

## Public Law 91-230

## AN ACT

April 13, 1970  
[H. R. 514]

To extend programs of assistance for elementary and secondary education, and for other purposes.

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

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF  
FEDERAL LAW

SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

(d) It is the sense of the Congress that the Department of Justice and the Department of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

Elementary and  
secondary educa-  
tion assistance  
programs, exten-  
sion.

78 Stat. 252.  
42 USC 2000d.  
80 Stat. 1209;  
81 Stat. 787.  
42 USC 2000d-5.

Uniformity.

Compliance.

Additional  
funds.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND  
SECONDARY EDUCATION ACT OF 1965

PART A—AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SEC-  
ONDARY EDUCATION ACT OF 1965 (EDUCATION OF DISADVANTAGED  
CHILDREN)

EXTENSION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION  
ACT OF 1965

SEC. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(b) The third sentence of section 103(a)(1)(A) of such title I is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972."

(c) Section 121(d) of such title I is amended by striking out "each" where it appears after "\$50,000,000" and by striking out "the succeeding fiscal year" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1973".

79 Stat. 27;  
81 Stat. 813.  
20 USC 241b.  
81 Stat. 783.  
20 USC 241c.

81 Stat. 786,  
787.  
20 USC 241b-1.

STUDY OF ALLOCATION OF FUNDS

SEC. 102. (a) The Commissioner of Education shall make a study of the allocation of sums appropriated for the purposes of title I of

79 Stat. 27;  
81 Stat. 787.  
20 USC 241a  
note.

80 Stat. 1194;  
81 Stat. 785, 787.  
20 USC 241c.

Report to Con-  
gress.

79 Stat. 28.

79 Stat. 28;  
81 Stat. 784.

80 Stat. 1193.

79 Stat. 29.

79 Stat. 28;  
81 Stat. 787.

Effective date.

the Elementary and Secondary Education Act of 1965 and of the effectiveness of the various provisions of such title in making funds available to State and local educational agencies in order to meet the purposes of such title I. Such study shall make special reference to the distribution of funds to local educational agencies within counties, the means by which such funds may be concentrated in school attendance areas with the highest concentrations of children from low-income families, the appropriateness of the Federal percentage and the low-income factor provided for in subsection (c) of section 103 of such title I when considered in the light of the extra cost of providing compensatory education for educationally deprived children (including the means of providing services authorized by such title to such children residing in rural areas), and the use of special incentive grants to increase State and local effort for education.

(b) Not later than March 31, 1972, the Commissioner shall submit to the Congress a report on the study required by subsection (a), together with such recommendations as he may deem appropriate with respect to modification of programs under title I of the Elementary and Secondary Education Act of 1965. Notwithstanding the first sentence of section 103(d) of such title I, the Commissioner shall not use data for the purposes of section 103 of such title I from the 1970 census of the United States prior to July 1, 1972.

#### DESIGNATION OF RESPONSIBILITY FOR PROVISION OF SPECIAL EDUCATIONAL SERVICES FOR INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

SEC. 103. (a) Paragraph (2) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation."

(b) Section 103(d) of such Act is amended by adding at the end thereof the following new sentence: "For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children."

#### INCLUSION OF PUERTO RICO AND OTHER OUTLYING AREAS WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 104. (a) Paragraph (4) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "paragraph (5)" and inserting in lieu thereof "paragraphs (5) and (7)".

(b) The amendment made by this section shall be effective after June 30, 1970.

AMENDMENTS WITH RESPECT TO HANDICAPPED AND NEGLECTED OR  
DELINQUENT CHILDREN

SEC. 105. (a) Paragraph (5) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

“(5) In the case of a 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), the maximum grant which that agency shall be eligible to receive under this part for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in the State or, if greater, in the United States, multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by the State agency, including schools providing special education for handicapped children under contract or other arrangement with such State agency, in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this part only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children.”

(b) Paragraph (7) of section 103(a) of such title I is amended by inserting after “supported by that State agency” the following: “, including schools providing education for such children under contract or other arrangement with such agency.”

(c) The amendments made by this section shall be effective after June 30, 1970.

79 Stat. 1161;  
81 Stat. 787.  
20 USC 241c.

80 Stat. 1194.

Effective date.

REQUIRING GRANTS FOR MIGRATORY CHILDREN TO BE BASED ON THE  
NUMBER TO BE SERVED

SEC. 106. (a) The first sentence of paragraph (6) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is, effective with the first allocation of funds pursuant to such title by the Commissioner after the date of enactment of this Act, amended to read as follows: “A State educational agency which has submitted and had approved an application under section 105(c) for any fiscal year shall be entitled to receive a grant for that year under this part, based on the number of migratory children of migratory agriculture workers to be served, for establishing or improving programs for such children.”

(b) The second sentence thereof is amended by striking “shall be” the first time it appears and inserting in lieu thereof “may be made”; and by inserting immediately before the period in such second sentence the following: “, except that if, in the case of any State, such amount exceeds the amount required under the preceding sentence and under section 105(c) (2), the Commissioner shall allocate such excess, to the extent necessary, to other States whose maximum total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States”.

80 Stat. 1192.

80 Stat. 1192.  
20 USC 241e.

USE OF MOST RECENT DATA UNDER TITLE I

SEC. 107. (a) The third sentence of section 103(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting immediately before the period at the end thereof the following: “or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary’s determina-

80 Stat. 1195;  
81 Stat. 784.

tion is made, then on the basis of the most recent reliable data available to him at the time of such determination”.

81 Stat. 784.  
20 USC 241c.

(b) Section 103(e) of such title is amended by inserting the following after “during the second fiscal year preceding the fiscal year for which the computation is made”: “(or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available)”.

SALARY BONUSES FOR TEACHERS IN SCHOOLS WITH HIGH CONCENTRATIONS  
OF EDUCATIONALLY DEPRIVED CHILDREN

79 Stat. 30;  
80 Stat. 1196.  
20 USC 241e.

SEC. 108. Paragraph (1) of Section 105(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting “payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this section,” after “including the acquisition of equipment,”.

PROHIBITION AGAINST SUPPLANTING STATE AND LOCAL FUNDS WITH  
FEDERAL FUNDS

SEC. 109. (a) Paragraph (3) of section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

“(3) that (A) the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property, (B) Federal funds made available under this title will be so used (i) 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 from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this title: *Provided*, That any finding of noncompliance with this clause shall not affect the payment of funds to any local educational agency until the fiscal year beginning July 1, 1972, and *Provided further*, That each local educational agency receiving funds under this title shall report on or before July 1, 1971, and on or before July 1 of each year thereafter with respect to its compliance with this clause;”.

Effective date.

(b) The amendment made by subsection (a) shall be effective with respect to all applications submitted to State educational agencies after thirty days after the date of enactment of this Act. Nothing in this section shall be construed to authorize the supplanting of State and local funds with Federal funds prior to the effective date of the amendment made by this section.

APPLICATIONS TO BE MADE AVAILABLE TO PUBLIC

79 Stat. 30;  
81 Stat. 784.

SEC. 110. Section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively, and by inserting after paragraph (7) the following new paragraph:

“(8) that the local educational agency is making the application and all pertinent documents related thereto available to parents and other members of the general public and that all evaluations and reports required under paragraph (7) shall be public information;”.

#### AMENDMENTS WITH RESPECT TO APPLICATIONS AND ASSURANCES

SEC. 111. (a) The parenthetical phrase in clause (A) of section 106(a)(3) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting “and of research and replication studies” immediately before the closing parenthesis.

(b) Section 105(a)(7) of such title is amended by inserting “(which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives)” after “such information”.

79 Stat. 31;  
81 Stat. 787.  
20 USC 241f.  
79 Stat. 31;  
80 Stat. 1196.  
20 USC 241e.

#### NATIONAL ADVISORY COUNCIL

SEC. 112. Section 134 of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

79 Stat. 34.  
20 USC 241L

#### “NATIONAL ADVISORY COUNCIL

“SEC. 134. (a) There shall be a National Advisory Council on the Education of Disadvantaged Children (hereinafter in this section referred to as the ‘National Council’) consisting of fifteen members appointed by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, for terms of three years, except that (1) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (2) appointments to fill vacancies shall be only for such terms as remain unexpired. The National Council shall meet at the call of the Chairman.

80 Stat. 378.  
5 USC 101 et  
seq.

“(b) The National Council shall review and evaluate the administration and operation of this title, including its effectiveness in improving the educational attainment of educationally deprived children, including the effectiveness of programs to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operation. These recommendations shall take into consideration experience gained under this and other Federal educational programs for disadvantaged children and, to the extent appropriate, experience gained under other public and private educational programs for disadvantaged children.

Review and  
evaluation.

“(c) The National Council shall make such reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate and shall make an annual report to the President and the Congress not later than March 31 of each calendar year. Such annual report shall include a report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.”

Annual report  
to President and  
Congress.

INCREASE IN LOW-INCOME FACTOR AND SPECIAL GRANTS FOR URBAN AND  
RURAL SCHOOLS SERVING ATTENDANCE AREAS WITH THE HIGHEST CON-  
CENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

SEC. 113. (a) The second sentence of subsection (c) of section 103 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out all after "1968," and inserting in lieu thereof the following: "and for the four succeeding fiscal years they shall be 50 per centum and \$3,000, respectively, and for the fiscal year ending June 30, 1973 they shall be 50 per centum and \$4,000, respectively."

(b) (1) Title I of such Act is further amended by striking out "PART A—BASIC GRANTS" where it appears before section 101 and inserting "PART A—BASIC GRANTS" before section 103.

(2) Section 101 of such title I is amended by striking out "this part" and inserting in lieu thereof "the following parts of this title".

(3) Sections 102, 105, 106, 107, and 108 of such title I are each amended by striking out "this part" and inserting in lieu thereof "this title".

(4) Sections 105, 106, 107, 108, 131, 132, 133, 134, 135, and 136 of such title I, and all references thereto, are redesignated as sections 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, respectively.

(5) Such title I is further amended by striking out the heading of part C and by inserting before the caption heading of section 141 the following:

"PART D—GENERAL PROVISIONS".

(6) Such title I is further amended by striking out all of part B thereof and inserting after section 103 the following:

"PART B—SPECIAL INCENTIVE GRANTS

"MAXIMUM ENTITLEMENT

"SEC. 121. (a) In the case of any fiscal year ending after June 30, 1969, each State shall be entitled to a special incentive grant if such State has an effort index for the second preceding fiscal year that exceeds the national effort index for such year.

(b) The maximum amount of a special incentive grant for which a State is eligible for any fiscal year shall be determined by multiplying the amount of \$1 for each 0.01 per centum by which the effort index of that State for the second preceding fiscal year exceeds the national effort index for such year times the aggregate number of children counted for the purposes of entitled local educational agencies within such State to basic grants in accordance with clauses (2), (5), (6), and (7) of section 103(a), except that no State shall be eligible to receive a special incentive grant under this part in an amount in excess of 15 per centum of the total amount available for grants under this part.

"APPLICATION; USE OF FUNDS

"SEC. 122. Any State desiring the special incentive grant to which it is entitled under this part for any fiscal year shall make application therefor, in accordance with the requirements set forth in section 142, to the Commissioner. Such application shall be submitted at such time and contain such information as the Commissioner shall require by regulation and shall contain a statement of such policies and procedures as will insure that funds granted to the State under this part will be (1) made available to local educational agencies within that State which have the greatest need for assistance under this title, and (2) used, in accordance with the applicable provisions of this title, for

80 Stat. 1194;  
81 Stat. 785.  
20 USC 241c.

79 Stat. 27;  
81 Stat. 786.  
20 USC 241a,  
241c.

20 USC 241e-  
241m, 241a note.

81 Stat. 786.  
20 USC 241h-1.

20 USC 241c.

programs and projects designed to meet the special educational needs of educationally deprived children.

#### “DEFINITIONS

“SEC. 123. For the purpose of this part the term ‘effort index’ when applied to States, means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in such State, and the term ‘national effort index’ means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States; and the term ‘State’ means the fifty States and the District of Columbia.

“Effort index.”

“National effort index.”

“State.”

#### “PART C—SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING AREAS WITH THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

##### “ELIGIBILITY AND MAXIMUM AMOUNT OF GRANT

“SEC. 131. (a) (1) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) shall be entitled to an additional grant under this paragraph for any fiscal year if—

79 Stat. 28;  
81 Stat. 787.  
20 USC 241c.

“(A) the total number of children described in clause (A), (B), or (C) of section 103(a) (2) in the school district of such agency for such year amounts to at least 20 per centum of the total number of children, aged five to seventeen inclusive, in the school district of such agency for such year; or

“(B) the total number of children described in clause (A), (B), or (C) of section 103(a) (2) in the school district is at least 5,000 and amounts to at least 5 per centum of the total number of children, aged five to seventeen, inclusive, in such school district.

79 Stat. 28;  
80 Stat. 1193;  
81 Stat. 787.

“(2) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) and which (A) is not eligible for a grant under paragraph (1) of this subsection, but (B) would be eligible for a grant under such paragraph (1) if there were in the school district of such agency a relatively small increase in the number of children, aged five to seventeen, inclusive, described in clause (A), (B), or (C) of section 103(a) (2) shall be entitled to a grant under this paragraph (2) if the State educational agency of the State in which such agency is located determines (in accordance with criteria established by regulation of the Commissioner) that such agency has an urgent need for financial assistance to meet the special educational needs of the educationally deprived children in the school district of such agency.

“(b) (1) The maximum amount of any grant to any local educational agency under paragraph (1) of subsection (a) shall be—

“(A) for the fiscal year ending June 30, 1970, 30 per centum of the amount that such agency is eligible to receive for such fiscal year under paragraph (2) of section 103(a); and

“(B) for any succeeding fiscal year, 40 per centum of the amount that such agency is eligible to receive for each such succeeding fiscal year.

The aggregate of the amounts for which all local educational agencies are eligible under this paragraph for any fiscal year shall not exceed the amount determined in the following manner:

“(i) compute the total amount for which all State and local educational agencies are eligible under this title for that fiscal year;

“(ii) subtract from such total, a sum equal to the figure set forth in paragraph (3) of section 144; and

81 Stat. 785;  
Ante, p. 126.  
20 USC 241h.

“(iii) if that portion of such total which is attributable to amounts for which local educational agencies are eligible under this paragraph constitutes more than 15 per centum of the remainder of such total, reduce such portion until it constitutes 15 per centum of such remainder, through ratable reductions of the maximum grants for which local educational agencies are eligible under this paragraph.

