseling, and testing, and for administration of the State plan, except that no State educational agency shall receive payment under this part for any fiscal year in excess of that State's allotment for that fiscal year as determined under section 502.

(b) In any State which has a State plan approved under section 503 and in which the State educational agency is not authorized by law to make payments to cover the cost of testing students in any one or more elementary or secondary schools, or junior colleges or technical institutes, in such State to determine student abilities and aptitudes, the Commissioner shall arrange for the testing of such students and shall pay the cost thereof for the fiscal year ending June 30, 1959, and one-half of the cost thereof for any of the succeeding fiscal years out of such State's allotment. Testing of students pursuant to this subsection shall, so far as practicable, be comparable to, and be done at the same grade levels and under the same conditions as in the case of, testing of students in public schools under the State plan.

(20 U.S.C. 484) Enacted Sept. 2, 1958, P.L. 85-864, Title V, sec. 504, 72 Stat. 1592; amended Oct. 3, 1961, P.L. 87-344, Title II, sec. 204(b), (c), 75 Stat. 760; amended Dec. 18, 1963, P.L. 88-210, sec. 25(d), 77 Stat. 418; amended Oct. 16, 1964, P.L. 88-665, Title V, sec. 503, 78 Stat. 1105; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 321, 82 Stat. 1057.

## DEFINITIONS

SEC. 505. For the purposes of this title, the term "junior colleges or technical institutes" means (1) institutions of higher education which are organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, and (2) institutions which meet the requirements of clauses (1), (2), (4), and (5) of section 103(b) and are organized and administered principally to provide a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, and, if a branch of an institution of higher education offering four or more years of higher education, is located in a community different from that in which its parent institution is located.

(20 U.S.C. 485) Enacted, Oct. 16, 1964, P.L. 88-665, Title V, sec. 504, 78 Stat. 1108.

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## TITLE X—MISCELLANEOUS PROVISIONS

## ADMINISTRATION

## SEC. 1001.

(c) The Commissioner shall include in his annual report to the Congress a full report of the activities of the Office of Education under this Act, including recommendations for needed revisions in the provisions thereof.

(d) The Secretary shall advise and consult with the heads of departments and agencies of the Federal Government responsible for the administration of scholarship, fellowship, or other educational programs with a view to securing full information concerning all specialized scholarship, fellowship, or other educational programs administered by or under any such department or agency and to developing policies and procedures which will strengthen the educational programs and objectives of the institutions of higher education utilized for such purposes by any such department or agency.

(e) Any agency of the Federal Government shall exercise its functions under any other law in such manner as will assist in carrying out the objectives of this Act. Nothing in this Act shall be construed as superseding or limiting the authority of any such agency under any other law.

(f) (1) No part of any funds appropriated or otherwise made available for expenditure under the authority of this Act shall be used to make payments or loans to any individual (other than a permanent resident of the Trust Territory of the Pacific Islands) unless such individual has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic".

(2) No fellowship or stipend shall be awarded to any individual under the provisions of title IV or of part A of title VI of this Act unless such individual has provided the Commissioner (in the case of applications made on or after October 1, 1962) with a full statement regarding any crimes of which he has ever been convicted (other than crimes committed before attaining sixteen years of age and minor traffic violations for which a fine of \$25 or less was imposed) and regarding any criminal charges punishable by confinement of thirty days or more, which may be pending against him at the time of his application for such fellowship or stipend.

(3) The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to the oath or affirmation required under paragraph (1) of this subsection and to the statement required under paragraph (2).

(4) (A) When any Communist organization, as defined in paragraph (5) of section 3 of the Subversive Activities Control Act of 1950, is registered or there is in effect a final order of the Subversive Activities Control Board requiring such organization to register, it shall be unlawful for any member of such organization with knowledge or notice that such organization is so registered or that such order has become final (i) to make application for any payment or loan which is to be made from funds part or all of which are appropriated or otherwise made available for expenditure under the authority of this Act, or (ii) to use or attempt to use any such payment or loan.

(B) Whoever violates subparagraph (A) of this paragraph shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(g) Nothing contained in this Act shall prohibit the Commissioner from refusing or revoking a fellowship award under title IV of this Act, in whole or in part, in the case of any applicant or recipient, if the Commissioner is of the opinion that such award is not in the best interests of the United States.

(20 U.S.C. 581) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1001, 72 Stat. 1002; amended Oct. 16, 1962, P.L. 87-835, 76 Stat. 1070; amended Oct. 10, 1968, P.L. 90-575, Title I, sec. 176, 82 Stat. 1035. Subsections (a) and (b) repealed April 13, 1970, P.L. 91-230, sec. 401(c) and superseded by sec. 411, P.L. 90-247, as amended (20 U.S.C. 1233-1233g).

#### ADMINISTRATION OF STATE PLANS

SEC. 1004. (a) No State plan submitted under one of the titles of this Act shall be approved by the Commissioner which does not—

(1) provide, in the case of a plan submitted under title III or under title V, or section 1009 of this title, that the State educational agency will be the sole agency for administering the plan;

(2) provide that such commission or agency will make such reports to the Commissioner, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his duties under such title or section and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under such title or section (including such funds paid by the State to the local educational agencies).

(b) The Commissioner shall not finally disapprove any State plan submitted under this Act, or any modification thereof without first affording the agency administering the plan reasonable notice and opportunity for a hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing the agency administering a State plan approved under one of the titles of this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of this Act governing its original approval, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency, in the case of a plan submitted under part A or B of title III or under title V or section 1009 of this title, that no further payments will be made to the State under such part or title or section (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under such part or title or section, as the case may be (or shall limit payments to programs under or portions of the State plan not affected by such failure).

(20 U.S.C. 584) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1004, 72 Stat. 1903, amend. 3 Oct. 16, 1964, P.L. 88-665, Title VIII, sec. 801, 78 Stat. 1107; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 304, 82 Stat. 1055.

#### JUDICIAL REVIEW

Sec. 1005. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under this Act, or with respect to his final action under section 1004(c), such State may, within sixty days after notice of such action, file in the United States district court for the district in which the capital of the State is located, a petition to review such action. The petition for review shall (1) contain a concise statement of the facts upon which the appeal is based and (2) designate that part of the Commissioner's decision sought to be reviewed.

(b) Notification of the filing of the petition for review shall be given by the clerk of the court by mailing a copy of the petition to the Commissioner.

(c) No costs or docket fees shall be charged or imposed with respect to any judicial review proceedings, or appeal therefrom, taken under this Act.

(d) Upon receipt of the petition for review the Commissioner shall, within twenty days thereafter, certify and file in the court the record on review, consisting of the complete transcript of the proceedings

before the Commissioner. No party to such review shall be required, by rule of court or otherwise, to print the contents of such record filed in the court.

(e) The court after review may dismiss the petition or deny the relief prayed for, or may suspend, modify, or set aside, in whole or in part, the action of the Commissioner, or may compel action unlawfully withheld. The judgment of the court shall be subject to review as provided in section 1291 and 1254 of title 28 of the United States Code.

(20 U.S.C. 586) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1005. 72 Stat. 1604.

#### METHOD OF PAYMENT

SEC. 1006. Payments under this Act to any individual or to any State or Federal agency, institution of higher education, or any other organization, pursuant to a grant, loan, or contract, may be made in installments, and in advance or by way of reimbursement and, in the case of grants or loans, with necessary adjustments on account of overpayments or underpayments.

(20 U.S.C. 586) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1006, 72 Stat. 1604.

#### ADMINISTRATIVE APPROPRIATIONS AUTHORIZED

SEC. 1007. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act, including the administrative expenses of State commissions.

(20 U.S.C. 587) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1007. 72 Stat. 1604.

#### ALLOTMENTS TO TERRITORIES AND POSSESSIONS

SEC. 1008. The amounts reserved by the Commissioner under sections 302, 312, and 502 shall, in accordance therewith, be allotted among—

(A) Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for the type of assistance furnished under the part or title in which the section appears, and

(B) in the case of amounts so reserved under sections 302 and 502, (i) the Secretary of the Interior, according to the need for such assistance in order to effectuate the purposes of such part or title in schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense according to the need for such assistance in order to effectuate the purposes of such part or title in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

(20 U.S.C. 588) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1008, 72 Stat. 1605; amended June 25, 1959, P.L. 86-70, sec. 18(a)(3), 73 Stat. 144; amended July 12, 1960, P.L. 86-624, sec. 11(a)(3), 74 Stat. 413; amended Dec. 18, 1963, P.L. 88-210, sec. 28(a), 77 Stat. 419; amended Oct. 16, 1968, P.L. 90-575, Title III, sec. 351, 82 Stat. 1058.

#### IMPROVEMENT OF STATISTICAL SERVICES OF STATE EDUCATIONAL AGENCIES

SEC. 1009. (a) For the purpose of assisting the States to improve and strengthen the adequacy and reliability of educational statistics provided by State and local reports and records and the methods and techniques for collecting and processing educational data and disseminating information about the condition and progress of education in the States, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and each of the nine succeeding fiscal years, for grants to States under this section, such sums as the Congress may determine.

(b) Grants under this section by the Commissioner shall be equal to one-half of the cost of State educational agency programs to carry out the purposes of this section, including (1) improving the collection, analysis, and reporting of statistical data supplied by local educational units, (2) the development of accounting and reporting manuals to serve as guides for local educational units, (3) the conduct of conferences and training for personnel of local educational units and of periodic reviews and evaluation of the program for records and reports, (4) improving methods for obtaining, from other State agencies within the State, educational data not collected by the State educational agency, or (5) expediting the processing and reporting of statistical data through installation and operation of mechanical equipment. The total of the payments to any State under this section for any fiscal year may not exceed \$50,000.

(c) Payments with respect to any program of a State educational agency under this section may be made (1) only to the extent it is a new program or an addition to or expansion of an existing program and (2) only if the State plan approved under subsection (d) includes such program.

(d) The Commissioner shall approve any State plan for purposes of this section if such plan meets the requirements of section 1004(a) and sets forth the programs proposed to be carried out under the plan and the general policies to be followed in doing so.

(20 U.S.C. 589) Enacted Sept. 2, 1958, P.L. 85-864, Title X, sec. 1009, 72 Stat. 1605; amended Oct. 3, 1961, P.L. 87-344, Title II, sec. 208, 75 Stat. 761; amended Dec. 18, 1963, P.L. 88-210, sec. 28(b), 77 Stat. 419; amended Oct. 16, 1964, P.L. 88-665, Title VIII, sec. 802, 78 Stat. 1107.

