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An Analytical Study of Title VI, Public Law 89-750

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AN ANALYTICAL STUDY OF TITLE VI,
PUBLIC LAW 89-750

A Thesis
Presented to
the Graduate Faculty
Central Washington State College

In Partial Fulfillment
of the Requirements for the Degree
Master of Education

by
Byron R. Holmgren
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APPROVED FOR THE GRADUATE FACULTY

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To The Memory
of
John Edward Fogarty

Congressman,

Humanitarian, Champion of Public Health

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TABLE OF CONTENTS

CHAPTER	PAGE
I. INTRODUCTION	1
The Problem.	2
Statement of the problem	2
Importance of the study.	3
Limitations of the study	3
Definition of Terms.	4
Federal aid.	4
Categorical aid.	4
Handicapped children	4
Exceptional children	4
Special education.	4
Methodology.	5
Organization of remainder of the study	6
II. REVIEW OF THE LITERATURE	7
Federal aid for the handicapped.	7
A modest start	7
A bold new approach.	8
A bill of rights	10
III. HEARINGS	15
The Carey Investigation.	15
Recommendations.	16
A national policy.	16

CHAPTER	PAGE
A national advisory committee.	19
A bureau for the handicapped	21
New Legislation.	23
Public law 89-694.	24
Summary.	26
IV. ANALYSIS OF TITLE VI, PUBLIC LAW 89-750.	28
The Carey Bill	29
Special task force	31
Title VI	33
Opposition to the bureau	36
Handicapped children act	37
Section-by-Section Analysis.	38
New bureau	42
National advisory committee.	44
V. SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS.	45
Summary.	45
Conclusions.	47
Recommendations.	49
BIBLIOGRAPHY	52
APPENDIX A. Supplementary Data.	59
APPENDIX B. Correspondence.	88
APPENDIX C. Responses	118

CHAPTER I

INTRODUCTION

Since the Declaration of Independence, the United States has developed a monolithic system of free public education based upon the principle of equal opportunity. The attitude of our Founding Fathers was to encourage general education through land grants. In 1785, Congress passed the Land Bill providing a system of land survey and sale. Congress categorically stated:

There shall be reserved the lot No. 16 of every township for the maintenance of public schools within said township (2:2).

In 1787, Congress reiterated its position on universal education in the Northwest Ordinance:

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged (57:168).

With the passage of the Morrill Act, in 1862, Congress began to provide support for specific types of federal aid for public education. Buehler (2:2) referred to the Land Grant College Act as being significant in determining the federal attitude toward future legislation affecting education.

From 1862 until the middle of the twentieth-century, Congress passed several pieces of legislation which had

favorable effect on the education and training of our children and youth. However, it was not until 1950 that the 81st Congress enacted monumental legislation benefiting more than 4,000 school districts throughout the country. Public Law 874, School Assistance in Federally Affected Areas (SAFA), provides over \$300 million annually to local school districts for current operating expenses (32:94).

Americans enjoy one of the finest educational systems in the world. State and local school systems have had the prime responsibility for maintaining this heritage; more recently this responsibility has become a burden. Today local school districts are turning to the federal government for additional support. Without the benefit of federal aid, American education could not provide the broad array of diversified services it now does.

I. THE PROBLEM

Statement of the problem. The failure to categorically define the term "handicapped," in Title I of the Elementary and Secondary Education Act of 1965, Public Law 89-10, caused many children to be ineligible for meaningful participation in programs for the educationally deprived.

It is the purpose of this study to investigate the causal relationship between persons, organizations, and legislation affecting passage of Title VI of Public Law

89-750, which was designed to provide comprehensive aid for handicapped children and youth.

Importance of the study. In an expanding population, the continued need for educational services of a diversified nature is imperative for the education and training of our handicapped children and youth. At a time when much emphasis is being placed on education, it seems incumbent for America to give every child an equal opportunity to develop his potential. With the recent concern of the federal government to strengthen the quality of public education, it is evident the handicapped are not receiving adequate federal support. Senator Wayne Morse of Oregon voiced this concern before the second session of the 89th Congress:

Fewer than one half of the Nation's five million handicapped children and youth are getting the special educational attention they need in order to become contributing members of adult society (36:10520).

The need for additional federal legislation in programs for the handicapped must be the continuing concern of all educators. The writer trusts that this study will indicate the necessity of federal aid for these programs, and stimulate interest for this concern.

Limitations of the study. This study is confined to federal legislation affecting the education and training of handicapped children and youth in America, since 1956. The

study is further delimited to the analysis of Title VI of Public Law 89-750.

II. DEFINITION OF TERMS

For the purpose of this study, the terms below were defined as follows:

Federal aid. Federal money to support schools and educational services.

Categorical aid. Federal funds authorized by Congress and appropriated for specific educational programs.

Handicapped children. Includes 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.¹

Exceptional children. Includes the gifted, handicapped, and children with special learning needs.

Special education. Special services provided in an educational setting for instructing and training handicapped and exceptional children.

¹As defined in Section 602 of Title VI, Public Law 89-750.

III. METHODOLOGY

The study was initiated by previewing the journal, Exceptional Children, beginning with volume 22, 1956, for articles on federal legislation concerned with educational programs for the handicapped. Careful attention was given to references, bibliographies, and other documents concerning federal support for the education and training of the handicapped. The Congressional Record, volume 112, was reviewed from March 1 to November 15, 1966. The writer corresponded with congressmen, special educators, and leaders of various national organizations, concerned with the passage of Title VI, Public Law 89-750, ascertaining answers to the following questions:

1. Who were the congressmen instrumental in initiating legislation for creation of the Bureau for the Handicapped?
2. What national organizations gave impetus to this idea?
3. When did the idea to form a separate Bureau originate?
4. Do we have a national policy with respect to educating the handicapped?

A three volume set of the Hearings was ordered from the House Committee on Education and Labor, United States Congress, which subsequently became the basic frame of reference used in this study.

IV. ORGANIZATION OF REMAINDER OF THE STUDY

The remainder of the thesis is divided into four chapters. Chapter II is a review of literature dealing with the history of legislation affecting the education and training of the handicapped. The third chapter discusses the hearings conducted by the Ad Hoc Subcommittee on the Handicapped with respect to the three major recommendations of the witnesses. The history, debates, and provisions of Title VI, Public Law 89-750 are reviewed in Chapter IV. The final chapter consists of summary and conclusions drawn from the study, with recommendations for further research.

CHAPTER II

REVIEW OF THE LITERATURE

I. FEDERAL AID FOR THE HANDICAPPED

During the past decade, the federal government has assumed greater responsibility in ameliorating the problems confronting the handicapped. Much of this concern has been focused on the education of the mentally retarded (43:155). Support for federal aid to benefit the handicapped was initiated over a quarter of a century ago. In 1939, the Council for Exceptional Children, and other organizations, worked with the National Society for Crippled Children in support of the Pepper-Boland bill for improving the educational opportunities of physically handicapped children (21:187).

A modest start. Beginning in 1956, Congress specifically designed aid for the handicapped through Public Law 85-531, the Cooperative Research Act. Two-thirds of the money allocated under this act was earmarked for mental retardation (28:250).

In 1958, Congress enacted Public Law 85-905, a grant for captioned films to bring cultural enrichment and recreation to deaf persons. Concurrently, Public Law

85-926 was passed providing grants to train professional personnel for educating the mentally retarded. This was the first federal legislation categorically designated for the education of the handicapped (28:251). The following year additional support grants were made to institutions of higher learning for training professional personnel, through the passage of Public Law 86-158.

In the spring of 1959, Congress decided to make an intensive study of the problems confronting special education. Under the leadership of Congressman Carl Elliott of Alabama, the Subcommittee on Special Education investigated the needs of the handicapped (15:434). This investigation produced evidence which enabled Congress to legislate for the future needs of handicapped children.

A bold new approach. Special education was to enter a new era with the election of John F. Kennedy to the presidency in the fall of 1960. The new administration's policy on federal aid to education was forcefully stated in President Kennedy's First Annual State of the Union Message:

Our classrooms contain 2 million more children than they properly have room for, taught by 90,000 teachers not properly qualified to teach. . . . Federal grants for both higher and public school education can no longer be delayed (25:3125).

Moving expediently under President Kennedy's leader-

ship, Congress, in the fall of 1961, passed Public Law 87-276 to provide funds for training teachers of the deaf. Additional funds were authorized the same year for the production and distribution of captioned films for the deaf under Public Law 87-715.

In August 1962, the President's Panel on Mental Retardation, cited the social maladies facing this country in the 1960's:

A bold preventive approach is called for to interrupt, for at least one generation, the adverse cultural and social ailments which are the root of many of our health and social problems, including mental retardation, juvenile delinquency, and poor standards of physical and general fitness. These problems call for assistance to the passive and dependent or underprivileged families, many of whom are not reached by existing public or private community services. Their needs are great, but their financial and spiritual resources are meager. We must help them (41:15).

This Task Force was instrumental in stimulating congressional concern for the handicapped (29:425). Public Law 88-164 (Section 301) expanded the authority to train personnel to work with handicapping conditions, not previously covered under Public Law 85-926. Section 302 of Public Law 88-164 authorized the Commissioner of Education to make grants for research and demonstration projects in the area of education of the handicapped. This law, known as the Mental Retardation Facilities and Community Mental Health Construction Act of 1963, was the broadest piece of federal legislation affecting the education of handicapped

children up to this time (20:413). When President Kennedy signed this act on October 31, 1963 (one of the last to be signed by the late President), he announced the establishment of a Division of Handicapped Children and Youth and the appointment of Dr. Samuel Kirk as its first director.