“(2) The maximum amount of any grant to any local educational agency under paragraph (2) of subsection (a) shall not exceed the maximum amount to which it would have been entitled if it had been eligible under paragraph (1) of such subsection. The maximum amount which shall be available to the Commissioner for grants under such paragraph (2) of subsection (a) shall be, for the fiscal year ending June 30, 1970, equal to 3 per centum of the total amount available for grants for such fiscal year under paragraph (1) of subsection (a) and, for any succeeding fiscal year, such amount shall be equal to 5 per centum of the total amount available for grants for that year under such paragraph (1).

“State.”

“(c) For the purposes of this section the term ‘State’ means the fifty States and the District of Columbia.

“(d) (1) In making determinations under this section the Commissioner is authorized, in accordance with regulations prescribed by him, to use the most recent satisfactory data made available to him by the appropriate State educational agency. If satisfactory data for determining the number of children described in clause (A), (B) or (C) of section 103(a) (2) in a school district for the purpose of subsection (a) are not otherwise available to the Commissioner, such determination may be made on the basis of data furnished to him by a State educational agency with respect to the amount of the maximum grant under part A of this title allocated by such State agency to the local educational agency for such district in the State for the purpose of the second sentence of section 103(a) (2), for the fiscal year preceding the fiscal year for which such determination is made.

“(2) Determinations under this section may be made on the basis of data furnished in accordance with section 103(d).

79 Stat. 28;  
80 Stat. 1193;  
81 Stat. 787.  
20 USC 241c.

*Ante*, p. 122.

#### “USES OF FUNDS

“SEC. 132. (a) Funds available for grants under this part shall be used solely for programs and projects designed to meet the special educational needs of educationally deprived children in preschool programs and in elementary schools serving areas with the highest concentrations of children from low-income families, except that such funds may be used for programs and projects for such children in secondary schools serving areas with the highest concentrations of children from low-income families if the local educational agency and its State educational agency determine (in accordance with criteria established by regulation of the Commissioner) that—

“(A) there is an urgent need for such programs and projects for such children in secondary schools in the area to be served by the local educational agency; and

“(B) there is satisfactory assurance that such programs and projects will be at least as effective in achieving the purposes of this title as the use of such funds for programs and projects for such children in elementary schools in such area.

“(b) In addition to meeting the requirements and conditions set forth in part D, applications for grants under this part shall meet such other requirements and conditions, consistent with the purposes of this title, as the Commissioner shall establish by regulation.”

(7) Section 141(a) of such title is amended by striking out “and”

*Ante*, p. 126.  
20 USC 241e.

at the end of paragraph (10), and by striking out the period at the end of paragraph (11) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

“(12) in the case of funds received under part C of this title, the local educational agency sets forth such procedures and policies and provides such assurances as the Commissioner may require by regulation for the uses of funds available under such part C to carry out the purposes of this title, and, for any fiscal year ending after June 30, 1970, sets forth a comprehensive plan for meeting the special educational needs of children to be served under such part C including provisions for effective use of all funds available under this title and provisions setting forth specific objectives of such plan and the criteria and procedures, including objective measurements of educational achievement, that will be used to evaluate at least annually the extent to which the objectives of the plan have been met.”

*Ante*, p. 127.

(8) Section 143 of such title I is amended—

*Ante*, p. 126.

(A) by inserting before the period at the end of paragraph (2) of subsection (a) thereof “or section 131”, and

(B) by striking out “sections 103 and 144” where it appears in clause (1) of subsection (b) and inserting in lieu thereof “sections 103, 131, and 144”.

(9) Section 146 of such title I is amended by striking out “, 106(b), or 121(b)” and inserting in lieu thereof “or 142(b)”.

*Ante*, p. 126.

(10) Section 147 of such title I is amended by striking out “, 103(b) or 121(b)” and inserting in lieu thereof “or 142(b)”.

20 USC 241k.

(c) Section 144 of such title is amended (A) by striking out “paragraphs (1) and (2)” in paragraph (3) and inserting in lieu thereof “paragraphs (1), (2), and (3)”, (B) by redesignating such paragraph (3) as paragraph (4), and (C) by inserting before such paragraph (4) the following new paragraph:

81 Stat. 785;  
*Ante*, p. 126.  
20 USC 241h.

“(3) that part of such sums for any fiscal year which is in excess of \$1,396,975,000 shall be allocated on the basis of computations in accordance with remaining entitlements under section 103(a)(2), and entitlements under sections 121 and 131, as ratably reduced, but in no case shall allocations on the basis of computations in accordance with section 131 exceed 15 per centum of such excess; and”.

*Ante*, pp. 126,  
127.

(d) Effective for fiscal years ending after June 30, 1972, such section 144 is further amended—

(1) by inserting after the first sentence the following new sentence: “For the purposes of parts B and C of this title, in determining entitlements under such parts, the number of children described in section 103(a) shall be ascertained by using a low-income factor of (i) \$2,000 when allocations are made under clause (A) of paragraph (2) in the first sentence of this section, (ii) \$3,000 when allocations are made under clause (B) of such paragraph, and (iii) \$4,000 when allocations are made under clause (C) of such paragraph.”; and

(2) by striking out clause (B) of paragraph (2) and inserting in lieu thereof the following:

“(B) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of \$3,000, any amount remaining after allocations are computed pursuant to clause (A) shall be allocated by using a low-income factor of \$3,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A); and

“(C) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of

\$4,000, any amount remaining after allocations are computed pursuant to clauses (A) and (B) shall be allocated by using a low-income factor of \$4,000 with respect to children described in section 103(a) (2) who are not counted for purposes of clause (A) or (B); and

“(D) the aggregate amount available for grants to local educational agencies within each State shall be not less than the aggregate amount allocated to local educational agencies within such State for the fiscal year ending June 30, 1967, until the total sums available from appropriations for that fiscal year exceed \$1,500,000,000 for Part A of title I; and”.

(e) Except as otherwise provided, the amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1969.

Ante, p. 126.  
Effective date.

#### TECHNICAL AMENDMENT

SEC. 114. Section 107(b) (2) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out “Wake Island.”

79 Stat. 1162.  
20 USC 241g.

#### PART B—AMENDMENTS TO TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (LIBRARY RESOURCES, TEXTBOOKS, AND OTHER PRINTED AND PUBLISHED MATERIALS)

##### EXTENSION OF TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 121. (a) Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out “and” where it appears after “1969,” and by striking out “the fiscal year ending June 30, 1970” and inserting in lieu thereof “each of the fiscal years ending June 30, 1970, and June 30, 1971, \$210,000,000 for the fiscal year ending June 30, 1972, and \$220,000,000 for the fiscal year ending June 30, 1973”.

80 Stat. 1199;  
81 Stat. 813.  
20 USC 821.

(b) The third sentence of section 202(a) (1) of such Act is amended by striking out “the fiscal year ending June 30, 1969,” and inserting in lieu thereof “each of the succeeding fiscal years ending prior to July 1, 1972.”

80 Stat. 1199;  
81 Stat. 788.  
20 USC 822.

(c) Section 204(b) of such Act is amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1973”.

79 Stat. 38.  
20 USC 824.

#### PART C—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SUPPLEMENTARY EDUCATIONAL SERVICES AND CENTERS)

##### CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

SEC. 131. (a) (1) Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

79 Stat. 39;  
81 Stat. 788.  
20 USC 841-848.

#### “TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

##### “APPROPRIATIONS AUTHORIZED

“SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary ele-

mentary and secondary school educational programs to serve as models for regular school programs, and to assist the States in establishing and maintaining programs of testing and guidance and counseling.

“(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of \$550,000,000 for the fiscal year ending June 30, 1971, \$575,000,000 for the fiscal year ending June 30, 1972, and \$605,000,000 for the fiscal year ending June 30, 1973. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

Appropriation.

#### “ALLOTMENT AMONG STATES

“SEC. 302. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1972, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

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

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

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

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

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

“(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallocated or used for grants pursuant to section 306 in other States. Funds available for reallocation may be reallocated from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted

“State.”

among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

Availability  
of funds.

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

#### “USES OF FEDERAL FUNDS”

“SEC. 303. (a) 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.

72 Stat. 1592;  
78 Stat. 1106;  
82 Stat. 1057.  
20 USC 481-  
485.  
Grants.

“(b) Funds appropriated pursuant to section 301 shall be available only for grants in accordance with applications approved pursuant to this title for—

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

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

79 Stat. 49;  
80 Stat. 1203.  
20 USC 863.

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

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

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

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

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

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

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

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

"(H) encouraging community involvement in educational programs;

"(I) providing programs for gifted and talented children; and

"(J) other specially designed educational programs or projects which meet the purposes of this title; and

"(4) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

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

Additional use  
of funds.

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

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

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

#### "APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

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

"Cultural and  
educational  
resources."

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 set forth in section 303(b) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

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

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

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

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

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

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

Annual reports.

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

Records.

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

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

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

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

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

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

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

#### "STATE PLANS

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

Establishment  
of State advisory  
councils.

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

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

"(i) elementary and secondary schools,

"(ii) institutions of higher education, and

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

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

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

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

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

Report.

"(3) Not less than ninety days prior to the beginning of any fiscal year in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State advisory council to the Commissioner.

"(4) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such council, except that such council shall have not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of this title.

"(5) State advisory councils shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title

Professional  
and technical  
personnel.

and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

Approval of  
plan, conditions.

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

“(1) (A) except in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such programs or project) that are fully equivalent to those otherwise required of a local educational agency;

“(B) in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth—

“(i) 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

“(ii) 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 advise 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 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 elementary and secondary schools, junior colleges, and technical institutes in such State;

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

Equitable  
assistance  
within States,  
criteria.

“(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

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

Preschool and  
bilingual educa-  
tional needs.

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

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

Annual program  
evaluation.

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

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

Handicapped  
children.

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

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

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

Annual reports.

"(12) provides that final action with respect to any application (or amendment thereof) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

Hearing  
opportunity.

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

Records.

“(c) The Commissioner may, if he finds that a State plan for any fiscal year ending prior to July 1, 1973, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

“(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan, an amount not in excess of 85 per centum of its allotment pursuant to section 302.

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

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

“(3) (A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

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

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

“(f) (1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application of such local agency for a grant pursuant to this

Plan modification to effect compliance.

Hearing opportunity.

Noncompliance. Cessation of payments.

Filing of review petition.

72 Stat. 941;  
80 Stat. 1323.

62 Stat. 928.

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

72 Stat. 941;  
80 Stat. 1323.

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

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

62 Stat. 928.

#### “SPECIAL PROGRAMS AND PROJECTS

“SEC. 306. (a) From the amount allotted to any State pursuant to section 302 which is not available to that State under a State plan approved pursuant to section 305, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approved, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

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

#### “PAYMENTS

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

“(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(c), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or, \$150,000 (\$50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan for any fiscal year shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year or \$100,000 (\$35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

Methods of  
payment.

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

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

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

"(f) (1) In any State which has a State plan approved under section 305 (c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

"RECOVERY OF PAYMENTS

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

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

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 309. (a) The President shall appoint a National Advisory Council on Supplementary Centers and Services which shall—

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

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

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

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

“(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of 3 years except that (1) in the case of the initial members, four shall be appointed for terms of 1 year each and four shall be appointed for terms of 2 years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

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

(b) In the case of any fiscal year ending prior to July 1, 1973, each State submitting a State plan under title III of the Elementary and Secondary Education Act of 1965 shall assure the Commissioner of Education that it will expend for the purpose described in paragraph (4) of section 303(b) of such title III an amount at least equal to 50 per centum of the amount expended by that State for the purposes of title V-A of the National Defense Education Act of 1958 from funds appropriated pursuant to such title V-A for the fiscal year ending June 30, 1970.

(c) Any appropriation for the purposes of title V of the National Defense Education Act of 1958 for any fiscal year ending after June 30, 1970, shall be deemed to have been appropriated pursuant to section 301 of the Elementary and Secondary Education Act of 1965.

(d) The amendment made by this section shall be effective with respect to fiscal years ending after June 30, 1970.

#### PART D—AMENDMENTS TO TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (STRENGTHENING STATE DEPARTMENTS OF EDUCATION)

##### EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 141. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out “and” where it appears after “1969,” and by striking out all that follows “1968” and inserting in lieu thereof the following: “\$80,000,000 each for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, \$85,000,000 for the

Reports to  
Congress and  
President.

Members.  
Appointment by  
President.

Tenure.

Report to  
President and  
Congress.

Ante, p. 130.

72 Stat. 1592;  
78 Stat. 1106;  
82 Stat. 1057.  
20 USC 481-  
485.

Effective date.

80 Stat. 1203;  
81 Stat. 799.  
20 USC 861.

fiscal year ending June 30, 1972, and \$90,000,000 for the fiscal year ending June 30, 1973”.

#### PROVISION RELATING TO GIFTED AND TALENTED CHILDREN

SEC. 142. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after “handicapped” a comma and the following: “and gifted and talented children”.

(b) The amendment made by this section shall be effective upon enactment of this Act.

#### STRENGTHENING LEADERSHIP AND QUALITY IN EDUCATION; IMPROVING PLANNING AND EVALUATION OF EDUCATION PROGRAMS

SEC. 143. (a) (1) The heading of title V of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

#### “TITLE V—STRENGTHENING STATE AND LOCAL EDUCATIONAL AGENCIES”.

(2) Such title V is amended by inserting before section 501 thereof the following heading:

#### “PART A—GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION”.

(3) Section 507 of such title V, and all references thereto, is redesignated as section 553 of such title and is amended, in subsection (a), by striking out “but it does not include a local educational agency” and inserting in lieu thereof “including local educational agencies”.