#### CLUBS FOR BOYS AND GIRLS INTERESTED IN SCIENCE

##### AN ACT

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That in order to strengthen future scientific accomplishment in our Nation by assisting in the development of a body of boys and girls with a special interest in science, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each fiscal year thereafter, such

sums, not in excess of \$50,000, as may be necessary to enable the Commissioner of Education to encourage, foster, and assist in the establishment<sup>t</sup> in localities throughout the Nation of clubs which are composed of boys and girls who have an especial interest in science.

2. (a) The Commissioner of Education shall carry out his duties under the first section with a view to the ultimate chartering by the Congress of a corporation, similar to the Future Farmers of America, which will seek to—

(1) develop an interest in science on the part of the young people of America,

(2) provide an opportunity for the exchange of scientific information and ideas among members of the clubs,

(3) encourage the promotion of science fairs at which members of the clubs may display their scientific works and projects, and

(4) develop an awareness of the satisfactions to be derived throughout a career devoted to science.

(b) The Commissioner of Education may utilize any of the personnel and facilities of the Office of Education in carrying out this Act.

(20 U.S.C. 2 note) Enacted on September 2, 1913, as P.L. 85-875, 72 Stat. 1700.

#### LEGISLATIVE HISTORY

(P.L. 85-875)

85th Congress—H.R. 13101: H. Rept 2643, p. 17081, Aug. 15, 1958; passed House, p. 18970, Aug. 21, 1958. Passed Senate, p. 19558, Aug. 23, 1958. Approved, p. 19719, Sept. 2, 1958.

#### FUTURE FARMERS OF AMERICA

AN ACT To incorporate the Future Farmers of America, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following persons: William T. Spanton, Washington, District of Columbia; Dudley M. Clements, College Park, Maryland; Herbert B. Swanson, Washington, District of Columbia; R. Edward Naugher, Arlington, Virginia; Elmer J. Johnson, Arlington, Virginia; Rodolph D. Anderson, Columbia, South Carolina; Earl H. Little, Concord, New Hampshire; Bert L. Brown, Olympia, Washington; and Ralph A. Howard, Columbus, Ohio, are hereby created a body corporate by the name of Future Farmers of America (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

(36 U.S.C. 271) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., Sec. 1, 64 Stat. 563.

SEC. 2. The persons named in the first section of this Act are authorized to meet to complete the organization of the corporation by the selection of officers, the adoption of regulations and bylaws, and the doing of such other acts as may be necessary for such purpose.

(36 U.S.C. 272) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., Sec. 2, 64 Stat. 563.

SEC. 3. The objects and purposes of the corporation shall be—

(1) to create, foster, and assist subsidiary chapters composed of students and former students of vocational agriculture in public schools qualifying for Federal reimbursement under the Smith-



Hughes Vocational Education Act or the Vocational Education Act of 1946 (Public Law 347, Sixty-fourth Congress, and Public Law 536, Seventy-ninth Congress), and associations of such chapters in the several States and Territories of the United States;

(2) to develop character, train for useful citizenship, and foster patriotism, and thereby to develop competent, aggressive rural and agricultural leadership;

(3) to create and nurture a love of country life by encouraging members to improve the farm home and its surroundings, to develop organized rural recreational activities, and to create more interest in the intelligent choice of farming occupations;

(4) to encourage the practice of thrift;

(5) to procure for and distribute to State associations, local chapters, and members all official Future Farmers of America supplies and equipment;

(6) to publish an official magazine and other publications for the members of the corporation;

(7) to strengthen the confidence of farm boys and young men in themselves and their work, to encourage members in the development of individual farming programs, and to promote their permanent establishment in farming by (a) encouraging improvement in scholarship; (b) providing prizes and awards to deserving students who have achieved distinction in vocational agriculture, including farm mechanics activities on a local, State, or national basis; and (c) assisting financially, through loans or grants, deserving students in all-day vocational agriculture classes and young farmers under thirty years of age who were former students in all-day vocational agriculture classes in becoming satisfactorily established in a farming occupation; and

(8) to cooperate with others, including State boards for vocational education, in accomplishing the above purposes; and to engage in such other activities, consistent with the foregoing purposes, determined by the governing body to be for the best interests of the corporation.

(36 U.S.C. 273) Enacted Aug. 30, 1950, P.L. 740 81st Cong., sec. 3, 64 Stat. 563.

**Sec. 4.** The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, use, and alter a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(4) to adopt and alter bylaws and regulations, not inconsistent with the laws of the United States in any State in which such corporation is to operate, for the management of its property and the regulation of its affairs, including the establishment and maintenance of local chapters and State associations of chapters;

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects and accomplishing the purposes of the corporation,

subject to applicable provisions of law of any state (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, awards, loans, and grants to deserving students and young farmers for the purposes set forth in section 3;

(10) to publish a magazine and other publications;

(11) to procure for and distribute to State associations, local chapters, and members all official Future Farmers of America supplies and equipment;

(12) to adopt emblems and badges; and

(13) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(36 U.S.C. 274) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 4, 64 Stat. 564.

SEC. 5. The headquarters and principal offices of the corporation shall be located in the District of Columbia, but the activities of the corporation shall not be confined to that place but may be conducted throughout the various States, Territories, and possessions of the United States. The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice or service upon the corporation.

(36 U.S.C. 275) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 5, 64 Stat. 565.

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined according to the bylaws of the corporation. In the conduct of official business of any local chapter each member shall have one vote. In the conduct of the official business of any State association each qualified delegate of a local chapter shall have one vote.

(36 U.S.C. 275) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 6, 64 Stat. 565.

SEC. 7. (a) The national officers of the corporation shall be a student president, four student vice presidents (one from each of four regions of the United States established in the bylaws for purposes of administration of the corporation), a student secretary, an executive secretary, a treasurer, and a national advisor.

(b) The national student officers of the corporation shall comprise a board of student officers. It shall be the duty of such board to advise and make recommendations to the board of directors with respect to the conduct of the activities and business of the corporation.

(c) The national officers of the corporation shall be elected annually by a majority vote of the delegates assembled in the annual national convention from among qualified members of the corporation, except

that the national advisor shall be the Chief of the Agricultural Education Service, Office of Education, Federal Security Agency,<sup>1</sup> the executive secretary shall be a member of that service, and the treasurer shall be an employee or member of a State agency that directs or supervises a State program of agricultural education under the provisions of the Smith-Hughes Vocational Education Act or the Vocational Education Act of 1946 (Public Law 347, Sixty-fourth Congress, and Public Law 586, Seventy-ninth Congress).

(d) In the conduct of the business of the annual national convention each qualified delegate shall have one vote.

(36 U.S.C. 276) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 7, 64 Stat. 565.

SEC. 8. (a) The governing body of the corporation, which shall exercise the powers herein granted to the corporation, shall be a board of directors composed of: (1) the Chief of the Agricultural Education Service, Office of Education, Federal Security Agency,<sup>1</sup> who shall act as chairman; (2) four staff members in the Agricultural Education Service, Office of Education, Federal Security Agency;<sup>1</sup> and (3) four State supervisors of agricultural education.

(b) The terms of office of members of the board and the method of selection of such members, other than ex officio members, shall be prescribed by the bylaws of the corporation.

(c) The board shall meet at least once each year at such time and place as may be prescribed by the bylaws. The annual report of the board shall be presented at such meeting. Special meetings of the board may be called at any time by the chairman.

(d) The board may designate the chairman and two members of his staff as a governing committee which, when the board is not in session, shall have and exercise the powers of the board subject to its direction and have the power to authorize the seal of the corporation to be affixed to all papers which may require it.

(e) The board of directors which shall serve until the first board is selected as provided in this Act shall be composed of the nine persons named in the first section of this Act.

(36 U.S.C. 278) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 8, 64 U.S.C. 565.

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person except upon dissolution and final liquidation of the corporation as provided in section 15 of this Act.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(c) This section shall not preclude prizes, awards, grants, or loans to student officers and members meeting the criteria established by the board of directors for selecting recipients of such benefits.

(36 U.S.C. 279) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 9, 64 Stat. 566.

<sup>1</sup> Functions of Federal Security Agency transferred Apr. 11, 1953 to Department of Health, Education, and Welfare (1953 Reorg. Plan No. 1, secs. 5, 8, 18 F.R. 2053, 67 Stat. 631). Reorganization plan reprinted on page 4.

SEC. 10. The corporation, and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(36 U.S.C. 280) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 10, 64 Stat. 566.

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(36 U.S.C. 281) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 11, 64 Stat. 566.

SEC. 13. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors, and committees having any authority under the board of directors; and it shall also keep a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney at any reasonable time.

(36 U.S.C. 283) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 13, 64 Stat. 566.

SEC. 15. Upon final dissolution or liquidation of the corporation and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be used by the board of directors for the benefit of students of vocational agriculture, or be transferred to some recognized educational foundation.

(36 U.S.C. 285) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 15, 64 Stat. 566.

SEC. 16. The corporation, and its duly authorized chapter and associations of chapters, shall have the sole and exclusive right to use the name of Future Farmers of America and the initials FFA as representing an agricultural membership organization and such seals, emblems, and badges as the corporation may lawfully adopt.

(36 U.S.C. 286) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 16, 64 Stat. 566.

SEC. 17. As a condition precedent to the exercise of any power or privilege granted to the corporation under this Act, the corporation shall file in the Office of the Secretary of State, or similar officer, in each State and in each Territory or possession of the United States in which subordinate associations or chapters are organized the name, and post office address of an authorized agent in such State, Territory, or possession upon whom legal process or demands against the corporation may be served.

(36 U.S.C. 287) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., sec. 17, 64 Stat. 567.

SEC. 18. The United States Commissioner of Education, with the approval of the Federal Security Administrator,<sup>1</sup> is authorized to make available personnel, services, and facilities of the Office of Education requested by the board of directors of the corporation to administer or assist in the administration of the business and activities of the corporation. The personnel of the Office of Education shall not receive any compensation from the corporation for their services, except that travel and other legitimate expenses as defined by the Commissioner

<sup>1</sup> See footnote on page 258.

of Education and approved by the board of directors of the corporation may be paid. The Commissioner, with the approval of the Administrator, is also authorized to cooperate with the State boards for vocational education to assist in the promotion of the activities of the corporation.