A bill of rights. With the tragic death of President Kennedy in the fall of 1963, President Lyndon Johnson pledged to continue the domestic programs of his predecessor. In his First State of the Union Message, President Johnson stated:

Let us carry forward the plans and programs of John Fitzgerald Kennedy--not because of our sorrow or sympathy, but because they are right. . . . we must, by including special school aid funds as part of our education program, improve the quality of teaching and training and counseling in our hardest hit areas (24:3158).

During the Johnson administration special education was elevated to its present position in American education. Never before, in the history of Congress, has massive legislation affecting all phases of education been enacted with overwhelming bipartisan support. The 89th Congress passed several laws to benefit the handicapped: Public Law 89-36 authorized the establishment of the National Technical Institute for the Deaf as a new source for higher education; Public Law 89-105 provided funds for additional professional personnel and research projects; and Public

Law 89-258 extended authority for captioned films and allowed development and distribution of other visual media and equipment for the deaf.

The most comprehensive education bill ever enacted by Congress was signed by President Johnson on April 11, 1965. The Elementary and Secondary Education Act, Public Law 89-10, was designed to strengthen and improve educational opportunities for all our school age children. Wirtz and Chalfant succinctly describe the five titles of this law:

The Elementary and Secondary Education Act of 1965 authorized more than \$1,300,000,000 in federal funds to be channeled into the nation's classrooms. This is intended to strengthen state and community education systems by (a) bringing better education to millions of disadvantaged youth; (b) improving the quality of school library resources; (c) providing supplementary educational centers and services; (d) supporting educational research and training; and (e) strengthening state departments of education. The potential impact of this Act for Elementary and secondary schools is unparalleled in the history of American education (58:139).

When Public Law 89-10 was passed, it was the intent of Congress that all handicapped children were to be included (47:784). This legislative intent was documented in a March 31, 1965 letter to Senator Wayne Morse from the Assistant Secretary of the Department of Health, Education, and Welfare, Mr. Wilbur J. Cohen.² This correspondence

²See Appendix C, Responses, for letter from Senator Wayne Morse.

stated that the term, "educationally deprived children," includes handicapped children (49:15). What was congressional intent became the nemesis of this act; less than three percent of Title I money was being used to educate handicapped children (47:784). One reason for the failure of Public Law 89-10 to improve educational opportunities for the handicapped, was the need to use these intended funds for general educational programs. A second reason was the restriction imposed by Title I with regard to "school attendance areas." A similar restriction was the poverty classification. Testimony of congressmen and educators indicated that handicapped children were to be included under the provisions of this act without the dual requirement (31:828). Programs for serving the needs of handicapped children, under the provisions of the Elementary and Secondary Education Act of 1965, have had limited success (54:871).

During the summer of 1965, Congress worked diligently to correct the imperfections in Title I. One of these imperfections was the inadequate provision for meeting the costs of administering the review and approval process for programs under this Title by the smaller state departments of education. This was corrected by the Senate amendment in providing for an authorization of \$75,000 for administrative expenses, instead of the current

one percent of approved grants (19:26887).

Similarly, the Senate corrected a second omission in the original law concerning benefits to handicapped children residing in state operated institutions. In the original act, Congress provided that handicapped children could participate in local education agency programs for the benefit of disadvantaged children. However, since the bill operated through local school district systems, it made no provision for state operated or state supported schools (3:26884).

The Senate Report of September 28, 1965 categorically sets forth the provisions of the new amendment in Section 6 of H.R. 9002:

This section amends section 203(a) of Public Law 874, 81st Congress, as amended by title I of Public Law 89-10, by adding a paragraph which would make eligible for basic grants to State agencies directly responsible for providing, on a non-school-district basis, 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 amount of the basic grant which the State agency is authorized to receive is computed upon a formula based on the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance to whom the State agency provided free public education in the most recent fiscal year for which satisfactory data are available. The grant shall be used by the State agency 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 (50:10).

Title I of the Elementary and Secondary Education Act was amended on November 1, 1965 when President Johnson signed Public Law 89-313. This law provided that every handicapped child is entitled to some kind of federal support (7:50).³

³See Appendix A, Supplementary Data, for additional legislation affecting the education and training of the handicapped.

CHAPTER III

HEARINGS

I. THE CAREY INVESTIGATION

Early in the spring of 1966, Congress named Representative Hugh Carey of New York Chairman of a newly formed Ad Hoc Subcommittee on the Handicapped of the House Committee on Education and Labor. The purpose of this Subcommittee was to investigate the adequacy of federal and other resources for educating and training the handicapped. During a nine month period, the Subcommittee listened to testimony presented by witnesses from government, national organizations, and state and private agencies regarding the status of educational programs for the handicapped.

The testimony of the government witnesses was replete with evidence that the federal, state, and local resources were not reaching every handicapped person entitled to assistance. The legislation enacted by Congress to benefit the handicapped did not always reach down to the level of impact where they were designed to help (7:387). Dr. Parley Newman, Associate Secretary of the American Speech and Hearing Association, cogently states the problem:

The principal obstacle to meeting the needs of handicapped children and youth is inadequate

coordination of services. . . . A related problem is lack of money. Funds are not available to develop comprehensive, coordinated programs of service (38:476).

The most effective way to adequately provide for the handicapped, according to Dr. Ernest Willenberg, President of the Council for Exceptional Children, is for states to enact mandatory legislation requiring local school systems to provide special programs for these children (56:471). In pointing up the serious manpower shortage in special education, Dr. Wayne Sengstock, Education Consultant for the National Association for Retarded Children, Inc., recommended that the profession make an extensive recruitment campaign, employing Madison Avenue techniques, to sell the nation's youth on choosing a career in teaching the handicapped (46:418).

Three major recommendations emanated from the hearings: (1) a national policy; (2) a national advisory committee; and (3) a bureau for the handicapped in the Office of Education.

II. RECOMMENDATIONS

A national policy. During the opening day of the hearings it became quite evident that the federal government and its specific agency, the U.S. Office of Education, did not have a formulated national policy on the education and training of the handicapped. Congressman Carlton R.

Sickles of Maryland directed this significant question regarding a national policy at Dr. Philip DesMarais, Deputy Assistant Secretary for Special Educational Projects, U.S. Office of Education. Dr. DesMarais gave this response:

I would say that we are in the process of developing one, Mr. Sickles.

.
I think there is a national policy evolving. I don't think it is completely developed yet (13:36).

U.S. Commissioner of Education, Harold Howe II, in his testimony before the Subcommittee on June 6, 1966, remarked that he hoped a national policy would evolve from the Carey Committee to meet all the needs of the handicapped (23:47).

The former director of the defunct Division of Handicapped Children and Youth in the Office of Education, Dr. Samuel Kirk, told the Subcommittee that special education did not have a federal coordinating leadership program. He recommended that Congress organize a Commission for Handicapped Children and Youth in the Office of the Secretary of Health, Education, and Welfare.⁴ This Commission would involve a permanent staff of twelve non-salaried members from the profession, from universities and state departments of education, appointed for a three-year

⁴See Appendix B, Correspondence, for letter to Congresswoman Edith Green.

period on a rotating basis for a period of six years. The Commission would be responsible for periodically surveying the various programs under the Department of Health, Education, and Welfare. It would make recommendations to the departments of HEW concerning programs and procedures that would advance the field of the handicapped nationally (27:381).

The Association for Children With Learning Disabilities, Inc. recommended that an organization be created within the Department of Health, Education, and Welfare, and that it establish a national policy and plan for meeting the needs of learning disabled children and youth (30:499).

E. B. Whitten, Director of the National Rehabilitation Association, testified that there has never been any clear-cut national policy relating to the needs and problems of disabled children (55:552).⁵

George Detmold, Dean of Gallaudet College, stated that there was no uniform standard among the various states to measure deafness, and no agreement as to who should report the cases. This was further evidence of an urgent need for a national policy for the handicapped (14:639-40).

⁵See Appendix C, Responses, for correspondence from E. B. Whitten.

Congressman Hugh Carey, in his remarks to the House on October 20, 1966, summarized his Committee's findings with regard to the urgent need for a national policy in these words:

Our Committee by reason of our hearings and findings are well aware that we are spending nearly \$800 million in this field, yet we do not have a true national policy on education and training for the handicapped (6:27059).

A national advisory committee. Many national organizations have wisely used advisory committees to give coordination and direction to their efforts. The federal government has also sought counsel outside of its functional domain to further interagency cooperation. The need for a national advisory group to act as liaison between federal agencies, universities, and state departments of education, in coordinating programs for the handicapped, has been the growing concern of special educators.

On the second day of the hearings before the Subcommittee on the Handicapped, Congressman Carey questioned Dr. Arthur Harris, Associate Commissioner and Director of the Bureau of Elementary and Secondary Education, about the need for a national advisory committee for the handicapped. The Associate Commissioner's remarks indicated that his Bureau, in the U.S. Office of Education, was using many advisory committees and consultants on the

handicapped (22:68).

The Council for Exceptional Children recommended to the Carey Subcommittee that a national advisory committee be established, and that it work with the Commissioner of Education in evolving a national policy for the education of exceptional children (56:458). In spite of the many coordinating committees and advisory groups in the Office of the Secretary of Health, Education, and Welfare, there was not one group with overall responsibility for advising on the education and training of the handicapped (55:552).

An advisory body or commission on the handicapped was advocated by Charles Watson, President of the National Association of State Directors of Special Education. This organization recommended that state directors be included in the membership of such a commission; that they be given opportunity to voice opinions and have power to affect solutions on problems relating to the handicapped (53:792).

The magnitude of the problem of national coordination became obvious when considering the interests of the 50 states, each having its own department of public instruction with operational policies for special education. It became increasingly evident that without a national policy, for developing federal leadership in coordinating programs for the handicapped, legislative intent would lack strong implementation.