(4) Such title V is amended—

(A) by striking out sections 506, 508, 509, and 510;

(B) in sections 501, 502, 503, 504, and 505, by striking out “this title” wherever it appears therein and inserting in lieu thereof “this part”;

(C) in section 503, by inserting “and” at the end of clause (11), by striking out the semicolon at the end of clause (12) and inserting in lieu thereof a period, and by striking out clauses (13) and (14); and

(D) by inserting after section 505 the following:

#### “PART B—LOCAL EDUCATIONAL AGENCIES

#### “APPROPRIATIONS AUTHORIZED

“SEC. 521. (a) The Commissioner shall carry out a program for making grants to stimulate and assist local educational agencies in strengthening the leadership resources of their districts, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of their districts.

(b) For the purpose of making grants under this part, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, \$30,000,000 for the fiscal year ending June 30, 1972, and \$40,000,000 for the fiscal year ending June 30, 1973.

## "APPORTIONMENT AMONG STATES

"SEC. 522. (a) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such sums, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder of such sums shall be apportioned by the Commissioner as follows:

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the number of public school pupils in the State bears to the number of public school pupils in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him. For purposes of this paragraph, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State."

"(b) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 521 for any fiscal year shall be deemed part of the amount apportioned to it under subsection (a) for that year.

## "GRANTS FROM APPORTIONED FUNDS

"SEC. 523. From the amount apportioned to any State for any fiscal year under section 522 the Commissioner may, upon approval of an application in accordance with section 524 submitted to him by a local educational agency of such State, after approval by the State educational agency in accordance with section 525, make a grant or grants to such local educational agency equal to the expenditures incurred by such agency for the planning of, and for programs for, the development, improvement, or expansion of activities promoting the purposes set forth in section 521(a) and more particularly described in such application and for which such application is approved, such as—

"(1) educational planning on a district basis, including the identification of educational problems, issues, and needs in the district and the evaluation on a periodic or continuing basis of educational programs in the district;

"(2) providing support or services for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieving, and reporting of educational data including the use of automated data systems;

"(3) programs for conducting, sponsoring, or cooperating in educational research and demonstration programs and projects such as (A) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating cur-

riculum research findings, (B) discovering and testing new educational ideas (including new uses of printed and audiovisual media) and more effective educational practices, and putting into use those which show promise of success, and (C) studying ways to improve the legal and organizational structure for education, and the management and administration of education in the district of such agency;

“(4) programs to improve the quality of teacher preparation, including student-teaching arrangements, in cooperation with institutions of higher education and State educational agencies;

“(5) programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as instructional assistants and teacher aides) in elementary and secondary schools on a permanent basis;

“(6) providing such agencies and the schools of such agencies with consultative and technical assistance and services relating to academic subjects and to particular aspects of education such as the education of the handicapped, the gifted and talented, and the disadvantaged, vocational education, school building design and utilization, school social work, the utilization of modern instructional materials and equipment, transportation, educational administrative procedures, and school health, physical education, and recreation;

“(7) training programs for the officials of such agencies; and

“(8) carrying out any such activities or programs, where appropriate, in cooperation with other local educational agencies.

#### “APPROVAL OF APPLICATIONS BY THE COMMISSIONER

“SEC. 524. (a) An application for a grant under this part for each fiscal year shall set forth a plan under which Federal funds received by the applicant under this part for that fiscal year will be used solely for a program of activities specifically designed to strengthen the leadership resources of the applicant and to establish and improve programs to identify and meet the educational needs of the persons served by the applicant.

“(b) The Commissioner may approve an application under this part only if the application for that year—

“(1) contains or is supported by adequate assurance that Federal funds made available under the approved application will be so used as to supplement, and to the extent practical, increase the amounts of State and local funds that would in the absence of such Federal funds be made available for projects and activities which meet the requirements of section 523;

“(2) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part; and

“(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, 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.

Reports.

Records.

#### “APPROVAL OF APPLICATIONS BY STATE EDUCATIONAL AGENCIES

“SEC. 525. In approving applications for the purposes of this part a State educational agency shall—

“(1) approve only such applications for proposed projects, programs, or activities as will—

“(A) make a significant contribution to strengthening the leadership resources of the applicant or its ability to participate effectively in meeting the educational needs of its district, and

“(B) involve an expenditure of at least \$2,500, and

“(2) provide for an equitable distribution on the basis of need of funds provided pursuant to this part, and, to the extent possible within such a distribution, give priority to exemplary projects, programs, or activities.

#### “PART C—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

##### “AUTHORIZATION

“SEC. 531. (a) The Commissioner is authorized to make comprehensive planning and evaluation grants to State and local educational agencies in order to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

“(b) For the purpose of carrying out the provisions of this part, there are hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973.

Appropriation.

“(c) (1) (A) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such per centum, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder shall be apportioned by the Commissioner as follows:

“(i) He shall apportion 40 per centum of such remainder among the States in equal amounts.

“(ii) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the population of the State bears to the population of all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

“(B) For purposes of this paragraph (1), the term ‘State’ does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

“State.”

“(2) The amount apportioned to any State under paragraph (1) of this subsection for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under such paragraph for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the State and local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this paragraph from funds appropriated pursuant to this section for any fiscal year shall be deemed part of the amount apportioned to it under paragraph (1) for that year.

“(3) Grants for any fiscal year to a State agency and any local educational agency in such State pursuant to this part shall be made from such State's apportionment for such year pursuant to this subsection.

“COMPREHENSIVE PLANNING AND EVALUATION GRANTS: ELIGIBLE AGENCIES

“SEC. 532. (a) Any State desiring to receive a grant under this part for any fiscal year shall designate or establish within its State educational agency a single office or unit (hereafter in this part referred to as the State planning and evaluation agency) as the sole agency for administering a comprehensive program of systematic planning and evaluation of elementary and secondary education in the State. The State planning and evaluation agency shall have the primary responsibility for planning and evaluating the education programs of the State and for the administration of funds received by the State under this part.

“(b) Any local educational agency desiring to receive a grant under this part must provide the Commissioner with satisfactory assurance that—

“(1) the local educational agency or agencies have a planning and evaluation office or unit which has or will have, as the result of assistance under this part, the capability of carrying out a comprehensive program of systematic planning and evaluation meeting the purposes of this part;

“(2) the appropriate State educational agency or agencies have been consulted and have had the opportunity to comment on, and advise the local educational agencies and the Commissioner with regard to, the application; and

“(3) the planning and evaluation activities of the local educational agency or agencies will be closely coordinated with such activities of the appropriate State agencies; and must further provide the Commissioner with satisfactory assurance that—

“(4) the local educational agency serves, or, if two or more local educational agencies are making joint application, those agencies serve, an area with a population sufficient to merit a comprehensive planning and evaluation program in addition to that of the State or of other local educational agencies in the area or region to be served by the applicant; or

“(5) the local educational agency or agencies will use the funds for demonstration projects to plan, develop, test, and improve planning and evaluation systems and techniques consistent with, and to further the purposes of, this part.

“(c) In making grants pursuant to this section the Commissioner shall give special emphasis on developing coordinated and comprehensive plans for educational planning and evaluation between and among the Office of Education, State educational agencies, and local educational agencies, including projects on an interstate, regional, or metropolitan area basis.

“(d) No grant shall be made by the Commissioner to a local educational agency or agencies under this part unless the application for such grant has been submitted to the State educational agency or agencies in the State or States in which it is to be carried out. If, within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations, the State agency or agencies disapprove the proposed program or project, the Commissioner shall review the application with the appropriate State and local educational agencies before making a final decision.

## "APPLICATION

"SEC. 533. (a) An application for a grant under this part shall be submitted to the Commissioner at such time or times, in such form, and containing such information as he may deem necessary. Such application shall include—

"(1) a statement of present and projected educational needs of persons residing in the area to be served;

"(2) a description of a program for meeting those needs which includes—

"(A) setting long-range areawide goals in meeting educational needs and establishing priorities among such goals,

"(B) developing long-range plans for achieving such goals, taking into consideration the resources available and the educational effectiveness of each of the alternatives,

"(C) planning new programs and improvements in existing programs based on the results of analyses of alternative means of achieving educational goals,

"(D) objectively evaluating at intermediate stages the progress and effectiveness of programs in achieving such goals, and, when appropriate, adjusting goals, plans, and programs to maximize educational effectiveness, and

"(E) utilizing available management information, planning, and evaluation systems and techniques;

"(3) a plan for developing and strengthening the capabilities of the applicant to improve its planning capacity and to conduct, on a continuous basis, objective evaluations of the effectiveness of education programs and projects;

"(4) a plan for utilizing the resources of, and coordinating with, programs affecting education of other Federal, State, and local agencies, organizations, and persons; and

"(5) a statement of policies and procedures which have been, or will be, established and implemented for developing and maintaining a permanent system for obtaining and collecting significant information necessary for the assessment of education in the area to be served by the applicant, for consulting with and involving parents of children served by the applicant, and for making full and detailed information concerning the educational planning and evaluation activities and findings of the applicant and other agencies and persons receiving assistance under this part reasonably available to the public.

"(b) Applications for grants under this section may be approved by the Commissioner only if he determines that the application—

"(1) has been submitted only after interested parents have been given reasonable notice and an opportunity to express their views thereon;

"(2) sets forth, in such detail as the Commissioner may determine necessary, such policies and procedures as will provide satisfactory assurance that—

"(A) the assistance provided under this section, together with other available resources, will be so used for the purposes of this part as to result in the maximum possible effective progress toward the achievement of a high level of planning and evaluation competence, and

"(B) assistance under this part will be used primarily in strengthening the capabilities of the planning and evaluation staff of the agency, office, or unit responsible for the administration of the application plan; and

“(3) sets forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amounts of State or local funds that would, in the absence of Federal funds, be made available for activities meeting the purposes of this title;

“(4) in the case of applications from States, makes adequate provision (consistent with such criteria as the Commissioner shall prescribe by regulation) for using funds granted under this section to make program planning and evaluation services available to local educational agencies in the State.

“(c) A grant made pursuant to an application under this section may be used to pay not to exceed 75 per centum of the cost of the activities covered by the application.

#### “REPORTS

“SEC. 534. Each recipient of a grant shall make an annual report on the activities carried out with the funds from such grant which includes such information as the Commissioner determines will permit an evaluation of the effectiveness of the program authorized by this part in achieving its purposes. Each such recipient shall also make such other reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part.

#### “PART D—COUNCILS ON QUALITY IN EDUCATION

##### “NATIONAL AND STATE ADVISORY COUNCILS

“SEC. 541. (a) (1) There is hereby established a National Council on Quality in Education (hereafter referred to as the ‘National Council’) composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The membership of the National Council shall include persons who are familiar with the educational needs and goals of the Nation, persons with competence in assessing the progress of the education agencies, institutions, and organizations in meeting those needs and achieving those goals, persons familiar with the administration of State and local educational agencies and of institutions of higher education, and persons representative of the general public. Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only.

“(2) The National Council shall—

“(A) review the administration of, general regulations for, and operation of the programs assisted under this title at the Federal, State, and local levels, and other Federal education programs;

“(B) advise the Commissioner and, when appropriate, the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the educational agencies, institutions, and organizations of the Nation toward meeting those needs and achieving those goals;

“(C) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

“(D) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to clause (E) of paragraph (3) of subsection (b) of this section;

National  
Council on  
Quality in  
Education.  
Establishment.  
Membership.

Term of  
office.

Duties.

Program  
evaluation.

Reports to  
Congress and  
President.

“(E) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of education programs including the programs authorized by this title;

“(F) consult with Federal, State, local, and other educational agencies, institutions, and organizations with respect to assessing education in the Nation and the improvement of the quality of education, including—

“(i) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

“(ii) determinations of priorities among unmet needs and national goals; and

“(iii) specific means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement;

“(G) conduct national conferences on the assessment and improvement of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education; and

“(H) conduct, and report on, comparative studies and evaluations of education systems in foreign countries.

“(3) The National Council shall make an annual report, and such other reports as it deems appropriate, on its findings, recommendations, and activities to the Congress and the President. The President is requested to transmit to the Congress, at least annually, such comments and recommendations as he may have with respect to such reports and its activities.

Annual report  
to Congress and  
President.

“(4) In carrying out its responsibilities under this section, the National Council shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, and such other advisory councils and committees as may have information and competence to assist the National Council. All Federal agencies are directed to cooperate with the National Council in assisting it in carrying out its functions.

“(b) (1) Any State receiving payments under this title for any fiscal year may establish a State advisory council (hereinafter referred to as ‘State council’) which if it meets the requirements and has the authority specified in this subsection may receive payments pursuant to paragraph (7). The State council shall be appointed by the Governor or, in the case of States in which the members of the State educational agency are elected (including election by the State legislature), by such agency.

State advisory  
council.

“(2) The State council established pursuant to this subsection shall be broadly representative of the educational resources of the State and of the public. Representation on the State council shall include, but not be limited to, persons representative of—

“(A) public and nonprofit private elementary and secondary schools,

“(B) institutions of higher education,

“(C) areas of competence in planning and evaluating education programs, and the assessment of the effectiveness of, and the administration of, such programs at the State and local levels; and

## Duties.

"(D) areas of competence in dealing with children for whom special educational assistance is available under this Act.

"(3) The State council shall—

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

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, State and local educational programs in the State, including the development of criteria for approval of applications for assistance under this title;

"(C) advise State and local officials who have a responsibility for education in the State with respect to the planning, evaluating, administration, and assessment of education in the State;

"(D) review and make recommendations to the State educational agency on the action to be taken with respect to applications for assistance under this title by local educational agencies; and

"(E) evaluate programs and projects assisted under this title.

"(4) Any such State shall certify the establishment of, and membership of its State council to, the Commissioner.

"(5) Such State council shall meet within thirty days after its certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning the operation of programs and projects assisted under this title.

"(6) Such State council shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

## Appropriation.

"(7) There are hereby authorized to be appropriated for each fiscal year such sums, not in excess of 2½ per centum of the amount otherwise appropriated for such year for the purposes of this title, as may be necessary to carry out the provisions of this subsection.

## "PART E—GENERAL PROVISIONS

## "ADMINISTRATION OF PLANS

## Hearing opportunity.

"SEC. 551. (a) The Commissioner shall not finally disapprove any application from a State or a local educational agency, submitted under part A or B of this title, or any modification thereof, without affording the applicant reasonable notice and an opportunity for a hearing.