(36 U.S.C. 289) Enacted Aug. 30, 1959, P.L. 740, 81st Cong., sec. 18, 64 Stat. 567.

SEC. 19. The corporation may acquire the assets of the Future Farmers of America, a corporation organized under the laws of the State of Virginia, and of the Future Farmers of America Foundation, Incorporated, a corporation organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporations.

(36 U.S.C. 289) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., Sec. 19, 64 Stat. 567.

SEC. 20. The provisions of this Act shall take effect on the filing, in the office of the clerk of the United States District Court for the District of Columbia of affidavits signed by the incorporators named in the first section of this Act to the effect that the Virginia corporation known as the Future Farmers of America has been dissolved in accordance with law, but only if such affidavits are filed within one year from the date of enactment of this Act.

(36 U.S.C. 290) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., Sec. 20, 64 Stat. 567.

SEC. 21. The right to alter, amend, or repeal this Act is hereby expressly reserved.

(36 U.S.C. 291) Enacted Aug. 30, 1950, P.L. 740, 81st Cong., Sec. 21, 64 Stat. 567.

Approved August 30, 1950.

### PART III—HIGHER EDUCATION PROGRAMS

#### Higher Education Act of 1965

(P.L. 89-329)

*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 "Higher Education Act of 1965".*

#### TITLE I—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

##### APPROPRIATIONS AUTHORIZED

SEC. 101. For the purpose of assisting the people of the United States in the solution of community problems such as housing, poverty, government, recreation, employment, youth opportunities, transportation, health, and land use by enabling the Commissioner to make grants under this title to strengthen community service programs of colleges and universities, there are authorized to be appropriated

\$10,000,000 for the fiscal year ending June 30, 1972, \$30,000,000 for the fiscal year ending June 30, 1973, \$40,000,000 for the fiscal year ending June 30, 1974, and \$50,000,000 for the fiscal year ending June 30, 1975.

(20 U.S.C. 1001) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 101, 79 Stat. 1219; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 201, 82 Stat. 1035; amended June 23, 1972, P.L. 92-318, Title I, sec. 101 (a), 86 Stat. 236.

#### DEFINITION OF COMMUNITY SERVICE PROGRAM

SEC. 102. For purposes of this title, the term "community service program" means an educational program, activity, or service, including a research program and a university extension or continuing education offering, which is designed to assist in the solution of community problems in rural, urban, or suburban areas, with particular emphasis on urban and suburban problems, where the institution offering such program, activity, or service determines—

(1) that the proposed program, activity, or service is not otherwise available, and

(2) that the conduct of the program or performance of the activity or service is consistent with the institution's over-all educational program and is of such a nature as is appropriate to the effective utilization of the institution's special resources and the competencies of its faculty.

Where course offerings are involved, such courses must be university extension or continuing education courses and must be—

(A) fully acceptable toward an academic degree, or

(B) of college level as determined by the institution offering such courses.

(20 U.S.C. 1002) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 102, 79 Stat. 1219.

#### ALLOTMENTS TO STATES

SEC. 103. (a) From the sums appropriated pursuant to section 101 for any fiscal year which are not reserved under section 106(a),<sup>1</sup> the Commissioner shall allot \$25,000 each to Guam, American Samoa, the Commonwealth of Puerto Rico, and the Virgin Islands and \$100,000 to each of the other States, and he shall allot to each State an amount which bears the same ratio to the remainder of such sums as the population of the State bears to the population of all States.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State plan (if any) approved under this title shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such subsection for such year, but with such proportionate amount for

<sup>1</sup> Section 102(b) of P.L. 92-318 provides as follows:

(b) The amendments made by the second sentence of paragraph (1) of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then—

"(1) only with respect to appropriations for title I of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and

"(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972."

any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year from funds appropriated pursuant to section 101 shall be deemed part of its allotment under subsection (a) for such year.

(c) In accordance with regulations of the Commissioner, any State may file with him a request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of providing community service programs under this title. If it is found by the Commissioner that the programs with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

(d) The population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available from the Department of Commerce.

(20 U.S.C. 1003) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 103, 79 Stat. 1220; amended June 23, 1972, P.L. 92-318, sec. 102(a)(2), 86 Stat. 237.

#### USES OF ALLOTTED FUNDS

SEC. 104. A State's allotment under ~~section 103~~ may be used, in accordance with its State plan approved under section 105(b), to provide new, expanded, or improved community service programs.

(20 U.S.C. 1004) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 104, 79 Stat. 1220.

#### STATE PLANS

SEC. 105. (a) Any State desiring to receive its allotment of Federal funds under this title shall designate or create a State agency or institution which has special qualifications with respect to solving community problems and which is broadly representative of institutions of higher education in the State which are competent to offer community service programs, and shall submit to the Commissioner through the agency or institution so designated, a State plan. If a State desires to designate for the purpose of this section an existing State agency or institution which does not meet these requirements, it may do so if the agency or institution takes such action as may be necessary to acquire such qualifications and assure participation of such institutions, or if it designates or creates a State advisory council which meets the requirements not met by the designated agency or institution to consult with the designated agency or institution in the preparation of the State plan. A State plan submitted under this title shall be in such detail as the Commissioner deems necessary and shall—

(1) provide that the agency or institution so designated or created shall be the sole agency for administration of the plan or for supervision of the administration of the plan; and provide that such agency or institution shall consult with any State advisory council required to be created by this section with respect to policy matters arising in the administration of such plan;

(2) set forth a comprehensive, coordinated, and statewide system of community service programs under which funds paid to the State (including funds paid to an institution pursuant to section 107(c)) under its allotments under section 103 will be expended solely for community service programs which have been approved by the agency or institution administering the plan (except that if a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, the plan may set forth one or more proposals for community service programs in lieu of a comprehensive, coordinated, statewide system of such programs);

(3) set forth the policies and procedures to be followed in allocating Federal funds to institutions of higher education in the State, which policies and procedures shall insure that due consideration will be given—

(A) to the relative capacity and willingness of particular institutions of higher education (whether public or private) to provide effective community service programs;

(B) to the availability of and need for community service programs among the population within the State; and

(C) to the results of periodic evaluations of the programs carried out under this title in the light of information regarding current and anticipated community problems in the State;

(4) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, or funds of institutions of higher education, but to supplement and, to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for community service programs;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including such funds paid by the State or by the Commissioner to institutions of higher education) under this title; and

(6) provide for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

(20 U.S.C. 1005) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 105, 79 Stat. 1220; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 202, 82 Stat. 1030.



SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

SEC. 106. (a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so appropriated for that fiscal year for grants pursuant to subsection (b).

(b) (1) From the sums reserved under subsection (a), the Commissioner is authorized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this title, which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.<sup>1</sup>

(20 U.S.C. 1005a) Enacted June 23, 1972, P.L. 92-318, sec. 102(a) (1), 86 Stat. 236-237.

PAYMENTS

SEC. 107. (a) Except as provided in subsection (b), payment under this title shall be made to those State agencies and institutions which administer plans approved under section 105(b). Payments under this title from a State's allotment with respect to the cost of developing and carrying out its State plan shall equal 75 per centum of such costs for the fiscal year ending June 30, 1966, 75 per centum of such costs for the fiscal year ending June 30, 1967, 50 per centum of such costs for the fiscal year ending June 30, 1968, and  $66\frac{2}{3}$  per centum of such costs for fiscal years ending on or after June 30, 1969, except that no payments for any fiscal year shall be made to any State with respect to expenditures for developing and administering the State plan which exceed 5 per centum of the costs for that year for which payment under this subsection may be made to that State, or \$25,000, whichever is the greater. In determining the cost of developing and carrying out a State's plan, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) No payments shall be made to any State from its allotments for any fiscal year unless and until the Commissioner finds that the institutions of higher education which will participate in carrying out the State plan for that year will together have available during that year for expenditure from non-Federal sources for college and university extension and continuing education programs not less than the total amount actually expended by those institutions for college and university extension and continuing education programs from such sources during the fiscal year ending June 30, 1965; plus an

<sup>1</sup> Section 102(b) of P.L. 92-318 provides as follows:

(b) The amendments made by the second sentence of paragraph (1) of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then—  
 "(1) only with respect to appropriations for title 1 of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and  
 "(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972."

amount equal to not less than the non-Federal share of the costs with respect to which payment pursuant to subsection (a) is sought.

(c) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, and they may be paid directly to the State or to one or more participating institutions of higher education designated for this purpose by the State, or to both.

(20 U.S.C. 1006) Enacted Nov. 8, 1965, P.L. 80-329, Title I, sec. 106, 79 Stat. 1221; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 203, 82 Stat. 1036; renumbered June 23, 1972, P.L. 92-318, Title I, sec. 102(a)(1), 86 Stat. 236.

#### ADMINISTRATION OF STATE PLANS

SEC. 108. (a) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State agency or institution submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency or institution administering a State plan approved under section 105(b), finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 105(a), or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify the State agency or institution that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 1007) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 107, 79 Stat. 1222; renumbered June 23, 1972, P.L. 92-318, sec. 102(a)(1), 86 Stat. 236.

#### JUDICIAL REVIEW

SEC. 109. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 105(a) or with his final action under section 108(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

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

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment

of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(20 U.S.C. 1008) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 108, 79 Stat. 1222; renumbered June 23, 1972, P.L. 92-318, sec. 102(a)(1), 86 Stat. 236.

#### SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

(b) For purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.

(20 U.S.C. 1008-1) Enacted May 3, 1973, P.L. 93-29, sec. 803, 87 Stat. 59.

#### NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

SEC. 111. (a) The President shall, within ninety days of the end of this title, appoint a National Advisory Council on Extension and Continuing Education (hereafter referred to as the "Advisory Council"), consisting of the Commissioner, who shall be Chairman, one representative each of the Department of Agriculture, Commerce, Defense Labor, Interior, State, and Housing and Urban Development, and the Office of Economic Opportunity, and of such other Federal agencies having extension education responsibilities as the President may designate, and twelve members appointed, for staggered terms and without regard to the civil service laws, by the President. Such twelve members shall, to the extent possible, include persons knowledgeable in the fields of extension and continuing education, State and local officials, and other persons having special knowledge, experience, or qualification with respect to community problems, and persons representative of the general public. The Advisory Council shall meet at the call of the Chairman but not less often than twice a year.

(b) The Advisory Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 105(b), and policies to eliminate duplication and to effectuate the coordination of programs under this title and other programs offering extension or continuing education activities and services.