A bureau for the handicapped. Following the passage of the Elementary and Secondary Education Act of 1965, the U.S. Office of Education was reorganized to facilitate the tremendous bureaucratic responsibilities in administering this law. During this reorganization, the Division of Handicapped Children and Youth was disbanded and its personnel dispersed among the different branches and bureaus of the Office of Education.⁶ It was ironic that this Division should be discontinued after such an admirably brief tenure. Dr. Kirk and his staff were so successful in administering programs for the handicapped that they were awarded a Presidential citation on February 3, 1965, and a superior service award by the Secretary of Health, Education, and Welfare in April of the same year (27:379). The failure of the Office of Education to recognize the potential of the Division, in administering programs for the handicapped, reduced its operational effectiveness to its 1931 status.

Specialists and organizations concerned with the education of exceptional children have, for many years, recognized the need for a separate unit within the Office of Education to administer programs for the handicapped.

⁶See Appendix C, Responses, for correspondence from Dr. Ernest Willenberg.

During the Subcommittee's investigation, witnesses, representing more than twenty national organizations, testified to this need. This concern was summarized by Dr. Wayne Sengstock, Education Consultant for the National Association for Retarded Children, Inc., in a prepared statement presented to the Carey Committee:

A single unit within the Office of Education would be better equipped to determine the educational needs of the handicapped and coordinate the disbursement of funds. By having an identifiable focal point for its operations, it could better coordinate the following:

- (a) Dissemination of information.
- (b) Reporting of research findings.
- (c) Meetings of staff personnel.
- (d) Field site visits.
- (e) Direct assistance to field requests (46:413).

The many recommendations for a separate bureau for the handicapped were enthusiastically received by the Congressional Subcommittee. This reception, however, was not shared by the Office of Education and by Commissioner Harold Howe II. In his testimony on June 6, 1966, the Commissioner stated this opinion:

. . . I don't believe that we should isolate a group of specialists together in one place specifically for purposes of serving the handicapped and administering programs related to the handicapped without having them in communication in a very intensive way with people who are concerned about the total support of the school program . . .

. . . so that my own preference would be to continue the organization we have and perhaps to make it work better than it is now working (23:47-48).

Several weeks later, after the Office of Education

had spent considerable time studying the problem of effective organization, resistance to a new bureau mandated by Congress was even more determined. Deputy Commissioner of Education, J. Graham Sullivan, emphatically stated the position of the Office of Education:

. . . the Office of Education, and, indeed, the entire executive branch, opposes legislating internal administrative structures. Presently, we have no programs administered by a structure determined by legislation. . . . It is our opinion that imperfections can best be solved when the Commissioner has flexible administrative authority with which he may act at any time. In my opinion, legislation creating a bureau for the education and training of the handicapped would destroy the very relationships between naturally interrelated programs which we are just now building (48:709).

The resistance to legislatively mandating a new bureau was not caused primarily by the establishment of a precedent, but by resentment of the Congress interfering with the internal administrative structure of the Office of Education.

III. NEW LEGISLATION

During the nine month period in which the Subcommittee investigated the inadequacy of special education programs for the handicapped, the more than twenty national organizations presented testimony recommending immediate federal aid to mitigate these inequities.

From these recommendations Congress designed two

magnificent pieces of legislation that were to give great impetus to special education. One, the Model Secondary School for the Deaf Act, and the other, to be known as Title VI of the Elementary and Secondary Education amendments of 1966, Public Law 89-750. Title VI of this latter law will be discussed in Chapter IV.

Public law 89-694. An Advisory Committee on the Education of the Deaf was authorized by Congress in 1963, and was chairmanned by Dr. Homer Babbidge, President of the University of Connecticut. The Babbidge report, presented to the Secretary of Health, Education, and Welfare in March, 1965, revealed the shocking fact that the average graduate leaving public residential schools at the end of the 1963-64 school year had the equivalent of an eighth grade education (17:524-25).

Mr. Joseph Youngs, representing the Conference of Executives of American Schools for the Deaf, stated that deaf children are three to four years behind their hearing peers in academic achievement, and that more than 2,000 deaf students sixteen years of age and older annually leave the schools and classes for the deaf in the United States (59:668-69).

Due to the low achievement level of the average deaf student upon completing school, it has been demonstrated

that only a small percentage of these students are able to continue with post secondary studies (45:832). Dr. George Detmold, Dean of Gallaudet College, informed the Subcommittee that opportunities for deaf persons to attend college are severely restricted. The principal reason for this restriction was the lack of college preparation in the secondary education of the deaf (14:617).

Dean Detmold gave the following reasons for the deficiencies of secondary schools for the deaf:

The real bottleneck in the education of the deaf is their secondary education. Until this is vastly improved, the number of students who qualify for even remedial studies like our college preparatory program will remain well below what it ought to be when compared with the number in the general population. The reasons for the lack of good secondary education for the deaf are many: the intractable problems of teaching the English language to children who are profoundly deaf from an early age; the lack of teachers who are trained to work at the senior high school level; the near impossibility of offering a good senior high school program to a very small number of students; the great expense involved in making even minor improvements. But until these problems are solved, higher education for the deaf will continue to be severely restricted (14:617).

As supporting evidence began to mount for a model secondary school for the deaf, two facts became obvious: (1) there was not a good high school for the deaf in the United States; (2) it would be impractical to organize a school with less than three hundred students and be able to offer them a broad curriculum. To operate a successful program, the school would need to be established in a well

populated region where it could draw from the deaf high school students in several states (16:626-27).

Both Houses of Congress were receptive to the bill, H.R. 17190, to establish a model residential secondary school for the deaf on the campus of Gallaudet College in the District of Columbia. It was the hope of the 89th Congress and special educators of the deaf that this type of an exemplary secondary school program would stimulate the development of other regional secondary schools throughout the nation. On October 15, 1966, Congress enacted Public Law 89-694 for this purpose (5:26097-98).

IV. SUMMARY

The history of providing federal categorical aid for the education and training of the handicapped has been very brief, although Congress has been diligent in its efforts to provide equal educational opportunities for all of America's children. In this decade, Congress has passed more constructive legislation to improve services and facilities for handicapped children and youth than in all its previous history (10:138).

In view of what has already been done to ameliorate the deficits of exceptional children, it has only been a token effort in attacking an overwhelming national problem. Two major needs confront special educators and stand as a

threat to achieving any comprehensive goals in this field-- additional federal funds and the critical shortage of supportive and professional personnel. The statement made by the late President Kennedy in his Third Annual State of the Union Message is still relevant:

. . . We need to strengthen our Nation by investing in our youth: the future of any country which is dependent on the will and wisdom of its citizens is damaged, and irreparably damaged, whenever any of its children are not educated to the fullest extent of his capacity, from grade school through graduate school (26:3147).

The Council for Exceptional Children, through its president, Dr. Ernest Willenberg, expressed the appreciation and hope of all the witnesses appearing before the Subcommittee on the Handicapped in the following resolution:

The Council commends the Honorable Adam Clayton Powell, Chairman of the House Education and Labor Committee, on the creation of the new ad hoc subcommittee on the handicapped. The Council urges Chairman Powell and his Committee to consider making this a permanent subcommittee in view of the increasing important activities in the United States Congress related to the education and rehabilitation of the handicapped. The Council pledges its support to the Honorable Hugh Carey, Chairman of the ad hoc Committee on the Handicapped and to the members of the Committee (12:453).

CHAPTER IV

ANALYSIS OF TITLE VI, PUBLIC LAW 89-750

Early in the second session of the 89th Congress, two bills were submitted to the House for amending the Elementary and Secondary Education Act of 1965. Congressman Adam Clayton Powell of New York introduced H.R. 13160, and Congressman Carl Perkins of Kentucky introduced H.R. 13161. Both bills, presented to the House on March 1, 1966, were designed to strengthen and improve Public Law 89-10. It was the Perkins bill that eventually survived the hurdles of subcommittee hearings, floor debates, conference consideration, and became a significant education act.

On March 7, Senators Wayne Morse of Oregon and Gale McGee of Wyoming cosponsored S. 3046, a companion bill, in the Senate to strengthen and improve programs of assistance for elementary and secondary schools. During the next six months both Houses considered the Elementary and Secondary Education Act amendments with the intent of extending federal aid to public education.

The Subcommittee on the Handicapped continued its hearings during the summer of 1966; scores of witnesses gave hundreds of pages of testimony on the shortcomings of

present programs for educating exceptional children. According to various estimates, over five million school age children in our nation have serious mental, physical, and emotional handicaps requiring special education. In a prepared statement presented for the record of the hearings, Congressman John Fogarty of Rhode Island delineated this national problem:

. . . according to the Office of Education only about two million of the Nation's handicapped children are enrolled in any type of special education program. This is approximately 40% of the number who should have access to it. Furthermore, only about one half of the public school systems in the Nation have reported provisions in their school systems for even one type of handicapped child. Yet for many years it has been glaringly evident that among our children there are those who suffer from vision and hearing impairment, speech defects, crippling conditions and cerebral palsy. Some others are afflicted with health impairments which prevent them from proceeding normally in the main stream of education. Two to three percent of our school age children have mental retardation and at least an equal number are emotionally disturbed to the degree that it interferes with their social and intellectual adjustment. Some have combinations of the foregoing conditions and these children who have multiple handicaps may require an even more specialized and costly program if they are to secure an education. More than half of the handicapped children--about 60%--have no special education at all. This is a disgraceful situation in a rich and prosperous country like ours (18:653).

I. THE CAREY BILL

Congressmen and educators were disturbed by the foregoing facts. In looking for ways to solve this national problem, the two groups decided to unite their

efforts. After a long and careful study, Congressmen Carey and Fogarty introduced identical bills--H.R. 16847 and H.R. 16848--known as the Handicapped Child Benefit and Education Act. This comprehensive piece of legislation was designed to give financial assistance to state and local communities for the purpose of providing special education for the handicapped, and bring about coordination of federal resources in the Office of Education.