## Failure to comply, cessation of payments.

"(b) Whenever the Commissioner, after reasonable notice and an opportunity for a hearing to a State or a local educational agency administering a program under an application approved under this title, finds that there has been a failure to comply substantially with the appropriate provisions of this title or with the provisions of an application approved under this title, he shall notify the State or the local educational agency, as the case may be, that further payments will not be made to that State or that local educational agency under that application until he is satisfied that there is no longer any such failure

to comply. Until he is so satisfied, no further payments shall be made to that State or that local educational agency under the application. Whenever a local educational agency is given notice under the first sentence of this subsection, notice shall also be submitted to the appropriate State educational agency.

#### "JUDICIAL REVIEW

"SEC. 552. (a) If any State or any local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of an application submitted under part A or B of this title or with his final action under section 551(b), such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State or local educational agency 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.

72 Stat. 941;  
80 Stat. 1323.

"(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."

62 Stat. 928.  
Repeal.

(b) The Act of July 26, 1954, entitled "An Act to establish a National Advisory Committee on Education" (Public Law 532, Eighty-third Congress) is hereby repealed.

68 Stat. 533.  
20 USC 333-337.  
79 Stat. 44;  
80 Stat. 1202.  
20 USC 331a.

(c) Subsections (a) (1) and (b) (1) of section 2 of the Cooperative Research Act are each amended by striking out "section 503(a) (4)" and inserting in lieu thereof "sections 503(4) and 523(a) (3)".

#### PART E—AMENDMENTS TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (BILINGUAL EDUCATION)

##### EXTENSION OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (THE BILINGUAL EDUCATION ACT)

SEC. 151. Section 703(a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by inserting before the period at the end thereof a comma and the following: "\$80,000,000 for the fiscal year ending June 30, 1971, \$100,000,000 for the fiscal year ending June 30, 1972, and \$135,000,000 for the fiscal year ending June 30, 1973".

81 Stat. 816.  
20 USC 880b-1.

##### APPLICATION TO INDIANS ON RESERVATIONS

SEC. 152. (a) Title VII of the Elementary and Secondary Education Act of 1965 is amended by redesignating sections 706, 707, and 708 (and references thereto) as sections 707, 708, and 709 thereof and by inserting the following new section immediately after section 705:

20 USC 880b-4-880b-6.

"CHILDREN IN SCHOOLS ON RESERVATIONS"

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section, may be considered to be a local educational agency as such term is used in this title.

*Ante*, p. 151.

81 Stat. 816.  
20 USC 880b.

"(b) From the sums appropriated pursuant to section 703, the Commissioner may also make payments to the Secretary of the Interior for elementary and secondary school programs to carry out the policy of section 702 with respect to individuals on reservations serviced by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702."

20 USC 880b-4.

(b) Section 707(a) of such Act (as redesignated by this Act) is amended by inserting the following before the period at the end thereof: "or, in the case of payments to the Secretary of the Interior, an amount determined pursuant to section 706(b)".

INCREASE IN MEMBERSHIP OF ADVISORY COMMITTEE ON THE EDUCATION  
OF BILINGUAL CHILDREN

20 USC 880b-5.

SEC. 153. Section 708(a) of the Elementary and Secondary Education Act of 1965 as redesignated by this Act, is amended (1) by striking out "nine" and inserting in lieu thereof "fifteen", and (2) by striking out "four" and inserting in lieu thereof "seven".

PART F—AMENDMENTS TO TITLE VIII OF THE ELEMENTARY AND  
SECONDARY EDUCATION ACT OF 1965 (GENERAL PROVISIONS)

EXTENSION OF SECTION 807 OF THE ELEMENTARY AND SECONDARY  
EDUCATION ACT OF 1965

81 Stat. 806,  
816.  
20 USC 887.

SEC. 161. Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(c) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated \$30,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, \$31,500,000 for the fiscal year ending June 30, 1972, and \$33,000,000 for the fiscal year ending June 30, 1973."

DEFINITION OF "GIFTED AND TALENTED CHILDREN"

79 Stat. 55;  
80 Stat. 1204;  
81 Stat. 816.  
20 USC 881.

SEC. 162. Section 801 of the Elementary and Secondary Education Act of 1965 (relating to definitions) is amended by adding at the end thereof the following:

"(1) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent the development of which requires special activities or services not ordinarily provided by local educational agencies."

## REVISION OF FEDERAL ADMINISTRATION SECTION

SEC. 163. Section 803(c) of the Elementary and Secondary Education Act of 1965 is amended by striking out "(1)" and by striking out everything after "by such other departments and agencies" and inserting in lieu thereof a period and the following: "Federal departments and agencies administering programs which may be effectively coordinated with programs carried out under this Act or any Act amended by this Act, including community action programs carried out under title II of the Economic Opportunity Act of 1964, shall, to the fullest extent permitted by other applicable law, carry out such programs in such a manner as to assist in carrying out, and to make more effective, the programs under this Act or any Act amended by this Act."

80 Stat. 1196,  
1204; 81 Stat. 816.  
20 USC 883.

81 Stat. 690.  
42 USC 2781-  
2837.

SCHOOL NUTRITION AND HEALTH SERVICES AND RESEARCH IN CORRECTION  
EDUCATION SERVICES

SEC. 164. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new sections:

79 Stat. 55;  
80 Stat. 1204;  
81 Stat. 816.  
20 USC 881-  
887.

"GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL NUTRITION  
AND HEALTH SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

"SEC. 808. (a) The Secretary shall carry out a program of making grants to local educational agencies and, where appropriate, nonprofit private educational organizations, to support demonstration projects designed to improve nutrition and health services in public and private schools serving areas with high concentrations of children from low-income families.

"(b) Funds appropriated pursuant to subsection (d) shall be available for grants pursuant to applications approved under this section to pay the cost of (1) coordinating nutrition and health service resources in the areas to be served by a demonstration project supported under this section, (2) providing supplemental health, nutritional, mental health, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (3) nutrition and health education programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (4) the evaluation of projects assisted under this section with respect to their effectiveness in improving school nutrition and health services for such children.

"(c) Applications for a grant under this section shall be submitted at such time, contain such information, and be consistent with such criteria as the Secretary may require by regulation. Such applications shall provide for—

"(1) the use of funds available under this section and the coordination of health care facilities and resources and such nutrition resources as may be available to the applicant in order to insure that a comprehensive program of physical and mental health and nutrition services are available to children from low-income families in the area to be served;

"(2) the development of health and nutrition curriculum materials related to the specific needs of persons involved with the project and to new and improved approaches to health services and food technology;

“(3) the training of (A) school administrators, teachers, and school health and nutrition personnel in order to assist them in meeting the health and nutritional needs of children from low-income families, and (B) professional and subprofessional personnel for service in school nutrition and health programs; and

“(4) adequate provision for evaluation of the project.

Appropriation.

“(d) For the purpose of making grants under this section there are hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1970, \$10,000,000 for the fiscal year ending June 30, 1971, \$16,000,000 for the fiscal year ending June 30, 1972, and \$26,000,000 for the fiscal year ending June 30, 1973.

#### “RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTION EDUCATION SERVICES

“SEC. 809. (a) The Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other public and private nonprofit research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders, including the development of criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population and special curriculums, and guidance and counseling programs. All projects shall include an evaluation component.

“(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.”

### TITLE II—AMENDMENTS TO PUBLIC LAWS 815 AND 874 OF THE EIGHTY-FIRST CONGRESS (IMPACTED AREAS PROGRAMS)

#### EXTENSION OF THE IMPACTED AREAS PROGRAMS

SEC. 201. (a) (1) Section 3 of the Act of September 30, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1973”.

(2) Section 15(15) of such Act is amended by striking out “1965-1966” and inserting in lieu thereof “1968-1969”.

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out “1970” wherever it appears and inserting in lieu thereof “1973”.

(c) Section 16(a) (1) (A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and section 7(a) (1) (A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1973.”

72 Stat. 548;  
81 Stat. 813.  
20 USC 633.  
20 USC 645.

20 USC 237-  
239.

81 Stat. 810.  
20 USC 646.  
20 USC 241-1.

## CERTAIN REFUGEE CHILDREN

SEC. 202. (a) Section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out the second sentence and inserting in lieu thereof the following: "In the case of fiscal years ending prior to July 1, 1973, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or any other provision of this subsection applies) who were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the fiscal year for which the determination is made, a refugee who meets the requirements of section 2(b)(3) (A) and (B) of the Migration and Refugee Assistance Act of 1962."

(b) Section 3(c)(2) of such Act is amended (1) by inserting before "subsection (b)" both times it appears the following: "the first sentence of", and (2) by inserting after "to whom such subsection" the following: "or such sentence".

(c) Section 3(c) of such Act is amended by inserting after paragraph (2) the following new paragraph:

"(3) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children who were in average daily attendance to whom such sentence applies amounts to 20 per centum or more of the number of children who were in average daily attendance during such year and for whom such agency provided free public education, but in determining the number of such children under such second sentence no child shall be counted with respect to whose education a payment was made under section 2(b)(4) of the Migration and Refugee Assistance Act of 1962."

INCLUSION OF CHILDREN RESIDING IN LOW-RENT PUBLIC HOUSING AS  
FEDERALLY CONNECTED CHILDREN

SEC. 203. (a) (1) The second sentence of section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "and (B)" and inserting in lieu thereof "(B) 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)".

(2) The fourth sentence of such section 15(1) is amended (A) by striking out the comma before "(B)" and inserting in lieu thereof "and", and (B) by striking out all that follows "postal services" and inserting in lieu thereof a period.

(3) Section 5(c) of such Act is amended by striking out the colon and all that follows and inserting in lieu thereof a period and the following: "In determining the eligibility of a local educational agency under this subsection and in determining the number of federally connected children who are in the average daily membership of the schools of such agency during a base year and in estimating the increase since the base year in the number of such children under subsection (a), children residing on any housing property (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, shall not be considered as having been federally connected during the base year if such housing project was begun after the base year 1964-1965."

67 Stat. 530;  
81 Stat. 809.  
20 USC 238.

76 Stat. 121.  
22 USC 2601.  
70 Stat. 970.

79 Stat. 1161.

72 Stat. 556.  
20 USC 645.

50 Stat. 888.  
42 USC 1430.

72 Stat. 549.  
20 USC 635.

81 Stat. 806.  
20 USC 244.

50 Stat. 888.  
42 USC 1430.  
78 Stat. 797.  
42 USC 1486.  
81 Stat. 709.  
42 USC 2861-  
2864.

Effective date.

72 Stat. 549.  
20 USC 635.

20 USC 633.

67 Stat. 534.  
20 USC 240.

(b) (1) The second sentence of section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out “, and (C)” and inserting in lieu thereof “, (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)”.

(2) The fourth sentence of such section 303(1) is amended by striking out “(A) any real property used for a labor supply center, labor home or labor camp for migratory workers, (B)” and by striking out all that follows “postal services” and inserting in lieu thereof a period.

(c) (1) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(2) For the purposes of section 5 of such Act of September 23, 1950, the number of children in the membership of a local educational agency residing in a low-rent housing project assisted under the United States Housing Act of 1937 during the years of the base period preceding the effective date provided in paragraph (1) shall be determined by the Commissioner on the basis of estimates.

(3) Section 3 of such Act of September 23, 1950, is further amended by inserting at the end thereof the following new sentence: “Such order of priority shall provide that applications for payments based upon increases in the number of children residing on, or residing with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of subsection (a) of section 5 have been approved for that fiscal year.”

(4) Subsection (c) of section 5 of such Act of September 30, 1950, is amended to read as follows:

#### “ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

“(c) (1) If the funds appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner (A) shall determine the part of the entitlement of each such local educational agency which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property 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 (B) except as otherwise provided in paragraph (3), shall allocate such funds, other than so much thereof as he estimates may be required for carrying out the provisions of section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections, except that he shall not take into consideration any part of any entitlement determined under clause (A). The amount so allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section. Such percentage shall be equal to the percentage which the amount allocated to a section under the second sentence of this paragraph is of the amount to which all such agencies are entitled under such section. For the purposes of this paragraph, in determining the amount to which each local educational agency is entitled under section 3 he shall include any increases under paragraph (4) of subsec-

20 USC 238.

20 USC 241,  
237-239.

tion (c) thereof; but he shall exclude any part of any entitlement determined under clause (A) of this paragraph.

“(2) If the funds available for allocation under paragraph (1) for any fiscal year exceed the amount necessary to fully satisfy entitlements for which allocations will be made under such paragraph, that excess shall be available for payment of a percentage of that part of the entitlement of each local educational agency determined under clause (A) of paragraph (1). Such percentage shall be equal to the percentage which the amount of such excess is of the total amount to which all such agencies are so entitled.

“(3) All funds appropriated for making payments under this title for any fiscal year shall be allocated in the manner specified in paragraphs (1) and (2), unless an Act making appropriations for making payments under this title for any fiscal year specifically makes funds available for payments on the basis of entitlements determined under clause (A) of paragraph (1), apart from other payments under this title, in which case, if the funds so appropriated are not sufficient to pay in full the total amount to which all local educational agencies are so entitled, such funds shall be available for making payments in the manner specified in paragraph (2) respecting allocations of any excess appropriations.

“(4) In case the amount allocated to a section under paragraph (1) for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or, in case additional funds become available for making payments under this title, the excess or such additional funds, as the case may be, shall be allocated among sections for which previous allocations are inadequate, on the same basis as is provided in paragraphs (1), (2), and (3) for the initial allocation.”

#### MINIMUM ELIGIBILITY REQUIREMENT FOR PUBLIC LAW 815

SEC. 204. (a) The first sentence of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended by section 203(a) (3) of this Act, is amended to read as follows:

“(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.”

*Ante*, p. 155;  
*Post*, p. 254.

72 Stat. 549.  
20 USC 635.

(b) Section 5(d) of such Act is amended by inserting before the period at the end of the first sentence thereof the following: “, 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”.

**SCHOOL CONSTRUCTION ASSISTANCE WHERE THE IMMUNITY OF CERTAIN FEDERAL PROPERTY FROM TAXATION CREATES A SUBSTANTIAL AND CONTINUING IMPAIRMENT OF THE ABILITY TO FINANCE NEEDED SCHOOL FACILITIES**

72 Stat. 555;  
81 Stat. 807.  
20 USC 644.

SEC. 205. (a) Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by redesignating subsections (c), (d), (e), and (f) of such subsection, and all references thereto, as subsections (d), (e), (f), and (g), respectively, and inserting after subsection (d) the following new subsection:

“(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.”