(c) The Advisory Council shall review the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs, make recommendations with respect thereto, and make annual reports, commencing on March 31, 1967, of its findings and recommendations (including recommendations for changes in the provisions of this title and other Federal laws relating to extension and continuing education activities) to the Secretary and to the President. The President shall transmit each such report to the Congress together with his comments and recommendations.

(f) In carrying out its functions pursuant to this section, the Advisory Council may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary and the head of such agency. Subject to section 443(b) of the General Education Provisions Act, the Advisory Council shall continue to exist through June 30, 1975.

(20 U.S.C. 1009) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 109, 79 Stat. 1223, subsections (d) and (e) repealed April 13, 1970, P.L. 91-320, sec. 401(h) and superseded by Part C of Title IV of P.L. 90-247 as amended; renumbered June 23, 1972, P.L. 92-318, sec. 102(a)(1), 86 Stat. 236; renumbered, May 3, 1973, P.L. 93-29, sec. 803, 87 Stat. 54; amended August 21, 1974, P.L. 93-380, sec. 831, 88 Stat. 603.

#### RELATIONSHIP TO OTHER PROGRAMS

Sec. 112. Nothing in this title shall modify authorities under the Act of February 23, 1917 (Smith Hughes Vocational Education Act), as amended (20 U.S.C. 11-15, 16-28); the Vocational Education Act of 1946, as amended (20 U.S.C. 15i-15m, 15o-15p, 15aa-15jj, and 15aaa-15ggg); the Vocational Education Act of 1963 (20 U.S.C. 35-35n; title VIII of the Housing Act of 1964 (Public Law 88-560); or the Act of May 8, 1914 (Smith-Lever Act), as amended (7 U.S.C. 347-348).

(20 U.S.C. 1010) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 110, 79 Stat. 1224; renumbered June 23, 1972, P.L. 92-318, sec. 102(a)(1), 86 Stat. 236; renumbered May 3, 1973, P.L. 93-29, sec. 803, 87 Stat. 59.

#### LIMITATION

Sec. 113. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of a community.

(20 U.S.C. 1011) Enacted Nov. 8, 1965, P.L. 89-329, Title I, sec. 111, 79 Stat. 1224; renumbered June 23, 1972, P.L. 92-318, sec. 102(a)(1), 86 Stat. 236; amended June 23, 1972, P.L. 92-318, sec. 131(d)(2), 86 Stat. 260; renumbered May 3, 1973, P.L. 93-29, sec. 803, 87 Stat. 59.

(NOTE:—Section 103 of P.L. 92-318 provides as follows:)

#### EVALUATION OF ACTIVITIES

Sec. 103. (a) During the period beginning with the date of enactment of this Act and ending July 1, 1974, the National Advisory Council on Extension and Continuing Education, hereafter in this section referred to as the National Advisory Council, shall conduct

a review of the programs and projects carried out with assistance under title I of the Higher Education Act of 1965 prior to July 1, 1973. Such review shall include an evaluation of specific programs and projects with a view toward ascertaining which of them show, or have shown (1) the greatest promise in achieving the purposes of such title, and (2) the greatest return for the resources devoted to them. Such review shall be carried out by direct evaluations by the National Advisory Council, by the use of other agencies, institutions, and groups, and by the use of independent appraisal units.

(b) Not later than March 31, 1973, and March 31, 1975, the National Advisory Council shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report on the review conducted pursuant to subsection (a). Such report shall include (1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated.

(c) Funds appropriated pursuant to section 401(c) of the General Education Provisions Act for the purposes of section 402 of such Act shall be available to carry out the purposes of this section.

## TITLE II—COLLEGE LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH<sup>1</sup>

### COLLEGE LIBRARY PROGRAMS: TRAINING; RESEARCH

SEC. 201. (a) The Commissioner shall carry out a program of financial assistance—

(1) to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, in accordance with part A; and

(2) to assist with and encourage research and training persons in librarianship, including law librarianship, in accordance with part B.

(b) For the purpose of making grants under parts A and B, there are authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1973, \$85,000,000 for the fiscal year ending June 30, 1974, and \$100,000,000 for the fiscal year ending June 30, 1975. Of the sums appropriated pursuant to the preceding sentence for any fiscal year, 70 per centum shall be used for the purposes of part A and 30 per centum shall be used for the purposes of part B, except that the amount available for the purposes of part B for any fiscal year shall not be less than the amount appropriated for such purposes for the fiscal year ending June 30, 1972.

<sup>1</sup> Section 519 of P. L. 93-380 provides as follows:

Sec 519 (a) There is established, in the Office of Education, an Office of Libraries and Learning Resources (hereafter in this section referred to as the "Office"), through which the Commissioner shall administer all programs in the Office of Education related to assistance for, and encouragement of, libraries and information centers and education technology.

"(b) The Office shall be headed by a Director, to whom the Commissioner shall delegate his delegable functions with respect to the programs administered through the Office."

(c) For the purposes of this title—

(1) the term "library resources" means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials, including necessary binding; and

(2) the term "librarianship" means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and information resources.

(20 U.S.C. 1021) Enacted Nov. 8, 1965, P.L. 89-329, Title II, sec. 201, 79 Stat. 1124; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 211, 82 Stat. 1036; amended June 23, 1972, P.L. 92-138 Title I, sec. 111(b) (1), 86 Stat. 238.

## PART A—COLLEGE LIBRARY RESOURCES.

### BASIC GRANTS

SEC. 20. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall make basic grants for the purposes set forth in section 201(a) (1) to institutions of higher education, to combinations of such institutions, to new institutions of higher education in the fiscal year preceding the fiscal year in which students are to be enrolled (in accordance with criteria prescribed by regulation), and other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis. The amount of a basic grant shall, for any fiscal year, be equal to the amount expended by the applicant for library resources during that year from funds other than funds received under this part, except that no basic grant shall exceed \$5,000 for each such institution of higher education and each branch of such institution which is located in a community different from that in which its parent institution is located, as determined in accordance with regulations of the Commissioner, and a basic grant under this subsection may be made only if the application therefor is approved by the Commissioner upon his determination that the application (whether by an individual institution or a combination of institutions)—

(1) provides satisfactory assurance that the applicant will expend during the fiscal year for which the basic grant is sought, from funds other than funds received under this part—

(A) for all library purposes (exclusive of construction), an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part, and

(B) for library resources, an amount not less than the average amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is sought under this part.

except that, if the Commissioner determines, in accordance with regulations, that there are special and unusual circumstances which prevent the applicant from making the assurances required

by this clause (1), he may waive that requirement for one or both of such assurances;

(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry on his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(20 U.S.C. 1022) Enacted Nov. 8, 1965, P.L. 89-320, Title II, sec. 202, 79 Stat. 1224; amended Nov. 3, 1966, P.L. 89-752, sec. 9, 80 Stat. 1243; amended Oct 16, 1968, P.L. 90-575, Title II, sec. 214, 82 Stat. 1037; amended June 23, 1972, P.L. 92-318, Title I, sec. 111 (b) (2) (A), 86 Stat. 238; amended and redesignated June 23, 1972, P.L. 92-318, Title I, sec. 112, 86 Stat. 240.

#### SUPPLEMENTAL GRANTS

SEC. 203. (a) From that part of the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year which remains after making basic grants pursuant to section 202, and which is not reserved for the purposes of section 204, the Commissioner shall make supplemental grants for the purposes set forth in section 201 (a)

(1) to institutions of higher education (and to each branch of such institution which is located in a community different from that in which its parent institution is located, as determined in accordance with regulations of the Commissioner) and combinations of such institutions. The amount of a supplemental grant shall not exceed \$20 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in each such institution (or branch), as determined pursuant to regulations of the Commissioner. A supplemental grant may be made only upon application therefor, in such form and containing such information as the Commissioner may require, which application shall—

(1) meet the application requirements set forth in section 202;

(2) describe the size and quality of the library resources of the applicant in relation to its present enrollment and any expected increase in its enrollment;

(3) set forth any special circumstances which are impeding or will impede the proper development of its library resources; and

(4) provide a general description of how a supplemental grant would be used to improve the size or quality of its library resources.

(b) The Commissioner shall approve applications for supplemental grants on the basis of basic criteria prescribed in regulations and developed after consultation with the Council created under section 205. Such basic criteria shall be such as will best tend to achieve the objectives of this part and they (1) may take into consideration factors such as the size and age of the library collection and student enrollment, and (2) shall give priority to institutions in need of financial assistance for library purposes.

(20 U.S.C. 1023) Enacted Nov. 8, 1965, P.L. 89-329, Title II, sec. 203, 79 Stat. 1225; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 212 (a); amended June 23, 1972, P.L. 92-318, Title I, sec. 111 (b) (2) (B), 86 Stat. 239; sec. 112 (b) (2), 86 Stat. 240; and sec. 113 (a), 86 Stat. 240.

#### SPECIAL PURPOSE GRANTS

SEC. 204. (a) (1) From the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year, the Commissioner is authorized to reserve not to exceed 25 per centum thereof for the purposes of this section.

(2) Sums received pursuant to paragraph (1) may be used to make special grants (A) to institutions of higher education (or to branches of such institutions which are located in a community different from that in which the parent institution is located, as determined in accordance with regulations of the Commissioner) which demonstrate a special need for additional library resources and which demonstrate that such additional library resources will make a substantial contribution to the quality of their educational resources, (B) to institutions of higher education (or to such branches) to meet special national or regional needs in the library and information sciences, (C) to combinations of institutions of higher education which need special assistance in establishing and strengthening joint-use facilities. Grants under this section may be used only for books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials (including necessary binding), and (D) to other public and private nonprofit library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis.

(b) Grants pursuant to paragraph (2) shall be made upon application providing satisfactory assurance that (1) the applicant (or applicants jointly in the case of a combination of institutions) will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for the same purpose as such grant an amount from such other sources equal to not less than 33 $\frac{1}{3}$  per centum of such grant, and (2) in addition each such applicant will expend during such fiscal year (from such other sources) for all library purposes (exclusive of construction) an amount not less than the average annual amount it expended for such purposes during the two-year period ending June 30, 1965, or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is less.

(20 U.S.C. 1024) Enacted Nov. 8, 1965, P.L. 89-329, Title II, sec. 204, 79 Stat. 1226; amended Oct. 16, 1968, P.L. 90-575, Title II, secs. 212 (b), 213, 82 Stat. 1030-1057, amended June 23, 1972, P.L. 92-318, Title I, sec. 111 (b) (2) (C), 86 Stat. 239.