On August 4, 1966, Congressman Carey introduced his bill with the following statement:

As Chairman of the Ad Hoc Subcommittee on the Handicapped of the Committee on Education and Labor, it has been my responsibility, with my distinguished colleagues on the subcommittee, to review Government programs currently enacted in this field. In addition, our subcommittee has been made keenly aware of the shortcomings of these programs and the existence of unmet needs in this area. It has been clearly demonstrated to our Subcommittee that we lack any semblance of a national policy in the education and training of the handicapped. Further, many of the States in turn are without a well-defined public policy to this date.

.
 . . . In the bill I introduced today, I proposed that we begin to chart our own legislative path to work with this study group in the evolution of a comprehensive effort in this field for the first time in our Nation's history. It is with this in mind that the bill I have introduced has been drawn as an omnibus vehicle. This bill in great measure responds to the very practical and sound recommendations of the many organizations in the field who have already testified before our subcommittee. In form, it would function very much as does the Elementary and Secondary Education Act of 1965. The eminent success of this legislation for the education of the disadvantaged child, as well as quality education for all children, makes it an ideal model for legislation in the field of the handicapped (4:17472-73).

In the opening section of this bill, Congressman Carey declared it to be the national policy, "to provide comprehensive support for the education and training of the handicapped." In addition to satisfying this major recommendation of the witnesses, it provided for instructional materials, exemplary programs for educating the handicapped, training professional personnel, research projects, and grants for recruiting personnel. Two other recommendations provided authorization for establishment of a new Bureau for Education and Training of the Handicapped, and a National Advisory Committee for advising and assisting the Secretary of Health, Education, and Welfare with respect to education and training of the handicapped.⁷

Although the twin bills were enthusiastically received and supported by congressmen, special educators, and professional people, concerned with programs for the handicapped, they did not receive congressional approval.

Special Task Force. President Johnson, on July 4, 1966, directed Secretary of Health, Education, and Welfare, John Gardner, to establish a special Task Force on Handicapped Children and Child Development. The President asked that the Task Force members review the problems of

⁷See Appendix A, Supplementary Data, for a section-by-section analysis of the Carey bill.

the handicapped, evaluate the Department's program in this area, and submit recommendations to him for new and improved programs in this field.

The Task Force was organized on July 7, and consisted of twelve members representing each agency of the Department that had responsibility for programs for the handicapped. Mr. Lisle C. Carter, Jr., Assistant Secretary for Individual and Family Services in the Department of Health, Education, and Welfare, was selected chairman.

On October 5, 1966, Mr. Carter appeared before the Carey Subcommittee on the Handicapped and presented testimony based upon findings of this special Task Force. The following excerpt from his prepared statement illustrates the need for federal assistance:

Despite the broad array of services for the handicapped that constitute a part of the activities of the Department, there are still numerous gaps in our program. Some of these deficiencies stem from limitations in legislative authorizations or inadequate interagency coordination, but many may be traced to variable interpretations and definitions of the term "handicapped" at the State level. Very few, if any, federally supported programs exclude the handicapped from services either by intent or policy. Yet, in various programs serving the total child population, the handicapped seldom receive their appropriate share of funds available. At both the Federal and State level, priorities posed by the majority of the population may cause less than adequate attention to the interest of the handicapped minority (8:808).

In order to meet the educational needs of the handicapped, special techniques, services, equipment, and

personnel must be available. The cost of providing a comprehensive program for handicapped children in our schools has prohibited the majority of states from meeting this obligation.

II. TITLE VI

In the fall of 1966, both Houses were ready to enact their respective bills for amending Public Law 89-10. On October 5, Senator Wayne Morse announced to the Senate a new Title VI of the Elementary and Secondary Education Act of 1965, relating to the education of handicapped children. This Title contained most of the provisions of the Carey bill (33:24283).

The new Title authorized the Commissioner of Education to make grants for the purpose of assisting states in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary, and secondary school levels.

In support of this Title, Congress authorized appropriations of \$150 million for the fiscal year ending June 30, 1967; \$250 million for the fiscal year ending June 30, 1968; and for the next two fiscal years amounts as authorized by law.

Monies appropriated for this program were to be allotted among the states on the basis of the number of children aged 3 to 21 in each state as related to the total number of such children in all states. Each state would administer its own plan and program which would closely parallel those for educationally deprived children under Title I of the Elementary and Secondary Education Act.

The new Title also empowered the Commissioner of Education to appoint a National Advisory Committee on Handicapped Children to consist of 12 members in addition to the Commissioner, who was designated as chairman. Half of the members of the Advisory Committee were required to be persons affiliated with educational, training, or research programs for the handicapped.

The responsibility of the Advisory Committee was to review all educational, training, research and related programs for handicapped children, and make recommendations for the improvement of the administration and operation of these programs. The Advisory Committee was also authorized to make recommendations as it deemed appropriate, and make an annual report to the Commissioner for transmission to Congress and the Secretary of Health, Education, and Welfare.

The Committee on Labor and Public Welfare was convinced that the intended effect of much of the

legislation, which had been enacted in recent years for the benefit of handicapped children, had been lost because of lack of centralization of these programs. Considerable testimony from respected professional groups, received by the Committee, suggested the need for a single unit within the U.S. Office of Education to provide leadership, guidance, and support for the programs for handicapped children. In order to provide for intensive coordination of services in this area, Title VI required the Commissioner of Education to establish a Bureau for the Education and Training of Handicapped Children (51:33-35).

On October 6, the House of Representatives considered and passed H.R. 13161; the Senate also considered and passed its companion bill S. 3046 for amending the Elementary and Secondary Act of 1965. Much of the discussion and debate carried on in both Houses over these bills concerned racial imbalance and compliance with the Civil Rights Act of 1964.

The Senate agreed to the conference report on October 19, after conceding to a reduction of \$100 million for the establishment of Title VI during its initial year of operation. The Senate considered this equitable in view of initiating the program late in the fiscal year (34:26551).

The House agreed to its conference report on October 20. Title VI and Title III (Adult Education) were

the only sections not included in H.R. 13161 passed on October 6. Title VI was unanimously supported by both Houses (40:27059). Congressman Carey expressed the feelings of the House in this compromise agreement:

We feel that this amendment to the bill will do a great deal toward the creation of a national policy in this field in the preparation of study plans under a bureau in the Office of Education. For the first time we will pull together all the things we are doing and do them better. In the bill we authorize in the first year of the program \$50 million for the planning, study, preparation, and distribution of funds in the training of handicapped children (6:27059).

Senator Morse advised the Senate on the conference committee report with respect to the final amendments to Title VI, and once again reviewed its provisions. Special emphasis was placed upon the establishment of a national advisory committee and a bureau for the handicapped. The Senator from Oregon brought to the attention of his colleagues the failure of the Office of Education to appoint advisory committees in the past in accordance with congressional intent (35:27593).

Opposition to the bureau. When the Office of Education learned of congressional intent to make legislative history, by mandating the establishment of a new bureau in the Department of Health, Education, and Welfare, the Department lobbied intensively against this Senate proposal on the premise that the Congress of the United

States was telling them how the Department of Health, Education, and Welfare should be organized. Senator Morse emphatically stated:

If that is the position of the Department of Health, Education, and Welfare, then they are flying right in the face of the intention of Congress, as clearly stated in this bill. I hope they can still read the English language down in the Department of Health, Education, and Welfare; for the bill makes clear that they shall establish this bureau not later--and that is spelled l-a-t-e-r--not later than July 1, 1967. And let me, as chairman of the Senate Subcommittee on Education, serve notice now on the Secretary of Health, Education, and Welfare, Mr. Gardner, that come January, the Department will be asked to appear before my subcommittee to give a report on the progress they have made during the recess period with respect to establishing a bureau for handicapped children in the Department of Health, Education, and Welfare (35:27594).

Congressman Hugh Carey left no doubt about the intent of Congress to establish a Bureau for the Handicapped; his own bill contained this provision. Had Title VI failed to get support of both Houses, the Carey bill would have been presented in the first session of the 90th Congress (35:27594).

Handicapped Children Act. On November 3, 1966, President Johnson signed H.R. 13161 making it Public Law 89-750. Refer to Appendix A for a reprint of Title VI. A section-by-section analysis follows:

III. SECTION-BY-SECTION ANALYSIS

Title VI--Education of Handicapped Children

Appropriations Authorized

This section (601)(a) authorized the Commissioner of Education to make grants, in agreement with the provisions of this title, during the fiscal years 1967 and 1968 to assist States in initiating, expanding, and improving programs and projects for the education of handicapped children (as defined in section 602) at the preschool, elementary, and secondary school levels.

Subsection (b) authorized the appropriation of \$50 million for the fiscal year ending June 30, 1967, and \$150 million for the fiscal year ending June 30, 1968 for making grants under this title.

Definition of "Handicapped Children"

This section (602) provided that the term "handicapped children," as used in this title, include mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, multiple-handicapped, or other health impaired children requiring special education and related services. The specific reference to types of handicapping conditions in the definition was not intended to discourage the development of programs to serve more than a single handicap.

Allotment of Funds

This section (603)(a) (1) authorized appropriations for each fiscal year of an amount equal to not more than 3 percent of the amount appropriated for such year for payments to States under section 601(b), which the Commissioner would allot 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.

(2) From the total amount appropriated pursuant to section 601(b) for any fiscal year, the Commissioner would allot to each State (other than the above-mentioned out-

lying areas) an amount based on the ratio of the number of children aged 3 to 21 in each State to the number of such children in all the States.

Subsection (b) provided that the Commissioner would determine the number of children aged 3 to 21 in any State and in all the States on the basis of the most recent satisfactory data available.