DECLARATION OF POLICY WITH RESPECT TO SCHOOL CONSTRUCTION  
ASSISTANCE FOR INDIAN CHILDREN

SEC. 206. Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to public schools with children residing on Indian lands, is further amended by inserting at the end thereof the following:

*Ante*, p. 158.

“(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.”

80 Stat. 1215.  
20 USC 640.

TITLE III—AMENDMENTS TO THE ADULT  
EDUCATION ACT OF 1966

EXTENSION AND REVISION OF THE ADULT EDUCATION ACT OF 1966

SEC. 301. Effective on and after July 1, 1969, title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act of 1966) is amended to read as follows:

80 Stat. 1216.  
20 USC 1201  
note.

“TITLE III—ADULT EDUCATION

“SHORT TITLE

“SEC. 301. This title may be cited as the ‘Adult Education Act’.

Citation of  
title.

“STATEMENT OF PURPOSE

“SEC. 302. It is the purpose of this title to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

“DEFINITIONS

“SEC. 303. As used in this title—

“(a) The term ‘adult’ means any individual who has attained the age of sixteen.

“(b) The term ‘adult education’ means services or instruction below the college level (as determined by the Commissioner), for adults who—

“(1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

“(2) are not currently required to be enrolled in schools.

“(c) The term ‘adult basic education’ means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

“(d) The term ‘Commissioner’ means the Commissioner of Education.

“(e) 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 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, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

“(f) The term ‘State’ includes the District of Columbia, and (except for the purposes of section 305(a)) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

“(g) 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 a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

“(h) The term ‘academic education’ means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

“(i) The term ‘institution of higher education’ means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.

79 Stat. 56;  
81 Stat. 816.  
20 USC 881.

#### “GRANTS TO STATES FOR ADULT EDUCATION

“SEC. 304. (a) From the sums appropriated pursuant to section 312, not less than 10 per centum nor more than 20 per centum shall be reserved for the purposes of section 309.

“(b) From the remainder of such sums, the Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies and private nonprofit agencies, and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and private nonprofit agencies.

#### “ALLOTMENT FOR ADULT EDUCATION

“SEC. 305. (a) From the sums available for purposes of section 304(b) for any fiscal year, the Commissioner shall allot (1) not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) \$150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States.

“(b) The portion of any State’s allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the State

plan approved under this title shall be available for reallocation from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

#### "STATE PLANS

"SEC. 306. (a) Any State desiring to receive its allotment of Federal funds for any grant under this title shall submit through its State educational agency a State plan. Such State plan shall be in such detail as the Commissioner deems necessary, and shall—

"(1) set forth a program for the use of grants, in accordance with section 304(b), which affords assurance of substantial progress with respect to all segments of the adult population and all areas of the State, toward carrying out the purposes of such section;

"(2) provide for the administration of such plan by the State educational agency;

"(3) provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to this title;

"(4) provide for grants to public and private nonprofit agencies for special projects, teacher-training, and research;

"(5) provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the antipoverty effort;

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

"(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and private nonprofit agencies);

"(8) provide that special emphasis be given to adult basic education programs except where such needs can be shown to have been met in the State; and

"(9) provide such further information and assurances as the Commissioner may by regulation require.

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

Reports.

Records.

Hearing  
opportunity.

# “PAYMENTS

“SEC. 307. (a) Except as provided in subsection (b), the Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State. The Federal share for each State shall be 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

“(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the amount available for expenditure by such State for adult education from non-Federal sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

## “OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

Noncompliance.  
Cessation of  
payments.

“SEC. 308. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that—

“(1) the State plan has been so changed that it no longer complies with the provisions of section 306, 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 that no further payments will be made to the State under this title (or, in his discretion, that 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, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

“(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. 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. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, 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 file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or part, any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

72 Stat. 941;  
80 Stat. 1323.

62 Stat. 928.

"SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER  
TRAINING

"SEC. 309. (a) The sums reserved in section 304(a) for the purposes of this section shall be used for making special project grants or providing teacher-training grants in accordance with this section.

Special project grants.

"(b) The Commissioner is authorized to make grants to local educational agencies or other public or private nonprofit agencies, including educational television stations, for special projects which will be carried out in furtherance of the purposes of this title, and which—

"(1) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under this title, or

"(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

The Commissioner shall establish procedures for making grants under this subsection which shall require a non-Federal contribution of at least 10 per centum of the costs of such projects wherever feasible and not inconsistent with the purposes of this subsection.

"(c) The Commissioner is authorized to make provision for training persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this title, including the payment of such stipends and allowances (including traveling and subsistence expenses, if any, for such persons and their dependents) as the Commissioner may determine by regulation. The Commissioner may provide such training directly or by contract or he may provide for such training by making grants to institutions of higher education, State or local educational agencies, or other appropriate public or private agencies or organizations.

Adult education training.

Contract authority.

"NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

"SEC. 310. (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the 'Council').

"(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, and persons representative of the general public. The Council shall meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year.

Members.

"(c) The 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 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

Duties.

"(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this

Program evaluation.

Reports to President and Congress.

title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

#### "LIMITATION

Grants, sectarian affiliated programs, prohibition.

"SEC. 311. 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 divinity. For purposes of this section, the term 'school or department of divinity' means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

#### "APPROPRIATIONS AUTHORIZED

"SEC. 312. (a) There are authorized to be appropriated \$160,000,000 for the fiscal year ending June 30, 1970, \$200,000,000 for the fiscal year ending June 30, 1971, and \$225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, for the purposes of this title.

"(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title."

#### APPOINTMENT OF MEMBERS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 302. Members of the National Advisory Council on Adult Education shall be appointed within ninety days after the date of enactment of this Act.

### TITLE IV—AMENDMENTS TO TITLE IV OF PUBLIC LAW 90-247

#### GENERAL PROVISIONS

SEC. 401. (a) Title IV of the Elementary and Secondary Education Amendments of 1967 is amended in the following respects:

(1) The heading of such title is amended to read as follows:

#### "TITLE IV—GENERAL PROVISIONS CONCERNING EDUCATION".

(2) Section 401 of such title is amended—

(A) by adding at the end of the caption head "; DEFINITIONS; APPROPRIATIONS; SHORT TITLE", and

(B) by inserting "(a)" after "SEC. 401." and adding at the end thereof the following new subsections:

"(b) For the purposes of this title, the term—

"(1) 'Commissioner' means the Commissioner of Education;

"(2) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(3) 'applicable program' means a program to which this title is applicable.

81 Stat. 814;  
82 Stat. 1094.  
20 USC 1221-  
1226.

"(c) There are hereby authorized to be appropriated for any fiscal year, as part of the appropriations for salaries and expenses for the Office of Education, such sums as the Congress may determine to be necessary to carry out the provisions of this title.

Appropriation.

"(d) This title may be cited as the 'General Education Provisions Act'."

Citation of title.

(3) Section 402 of such title is amended to read as follows:

81 Stat. 814.  
20 USC 1222.

"PROGRAM PLANNING AND EVALUATION

"SEC. 402. (a) Sums appropriated pursuant to section 401 (c) may include for any fiscal year for which appropriations are otherwise authorized under any applicable program not to exceed \$25,000,000 which shall be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, contracts, or other payments, for (1) planning for the succeeding year for any such program, and (2) evaluation of such programs.

Supra.

"(b) No later than July 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any applicable program a report containing (1) a brief description of each contract or grant for evaluation of such program or programs (whether or not such contract or grant was made under this section), any part of the performance of which occurred during the preceding fiscal year, (2) the name of the firm or individual who is to carry out the evaluation, and (3) the amount to be paid under the contract or grant."

Report to congressional committees.

(4) Section 403 of such title is amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program" and by striking out "under any such Act" and inserting in lieu thereof "under such program".

20 USC 1223.

(5) Sections 404 and 405 of such title are amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program".

20 USC 1224,  
1225.

(6) Section 404 of such title is amended—

(A) in the caption head thereof, by striking out "AND" and inserting in lieu thereof a semicolon and by inserting "CONTINGENT EXTENSION OF EXPIRING APPROPRIATION AUTHORITY" at the end thereof; and

(B) by inserting at the end thereof the following new subsection:

"(c) Unless the Congress—

"(1) in the regular session in which a comprehensive evaluation report required by subsection (b) is submitted to Congress, has passed or formally rejected legislation extending the authorization for appropriations then specified for any title, part, or section of law to which such evaluation relates, or

"(2) prior to July 1, 1973, by action of either House approves a resolution stating that the provisions of this subsection shall no longer apply,

such authorization is hereby automatically extended, at the level specified for the terminal year of such authorization for one fiscal year beyond such terminal year, as specified in such legislation."

(7) Section 405 of such title is amended by inserting "loans," after "grants."

(8) Section 405 of such title is further amended by inserting "(a)" after "SEC. 405." and by inserting at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is

Availability of funds.

applicable during any fiscal year, ending prior to July 1, 1973, which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.”

82 Stat. 1094.  
20 USC 1226.

Ante, p. 164.

(9) Section 406 of such title is amended by inserting “and expenditure” after “obligation”.

(10) Such title is further amended by inserting after section 401 the following heading: “PART A—APPROPRIATIONS AND EVALUATIONS” and by adding at the end thereof the following new parts:

“PART B—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING  
THE OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS;  
GENERAL AUTHORITY OF THE COMMISSIONER OF EDUCATION

“SUBPART 1—GENERAL AUTHORITY

“DELEGATION OF AUTHORITY; UTILIZATION OF OTHER AGENCIES

“SEC. 411. (a) The Commissioner is authorized to delegate any of his functions under any applicable program, except the making of regulations and the approval of State plans, to any officer or employee of the Office of Education.

“(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

“COLLECTION AND DISSEMINATION OF INFORMATION

“SEC. 412. (a) The Commissioner shall—

“(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

“(2) inform the public on federally supported education programs;

“(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes; and

“(4) prepare and publish an annual report (to be referred to as ‘the Commissioner’s annual report’) on (A) the condition of education in the nation, (B) developments in the administration, utilization, and impact of applicable programs, (C) results of investigations and activities by the Office of Education, and (D) such facts and recommendations as will serve the purpose for which the Office of Education is established (as set forth in section 516 of the Revised Statutes (20 U.S.C. 1)).

“(b) The Commissioner’s annual report shall be submitted to the Congress not later than March 31 of each calendar year. The Commissioner’s annual report shall be made available to State and local educational agencies and other appropriate agencies and institutions and to the general public.

“(c) The Commissioner is authorized to enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

Report to  
Congress.

Contract  
authority.

## "CATALOG OF FEDERAL EDUCATION ASSISTANCE PROGRAMS

"SEC. 413. The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

"(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials, and a brief description of such program;

"(2) set forth the availability of benefits and eligibility restrictions in each such program;

"(3) set forth the budget requests for each such program, past appropriations, obligations incurred, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

"(4) set forth the prerequisites, including the cost to the recipient, of, receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

"(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

"(6) set forth the application procedures;

"(7) contain a detailed index designed to assist the potential beneficiary in identifying all education assistance programs related to a particular need or category of potential beneficiaries;

"(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

"(9) be transmitted to Congress with the Commissioner's annual report.

Transmittal  
to Congress.

## "TECHNICAL ASSISTANCE

"SEC. 414. (a) For the purpose of carrying out more effectively Federal education programs, the Commissioner is authorized, upon request, to provide advice, counsel, and technical assistance to State educational agencies, institutions of higher education, and, with the approval of the appropriate State educational agency, elementary and secondary schools—

"(1) in determining benefits available to them under Federal law;

"(2) in preparing applications for, and meeting requirements of, applicable programs;

"(3) in order to enhance the quality, increase the depth, or broaden the scope of activities under applicable programs; and

"(4) in order to encourage simplification of applications, reports, evaluations, and other administrative procedures.

"(b) The Commissioner shall permit local educational agencies to use organized and systematic approaches in determining cost allocation, collection, measurement, and reporting under any applicable program, if he determines (1) that the use of such approaches will not in any manner lessen the effectiveness and impact of such program in achieving purposes for which it is intended, (2) that the agency will use such procedures as will insure adequate evaluation of each of the programs involved, and (3) that such approaches are consistent with criteria prescribed by the Comptroller General of the United States for the purposes of audit. For the purpose of this subsection a cost is allocable to a particular cost objective to the extent of relative benefits received by such objective.

“(c) The Commissioner’s annual report shall contain a statement of the Commissioner’s activities under this section.

“PARENTAL INVOLVEMENT AND DISSEMINATION

“SEC. 415. In the case of any applicable program in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes, he shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such determination provides for payments to local educational agencies, applications for such payments shall—

“(1) set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

“(2) be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

“(3) set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

“USE OF FUNDS WITHHELD FOR FAILURE TO COMPLY WITH OTHER PROVISIONS OF FEDERAL LAW

“SEC. 416. At any time that the Commissioner establishes an entitlement, or makes an allotment or reallocation to any State, under any applicable program, he shall reduce such entitlement, allotment, or reallocation by such amount as he determines it would have been reduced, had the data on which the entitlement, allotment, or reallocation is based excluded all data relating to local educational agencies of the State which on the date of the Commissioner’s action are ineligible to receive the Federal financial assistance involved because of a failure to comply with title VI of the Civil Rights Act of 1964. Any appropriated funds which will not be paid to a State as a result of the preceding sentence may be used by the Commissioner for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964.

78 Stat. 252.  
42 USC 2000d.

78 Stat. 247.  
42 USC 2000c-4.

“AUTHORITY TO FURNISH INFORMATION

“SEC. 417. (a) The Commissioner is authorized to furnish transcripts or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, State or local officials, private organizations, or individuals. Such statistical compilations and surveys shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies the Commissioner may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Commissioner, provided that the purposes are otherwise authorized by law.