#### ADVISORY COUNCIL ON COLLEGE LIBRARY RESOURCES

SEC. 205. (a) The Commissioner shall establish in the Office of Education an Advisory Council on College Library Resources consisting of the Commissioner, who shall be Chairman, and eight members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary.



(b) The Advisory Council shall advise the Commissioner with respect to establishing criteria for the making of supplemental grants under section 203 and the making of special purpose grants under section 204. The Commissioner may appoint such special advisory and technical experts and consultants as may be useful in carrying out the functions of the Advisory Council.

(20 U.S.C. 1025) Enacted Nov. 8, 1965, P.L. 89-329, Title II, sec. 205, 79 Stat. 1226; subsection (c) repealed April 13, 1970, P.L. 91-230, sec. 401 (b) and superseded by pt. C of title IV of P.L. 90-247, as amended. (20 U.S.C. 1233c)

#### ACCREDITATION REQUIREMENT FOR PURPOSES OF THIS PART

SEC. 206. For the purposes of this part, an educational institution shall be deemed to have been accredited by a nationally recognized accrediting agency or association if the Commissioner determines that there is satisfactory assurance that upon acquisition of the library resources with respect to which assistance under this part is sought, or upon acquisition of those resources and other library resources planned to be acquired within a reasonable time, the institution will meet the accreditation standards of such agency or association.

(20 U.S.C. 1026) Enacted Nov. 8, 1965, P.L. 89-329, Title II, sec. 206, 79 Stat. 1226.

#### LIMITATIONS

SEC. 207. No grant may be made under this part for books, periodicals, documents, or other related materials to be used for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity.

(20 U.S.C. 1207) Enacted Nov. 8, 1965, P.L. 89-329, Title II, sec. 207, 79 Stat. 1227; amended June 23, 1972, P.L. 92-318, sec. 131 (d) (2), 86 Stat. 260.

#### CONSULTATION WITH STATE AGENCY

SEC. 208. Each institution of higher education which receives a grant under this part shall periodically inform the State agency (if any) concerned with the educational activities of all institutions of higher education in the State in which such institution is located, of its activities under this part.

(20 U.S.C. 1028) Enacted Nov. 8, 1965, P.L. 89-329, Title II, sec. 208, 79 Stat. 1227.

### PART B—LIBRARY TRAINING AND RESEARCH

#### TRAINING AND RESEARCH PROGRAMS

SEC. 221. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall carry out a program of making grants in accordance with sections 222 and 223. Of such amount, 66 $\frac{2}{3}$  per centum shall be available for the purposes of section 222 and 33 $\frac{1}{3}$  per centum shall be available for the purposes of section 223.

(20 U.S.C. 1031) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 111 (b) (3) (A), 86 Stat. 239.

SEC. 222. (a) The Commissioner is authorized to make grants to institutions of higher education and library organizations or agencies to assist them in training persons in librarianship. Such grants may be used by such institutions, library organizations or agencies (1) to assist in covering the cost of courses of training or study (including short term or regular session institutes) for such persons, (2) for establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents, not in excess of such maximum amounts as may be prescribed by the Commissioner, and (3) for establishing, developing, or expanding programs of library and information science. Not less than 50 per centum of the grants made under this subsection shall be for the purpose of establishing and maintaining fellowships or traineeships under clause (2).

(b) The Commissioner may make a grant to an institution of higher education and library organizations or agencies only upon application by the institution and only upon his finding that such program will substantially further the objective of increasing the opportunities throughout the Nation for training in librarianship.

(20 U.S.C. 1033) Enacted Nov. 8, 1905, P.L. 89-320, Title II, sec. 223, 79 Stat. 1227; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 216, 82 Stat. 1037; amended June 23, 1972, P.L. 92-318, Title I, secs. 111(b)(3)(B) and (K); redesignated by P.L. 92-318, sec. 111(b)(3)(D), 86 Stat. 240.

RESEARCH AND DEMONSTRATIONS RELATING TO LIBRARIES AND THE  
TRAINING OF LIBRARY PERSONNEL

SEC. 223. (a) The Commissioner is authorized to make grants to institutions of higher education and other public or private agencies, institutions, and organizations, for research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship, including the development of new techniques, systems, and equipment for processing, storing, and distributing information, and for the dissemination of information derived from such research and demonstrations, and, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), to provide by contracts with them for the conduct of such activities; except that no such grant may be made to a private agency, organization, or institution other than a nonprofit one.

(b) The Commissioner is authorized to appoint a special advisory committee of not more than nine members to advise him on matters of general policy concerning research and demonstration projects relating to the improvement of libraries and the improvement of training in librarianship, or concerning special services necessary thereto or special problems involved therein.

(20 U.S.C. 1034) Enacted Nov. 8, 1905, P.L. 89-320, Title II, sec. 224, 79 Stat. 1228; subsec. (c) repealed Apr. 13, 1970, P.L. 91-230, sec. 101(h) and superseded by pt. C of title IV of P.L. 90-247, as amended. (20 U.S.C. 1233c.); redesignated June 23, 1972, P.L. 92-318, Title I, sec. 111(b)(3)(D), 86 Stat. 240.

PART C—STRENGTHENING COLLEGE AND RESEARCH LIBRARY  
RESOURCES

APPROPRIATIONS AUTHORIZED

SEC. 231. There are hereby authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1966, \$6,315,000 for the fiscal year ending June 30, 1967, \$7,700,000 for the fiscal year ending June 30, 1968, \$6,000,000 for the fiscal year ending June 30, 1969, \$11,000,000 for the fiscal year ending June 30, 1970, and \$9,000,000 for the fiscal year ending June 30, 1972, \$12,000,000 for the fiscal year ending June 30, 1973, \$15,000,000 for the fiscal year ending June 30, 1974, and \$9,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to transfer funds to the Librarian of Congress for the purpose of—

(1) acquiring, so far as possible, copies of all library materials currently published throughout the world which are of value to scholarship;

(2) providing catalog information promptly and distributing this and other bibliographic information about library materials by printing catalog cards and by other means, and enabling the Library of Congress to use for exchange and other purposes such of these materials as are not needed for its own collections; and

(3) enabling the Librarian of Congress to pay administrative costs of cooperative arrangements for acquiring library materials published outside of the States and not readily obtainable outside of the country of origin, for institutions of higher education or combinations thereof for library purposes, or for other public or private nonprofit research libraries.

(20 U.S.C. 1041) Enacted Nov. 8, 1965, P.L. 80-329, Title II, sec. 231, 79 Stat. 1228; amended Oct. 10, 1968, P.L. 90-575, Title II, sec. 217, 218, 82 Stat. 1037-1038; amended June 23, 1972, P.L. 92-318, title I, sec. 114, 86 Stat. 240.

EVALUATION AND REPORT

SEC. 232. No later than March 31 of each calendar year the Librarian of the Congress shall transmit to the respective committees of the Congress having legislative jurisdiction over this part and to the respective Committees on Appropriations of the Congress a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action.

(20 U.S.C. 1042) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 115(a), 86 Stat. 241.

TITLE III—STRENGTHENING DEVELOPING  
INSTITUTIONS

AUTHORIZATION

SEC. 301. (a) The Commissioner shall carry out a program of special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are

struggling for survival and are isolated from the main currents of academic life.

(b) (1) For the purpose of carrying out this title, there are authorized to be appropriated \$120,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

(2) Of the sums appropriated pursuant to this subsection for any fiscal year, 76 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which plan to award one or more bachelor's degrees during such year.

(3) The remainder of the sums so appropriated shall be available only for carrying out the provisions of this title with respect to developing institutions which do not plan to award such a degree during such year.

(20 U.S.C. 1031) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 121(a), 86 Stat. 241.

#### ELIGIBILITY FOR SPECIAL ASSISTANCE

SEC. 302. (a) (1) For the purposes of this title, the term "developing institution" means an institution of higher education in any State which—

(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or is a junior or community college;

(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

(D) meets such other requirements as the Commissioner shall prescribe by regulation, which requirements shall include at least a determination that the institution—

(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and

(ii) is, for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

(2) The Commissioner is authorized to waive the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions located on or near an Indian reservation or a substantial population of Indians if the Commissioner determines such action will increase higher education for Indians, except that such grants may not involve an expenditure of funds in excess of 14 per centum of the sums appropriated pursuant to this title for any fiscal year. The Commissioner is authorized to waive three years of the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions if the Commissioner determines such action will substantially increase higher education for Spanish-speaking people.

(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall approve any application for eligibility under this subsection which indicates that the applicant is a developing institution meeting the requirements set forth in subsection (a).

(c) For the purposes of clause (A) of paragraph (1) of subsection (a) of this section, the term "junior or community college" means an institution of higher education—

(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

(3) which does—

(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

(20 U.S.C. 1052) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 121 (a), 86 Stat. 241, 242; amended August 21, 1974, P.L. 93-380, sec. 832, 88 Stat. 603.

#### ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

SEC. 303. (a) There is hereby established an Advisory Council on Developing Institutions (in this title referred to as the "Council") consisting of nine members appointed by the Commissioner with the approval of the Secretary.

(b) The Council shall, with respect to the program authorized by this title, carry out the duties and functions specified by part C of the General Education Provisions Act and, in particular, it shall assist the Commissioner—

(1) in identifying developing institutions through which the purposes of this title may be achieved; and

(2) in establishing the priorities and criteria to be used in making grants under section 304 (a).

(20 U.S.C. 1053) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 121 (a), 86 Stat. 242, 243.

#### USES OF FUNDS: COOPERATIVE ARRANGEMENTS, NATIONAL TEACHING FELLOWSHIP, AND PROFESSORS EMERITUS

SEC. 304. (a) The Commissioner is authorized to make grants and awards, in accordance with the provisions of this title, for the purpose

of strengthening developing institutions. Such grants and awards shall be used solely for the purposes set forth in subsection (b).

(b) Funds appropriated pursuant to section 301 (b) shall be available for—

(1) grants to institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements between developing institutions and other institutions of higher education, and between developing institutions and other organizations, agencies, and business entities, which show promise as effective measures for strengthening the academic program and the administrative capacity of developing institutions, including such projects and activities as—

(A) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions,

(B) faculty and administration improvement programs, utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means,

(C) introduction of new curricula and curricular materials,

(D) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment, and

(E) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment;

(2) National Teaching Fellowships to be awarded by the Commissioner to highly qualified graduate students and junior faculty members of institutions of higher education for teaching at developing institutions; and

(3) Professors Emeritus Grants to be awarded by the Commissioner to professors retired from active service at institutions of higher education to encourage them to teach or to conduct research at developing institutions.