Subsection (c) provided that money not required by a State as determined by the Commissioner would be available for reallocation to other States in proportion to the original allotments under subsection (a). The Commissioner would make reductions in sums which exceeded a State's needs and such reductions would similarly be reallocated among the States with proportionate amounts not so reduced, and with such reallocation deemed part of allotments under subsection (a) for the year.

State Plans

This section (604) required the State that wished to receive grants under this title to submit a State plan to the Commissioner. To be approved, the State plan would have to meet the following requirements:

(1) The plan had to provide satisfactory assurance that funds paid to the State under this title would be expended, either directly or through local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects (including the acquisition of equipment and where necessary the construction of school facilities), (a) which were designed to meet the special educational and related needs of handicapped children throughout the State, and (b) which were 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 (c) nothing in this title was to preclude two or more local educational agencies from entering into agreements for the purpose of carrying out jointly operated programs and projects under this title. The plan could provide up to 5 percent of the amount allotted to the State for any fiscal year or \$75,000 (\$25,000 in the case of the territories named in section 603(a) (1), whichever was greater, could be expended 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.

(2) The plan would provide satisfactory assurance that provision would be made for participation of handicapped children enrolled in private elementary and secondary schools in programs assisted or carried out under this title.

(3) The plan would provide satisfactory assurance that the control of funds and title to property derived under this title would be in a public agency and that a public agency would administer such funds and property.

(4) The plan would set forth policies and procedures which provided satisfactory assurance that Federal funds made available under this title would be so used as to supplement and increase, not supplant, the level of State, local, and private funds expended for the education of handicapped children.

(5) The plan would provide that effective procedures, including provision for appropriate objective measurements of educational achievement, would 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) The plan would provide that the State educational agency would be the sole agency for administering or supervising the administration of the plan.

(7) The plan would provide for making such reports as the Commissioner could reasonably require to carry out his function under this title, including reports of the objective measurements; and the plan would also provide for keeping such records and for affording such access thereto as the Commissioner deemed necessary.

(8) The plan would provide satisfactory assurance of proper disbursement and accounting for Federal funds paid under this title to the State, including any such funds paid by the State to local educational agencies.

(9) The plan would provide satisfactory assurance that funds paid to the State under this title would not be made available to any school for handicapped children eligible for assistance under section 203(a) (5) of title II of Public Law 874, 81st Congress.

(10) The plan would provide satisfactory assurance that construction projects under this title would not be inconsistent with overall State plans for the construction of school facilities and that the provisions of the Davis-Bacon Act were complied with.

(11) The plan would provide satisfactory assurance that effective procedures would be adopted for acquiring and disseminating to teachers of the handicapped relevant information derived from educational research, demonstration, and similar projects pertaining to the education of handicapped children.

Payments

This section (605) provided that, from the amounts allotted to each State under section 603, the Commissioner would pay to that State an amount equal to the amount expended by the State in carrying out its State plan.

Administration of State Plans

This section (606) gave each State a right to notice and a hearing before the Commissioner could disapprove its State plan. It gave the Commissioner authority to suspend the participation of a State in the program under this title whenever it was found:

(1) that the State plan had been so changed that it no longer complied with the provisions of section 604, or

(2) that in the administration of the plan there was a failure to comply substantially with any such provisions.

Judicial Review

This section (607) provided for judicial review of the Commissioner's final action with respect to approval of a State plan.

National Advisory Committee on Handicapped Children

This section (608) provided that the Commissioner establish in the Office of Education a National Advisory

Committee on Handicapped Children, consisting of the Commissioner as Chairman, and not more than 12 additional members, not less than half of whom would be persons affiliated with educational, training, or research programs for the handicapped, appointed by the Commissioner without regard to the civil service laws. This Committee would review and make recommendations regarding the administration and operation of this act 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, taking 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 would make an annual report of its findings and recommendations to the Commissioner. The Commissioner would transmit this report to the Secretary, and the Secretary would in turn transmit the report (with his and the Commissioner's comments and recommendations) to the Congress.

Bureau for Education and Training of the Handicapped

This section (609) required the Commissioner to establish in the Office of Education a bureau which would be the principal agency for administering and carrying out programs relating to the education and training of the handicapped, including teacher training and research.

Labor Standards

This section (610) provided that the requirements of the Davis-Bacon Act would be applicable for all construction projects assisted under this title.

New Bureau. The new Bureau of Education for the Handicapped was established on January 12, 1967 by the Commissioner of Education, Harold Howe II. The rapid inauguration of this new Bureau came as a surprise to special educators when Congress did not require its

inception until July 1, 1967.

Established in the U.S. Office of Education as a coordinating unit, the primary responsibility of a Bureau was to administer and carry out programs and projects relating to the education and training of the handicapped.

Another function of the Bureau was to assist states, colleges, universities, and other institutions, agencies, and organizations in meeting educational needs of the nation's handicapped children who required special services.

The Bureau is directed by an Associate Commissioner of Education, who serves as principal advisor to the Commissioner of Education on matters relating to the education of handicapped children and youth. Within the Bureau, separate divisions are concerned with (1) research, (2) educational services, and (3) training programs. Organizationally, staff functions are performed by a Deputy Associate Commissioner, a program planning and evaluation officer, an executive officer, and a public information officer (37:9).⁸

When a new organization in government is created, it is sometimes difficult to attract outstanding leadership and high caliber personnel to fill the various staff

⁸ See Appendix A, Supplementary Data, for organizational chart of the Bureau of Education for the Handicapped.

positions. The Office of Education has been successful in recruiting a distinguished group of professionals to staff the Bureau since its organization. Significant in this regard was the selection of Dr. James Gallagher as Associate Commissioner to head the new Bureau, and Dr. Edwin Martin, Jr. as Deputy Associate Commissioner.

National Advisory Committee. The establishment of a National Advisory Committee on Handicapped Children was authorized under the provisions of Title VI of Public Law 89-750. Congress directed the Commissioner of Education to appoint twelve members, at least six members to be affiliated with educational, training, or research programs for the handicapped.

This Committee was given the responsibility of reviewing programs concerned with educating and training the handicapped, as administered by the Office of Education. The Committee was also required by law to make an annual report to the Commissioner of Education.

On June 20, 1967, Commissioner Howe appointed a twelve member National Advisory Committee comprised of some of the most eminent people in special education (9:701).⁹

⁹See Appendix A, Supplementary Data, for members of National Advisory Committee.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

I. SUMMARY

America, from its genesis, has been concerned about educating its children and youth. Interest in free public education, at all levels, has gained unprecedented momentum since the Declaration of Independence. Only recently, however, has education become categorized in terms of financial aid, with fierce competition between specialized areas seeking to satisfy their needs.

When Congress decided to come to the relief of public education in 1950, federal aid became the watchword of general education in both private and public schools. With each succeeding Congress, interested organizations and professional educators, concerned with improving American education, lobbied for the federal dollar.

In the 1960's, Congress began to legislate increasing amounts of categorical support for all phases of education. It was during this period that Congress and special educators made an unprecedented effort to mandate categorical federal support to strengthen programs for the handicapped. Almost every area of exceptionality has now been given consideration by the federal government.

Several years of concerted effort to bring about specific comprehensive legislation for handicapped children was finally realized in the passage of Title VI of Public Law 89-750. The war in Vietnam, high taxes, and other pressing domestic programs could not detain the enactment of this monumental legislation. Irvin Schloss, of the American Foundation for the Blind, epitomized the congressional concern for this perennially neglected group of children when he stated:

One of the characteristics of the American society which will distinguish it in historical perspective is its concern for the well-being of all segments of the population, including the handicapped (44:487).

The passage of Title VI by Congress in October of 1966 testified to this genuine concern.

Although the exigency of Title VI of Public Law 89-750 provided the national structure to administer programs for the handicapped, it did not provide the funds authorized by Congress. Since its enactment in October of 1966, there has been a tremendous disparity between money authorized and budget appropriations.¹⁰ Congress authorized \$51.5 million for 1967, and appropriated less than \$2.5 million, representing only 5% of the authorization. In 1968 Congress authorized \$154.5 million for Title VI, and

¹⁰See Appendix A, Supplementary Data, for editorial from the Niagara Falls Gazette.

appropriated less than \$15 million. Inequitable federal support has hindered the congressional intent of this Act.

II. CONCLUSIONS

The purpose of this study was to investigate the causal relationship between persons, organizations, and legislation which led to the passage of Title VI of Public Law 89-750.

In pursuing this investigation, four conclusions were drawn relative to the questions posed in Chapter I.

First, who were the congressmen instrumental in initiating legislation for creation of the Bureau for the Handicapped? Several congressmen played an important role in designing, directing and enacting legislation for the new Bureau. The principal legislators in the House of Representatives were Congressmen John Fogarty of Rhode Island, Carl Perkins of Kentucky, Hugh Carey and Adam Clayton Powell of New York. In the Senate, Wayne Morse of Oregon and Gale McGee of Wyoming cosponsored S. 3046 as their version of the amendments to the Elementary and Secondary Education Act of 1965.¹¹ Senator Morse and Congressman Carey were instrumental in designing and

¹¹See Appendix A, Supplementary Data, for names of additional congressmen directly involved with the passage of this legislation.

gaining congressional approval of the final bill (H.R. 13161, Part F) which became Title VI of Public Law 89-750.

Secondly, what national organizations gave impetus to this idea? Over twenty national organizations gave unanimous support to the Bureau concept;¹² however, not all were directly concerned with the education of handicapped children in elementary and secondary schools. One of the largest of these national organizations, the Council for Exceptional Children, an affiliate of the National Education Association and concerned with all areas of exceptionality, had given strong support to a separate coordinating unit within the U.S. Office of Education for several years.