“(b) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

## “SUBPART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS

### “RULES: REQUIREMENTS AND ENFORCEMENT

“SEC. 421. (a) Rules, regulations, guidelines, or other published interpretations or orders issued by the Department of Health, Education, and Welfare or the Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of any applicable program shall contain immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

“(b) No standard, rule, regulation, or requirement of general applicability prescribed for the administration of any applicable program may take effect until thirty days after it is published in the Federal Register.

Publication in  
Federal Register.

“(c) All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

### “PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

“SEC. 422. No provision of the Act of September 30, 1950, Public Law 874, Eighty-first Congress; the National Defense Education Act of 1958; the Act of September 23, 1950, Public Law 815, Eighty-first Congress; the Higher Education Facilities Act of 1963; the Elementary and Secondary Education Act of 1965; the Higher Education Act of 1965; the International Education Act of 1966; or the Vocational Education Act of 1963 shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

64 Stat. 1100.  
20 USC 236.  
72 Stat. 1580.  
20 USC 401  
note.  
72 Stat. 548.  
20 USC 631.  
77 Stat. 363.  
20 USC 701  
note.  
79 Stat. 27.  
20 USC 821  
note.  
79 Stat. 1219.  
20 USC 1001  
note.  
80 Stat. 1066.  
20 USC 1171  
note.  
82 Stat. 1064.  
20 USC 1241  
note.

### “LABOR STANDARDS

“SEC. 423. Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers and mechanics employed by contractors or subcontractors on all construction and minor remodeling projects assisted under any applicable program shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

79 Stat. 1159.  
20 USC 241-1.  
  
46 Stat. 1494;  
49 Stat. 1011.  
  
64 Stat. 1267.  
63 Stat. 108.

### “RECORDS AND AUDIT

“SEC. 424. (a) Each recipient of funds from a grant or contract under any applicable program shall keep such records as the Commissioner shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion

GAO audit.

of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

“(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program.

#### “PAYMENTS

“SEC. 425. Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

#### “AUTHORITY TO VEST TITLE TO EQUIPMENT

“SEC. 426. The authority of the Commissioner of Education to make a grant to or contract with a local educational agency or State educational agency as such agencies are defined in sections 801(f) and 801(k) of the Elementary and Secondary Education Act of 1965, under any applicable program, shall include discretionary authority, whenever he determines that it would be in the public interest, to vest title to equipment purchased with grant or contract funds in such agency (or waive accountability to the United States for such equipment) without further obligation to the Government or on such terms or conditions as the Commissioner deems appropriate. The authority provided by this section shall be applicable to equipment purchased with funds provided by grants or contracts made on, before, or after the date of the enactment of this section.

#### “PART C—ADVISORY COUNCILS

##### “DEFINITIONS

“SEC. 431. As used in this part, the term—

“(1) ‘advisory council’ means any committee, board, commission, council, or other similar group (A) established or organized pursuant to any applicable statute, or (B) established under the authority of section 432; but such term does not include State advisory councils or commissions established pursuant to any such statute;

“(2) ‘statutory advisory council’ means an advisory council established by, or pursuant to, statute to advise and make recommendations with respect to the administration or improvement of an applicable program or other related matter;

“(3) ‘nonstatutory advisory council’ means an advisory council which is (A) established under the authority of section 432, or (B) established to advise and make recommendations with respect to the approval of applications for grants or contracts as required by statute;

“(4) ‘Presidential advisory council’ means a statutory advisory council, the members of which are appointed by the President;

“(5) ‘Secretarial advisory council’ means a statutory advisory council, the members of which are appointed by the Secretary;

“(6) ‘Commissioner’s advisory council’ means a statutory advisory council, the members of which are appointed by the Commissioner;

“(7) ‘applicable statute’ means any statute (or title, part, or section thereof) which authorizes an applicable program or controls the administration of any such program.

79 Stat. 55;  
80 Stat. 1204;  
81 Stat. 816.  
20 USC 881.

“AUTHORIZATION FOR NECESSARY ADVISORY COUNCILS

“SEC. 432. (a) The Commissioner is authorized to create, and appoint the members of, such advisory councils as he determines in writing to be necessary to advise him with respect to—

“(1) the organization of the Office of Education and its conduct in the administration of applicable programs;

“(2) recommendations for legislation regarding education programs and the means by which the educational needs of the Nation may be met; and

“(3) special problems and areas of special interest in education.

“(b) Each advisory council created under the authority of subsection (a) shall terminate not later than one year from the date of its creation unless the Commissioner determines in writing not more than thirty days prior to the expiration of such one year that its existence for an additional period, not to exceed one year, is necessary in order to complete the recommendations or reports for which it was created.

“(c) The Commissioner shall include in his report submitted pursuant to section 438 a statement on all advisory councils created or extended under the authority of this section and their activities.

“MEMBERSHIP AND REPORTS OF STATUTORY ADVISORY COUNCILS

“SEC. 433. Notwithstanding any other provision of law unless expressly in limitation of the provisions of this section, each statutory advisory council—

“(1) shall be composed of the number of members provided by statute who may be appointed, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and shall serve for terms of not to exceed three years, which in the case of initial members, shall be staggered; and

“(2) shall make an annual report of its activities, findings and recommendations to the Congress not later than March 31 of each calendar year, which shall be submitted with the Commissioner's annual report.

Report to Congress.

The Commissioner shall not serve as a member of any such advisory council.

“COMPENSATION OF MEMBERS OF ADVISORY COUNCILS

“SEC. 434. Members of all advisory councils to which this part is applicable who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory council or otherwise engaged in the business of the advisory council, be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

Post, p. 198-1.

80 Stat. 499;  
83 Stat. 190.

“PROFESSIONAL, TECHNICAL, AND CLERICAL STAFF; TECHNICAL ASSISTANCE

“SEC. 435. (a) Presidential advisory councils are authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

“(b) The Commissioner shall engage such personnel and technical assistance as may be required to permit Secretarial and Commissioner’s advisory councils to carry out their functions as prescribed by law.

“(c) Subject to regulations of the Commissioner, Presidential advisory councils are authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of such title.

80 Stat. 416.

Post, p. 198-1.

#### “MEETINGS OF ADVISORY COUNCILS

“SEC. 436. (a) Each statutory advisory council shall meet at the call of the chairman thereof but not less than two times each year. Nonstatutory advisory councils shall meet in accordance with regulations promulgated by the Commissioner.

“(b) Minutes of each meeting of each advisory council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory council. The accuracy of all minutes shall be certified to by the chairman of the advisory council.

#### “AUDITING AND REVIEW OF ADVISORY COUNCIL ACTIVITIES

Records.

“SEC. 437. (a) Each statutory advisory council shall be subject to such general regulations as the Commissioner may promulgate respecting the governance of statutory advisory councils and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions.

GAO audit.

“(b) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each statutory advisory council.

#### “REPORT BY THE COMMISSIONER OF EDUCATION

Report to congressional committees.

“SEC. 438. (a) Not later than March 31 of each calendar year after 1970, the Commissioner shall submit, as a part of the Commissioner’s annual report, a report on the activities of the advisory councils which are subject to this part to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Such report shall contain, at least, a list of all such advisory councils, the names and affiliations of their members, a description of the function of each advisory council, and a statement of the dates of the meetings of each such advisory council.

Abolishment.

“(b) If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report.”

Repeal.

(b) Sections 1207, 1208, 1209, and 1210 of the Higher Education Act of 1965 (as added by Public Law 90-575) are superseded by part A of title IV of Public Law 90-247 and are hereby repealed.

82 Stat. 1051.  
20 USC 1147-1150.  
Ante, p. 166.

(c) The following provisions of law relating to the delegation of functions and utilization of the services of other agencies by the Office of Education are superseded by section 411 of Public Law 90-247 and are hereby repealed:

(1) The third sentence of subsection (a) of section 302 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 243(a));

(2) Subsections (a) and (b) of section 803 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 883 (a) and (b));

(3) Subsection (a) of section 13 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 643(a));

(4) Subsections (a) and (b) of section 1001 of the National Defense Education Act of 1958 (20 U.S.C. 581 (a), (b));

(5) Section 1203 of the Higher Education Act of 1965 (20 U.S.C. 1143);

(6) Subsections (a) and (b) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752 (a), (b));

(7) Subsection (b) of section 103 of the International Education Act of 1966 (20 U.S.C. 1174(b)); and

(d) The following provisions of law concerning dissemination of information and reports by the Commissioner of Education are superseded by sections 412, 413, and 414 of Public Law 90-247 and are hereby repealed:

(1) Section 518 of the Revised Statutes of the United States (20 U.S.C. 4);

(2) The sixth paragraph under the heading "Department of Education" in the material relating to the Department of the Interior in the Act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, which authorizes the Commissioner of Education to prepare and publish a bulletin concerning the condition of education (20 U.S.C. 3);

(3) Section 303 of Public Law 90-576 (20 U.S.C. 6);

(4) Section 806 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 886); and

(5) Section 1206 of the Higher Education Act of 1965 (20 U.S.C. 1146).

(e) The following provisions of law concerning requirements for rules and regulations for education programs are superseded by section 421 of Public Law 90-247 and are hereby repealed:

(1) Section 2 of Public Law 90-247 (20 U.S.C. 888); and

(2) Section 505 of Public Law 90-575 (20 U.S.C. 1001, note).

(f) The following provisions of law concerning Federal control of education are superseded by section 422 of Public Law 90-247 and are hereby repealed:

(1) Subsection (g) of section 6 and subsection (a) of section 301 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 241(g), 242(a));

(2) Section 102 of the National Defense Education Act of 1958 (20 U.S.C. 402);

(3) Subsection (a) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 642(a));

(4) Section 407 of the Higher Education Facilities Act of 1963 (20 U.S.C. 757);

(5) Section 804 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 884);

(6) Subsection (a) of section 1204 of the Higher Education Act of 1965 (20 U.S.C. 1144(a));

Repeal.

*Ante*, p. 166.

64 Stat. 1108;  
79 Stat. 35.

79 Stat. 57.

72 Stat. 554.

72 Stat. 1602.

79 Stat. 1270.

77 Stat. 377.

80 Stat. 1068.

Repeal.

*Ante*, pp. 166,  
167.

29 Stat. 171.

82 Stat. 1095.

80 Stat. 1209;  
81 Stat. 805.

82 Stat. 1050.

Repeal.

*Ante*, p. 169.

81 Stat. 783.

82 Stat. 1063.

Repeal.

*Ante*, p. 169.

67 Stat. 536;  
80 Stat. 1212.  
64 Stat. 1107.  
72 Stat. 1582.

72 Stat. 554.

77 Stat. 379.

79 Stat. 57;  
81 Stat. 816.

79 Stat. 1270;  
82 Stat. 1042.

80 Stat. 1068.

(7) Section 104 of the International Education Act of 1966 (20 U.S.C. 1175);

82 Stat. 1069.

(8) Section 105 of the Vocational Education Act of 1963 (20 U.S.C. 1245).

Repeal.

(g) The following provisions of law concerning the payment of wages at prevailing rates on federally assisted construction projects are superseded by section 423 of Public Law 90-247 and are hereby repealed:

Ante, p. 169.

(1) Section 145 of title I of the Elementary and Secondary Education Act of 1965, as redesignated by this Act (20 U.S.C. 241i);

Ante, p. 126.

(2) Subsection (c) of section 4 of the Act of July 26, 1954, Public Law 531, Eighty-third Congress (20 U.S.C. 332a(c));

79 Stat. 46.

(3) Subsection (a)(4) of section 203 of the Library Services and Construction Act (20 U.S.C. 355c(a)(4)), and subsection (a)(3) of such section is amended by striking out the semicolon and the word "and" and at the end thereof inserting in lieu thereof a period;

78 Stat. 13.

(4) Subsection (b)(1)(E) of section 6 and subsection (d) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 636(b)(1)(E), 642(d));

72 Stat. 551,  
554.

(5) Section 709 (as redesignated by section 152 of this Act) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 880b-6); and

Ante, p. 151.

(6) Section 106 of the Vocational Education Act of 1963 (20 U.S.C. 1246).

82 Stat. 1069.

Repeal.

(h) The following provisions of law concerning advisory councils and committees are superseded by part C of title IV of Public Law 90-247 and are hereby repealed:

Ante, p. 170.

(1) Subsection (d) of section 761 and sections 1002 and 1003 of the National Defense Education Act of 1958 (20 U.S.C. 561(d), 582, 583);

72 Stat. 1596,  
1602.

(2) Subsection (c) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752(c));

77 Stat. 377.

(3) Subsections (c), (d), and (e) of section 510, subsection (c) of section 708, and section 802 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 870 (c), (d), (e), 880b-5(c), 882);

79 Stat. 54.

Ante, p. 151.

79 Stat. 57;

80 Stat. 1204;

81 Stat. 816.

(4) Subsections (d) and (e) of section 109, subsection (c) of section 205, subsection (c) of section 224, subsection (c) of section 303, subsections (c) and (d) of section 469, subsections (d) and (e) of section 502, and subsections (c) and (d) of section 1205 of the Higher Education Act of 1965 (20 U.S.C. 1009 (d), (e), 1025(e), 1034(c), 1053(c), 1089(c), 1091a (d), (e), 1145 (c), (d));

79 Stat. 1223,  
1226, 1228, 1230.

82 Stat. 1032.

81 Stat. 82.

82 Stat. 1049.

80 Stat. 1069.

82 Stat. 1066.

(5) Subsections (c) and (d) of section 106 of the International Education Act of 1966 (20 U.S.C. 1177(c), (d));

(6) Paragraph (3) of subsection (a) of section 104 of the Vocational Education Act of 1963 (20 U.S.C. 1244(a)(3)).

## TITLE V—CANCELLATION OF STUDENT LOANS FOR CERTAIN PUBLIC SERVICE

### CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

20 USC 425.

SEC. 501. (a) Section 205(a)(3) of the National Defense Education Act of 1958 is amended—

(1) by striking out "made prior to July 1, 1970 (plus interest)" and inserting in lieu thereof "(plus interest) (A)";

(2) thereafter by striking out “(A)”, “(B)”, or “(C)” wherever appearing therein and inserting in lieu thereof “(i)”, “(ii)”, or “(iii)”, respectively; and

(3) by inserting before the semi-colon at the end thereof a comma and the following: “and (B) shall be canceled for service after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan plus interest thereon for each year of consecutive service”.