(c) (1) An application for assistance for the purposes described in subsection (b) (1) shall be approved only if it—

(A) sets forth a program for carrying out one or more of the activities described in subsection (b) (1), and sets forth such policies and procedures for the administration of the program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this title;

(B) sets forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for the purposes of the activities described in subsection (b) (1), and in no case supplant such funds;

(C) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(D) provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of

and accounting for funds made available under this title to the applicant; and

(E) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, and for keeping such records and affording such access thereto, as he may find necessary to assure the correctness and verification of such reports.

The Commissioner shall, after consultation with the Council, establish by regulation criteria as to eligible expenditures for which funds from grants for cooperative arrangements under clause (1) of subsection (b) may be used, which criteria shall be so designed as to prevent the use of such funds for purposes not necessary to the achievement of the purposes for which the grant is made.

(2)(A) Applications for awards described in clauses (2) and (3) of subsection (b) may be approved only upon a finding by the Commissioner that the program of teaching or research set forth therein is reasonable in the light of the qualifications of the applicant and of the educational needs of the institution at which the applicant intends to teach.

(B) No application for a National Teaching Fellowship or a Professors Emeritus Grant shall be approved for an award of such a fellowship or grant for a period exceeding two academic years, except that the award of a Professors Emeritus Grant may be for such period, in addition to such two-year period of award, as the Commissioner, upon the advice of the Council, may determine in accordance with policies of the Commissioner set forth in regulations.

(C) Each person awarded a National Teaching Fellowship or a Professors Emeritus Grant shall receive a stipend for each academic year of teaching (or, in the case of a recipient of a Professors Emeritus Grant, research) as determined by the Commissioner upon the advice of the Council, plus an additional allowance for each such year for each dependent of such person. In the case of National Teaching Fellowships, such allowance may not exceed \$7,500, plus \$400 for each dependent.

(20 U.S.C. 1054) Enacted June 23, 1972, P.L. 92-318, title I, sec. 121(a), 86 Stat. 243, 244.

#### ASSISTANCE TO DEVELOPING INSTITUTIONS UNDER OTHER PROGRAMS

SEC. 305. (a) Each institution which the Commissioner determines meets the criteria set forth in section 302(a) shall be eligible for waivers in accordance with subsection (b).

(b)(1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by a developing institution for assistance under any programs specified in paragraph (2), the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

(2) The provisions of this section shall apply to any program authorized by title II, IV, VI, or VII of this Act.

(c) The Commissioner shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for the program for any fiscal year.

(20 U.S.C. 1055) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 121(a), 86 Stat. 244.

#### LIMITATION

SEC. 306. None of the funds appropriated pursuant to section 301 (b) (1) shall be used for a school or department of divinity or for any religious worship or sectarian activity.

(20 U.S.C. 1056) Enacted June 23, 1972, P.L. 92-318, Title I, sec. 121(a), 86 Stat. 245.

### TITLE IV—STUDENT ASSISTANCE

#### PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

##### STATEMENT OF PURPOSE; PROGRAM AUTHORIZATION

SEC. 401. (a) It is the purpose of this part, to assist in making available the benefits of postsecondary education to qualified students in institutions of higher education by—

(1) providing basic educational opportunity grants (hereinafter referred to as "basic grants") to all eligible students;

(2) providing supplemental educational opportunity grants (hereinafter referred to as "supplemental grants") to those students of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education;

(3) providing for payments to the States to assist them in making financial aid available to such students;

(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (including remedial language study) and other services to students; and

(5) providing assistance to institutions of higher education.

(b) The Commissioner shall, in accordance with subparts 1, 2, 3, 4 and 5, carry out programs to achieve the purposes of this part.

(20 U.S.C. 1070) Enacted June 23, 1972, P.L. 92-318, sec. 131(b) (1), 86 Stat. 247-248; amended June 23, 1972, P.L. 92-318, sec. 1001(c), 86 Stat. 381.

#### SUBPART 1—BASIC EDUCATIONAL OPPORTUNITY GRANTS

##### BASIC EDUCATIONAL OPPORTUNITY GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS

SEC. 411. (a) (1) The Commissioner shall, during the period beginning July 1, 1972, and ending June 30, 1975, pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year



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ABSTRACT The basic assumption of this paper is that unused and underused public school buildings are appropriate facilities to become opportunity centers for neighborhood citizens of all ages. A detailed case study of a community education program in Grand Rapids, Michigan, illustrates this assumption, and a brief historical summary of changing population statistics documents the enrollment decline. The description of community education in Grand Rapids details uses of empty classrooms, alternative offerings in adult education, leisure activities, a factory-based industrial program, and the use of related community facilities for educational purposes. A budget summary of the Grand Rapids program is included in Appendix A. (Author)

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Declining Enrollments: Problem or Opportunity?

Speech  
107th Annual Convention  
American Association of School Administrators  
Dallas, Texas  
February 22, 1975

EA 007 317

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Abstract: Marilyn Steele

Declining Enrollments: Problem or Opportunity?

Speech: 107th Annual Convention,  
American Association of School Administrators,  
February 22, 1975

The basic assumption of the speech is that unused and underused public school buildings are appropriate facilities and locations to become opportunity centers for use by neighborhood citizens of all ages with Community Education programs. A detailed case study of community education in Grand Rapids, Michigan illustrates the assumption. A brief historical summary of changing population statistics documents the enrollment decline. The description of community education in Grand Rapids details uses of empty classrooms, alternative offerings in adult education, leisure time activities, the factory-based industrial program, and the use of related community facilities for educational purposes. A summary of the budget is included.

## Declining Enrollments: Problem or Opportunity?

### The Problem

The enrollment boom is over. After twenty years of too many kids, too few classrooms and not enough teachers, with the spectre that taxpayers may be paying off construction bond issues in the next 20 years for now empty classrooms, administrators and school boards are faced with some sobering questions.

What will happen to us when there aren't enough students to keep the building open?

What will we do with our tenured staff?

How will the community react to empty school buildings?

Where will we get the money to maintain our present programs?

From 1800 when the average family had seven children, there has been a decline to 1970 when the average family size was down to three.<sup>1</sup> The number of elementary pupils has been decreasing since 1970, the year when elementary enrollments declined by 200,000.<sup>2</sup> The national birthrate has fallen to an all-time low of 1.9 children per woman.<sup>3</sup> Secondary school enrollments will peak this year and we can expect a continuing decline in K-12 enrollments until 1980 when elementary enrollments will rise again slightly.<sup>4</sup> Thus, from a period of a booming economy, a throw-away-prone society, an increasing population, we are suddenly faced with the shocking reality that the hey-day is over; the unemployment rate is 8 percent nationally (14% in my home town) planned parenthood appears to be here to stay, there's an undersupply of kids and an oversupply of classrooms. And what are we doing to do about it?

### The Opportunity

From feast to famine is not new to industrial Michigan because we faced a comparable situation 40 years ago in Flint, when Frank Manley, the young physical education director, viewed the empty classrooms of summertime as an opportunity to open up the schools and use the playground and buildings to provide safe recreation for the children and the adults of the community. From a concept that the community school was an extended school day primarily for play time and leisure activities, we are into the new generation of the 70's when the school is viewed as the opportunity center for the individual to fulfill her/his potential through learning.

The traditional view of public education concentrates on children ages 5 to 17, the age group with the currently decreasing numbers. We accept readily the responsibility to educate every child as their universal right because they are our most precious possession and the goal of most parents is that the children will enjoy a better life than theirs. Thus few dispute the concept of universal free elementary education which had its advent in America in the early 19th century, but whose origin in Western civilization can be traced to the early Greeks, who believed that leaders of the state were responsible for educating all citizens in the virtues (women were counted with the slaves). Education is nevertheless viewed as the pathway to personal and national improvement and those nations whose citizens are ill-housed, ill-clothed and

facing starvation are also illiterate.

The philosophy of human equality is the heritage of our Judeo-Christian faith which was translated for us by Thomas Jefferson in the Declaration of Independence with the words, "All men are created equal." Yet equality for the individual has been elusive these two centuries since, for while we give lip-service to the documents now housed in our National Archives Building, we are a group-oriented society, categorized by sex, by race, by ethnic and religious ties, and further stratified by economic caste. We can only hope to achieve equality through a system of Community Education that provides for a lifetime of learning alternatives that range from cognitive mastery of the basics to the avocational pursuits of a leisure-time society of adults, including the elderly. Nearly all eligible children ages 5 to 17 are enrolled in school, some 87%. This academic achievement is a twentieth century success, an increase of about ten percent in the last 50 years.<sup>5</sup> However, the older the age group of each decennial census the lower the average years of school completion. Many adults in our society are hungry for an education. We are a certificate happy nation. Job opportunity is limited by degrees: high school diplomas, bachelors, masters and doctoral degrees. And Christopher Jencks' statistics on Inequality notwithstanding, every national census provides evidence of the correlation between education and income. Thus, there are 16 million Americans in the age group 20-24 but some 90 million between 25-64.<sup>6</sup> In 1970 there were more than 12 million adults 65 to 74 and almost 8 million who were over 75.<sup>7</sup> These 110

million American adults are potential learners in our nation's schools. Among them are the adults with special needs, the former school dropouts, those who seek college and graduate degrees and adults who want occupational training or employees who need retraining. Still other adults have hobbies and cultural pursuits as their leisure time increases. Our communities' schools can provide the opportunity for each of us to actualize the dreams of equality through self-fulfillment. Your schools can satisfy that dream for the most highly motivated learners--the mature student whose learning may be a combination of few years of formal school but many years of experience, which John Stuart Mill and later John Dewey equated as education. As you face the problem of declining numbers of young learners, you can fill your empty classrooms with adults who are the growing age group in our society thanks to increasing life expectancy. The pains and frustration of change from "Future Shock" can be eased through lifelong learning.

#### Grand Rapids, Michigan: A Case Study

Grand Rapids, Michigan, has become a model consortium of lifelong learning where everyone goes to school. Grand Rapids Community Schools provides the entry for pre-schoolers, children, teenagers and adults-- for more education in technical schools, community college, Grand Valley State College and graduate programs of three universities.<sup>8</sup> A linkage system to provide easy access from one educational system to another has been formalized by University Consortium Center in Grand Rapids, Michigan. Over the last three years

the average decline of about 4 percent K-12 enrollments have been more than off-set by an increasing number of full-time equated adults. Their 1972 regular K-12 enrollment of 32,503 decreased by 2375 to 30,128 in 1974. At the same time fulltime adult and alternative education teenagers rose from 974 in 1972 to 2812 in 1974, a gain of 1838 or 65% over the three year period.