Thirdly, when did the idea to form a separate Bureau originate? The idea to form a Bureau for the Handicapped developed over a period of years and was formally recommended to President Kennedy by a Presidential Panel on Mental Retardation. This recommendation was acted upon by the late President (a few days before his assassination), through an administrative order, establishing a separate Division for Handicapped Children and Youth in the U.S. Office of Education. After this Division was discontinued in 1965, special educators urged congressmen to legislate

¹²See Appendix A, Supplementary Data, for list of national organizations supporting the Bureau idea.

for a new Bureau to educate and train the handicapped. This investigation failed to reveal a specific person or date concerning the idea to form a separate Bureau for Handicapped Children and Youth in the Office of Education.

Fourth, do we have a national policy concerned with educating the handicapped? The United States has never had a clearly defined policy on educating handicapped children. Although this has been a major concern of special educators for many years, and a strong recommendation presented to the Carey Subcommittee, it proved to be an elusive notion. The Carey bill contained such a policy statement but it was not incorporated into Title VI of Public Law 89-750.

E. B. Whitten, in personal correspondence with this investigator, indicated that a true national policy for educating the handicapped does not exist at the present time.

The National Advisory Committee on the Handicapped, in its First Annual Report, also emphasized that a national policy for the education of the handicapped has not yet been determined.

III. RECOMMENDATIONS

This study has revealed three major areas of concern in special education; areas that should be examined and dealt with realistically if education and training for

handicapped children and youth are to move progressively forward in the future.

The first major concern which should be resolved is the development of a national policy for exceptional children. A special study could be made regarding future problems facing the nation in educating the handicapped.

A second major area should concern ways to provide additional funds to finance these programs. The prime source of these funds should be the federal government, but in view of the rapacious demands on governmental appropriation, other avenues of support could be solicited from industrial and commercial enterprises which utilize the services of handicapped people.

A third major concern focuses on the critical shortage of professional and supportive personnel for educating and training the handicapped. A comprehensive study should be conducted concerning methods of recruiting and financing the training of these professional and sub-professional personnel. At the current rate of preparation, it will be difficult to close the gap between supply and demand.

A study should also be made on the effective use of subprofessional personnel in programs for the handicapped. Some success has been achieved with training programs for preparing subprofessionals at John Hopkins University in

Baltimore and at Howard University in Washington, D.C. Creative methods of recruiting teachers for special education would also give greater impetus in resolving this growing problem.

Title VI of Public Law 89-750 has not resolved all financial problems of educating and training handicapped children and youth; however, this magnificent piece of model legislation for special education has done much to ameliorate the most crucial needs facing the handicapped today.

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APPENDIX A

SUPPLEMENTARY DATA

DEDICATORY

JOHN EDWARD FOGARTY

John Fogarty, a Representative from Rhode Island, was born in Providence on March 23, 1913. He attended LaSalle Academy, Providence College, and from 1930 until 1940 was employed as a mason. Elected as a Democrat to the Seventy-seventh and Seventy-eighth Congresses, he served from January 3, 1941 until his resignation on December 7, 1944, to enlist in the United States Navy. Following the war, Mr. Fogarty was re-elected to the Seventy-ninth and eleven succeeding Congresses, serving from January 3, 1945 until his death in Washington, D.C. on January 10, 1967.

Congressman Fogarty was a great force behind legislation for medical research, hospitals, and institutions to aid the mentally ill and mentally retarded. Special educators are particularly indebted to his efforts to aid handicapped children and youth. His dedication to public service was based upon a dynamic faith in democracy which constituted his special strength as a Congressional leader.

As a humble man, in both public and private life, he left behind a legacy of humanitarian contributions for the welfare of mankind. Among the many awards and honors received during his Congressional career, were 19 honorary degrees.

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DOMINICK V. DANIELS, N.J.	CARL D. PERKINS, Kentucky
JOHN H. DENT, Pennsylvania	ROMAN C. PUCINSKI, Illinois
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WILLIAM D. FORD, Michigan	OGDEN R. REID, New York
SAM GIBBONS, Florida	JAMES H. SCHEUER, New York
CHARLES E. GOODELL, N.Y.	RALPH J. SCOTT, N. Carolina
EDITH GREEN, Oregon	CARLTON R. SICKLES, Md.
EDWARD J. GURNEY, Florida	FRANK THOMPSON, JR., N.J.

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Labor

TERESA CALABRESE, Administrative Assistant to the Chairman

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Minority

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JACOB K. JAVITS, New York	WINSTON L. PROUTY, Vermont
EDWARD M. KENNEDY, Mass.	JENNINGS RANDOLPH, W. Va.
ROBERT F. KENNEDY, New York	HARRISON A. WILLIAMS, Jr., N.J.
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CHARLES LEE, Professional Staff Member

ROY H. MILLENSON, Minority Clerk

BASIC FEDERAL LEGISLATION FOR EDUCATION
OF THE HANDICAPPED, 1957-1967*

<u>YEAR</u>	<u>AUTHORITY</u>	<u>PURPOSE</u>
1957	P.L. 83-531 Cooperative Research	Action of the Appropriation Committee earmarked for the retarded approximately 2/3 of the \$1 million appropriated.
1958	P.L. 85-905 Captioned Films	A program of captioning films for cultural enrichment and recreation of deaf persons.
	P.L. 85-926 Professional Personnel	Grants for training leadership personnel in education of the mentally retarded.
1959	P.L. 86-158 Professional Personnel	Added authorization for support grants to institutions of higher learning.
1961	P.L. 87-276 Teachers of the Deaf	Grants for training basic instructional personnel in education of the deaf.
	P.L. 87-715 Captioned Films	Provided for the production and distribution of films.
1963	P.L. 88-164 (Section 301) Professional Personnel	Expanded authority to train personnel for handicapping conditions not previously covered; "hard of hearing, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired," were added to mentally retarded and deaf.
	P.L. 88-164 (Section 302) Research and Demonstration	Grants for research and demonstration projects in the area of education of the handicapped.

*Provided by the Bureau of Education For The Handicapped, U.S. Office of Education, Washington: February 20, 1968.

<u>YEAR</u>	<u>AUTHORITY</u>	<u>PURPOSE</u>
1965	P.L. 89-36 National Technical Institute for the Deaf	Created a new source for Higher Education for the Deaf.
	P.L. 89-105 Professional Personnel and Research	Extended basic authorities; allowed development of research and demonstration centers.
	P.L. 89-258 Captioned Films	Expanded authority; allowed development and distribution of other media and equipment in addition to films.
	P.L. 89-313 State Schools	Amended Title I, ESEA to provide grants to States for children in State operated or supported schools for the handicapped.
1966	P.L. 89-694 Model Secondary School for the Deaf	Created a model high school in Washington, D.C.
	P.L. 89-750 Education of Handicapped Children (Title VI, ESEA)	Grants to States for preschool, elementary and secondary school children; National Advisory Committee; Bureau of Education for the Handicapped.
1967	P.L. 90-170 Mental Retardation amendments of 1967	Extended basic training authority, added new authority for training personnel and for research in area of physical education and recreation for handicapped children.
	P.L. 90-247 Amendments to Title VI, ESEA	Regional Resource Centers; Centers for Deaf-Blind Children; Expansion of Media Services; Grants for Recruitment and Information Dissemination; earmarking 15% Title III of ESEA for handicapped children; Intramural research and contracts for research; Increased funds for State Schools; Changes in Title VI grants-to-States formula and authorizations.

SECTION-BY-SECTION ANALYSIS
OF THE
"HANDICAPPED CHILD BENEFIT AND EDUCATION ACT"*

DECLARATION OF POLICY

This section declares it to be the policy of the United States to provide comprehensive support for the education and training of the handicapped. Although there are a number of Federal programs benefiting the handicapped, investigations by the Ad Hoc Subcommittee on the Handicapped have pointed out the lack of a national policy for the handicapped and a need for coordinated effort.

TITLE I--FINANCIAL ASSISTANCE TO STATES FOR
EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 101--Appropriations Authorized: Authorizes for Fiscal Year 1967 such sums as may be deemed necessary by the Congress for providing financial assistance to states for education and training of the handicapped. For Fiscal Year 1968 and succeeding Fiscal Years, such sums may be appropriated as may be authorized by law.

SEC. 102--Allotments to States: Expands the provisions of Section 203(a) (5) of the Elementary and Secondary Education Act of 1965, which provides funds to states for each child in a state-supported non-school district school or institution for the handicapped. A grant of one-half the average per pupil expenditure in that state was made for each child enrolled in such a school. This section was the result of my bill, PL 89-313, which amended the Elementary and Secondary Education Act last September. I am pleased that a great number of state and other school superintendents have written me to express their gratitude for the assistance received under this section.

While this legislation has been very beneficial, no similar funds have been available for children enrolled in classes for the handicapped in their local schools or for private schools serving handicapped children. In many sections of the country, public schools are not able to provide education for handicapped children, and the Office of Education estimates that only 25 percent of handicapped

*Carey Bill

children are currently receiving the educational services they need. Number of privately operated programs for the handicapped are encountering severe financial difficulty. One example, the Fickling School in Dallas, Texas, offering services not provided in local schools, is currently losing \$3,000 per month, and the Director, Mrs. Fickling, has already loaned the school \$150,000.

Aid to local school districts through the state agencies will enable communities to begin or expand programs for children now receiving no help. Dr. Ernest Willenberg, President of the Council for Exceptional Children, has commented that as residential schools are now being supported and their programs improved, parents are faced with the choice of sending the youngsters away or keeping them in a program in the local school without benefit of such support.

The cost of educating a handicapped child is recognized to be much higher than for a normal child. Assistant Commissioner of Education Arthur Harris has called this cost the major deterrent to educating the handicapped child in the schools.