(b) The amendment made by this section shall apply to loans made after the date of enactment of this Act.

Effective date.

## TITLE VI—EDUCATION OF THE HANDICAPPED

### PART A—GENERAL PROVISIONS

#### SHORT TITLE

SEC. 601. This title may be cited as the “Education of the Handicapped Act”.

#### DEFINITION

SEC. 602. As used in this title—

(1) The term “handicapped children” means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(2) The term “Commissioner” means the Commissioner of Education.

(3) The term “Advisory Committee” means the National Advisory Committee on Handicapped Children.

(4) The term “construction”, except where otherwise specified, means (A) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (B) acquisition of existing structures not owned by any agency or institution making application for assistance under this title; or (C) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (D) acquisition of land in connection with the activities in clauses (A), (B), and (C); or (E) a combination of any two or more of the foregoing.

(5) 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.

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

(7) The term “State educational agency” means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(8) The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county,

township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(10) 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.

(11) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) 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, or offers 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;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, 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: *Provided, however,* That in the case of an institution offering 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 technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph 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 education or training offered.

(12) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, 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.

(13) The term "research and related purposes" means research, research training (including the payment of stipends and allowances),

surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

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

(15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

Exceptions.

#### BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 603. There shall be, within the Office of Education, a bureau for the education and training of the handicapped which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to the education and training of the handicapped, including programs and projects for the training of teachers of the handicapped and for research in such education and training.

Establishment.

#### NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

SEC. 604. (a) The Commissioner shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of fifteen members, appointed by the Commissioner. At least eight of such members shall be persons affiliated with educational, training, or research programs for the handicapped.

Establishment;  
membership.

(b) The Advisory Committee shall review the administration and operation of the programs authorized by this title and other provisions of law administered by the Commissioner with respect to handicapped children, including their effect in improving the educational attainment of such children, and make recommendations for the improvement of such administration and operation with respect to such children. Such recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the Commissioner and shall make an annual report of its findings and recommendations to the Commissioner not later than March 31 of each year. The Commissioner shall transmit each such report to the Secretary together with his comments and recommendations, and the Secretary shall transmit such report, comments, and recommendations to the Congress together with any comments or recommendations he may have with respect thereto.

Report to  
Congress.

#### ACQUISITION OF EQUIPMENT AND CONSTRUCTION OF NECESSARY FACILITIES

SEC. 605. (a) In the case of any program authorized by this title, if the Commissioner determines that such program will be improved by permitting the funds authorized for such program to be used for the acquisition of equipment and the construction of necessary facilities, he may authorize the use of such funds for such purposes.

(b) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to a grant or contract under this title the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

## PART B—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

### AUTHORIZATION

SEC. 611. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels.

Appropriations.

(b) For the purpose of making grants under this part there is authorized to be appropriated \$200,000,000 for the fiscal year ending June 30, 1971, \$210,000,000 for the fiscal year ending June 30, 1972, and \$220,000,000 for the fiscal year ending June 30, 1973.

### ALLOTMENT OF FUNDS

SEC. 612. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 611(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among—

(A) Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs, and

(B) for each fiscal year ending prior to July 1, 1972, the Secretary of the Interior, according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior and the terms upon which payments for such purposes shall be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(2) From the total amount appropriated pursuant to section 611(b) for any fiscal year the Commissioner shall allot to each State an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States, except that no State shall be allotted less than \$200,000 or three-tenths of 1 per centum of such amount available for allotment to the States, whichever is greater. For purposes of this paragraph and subsection (b), the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"State."

(b) The number of children aged three to twenty-one, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallocation, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other 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; 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 shall be deemed part of its allotment under subsection (a) for that year.

#### STATE PLANS

SEC. 613. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan (not part of any other plan) in such detail as the Commissioner deems necessary. Such State plan shall—

Grants, re-  
quirements.

(1) set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this part will be expended (A) either directly or through individual, or combinations of, local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (i) which are designed to meet the special educational and related needs of handicapped children throughout the State, and (ii) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (B) for the proper and efficient administration of the State plan (including State leadership activities and consultative services), and for planning on the State and local level: *Provided*, That the amount expended for such administration and planning shall not exceed 5 per centum of the amount allotted to the State for any fiscal year or \$100,000 (\$35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater;

Administrative  
costs, limita-  
tion.

(2) provide satisfactory assurance that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part;

(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, 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 property;

(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local and private funds;

(5) provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

Reports;  
recordkeeping.

(7) provide for (A) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, including reports of the objective measurements required by clause (5) of this subsection, and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

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

Ante, p. 123.

(9) provide satisfactory assurance that funds paid to the State under this part shall not be made available for handicapped children eligible for assistance under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965;

(10) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(11) contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this part.

Final  
approval,  
conditions.

(c) (1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless the plan has, prior to its submission, been made public as a separate document by the State educational agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons (as defined by regulation). The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under this section or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

Hearing  
opportunity.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

Failure to  
comply.

(A) that the State plan has been so changed that it no longer complies with the provisions of this part, or

(B) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a local educational agency approved pursuant to such plan,

the Commissioner shall notify the agency that further payments will not be made to the State under this part (or in his discretion, that fur-

ther payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under this part to specified local agencies affected to the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this part (or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under this part shall be limited to local educational agencies not affected by the failure, as the case may be).

(d) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under subsection (a) or with his final action under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

Judicial review.

72 Stat. 941.

(2) 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.

(3) 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.

62 Stat. 928.

#### PAYMENTS

SEC. 614. From the amounts allotted to each State under this part, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan.

Matching funds.

#### PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

##### REGIONAL RESOURCE CENTERS

SEC. 621. (a) The Commissioner is authorized to make grants to or contracts with institutions of higher education, State educational agencies, or combinations of such agencies or institutions, which combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs. Centers established or operated under this section shall (1) provide testing and educational evaluation to determine the special educational needs of handicapped children referred to such centers, (2) develop educational programs to meet those needs, and (3) assist schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including,

Establishment; functions.

in appropriate cases, consultation with parents or teachers of handicapped children at such regional centers), periodic reexamination and reevaluation of special educational programs, and other technical services.

(b) In determining whether to approve an application for a project under this section, the Commissioner shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to develop and apply, with the assistance of funds under this section, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

#### CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children, a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with, and adjustment to, the world around them, for useful and meaningful participation in society, and for self-fulfillment.

(b) The Commissioner is authorized, upon such terms and conditions (subject to the provisions of subsection (b)(1) of this section) as he deems appropriate to carry out the purposes of this section, to make grants to or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of establishment, including construction, which for the purposes of this section shall include the construction of residential facilities, and operation of centers for deaf-blind children.

(c) In determining whether to make a grant or contract under subsection (b), the Commissioner shall take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved.

(d)(1) A grant or contract pursuant to subsection (b) shall be made only if the Commissioner determines that there is satisfactory assurance that the center will provide such services as he has by regulation prescribed, including at least—

(A) comprehensive diagnostic and evaluative services for deaf-blind children;

(B) a program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor; and

(C) effective consultative services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of their adjustment, orientation, and education.

(2) Any such services may be provided to deaf-blind children (and, where applicable, other persons) regardless of whether they reside in the center, may be provided at some place other than the center, and may include the provision of transportation for any such children (including an attendant) and for parents.

## EARLY EDUCATION FOR HANDICAPPED CHILDREN

SEC. 623. (a) The Commissioner is authorized to arrange by contract, grant, or otherwise with appropriate public agencies and private nonprofit organizations, for the development and carrying out by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Commissioner determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

(c) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

Funds, limitation.

## RESEARCH, INNOVATION, TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

SEC. 624. (a) The Commissioner is authorized, either as part of any grant or contract under this part, or by separate grant to, or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as the Commissioner determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

(1) research to identify and meet the full range of special needs of handicapped children;

(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children;

(3) training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(4) dissemination of materials and information about practices found effective in working with such children.

(b) In making grants and contracts under this section, the Commissioner shall insure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other parts of this title.

## EVALUATIONS

SEC. 625. The Commissioner shall conduct, either directly or by contract with independent organizations, a thorough and continuing evaluation of the effectiveness of each program assisted under this part.

## AUTHORIZATION OF APPROPRIATIONS

SEC. 626. There are hereby authorized to be appropriated \$36,500,000 for the fiscal year ending June 30, 1971, \$51,500,000 for the fiscal year ending June 30, 1972, and \$66,500,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out the provisions of this part.

PART D—TRAINING PERSONNEL FOR THE EDUCATION OF THE  
HANDICAPPED

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE  
INSTITUTIONS OR AGENCIES

SEC. 631. The Commissioner is authorized to make grants to institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

(1) in providing training of professional personnel to conduct training of teachers and other specialists in fields related to the education of handicapped children;

(2) in providing training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other special personnel providing special services for the education of such children, or engaged or preparing to engage in research in fields related to the education of such children; and

(3) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Commissioner, for training personnel engaged in or preparing to engage in employment as teachers of the handicapped or as related specialists.

Grants under this subsection may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Commissioner.

GRANTS TO STATE EDUCATIONAL AGENCIES

SEC. 632. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, programs for training personnel engaged, or preparing to engage, in employment as teachers of handicapped children or as supervisors of such teachers. Such grants shall also be available to assist such institutions in meeting the cost of training such personnel.

GRANTS OR CONTRACTS TO IMPROVE RECRUITING OF EDUCATIONAL PERSONNEL, AND TO IMPROVE DISSEMINATION OF INFORMATION CONCERNING EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

SEC. 633. The Commissioner is authorized to make grants to public or nonprofit private agencies, organizations, or institutions, or to enter into contracts with public or private agencies, organizations, or institutions, for projects for—

(1) encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers, or

(2) disseminating information about the programs, services, and resources for the education of handicapped children, or pro-

viding referral services to parents, teachers, and other persons especially interested in the handicapped.

#### TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR HANDICAPPED CHILDREN

SEC. 634. The Commissioner is authorized to make grants to institutions of higher education to assist them in providing training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for handicapped children or as educators or supervisors of such personnel, or engaged or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

#### REPORTS

SEC. 635. Each recipient of a grant under this part during any fiscal year shall, after the end of such fiscal year, submit a report to the Commissioner. Such report shall be in such form and detail and contain such information as the Commissioner determines to be appropriate.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 636. There are authorized to be appropriated for carrying out this part, \$69,500,000 for the fiscal year ending June 30, 1971, \$87,000,000 for the fiscal year ending June 30, 1972, and \$103,500,000 for the fiscal year ending June 30, 1973.

### PART E—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

#### RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

SEC. 641. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children.

#### RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR HANDICAPPED CHILDREN

SEC. 642. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for handicapped children, and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

#### PANELS OF EXPERTS

SEC. 643. The Commissioner shall from time to time appoint panels of experts who are competent to evaluate various types of research or

Evaluation prior  
to grant.

demonstration projects under this part, and shall secure the advice and recommendations of one such panel before making any grant under this part.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 644. There are hereby authorized to be appropriated \$27,000,000 for the fiscal year ending June 30, 1971, \$35,500,000 for the fiscal year ending June 30, 1972, and \$45,000,000 for the fiscal year ending June 30, 1973, for carrying out the provisions of this part.

### PART F—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

#### PURPOSE

SEC. 651. (a) The purposes of this part are to promote—

(1) the general welfare of deaf persons by (A) bringing to such persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons, (B) providing through these films enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment, and (C) providing a wholesome and rewarding experience which deaf persons may share together; and

(2) the educational advancement of handicapped persons by (A) carrying on research in the use of educational media for the handicapped, (B) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped, and (C) training persons in the use of educational media for the instruction of the handicapped.

#### CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED PERSONS

Loan service.

SEC. 652. (a) The Commissioner shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped in accordance with regulations.

(b) The Commissioner is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchased equipment necessary to the administration of this part;

(3) provide for the captioning of films;

(4) provide for the distribution of captioned films and other educational media and equipment through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution;

(5) provide for the conduct of research in the use of educational and training films and other educational media for the handicapped, for the production and distribution of educational and training films and other educational media for the handicapped and the training of persons in the use of such films and media, including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies; and

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

#### NATIONAL CENTER ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

SEC. 653. (a) The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation of a National Center on Educational Media and Materials for the Handicapped, which will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in the agreement. Such agreement shall—

(1) provide that Federal funds paid to the Center will be used solely for such purposes as are set forth in the agreement;

(2) authorize the Center, subject to the Secretary's prior approval, to contract with public and private agencies and organizations for demonstration projects; and

(3) provide for an annual report on the activities of the Center which will be transmitted to the Congress.

(b) In considering proposals from institutions of higher education to enter into an agreement under this subsection, the Secretary shall give preference to institutions—

(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89-694).

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 654. For the purpose of carrying out this part, there are hereby authorized to be appropriated not to exceed \$12,500,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year thereafter.

#### PART G—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

##### RESEARCH, TRAINING, AND MODEL CENTERS

SEC. 661. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

(1) research and related purposes relating to the education of children with specific learning disabilities;

(2) professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

Establishment.

Report to Congress.

80 Stat. 1027.  
D.C. Code 31-1051 note.

(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special educational needs of such children, (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities, and (D) disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations, and agencies within the area served by such center and evaluate the effectiveness of the dissemination process. Such evaluation shall be conducted annually after the first year of operation of a center.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

(b) In making grants and controls under this section, the Commissioner shall—

(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation, and

(2) for the purposes of clause (3) of subsection (a), to the extent feasible, taking into consideration the appropriations pursuant to this section, seek to encourage the establishment of a model center in each of the States.

Appropriations.

(c) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated \$12,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, and \$31,000,000 for each of the succeeding fiscal years ending prior to July 1, 1973.

#### REPEALER

SEC. 662. Effective July 1, 1971, the following provisions of law are repealed:

(1) That part of section 1 of the Act of September 2, 1958 (Public Law 85-905), which follows the enacting clause and sections 2, 3, and 4 of such Act;

(2) The Act of September 6, 1958 (Public Law 85-926);

(3) Title VI of the Elementary and Secondary Education Act of 1965 (Public Law 89-10);

(4) Titles III and V of the Act of October 31, 1963 (Public Law 88-164); and

(5) The Act of September 30, 1968 (Public Law 90-538).