The actual use of empty school space is illustrated between 1969-1974 when a total of 60 classrooms were used as follows for alternative education centers, pre-kindergarten and Follow-Through classrooms, a Fine Arts Center, a Day Care Center and a Latin American Center. This year Grand Rapids Public Schools are using 581 classrooms but they have an excess of 34 classrooms spread throughout 20 schools. Only one of these 34 extra rooms is presently unassigned.

In addition to the school-based programs, the amazing growth of Community Education over the last three years has created a demand for instructional space outside of the school buildings. One hundred thirty-eight Community Education Centers are spread throughout the community, in 36 schools and in 102 other found spaces. These include

- 5 churches
- 4 hospitals
- 36 industries
- 11 rest homes
- 6 Senior Citizen Centers
- 36 additional locations



Three cooperating public school districts for which Grand Rapids provides staff and operates programs, reverse the typical urban flight to better schools in the suburbs. This urban district delivers Community Education from the city to the suburbs.

Their Community Education directory suggests the range of programs offered. In addition to adult basic education, adult high school completion and alternative education, there is

Adult driver education--including driver education for Spanish Speaking people.

Two career education/job skills programs for adults in area skill centers.

An ex-offenders program for parolees and probationers at one center including the jail.

Offered in leisure time classes are

Know Your Automobile for Men and Women

Antique Identification

Beer Can Art

Dog Obedience

Conversational Dutch

Electricity for Homeowners

Metric System

Snowmobile Repair

Wig Care and Styling

Astrology

Powder Puff Mechanics

Modern Novel

Preparing for a European Experience

Income Tax Preparation

Adult Band - pick up your old instruments and begin playing in a band

Arabic Language and Culture

Herb Craft

Women's Self Defense

Practical Consumer Finance

Small Business Management

Community Problem Solving

Geneology

Especially for Brides and Bridesmaids

Silversmithing

Philosophy for Effective Living

Greek Cooking

Polish Heritage

People Problems - How and Why?

Amateur Radio

Micro Wave Oven

History of Rock and Roll

Coping with Retirement

Bread Dough Art

Belly Dancing

T. A. Transactional Analysis

Terrariums

Weaving

Yoga<sup>9</sup>

Grand Rapids Community Schools offer classes on site in 36 different industrial plants. Included among the nationally known factories are

American Seating

Amway Corporation

Bissell

Colonial Clock

Dexter Locks

General Motors Diesel

General Motors Fisher Body

Herman Miller

Keeler Brass

Kelvinator

Lear Siegler

Oliver

Rapistan

Steel Case

and Wolverine Brass.

Industrially-based classes are always taught in two sections by the same teacher, before a shift begins and between shifts. This permits a student to transfer sections if his shift is changed. Factory-based classes include such courses as

Fundamental Shop Mechanics

Algebra, Geometry and Trigonometry for Tradesmen

Blueprint Reading

Electric Motor Controls

Fundamental Industrial Electronics

Welding - Arc and Acetylene

\*Hydraulics

In addition industrial students can enroll in ABE, high school completion, GED. This year third year college students who completed Associate Degrees in factory-site community college classes are enrolled in third year college and university factory-site classes.

Among our nation's most forgotten citizens are the aging residents of veterans' homes, handicapped victims of America's wars of the 20th century. Many of these same classes are available in the Veteran's Home. The offender's program operates a jail program for confined adults or those recently released from jail of prison. Some 250 offenders are served in six locations. A Babysitting Clinic is offered for students aged 12 to 16. Preparation for Retirement discusses "Your Second Career," "Retirement Income and Its Management," "Planning for Retirement Residence," and "Health and Medical Care in Retirement."

Some 2,000 Grand Rapids citizens are in the Golden Age Club whose membership entitles them to participation in any community school program free of charge.

Classes are held for the home-bound or hospital based for the physically impaired. This includes victims of multiple sclerosis, blindness, post polio, cerebral palsy, back injuries, kidney failure, stroke patients--for whom basic communication is taught. Persons in the hospital kidney dialysis unit attend classes twice weekly while they are on the kidney machine. Students working toward high school completion can receive co-op credit for jobs, for passing life experience and homemakers tests.

Last year 25 adult students seeking high school degrees were taught in their own homes in the Roving Teacher Program. This year there are 400 enrolled.

The Community Schools offer bus trips-- Theater and Shopping Trips to Chicago; a flower and garden show; for art lovers, the Ann Arbor May Festival with Eugene Ormondy; there are Ski Weekends and Bicycle Trips.

In addition safety classes are held in snowmobiling, boating and gun safety.

A food coop is held twice weekly and a community garden plot is plowed and cultivated in the spring and water is available on site. All the city farmer has to do is plant, weed and harvest. Finally, Michigan Blue Shield Health Insurance sponsored a new program on television called "Operation Second Chance," in a 12 week 60 program series designed to prepare the student in the five subject areas of

the GED test. Three paperback books available by mail serve as texts and monthly GED tests are scheduled at the local community college.

The following information demonstrates the tremendous growth of the Grand Rapids Community Education Department from 1971 to the 1974-75 school year.

<u>Programs</u>	<u>1972-73</u>	<u>1973-74</u>	<u>1974-75</u>
Leisure Time Students	9,581	12,219	14,000*
After School Students	3,000	4,350	5,250
Golden Age Applications	1,000	1,500	1,800
Additional Services	3,500	7,600	9,000
Total Population Serviced	24,629	36,472	42,830
% Growth	88%	48%	17%
<u>Staff</u>			
Teachers, Aides, Secretaries	375	570	779
Administrators	13	15	23

Declining/Increasing Student Enrollment, Grand Rapids, Michigan, 1972-1974

K-12 Enrollment Loss, Grand Rapids, Michigan, 1972-1974

	1972	1973	%-	1974	%-	3 Year Total
Elementary	17,706	16,621		16,071		
Secondary	14,797	14,634		14,057		
Total	32,503	31,255		30,128		2,375
Loss		1,248	4	1,127	4	
Community Education Enrollment Gain, 1972-1974						
Alternative Education	302	339	%+	481	%+	
Adult FTE*	672	1,392		2,331		
Total	974	1,731	78	2,812	38	1,685
Net Gain		483		1,685		437

Every enrollee has a different life drama. One graduate from last year, Mrs. Elizabeth Battaglia, fulfilled her life's ambition by completing three years of high school in one year. She received credit for life experience and work experience by passing tests and enrolling full time. A sixteen year old high school dropout, Mrs. Battaglia, husband, two sons and daughter were smiling proudly when she received her diploma. This year she is a freshman in community college and some of her poetry has been published by Ladies Home Journal.<sup>10</sup>

The symbol of community education in Grand Rapids is Ginny Schmitt, a pretty blonde, blue-eyed girl who serves as Community Secretary. All of the brochures, handouts and bulletins display her picture with the caption for information about Community Education, "Call Ginny" and the phone number. Her name and face appear on billboards and theater marquees. Her voice is heard on radio spots. She was featured in Community Education displays in shopping malls. She gives the information on the operation Second Chance GED television series. But Ginny and her boss knew that Ginny was a local celebrity when they drove up to the Mall before their display opened and there blazoned on all three marquee signs were three words "Ginny Is Here!"

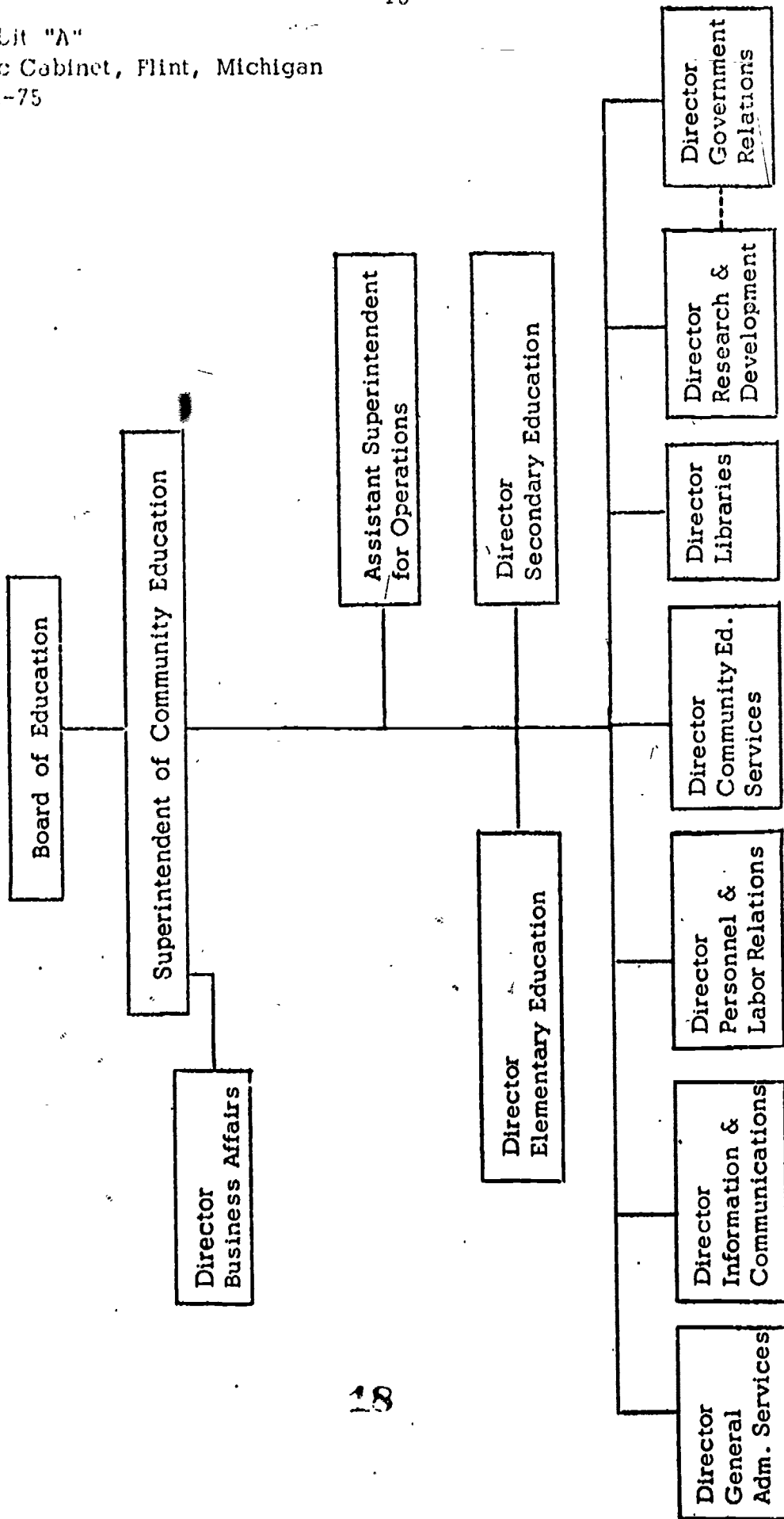
Education for adults is more than promotional stunts, belly dancing, community gardens or learning in a kidney dialysis unit. In addition to providing opportunity for individuals to keep reaching toward fulfillment of their human potential, community schools provide the base for citizens to become involved