Section 102 will provide a grant to the states of one-half (the Federal percentage) the "average per pupil expenditure" in that state for each handicapped child. If the sums appropriated are not sufficient to pay the full amounts, the sums for each state will be reduced ratably. The language of the bill is explicit that if a state agency should desire to make direct grants to individuals on a tuition or scholarship basis, this could be done. The system would be similar to that employed in the payment of veterans benefits under the G. I. Bill.

SEC. 108--Repealer: This section repeals Section 203(a) (5) of the Elementary and Secondary Education Act of 1965.

TITLE II--INSTRUCTIONAL MATERIALS FOR EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 201--Duration of Program: This section authorizes to be appropriated for Fiscal Year 1967 such funds as may be necessary and calls for separate authorizations for each subsequent year. A program of grants to states is established for acquisition and distribution of instructional

materials and equipment suitable for education and training of the handicapped. The amount to each state is proportionate to the children aged three to seventeen in each state.

Instructional materials for the handicapped are generally not available. The relatively small number of handicapped and the expensive nature of special materials has resulted in commercial publishers offering little in this area, so that teenage children, for example, who are slow learners have to read books designed for five-year old interests.

SEC. 203--State Plans: This section calls for state plans for the purchase and distribution of library resources, textbooks and other materials for the handicapped. It also provides for special equipment for such educational services as audiological and psychological evaluation of deaf and other handicapped children.

SEC. 208--Development of Training Materials for the Handicapped: This section expands the Captioned Films for the Deaf Program to include instructional films and materials for other handicapped persons. It also provides for distribution centers in each region served by a Regional Office of the Department of Health, Education and Welfare.

TITLE III--EXEMPLARY PROGRAMS FOR EDUCATION OF HANDICAPPED

This Title establishes a program for making grants for exemplary programs for education of the handicapped, to serve as models for regular programs.

SEC. 301--Appropriations Authorized: This section authorizes for Fiscal Year 1967 to be appropriated such funds as shall be necessary and calls for such sums as may be authorized by the Congress in Fiscal Year 1968 and thereafter.

SEC. 302--Apportionment Among States: This section provides for a basic grant of \$20,000 to each state, with the remainder of sums appropriated distributed among the states as the population of children aged three to seventeen in that state is related to the population of such ages in all states.

SEC. 303--Uses of Federal Fund: This section describes kinds of projects designed to enrich and improve

Programs for education and training of the handicapped and aim at developing area where the unmet needs are greatest. Particular emphasis is given to projects for early identification and enumeration of the handicapped, coordinated programs of education, training and other services, programs for the multiple handicapped and handicapped children in rural areas, etc.

SEC. 304--Applications for Grants and Conditions for Approval: This section provides that each project within a state is to be awarded for not less than \$5,000 to insure projects of sufficient magnitude and quality as to be exemplary.

SEC. 307--Regional Programs: This section earmarks funds for the development of regional programs where the interests of the handicapped children can be best served on a regional basis rather than within state or local programs.

TITLE IV--TRAINING AND RESEARCH

This Title provides for future expansion of programs for training professional personnel to serve the handicapped, and for development of new educational methods and technology for educating the handicapped.

SEC. 401--Training: Section 7 of the Act of September 6, 1948, is amended by striking out the authorizations for the Fiscal Years ending 1968 and 1969, and allowing such funds as the Congress may authorize.

SEC. 402--Grants for Recruiting Personnel: This section authorizes such funds to be appropriated as may be deemed necessary to allow the Commissioner of Education to make grants to professional organizations, universities and colleges, state education agencies and other groups he deems advisable for recruiting personnel into fields of teaching or offering allied services to the handicapped. This will provide educators of the handicapped with resources similar to those available for recruiting scientists and engineers.

SEC. 403--Research and Demonstrations: This section amends Section 302(a) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to allow the Commissioner of Education to make contracts with private corporations and institutions for

research and demonstration projects, developing educational methodology and equipment for the handicapped. Under the present law, only non-profit agencies can apply. Much emphasis is being given by industry in such areas as computerized programmed instruction which could be applied to the handicapped under the provisions of this amendment.

TITLE V--ADMINISTRATION OF PROGRAMS FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 501--Appropriations Authorized: This section authorizes to be appropriated such funds as may be deemed necessary to assist state education agencies in developing, expanding and maintaining administrative and supervisory units having responsibility for educating and training the handicapped. This program will allow state education agencies to establish special administrative units for handicapped children at the state, and where indicated, local levels, to assist in identifying handicapped children and providing services for them.

SEC. 505--Special Project Grants: Provides for 15 percent of the amounts appropriated to be used by the Commissioner for special projects developing state leadership and for such purposes as recruiting and retaining personnel for educating and training the handicapped.

SEC. 509--Bureau for Education and Training of the Handicapped: This section calls on the Commissioner to establish and maintain within the Office of Education a Bureau for carrying out programs relating to education and training the handicapped.

TITLE VI--GENERAL PROVISIONS

SEC. 604--National Advisory Commission: This section establishes a National Advisory Commission for advising and assisting the Secretary of Health, Education and Welfare with respect to education and training of the handicapped. This Commission will make recommendations to the Secretary for gathering information on the actual numbers of handicapped children, emerging needs of the handicapped, coordination of Federal programs for the handicapped and other such recommendations as may be appropriate.

NATIONAL ORGANIZATIONS FOR THE HANDICAPPED
 TESTIFYING BEFORE THE SUBCOMMITTEE ON THE HANDICAPPED
 JUNE 15, 1966 - OCTOBER 5, 1966

National Organization

Representative

Alexander Graham Bell Association for the Deaf, Inc.--
 George W. Fellendorf, Executive Director.

American Association of Workers for the Blind--Irvin P.
 Schloss, Representative.

American Foundation for the Blind--Irvin P. Schloss,
 Legislative Analyst.

American Instructors of the Deaf--Dr. Edmund B. Boatner,
 Representative.

American Optometric Association--Dr. Morton Davis, Member
 of Committee on Administrative Agencies.

American Psychological Association, Inc.--Dr. Arthur H.
 Brayfield, Executive Officer.

Conference of Executives of American Schools for the Deaf--
 Joseph P. Youngs, Jr., Secretary.

American Speech and Hearing Association--Dr. Parley W.
 Newman, Associate Secretary.

Association for Children with Learning Disabilities, Inc.--
 Mrs. Louise Mesriow, President.

The Council for Exceptional Children, NEA--Ernest P.
 Willenberg, President.

Council on the Education of the Deaf--Dr. William McClure,
 President.

National Advisory Committee on Education of the Deaf--Mrs.
 Homer Thornberry.

National Association for Mental Health--Michael E. Freelund,
 Director of Childhood Mental Illness Service.

National OrganizationRepresentative

National Association for Retarded Children, Inc.--Dr. Wayne L. Sengstock, Education Consultant.

National Association of State Directors of Special Education--Charles W. Watson, President.

National Association of the Deaf--Frederick C. Schreiber, Executive Secretary.

National Committee for Multi-Handicapped Children--Charles R. Petrozzi, Chairman.

National Federation of the Blind--John F. Nagle, Chief, Washington Office.

The National Hemophilia Foundation--Frances P. Connor, Chairman, Committee on Education.

National Rehabilitation Association--E. B. Whitten, Director.

National Society for Crippled Children and Adults--Miss Jayne Shover, Associate Director.

United Cerebral Palsy Association, Inc.--Dr. Howard G. Morgan, Director of Special Education in the Medical and Scientific Department.

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN
APPOINTED BY U.S. COMMISSIONER OF EDUCATION,
HAROLD HOWE II, ON JUNE 20, 1967

Chairman of the committee is Commissioner Howe.

The twelve members are:

Dorothy Legman Bernhard, President, Social Legislation,
Child Welfare League of America, New York, New York

John V. Irwin, Roy A. Roberts Professor of Speech Pathol-
ogy and Audiology, University of Kansas, Lawrence

Mamie J. Jones, Director, Services for Exceptional
Children, State Department of Education, Atlanta,
Georgia

Walter A. Kelley, Director of Special Education, Arch-
diocese of New York, New York

Samuel A. Kirk, Director, Institute for Research on
Exceptional Children, University of Illinois, Urbana

Sander Levin, Senator, Michigan State Senate, Lansing

John William Melcher, Assistant State Superintendent and
Director of the Bureau for Handicapped Children, State
Department of Public Instruction, Madison, Wisconsin