#### TITLE VII—VOCATIONAL EDUCATION

##### EXTENSION OF PROGRAM OF GRANTS FOR SPECIAL PROGRAMS FOR DISADVANTAGED STUDENTS

SEC. 701. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1970," the following: "\$50,000,000 for the fiscal year ending June 30, 1971, and \$60,000,000 for the fiscal year ending June 30, 1972,".

Effective date.

79 Stat. 983.  
42 USC 2491-2494.  
72 Stat. 1777.  
20 USC 611-617.  
80 Stat. 1204;  
81 Stat. 800, 813.  
20 USC 871-880a.  
77 Stat. 294.  
20 USC 611-618, 676.  
81 Stat. 530.  
42 USC 2698 et seq.  
82 Stat. 901.  
20 USC 621-624.  
82 Stat. 1065.  
20 USC 1242.

## TECHNICAL AMENDMENT

SEC. 702. Section 103(a)(2)(D) of the Vocational Education Act of 1963 is amended by striking out “5 per centum” and inserting in lieu thereof “15 per centum”.

82 Stat. 1065.  
20 USC 1243.

## CLARIFYING AMENDMENT WITH RESPECT TO STATE ADVISORY COUNCILS

SEC. 703. Section 104(b)(1) of the Vocational Education Act of 1963 is amended by inserting after “State board are elected” the following: “(including election by the State legislature)”.

20 USC 1244.

## EXTENSION OF AUTHORITY FOR RESIDENTIAL FACILITIES

SEC. 704. (a) Section 152(a)(1) of the Vocational Education Act of 1963 is amended by striking out “\$15,000,000 for the fiscal year ending June 30, 1970” and inserting in lieu thereof “for each of the succeeding fiscal years ending prior to July 1, 1972”.

20 USC 1322.

(b) Section 153(d)(2) of such Act is amended by striking out “1969” and inserting in lieu thereof “1970, and on July 1, 1971”.

20 USC 1323.

## PROMOTION OF KNOWLEDGE OF NUTRITION

SEC. 705. Section 161(b) of the Vocational Education Act of 1963 is amended by adding after “consumer education programs,” the following: “including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase.”

20 USC 1341.

## EXTENSION OF WORK-STUDY PROGRAMS

SEC. 706. (a) Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after “1970” a comma and the following: “\$45,000,000 for the fiscal year ending June 30, 1971, and \$55,000,000 for the fiscal year ending June 30, 1972”.

20 USC 1371.

(b) Section 183(a) of such Act is amended by striking out “the fiscal year ending June 30, 1970” and inserting in lieu thereof “any succeeding fiscal year”.

20 USC 1373.

## EXTENSION OF CURRICULUM DEVELOPMENT PROGRAM

SEC. 707. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out “the fiscal year ending June 30, 1970” and inserting in lieu thereof “each of the succeeding fiscal years ending prior to July 1, 1972”.

20 USC 1391.

## EXTENSION OF PART F OF THE EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 708. Section 555 of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out “and” where it appears after “1969,” and by inserting before the period at the end thereof a comma and the following: “the sum of \$40,000,000 for the fiscal year ending June 30, 1971, and the sum of \$45,000,000 for the fiscal year ending June 30, 1972”.

82 Stat. 1094.  
20 USC 1119c-4.

## TECHNICAL AMENDMENT

SEC. 709. Section 104 of the Vocational Education Amendments of 1968 is amended by striking out “this Act” and inserting in lieu thereof “the Vocational Education Act of 1963”.

20 USC 11 note.

## TITLE VIII—MISCELLANEOUS

## WAIVER OF MATCHING REQUIREMENT IN THE UPWARD BOUND PROGRAM

82 Stat. 1018.  
20 USC 1068.

SEC. 801. Section 408(c)(1) of the Higher Education Act of 1965 is amended by inserting after the third sentence thereof the following: "The Commissioner may, however, approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services."

## EXTENSION OF AUTHORIZATION FOR ADVISORY COUNCIL UNDER EDUCATION PROFESSIONS DEVELOPMENT ACT

81 Stat. 82.  
20 USC 1091a.

SEC. 802. Section 502(f) of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "two" and inserting in lieu thereof "three".

## TEACHER CORPS ASSISTANCE FOR INDIAN CHILDREN

81 Stat. 86.  
20 USC 1103.

SEC. 803. The first sentence of section 513(c)(2) of the Higher Education Act of 1965 is amended to read as follows: "Not to exceed 3 per centum of the number of members of the Teacher Corps who are available shall be allocated to Puerto Rico and the Virgin Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs."

## STUDENT TEACHER CORPS

79 Stat. 1255.  
20 USC 1101.

SEC. 804. (a) It is the purpose of this section to encourage high school and college students, parents, and other community residents to volunteer for service on a part-time or full-time basis as tutors or instructional assistants for children in disadvantaged areas and to provide support by the Teacher Corps of volunteer programs to be carried out by State and local educational agencies and institutions of higher education.

(b)(1) Section 511(a) of the Higher Education Act of 1965 is amended by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas."

81 Stat. 85;  
82 Stat. 1039.  
20 USC 1101.

(2) Section 511(b) of such Act is amended by striking out "\$56,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971" and inserting in lieu thereof "\$80,000,000 for the fiscal year ending June 30, 1970, and \$100,000,000 for the fiscal year ending June 30, 1971".

81 Stat. 85.  
20 USC 1103.

(c) Paragraph (1) of section 513(a) of such Act is amended by inserting before the semicolon at the end thereof a comma and the following: "and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants".

(d) Section 513(a) of such Act is further amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

81 Stat. 85.  
20 USC 1103.

Contract  
authority.

“(5) enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from Federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;”.

(e) Section 514(a) of such Act is amended—

79 Stat. 1257;  
81 Stat. 86.  
20 USC 1104.

(1) by inserting after “paragraph (3) of section 513(a)” a comma and the following: “or an arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513(a);”;

*Supra.*

(2) by striking out in paragraph (2) “is equal to” and inserting in lieu thereof “does not exceed”, and by striking out “\$75 per week” in such paragraph and inserting in lieu thereof “\$90 per week”; and

(3) by deleting the word “and” at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word “and”, and by inserting after paragraph (2) the following new paragraph:

“(3) tutors and instructional assistants shall be compensated at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs.”

#### TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

SEC. 805. (a) Section 511(a) of the Higher Education Act of 1965 (as amended by section 804(b) of this Act) is further amended by deleting the word “and” at the end of paragraph (2), by deleting the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word “and”, and by inserting after paragraph (3) the following new paragraph:

*Ante*, p. 190.

“(4) attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders.”

(b) Section 513(a) of such Act is further amended by redesignating paragraphs (6), (7), and (8) (as redesignated by section 804(d) of this Act), and all references thereto, as paragraphs (7), (8), and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

*Supra.*

“(6) enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payment of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the

special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such projects may be paid from Federal funds;”.

(c) Section 514(a) of such Act is further amended by inserting before “shall provide” the following: “or an arrangement with any agency pursuant to paragraph (6) of Section 513(a),”.

Compensation.  
79 Stat. 1257.  
20 USC 1104.  
Ante, p. 191.

#### PROVISIONS RELATED TO GIFTED AND TALENTED CHILDREN

SEC. 806. (a) Section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) is amended by inserting in the last sentence thereof after the words “handicapped children” a comma and the following: “and for gifted and talented children”.

(b) Section 1201 of such Act (relating to definitions) is amended by adding at the end thereof the following new paragraph:

“(k) The term ‘gifted and talented children’ means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent.”

(c) (1) The Commissioner of Education shall:

(A) determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children,

(B) show which existing Federal educational assistance programs are being used to meet the needs of gifted and talented children,

(C) evaluate how existing Federal educational assistance programs can be more effectively used to meet these needs, and

(D) recommend which new programs, if any, are needed to meet these needs.

(2) The Commissioner shall report his findings, together with his recommendations, to the Congress not later than one year after the enactment of this Act.

Report to  
Congress.

#### CONSOLIDATION OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND SECTION 12 OF THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 807. (a) (1) Section 303(a) of the National Defense Education Act of 1958 is amended by striking out “science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, or reading” and inserting in lieu thereof “academic subjects”.

(2) Section 303(a) (5) of such Act is amended by striking out “the fields of science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English, and reading” and inserting in lieu thereof “academic subjects”.

(3) The first sentence of section 301 of such Act is amended by striking out “\$120,000,000” and inserting in lieu thereof “\$120,500,000” and by striking out “\$130,000,000” and inserting in lieu thereof “\$130,500,000”.

(b) Section 12 of the National Foundation on the Arts and the Humanities Act of 1965 is hereby repealed.

78 Stat. 1103.  
20 USC 443.

72 Stat. 1589.

82 Stat. 1052.  
20 USC 441.

Repeal.  
79 Stat. 854.  
20 USC 961.

## ADVISORY COUNCIL ON RESEARCH AND DEVELOPMENT

SEC. 808. Section 2 of the Cooperative Research Act of 1954 is amended by adding the following new subsection at the end thereof:

68 Stat. 533;  
79 Stat. 44.  
20 USC 331a.

“(e) (1) The Commissioner shall establish in the Office of Education an Advisory Council on Research and Development, consisting of fifteen members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. The Commissioner shall appoint one such member as Chairman. Such members shall include persons recognized as authorities in the field of educational research and development or in related fields.

“(2) The Advisory Council shall advise the Commissioner with respect to matters of general policy arising in the administration of this Act.”

## RESEARCH ON PROBLEMS OF FINANCING ELEMENTARY AND SECONDARY EDUCATION

SEC. 809. (a) The Congress finds that—

(1) insufficient national concern has been focused upon the escalating operating expenses and construction costs faced by school districts, including serious inequities within and among States in financial support of elementary and secondary education;

(2) taxpayer resistance to the existing tax structure is growing and school bond issues and budget requests are being rejected;

(3) school districts are facing serious fiscal crises as they approach or exceed statutory limits on taxing and bonding authority; and

(4) there is a need for additional knowledge to solve these problems.

(b) It is the purpose of this section—

(1) to provide for research and reports on such problems under the Cooperative Research Act; and

(2) to provide for a National Commission on School Finance to study such problems and report to the Commissioner and the Congress within two years.

20 USC 331  
note.

Report to  
Congress.

20 USC 331a.

(c) Section 2(a) of the Cooperative Research Act is amended by inserting at the end thereof the following:

“(3) The Commissioner shall, pursuant to his authority under this Act, provide for research regarding the problems of financing elementary and secondary education. Such research shall include, but not be limited to, recommendations concerning—

“(A) an appropriate division of responsibility among local, State, and the Federal Government in financing elementary and secondary education;

“(B) an appropriate balance of categorical aid, general aid, and school construction aid in the total Federal responsibility for financing elementary and secondary education;

“(C) new approaches to relieve the fiscal crisis now facing the schools;

“(D) the use of Federal revenue sharing for supporting elementary and secondary education; and

“(E) methods to minimize variations within and among States in per pupil expenditures for elementary and secondary education.

The Commissioner shall make a preliminary report to the Congress not later than one hundred and twenty days after the date of enactment of the Elementary and Secondary Education Amendments of 1969 identifying all existing federally financed research in this area (whether authorized under this or any other Act) and the current status of such research. Thereafter, the Commissioner shall report the

Report to  
Congress.

results of, and recommendations with respect to, research under this paragraph as a separate and distinct part of his annual report pursuant to subsection (d)."

National Commission on School Finance.  
Establishment.  
Membership.

(d) The Commissioner shall, not later than ninety days after the date of enactment of this Act, establish a National Commission on School Finance. Such Commission shall consist of fifteen members appointed from (1) members of State and local educational agencies, (2) State and local government officials, (3) education administrators, (4) teachers, (5) financial experts, (6) parents with one or more children in a public elementary or secondary school, (7) the Office of Education, (8) the Department of the Treasury, with the approval of the Secretary of the Treasury, and (9) other appropriate fields. The Commissioner shall appoint a chairman and vice chairman from among such members. Such Commission shall make a full and complete investigation and study of the financing of elementary and secondary education, including, but not limited to, the matters referred to in section 2(a)(3) of the Cooperative Research Act (as amended by subsection (c) of this section). The Commission shall report the results of such investigation and study and its recommendations to the Commissioner and the Congress not later than two years after the date of enactment of this Act. Funds available for the purposes of the Cooperative Research Act and for the purposes of section 402 of Public Law 90-247 shall be available for the purposes of this subsection.

Ante, p. 193.  
Report to Congress.

Ante, p. 165.

#### CONSTRUCTION OF EDUCATIONAL RESEARCH FACILITIES

79 Stat. 46.  
20 USC 332a.

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83-531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1973", and by striking out "July 1, 1971" and substituting in lieu thereof "July 1, 1974".

#### AMENDMENT RELATING TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

Appropriation expenditure.

70 Stat. 938.

SEC. 811. (a) The paragraph designated "First" in section 3 of the Act entitled "An Act to promote the education of the blind", approved March 3, 1879 (20 U.S.C. 102), is amended to read as follows:

"First. (A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private nonprofit institutions in the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each public and private nonprofit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private nonprofit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private nonprofit institutions (in the State) in which blind pupils are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private nonprofit institutions in which blind pupils are educated in all of the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of

Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year; and for purposes of such sentences the number of blind pupils in public and private nonprofit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of this Act, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

“(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private nonprofit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each such institution as compared to the total number of such pupils in all of the private nonprofit institutions in which blind pupils are educated in such State.

“(C) All books and other materials furnished pursuant to this Act, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to this Act for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to those books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein.”

(b) The paragraph designated “Fourth” of section 3 of the Act entitled “An Act to promote the education of the blind”, approved March 3, 1879, as amended (20 U.S.C. 102), is amended by inserting immediately after “public”, the following: “and private nonprofit”.

(c) Section 4 of such Act is amended by inserting immediately after “public”, the following: “or private nonprofit”.

Approved April 13, 1970.

## Public Law 91-231

### AN ACT

To increase the pay of Federal employees.

*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 “Federal Employees Salary Act of 1970”.

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining

20 Stat. 468.

20 USC 104.

April 15, 1970  
[S. 3690]

Federal Employees  
Salary Act of  
1970.

5 USC 5332  
note.

Post, p. 198-1.