in decision-making to improve the quality of life in their own communities. The revised organization chart for Flint, Michigan illustrates the integration of Community Education into the main line relationship with the Flint Board of Education. Every elementary principal is designated as the community leader. Every elementary community school director assists the elementary principal and reports to the Director of Elementary Education. The elementary attendance area has been identified as the geographic base for citizen participation in Community School Advisory Councils which are involved in Community Needs Assessment, Goal-setting, Priorities and Annual Program Evaluation and Review. Principals work with their Advisory Councils as the Superintendent works with the Board of Education. Each Council is represented on a Central Coordinating Council who reflect community concerns, wants and needs to the Board of Education.

The Mini-City Hall Project conceptualized by former Mayor John Lindsay in New York City, was implemented by Mayor Kevin White in 18 decentralized locations in Boston. This model has been implemented again in 20 of the 41 elementary schools in Flint with one community service representative assigned to an average of two elementary attendance areas located at one of the two designated schools, linking City Hall to the community and to the school. The

Exhibit "A"  
Basic Cabinet, Flint, Michigan  
1974-75



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city representative serves as an ombudsman for citizen complaints including all city services: garbage collection, street repairs, lights, sewers, housing code enforcement, vandalized houses, and abandoned automobiles. Water bills and city taxes can be paid there and the CSR's have been trained to provide assistance in filling out income taxes. In the first three days of this new program which began last month, one school recorded 80 citizen contacts, most of them complaints. The program is paid for by local revenue-sharing funds.

The secondary schools in Flint, Michigan, are city wide Special Community Education Program Centers because these buildings provide auditoriums, libraries, gymnasiums, special homemaking and shop facilities, science laboratories, etc. Secondary community school directors report to the Director of Secondary Education.

The problem of finances is always a critical issue. The Grand Rapids case study illustrates that the gain in fulltime equated adult students not only offsets the declining birthrate by providing adults with a second chance, but the revenue from State Aid and fees for services exceeds the budget for Community Education.

Education provides that second chance for the individual who didn't make it for any number of reasons. A poignant story was told by Diana Miller, a housewife in Lakewood, Ohio at the Lakewood Adult Graduation Ceremony.

Before I returned to school I was very shy and extremely unsure of myself. My husband and family didn't really think I had too much on the ball. The only topics I discussed with them were the children, housekeeping and the baby I wanted. All my husband discussed was his job, golf, why he did not want a fourth child, and motorcycles.

As the year progressed we learned to discuss what I was learning at school. We had many discussions on government and politics, why I wanted a fourth child, history, why he insisted on no more kids, our school system and more on motorcycles.

We became more interested, as a family in our world. We discussed likes and dislikes of our world and our society. We discussed our dreams, goals, and problems more openly.

We became happier as we realized we could change our lives, our laws, and our society. As time passed, Dad became interested in babies while Mom became interested in motorcycles.

You may say we have failed on one of our goals because we no longer have our baby.

Danae was born a courageous little girl. The first 6 months of her life were marked by illnesses. . . . Danae had open heart surgery January 23. . . . On February 2 she died. You may wonder why I chose to tell you of something so sad, but I believe in impossible dreams.

If someone had had a bigger dream, had dared to fight a seemingly unbeatable foe, Danae might still be here. . . . One man succeeded in surgery, but another failed in a wider field of anesthesiology.

Only you can decide what success really means and is. Your dream and goals are just as important as your neighbor's. You can beat the unbeatable foe. There is a special key to open just the right door for you and your personal needs. But the key you seek is in the classrooms of your schools. Once you hold the key you will be armed for a final and victorious battle.<sup>11</sup>

Declining K-12 school enrollments are a problem, yes, but they also offer the challenge to concerned, creative and energetic educators to equalize opportunities for the increasing numbers of adults in our society, adults who want to keep on learning and growing and becoming. You may have seen the poster that says "Give me a fish and I can eat for a day; Teach me to fish and I eat for a lifetime." ②

## References

1. Declining Enrollment: What To Do, Vol. II, AASA Executive Handbook Series, American Association of School Administrators, Arlington, Va., 1974, p. 8.
2. Patricia A. Graham, "Few Lessons from the Past," The New York Times, January 15, 1975, p. 87.
3. Edward B. Fische, "Education Feeling No-Growth Pains," The New York Times, January 15, 1975, p. 57.
4. Ibid., p. 88.
5. Ibid.
6. Arthur M. Lee, Learning a Living Across the Nation, Vol. III, Project Baseline, Northern Arizona University: Flagstaff, Arizona, November, 1974, pp. 16-17.
7. Bureau of the Census, U. S. Census of Population, 1970, Vol. Part B, p. 31.
8. Donald D. Fink, "The Grand Rapids Story: Extension Units Form a Consortium," Planning for Higher Education, Educational Facilities Laboratory, December, 1974, 4/6.
9. Community Education, Winter Program 1975, Grand Rapids Public Schools, pp. 4-23.
10. "The Graduate: You Can," The Community Educator, Grand Rapids Public Schools: Grand Rapids, Michigan, November, 1974, p. 1.
11. Diana Miller, "Dare to Have a Bigger Dream," Community Education Journal, November-December 1974, p. 51.

Appendix A

Grand Rapids Community Schools Budget, 1972-1974

<u>Account</u>	<u>1972-73</u>	<u>1973-74</u>	<u>1974-75</u>
<u>Revenue</u>			
State Aid	\$ 900,000	\$1,949,000	\$5,013,000
Miscellaneous	100,000	350,000	800,000
<b>Total</b>	<b>\$1,000,000</b>	<b>\$2,299,000</b>	<b>\$5,813,000</b>
<u>Budget</u>			
Directors' Salaries	\$ 136,000	\$ 145,000	\$ 228,000
Teachers' Salaries	233,000	595,000	1,186,000
Security Salaries		24,000	29,000
Secretarial Salaries	12,000	29,000	70,000
<b>Total Salaries</b>	<b>\$ 381,000</b>	<b>\$ 793,000</b>	<b>\$1,513,000</b>
Contracted Services	\$ 46,500	\$ 56,000	\$ 190,000
Textbooks	3,500	15,500	40,000
Instructional Materials	7,000	13,200	25,000
Instructional Supplies		4,000	1,200
Office Supplies	5,850	4,000	5,500
Miscellaneous Supplies	2,750	1,250	600
Mileage Reimbursement	3,950	4,250	7,500
Conference and Convention	1,000	1,200	2,800
Rental Expenses	2,200	11,250	14,000
Matching Contribution		156,332	295,000
Miscellaneous Expenses	18,750	20,000	55,000
In-Service Community Schools	-0-	6,000	10,000
Data Processing		-0-	10,000
<b>Total Other Expenses</b>	<b>\$ 91,500</b>	<b>\$ 292,982</b>	<b>\$ 656,600</b>
<b>Total Community Schools</b>	<b>\$ 472,500</b>	<b>\$1,085,982</b>	<b>\$2,169,600</b>
<u>Other Community Services</u>			
Appropriations	\$ 196,100	\$ 240,000	\$ 292,000
<b>Total Community Schools and Services</b>	<b>\$ 668,600</b>	<b>\$1,325,982</b>	<b>\$2,461,600</b>

Appendix B

Leisure Time Classes,  
Grand Rapids Community Education  
1974-75

Know Your Automobile for Men and Women  
Antique Identification  
Beer Can Art  
Dog Obedience  
Conversational Dutch  
Electricity for Homeowners  
Metric System  
Snowmobile Repair  
Wig Care and Styling  
Astrology  
Powder Puff Mechanics  
Modern Novel  
Preparing for a European Experience  
Income Tax Preparation  
Adult Band - pick up your old instruments and begin playing in a band  
Arabic Language and Culture  
Herb Craft  
Women's Self Defense  
Practical Consumer Finance  
Small Business Management  
Community Problem Solving (which takes place at Our Lady of Sorrow Hall)  
Genealogy  
Especially for Brides and Bridesmaids  
Silversmithing  
Philosophy for Effective Living  
Greek Cooking  
Polish Heritage  
People Problems - How and Why?  
Amateur Radio  
Micro Wave Oven  
History of Rock and Roll  
Coping with Retirement  
Bread Dough Art  
Belly Dancing  
T. A. Transactional Analysis  
Terrariums  
Weaving  
Yoga



## Appendix C

### Industrial Based Classes Grand Rapids Community Education 1974-75

American Seating Co.  
Amway Corp.  
Applied Arts  
Bissell, Inc.  
Butternut Bread Co.  
Canfield  
Carbonneau  
Colonial Clock  
Dependable Engineering Foundry  
Dexter Lock Corp.  
Doehler-Jarvis  
Evans  
General Motors Diesel  
General Motors Fisher Body #1  
General Motors Fisher Body #2  
Goodwill Industries  
Grand Rapids Die Casting  
Herman Miller  
Herrud & Co.  
John Batts  
Johnson Furniture Co.  
Keeler Brass Co. - Godfrey  
Keeler Brass Co. - Kentwood  
Kelvinator Inc.  
Knap & Vogt Co.  
Lear Siegler Inc.  
Marine Reserve  
Naval Reserve  
Oliver Co.  
Rapistan Corp.  
Reynolds Co.  
Rospatch  
Rowe International Inc.  
Sparta Co.  
Steelcase Inc.  
Wolverine Brass Wks.