Oscar V. Rose, Superintendent of Schools, Midwest City,
Oklahoma

Hugo F. Schunhoff, Superintendent, California School for
the Deaf, Berkeley

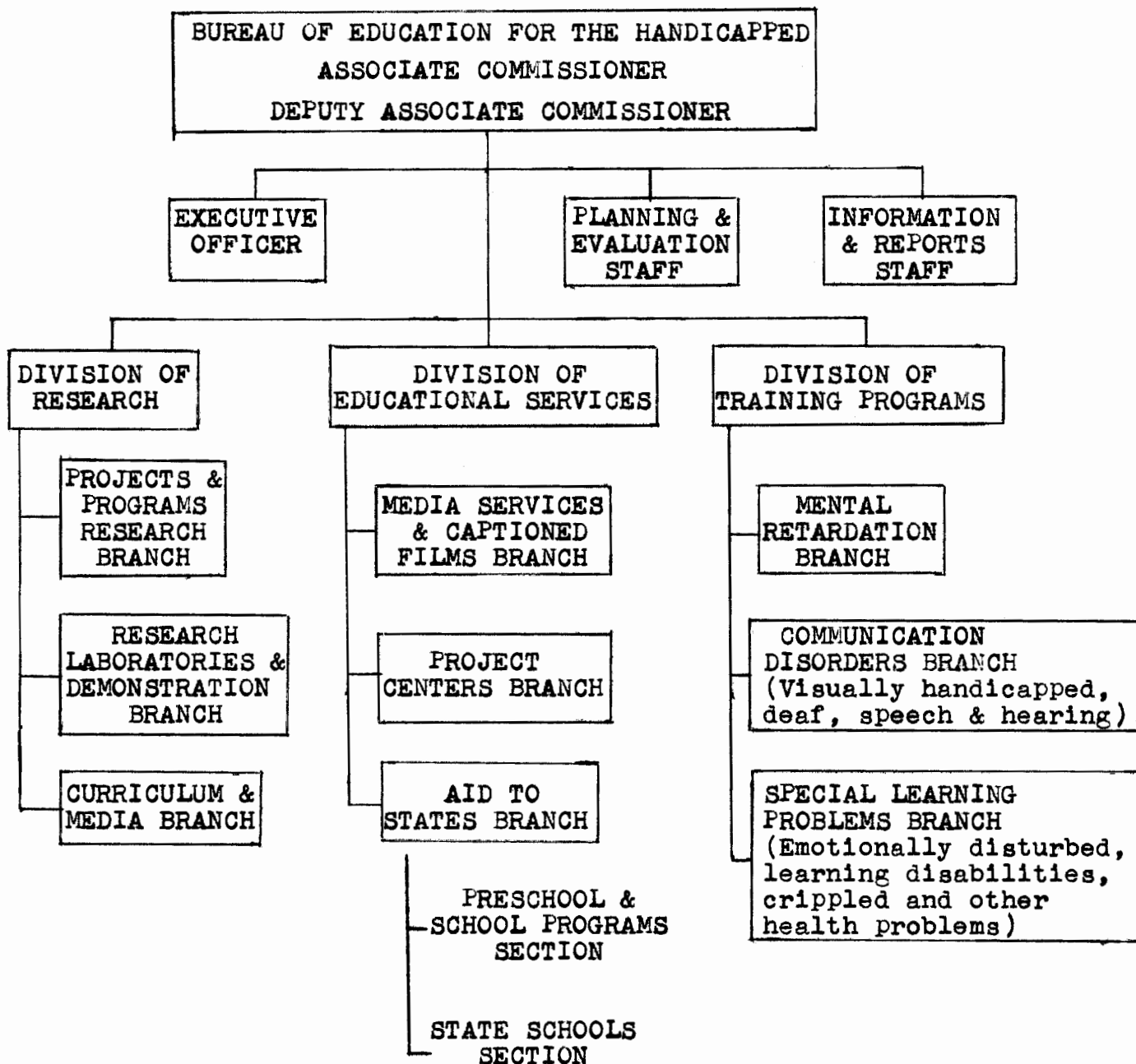
Charles R. Strother, Professor of Psychology and Director,
Pilot School for Brain Damaged Children, University of
Washington, Seattle

Vidal M. Trevino, Principal, Laredo Junior High School,
Laredo, Texas

Frank B. Wilderson, Associate Professor, Special Education,
University of Minnesota, Minneapolis

UNITED STATES OFFICE OF EDUCATION*

COMMISSIONER



*Reprinted from The First Annual Report of the National Advisory Committee on Handicapped Children, Special Education For Handicapped Children, U.S. Department of Health, Education, and Welfare, January 31, 1968.

PUBLIC LAW 89-750

PART F--HANDICAPPED CHILDREN

PROGRAMS AUTHORIZED

SEC. 161. The Elementary and Secondary Education Act of 1965 is amended by redesignating title VI as title VII, by redesignating sections 601 through 605 and references thereto as sections 701 through 705, respectively, and by adding after title V the following new title:

TITLE VI--EDUCATION OF HANDICAPPED CHILDREN

APPROPRIATIONS AUTHORIZED

SEC. 601. (a) The Commissioner is authorized to make grants pursuant to the provisions of this title during the fiscal year ending June 30, 1967, and the succeeding fiscal year, for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) for the education of handicapped children (as defined in section 602) at the preschool, elementary and secondary school levels.

(b) For the purpose of making grants under this title there is authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1967, and \$150,000,000 for the fiscal year ending June 30, 1968.

DEFINITION OF "HANDICAPPED CHILDREN"

SEC. 602. As used in this title, the term "handicapped children" includes 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.

ALLOTMENT OF FUNDS

SEC. 603. (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 601(b). 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.

(2) From the total amount appropriated pursuant to section 601(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. For purposes of this subsection, 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.

(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. 604. Any State which desires to receive grants under this title shall submit to the Commissioner through its State educational agency a State plan in such detail as the Commissioner deems necessary. The Commissioner shall not approve a State plan or a modification of a State plan under this title unless the plan meets the following requirements:

(a) The plan must provide satisfactory assurance that funds paid to the State under this title will be expended, either directly or through local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (A) which are designed to meet the special educational and related needs of handicapped children throughout the State, (B) 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 (C) which may include the acquisition of equipment and where necessary the construction of school facilities. Nothing in this title shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this title. The plan may provide up to 5 per centum of the amount allotted to the State for any fiscal year or \$75,000 (\$25,000 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, may be expended 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.

(b) The plan must 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 title.

(c) The plan must provide 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.

(d) The plan must set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this title 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.

(e) The plan must 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.

(f) The plan must provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan.

(g) The plan must provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title, including reports of the objective measurements required by paragraph (e) of this subsection; and the plan must also provide 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.

(h) The plan must 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 title to the State, including any such funds paid by the State to local educational agencies.

(i) The plan must provide satisfactory assurance that funds paid to the State under this title shall not be made available to any school for handicapped children eligible for assistance under section 203(a) (5) of title II of Public Law 874, Eighty-first Congress.

(j) The plan must provide satisfactory assurance, in the case of any project for construction of school facilities, that the project is not inconsistent with overall State plans for the construction of school facilities and that the requirements of section 610 will be complied with on all such construction projects.

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

PAYMENTS

SEC. 605. From the amounts allotted to each State under section 603, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. These payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION OF STATE PLANS

SEC. 606. (a) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State agency administering the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commission, after reasonable notice and opportunity for hearing to such State agency, finds--

(1) that the State plan has been so changed that it no longer complies with the provisions of section 604, or

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

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

JUDICIAL REVIEW

SEC. 607. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 604 or with his final action under section 606(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which 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. 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.

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

SEC. 608. (a) The Commissioner shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of the Commissioner, who shall be Chairman, and not more than twelve additional members, not less than 50 per centum of whom shall be persons affiliated with educational, training, or research programs for the handicapped, appointed by the Commissioner without regard to the civil service laws.

(b) The Advisory Committee shall review the administration and operation of this Act, title II of Public Law 874, Eighty-first Congress, 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. These 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 January 31 of 1968 and each fiscal year thereafter. 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.

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

(d) The Commissioner may, at the request of the Advisory Committee, appoint such special advisory professional or technical personnel as may be necessary to enable the Advisory Committee to carry out its duties.

BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 609. The Commissioner shall establish at the earliest practicable date not later than July 1, 1967, and maintain 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.

LABOR STANDARDS

SEC. 610. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).*

*United States Congress, Public Law 89-750, An Act, 89th Congress, 2d Session, on H.R. 13161, November 3, 1966 (Washington: Government Printing Office, 1966), pp. 14-18.

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MEMBER: GANNETT GROUP



83

Page 6A

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Sunday, August 6, 1967

War Shouldn't Be Excuse For Cutting Needed Plans

It is the continual cry of many governmental agencies and departments that the war in Vietnam is draining the nation of much besides the blood of youth and a soaring military commitment. The cry is just.

The war is also sapping the effectiveness of several sorely needed domestic programs. One of these programs — Title VI of the Elementary and Secondary Education Amendments of 1966—has the potential of being one of the most dramatic and brilliant pieces of legislation to be enacted by a recent Congress.

It authorizes grants to states enabling them to initiate, expand, and improve pre-school, elementary, and secondary projects for the education of handicapped children who cannot make a place for themselves in this troubled world without additional programs.

☆ ☆ ☆

THE HITCH is that the amount authorized vastly differs from the amount finally appropriated after the Department of Health, Education and Welfare, (HEW), the White House, and Congressional budget committees finish their fiscal surgery.

For instance, for the fiscal year ended last June, it was originally suggested \$150 million be authorized for grants to states. The authorization for fiscal 1967 was finally approved by Congress at \$50 million.

After HEW and the White House finished whittling away, the amount actually appropriated amounted to \$2.5 million, a token gesture that tallies up to something like 11 cents for each han-

dicapped child covered under the legislation.

For fiscal 1968, we find the same process now under way.

☆ ☆ ☆

THE AMOUNT originally suggested was \$250 million. Congress approved \$150 million. HEW asked for \$50 million. And now, with increased expenditures for the war effort pressing the administration, it looks like final Congressional budget committee action will hack the figure for 1968 to \$15 million.

The 1967 program is already by the boards. Even on the short notice provided, most states had extensive plans and personnel lined up for education of the handicapped children. Their programs were basically crippled.

Arguments from the budget surgeons include the most prevalent one that the program is a new one and the projects can limp along on one cylinder for a few years until times are better. This is fallacious reasoning and pure rationalized procrastination.

In the first place, the program is already more than 150 years late. The handicapped child has waited that long to receive recognition of his problem by the federal government.

To dangle false hope for educators, children and parents alike only creates more problems than the legislation solves. As the handicapped child grows older, he misses precious opportunity.

There is still time for Congress to appropriate more than the \$15 million. The tragedy of Vietnam should not be compounded by a domestic tragedy of shattered hope.

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APPENDIX B

CORRESPONDENCE

813 5th Avenue East
Ellensburg, Washington 98926
December 6, 1967

Hon. Hugh L. Carey
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congressman Carey:

As a graduate student in special education at Central Washington State College, I anticipate making a study of legislative action in educating the handicapped for my master's thesis.

Particular emphasis in this study will concern the needs which precipitated the legislative action creating the Bureau of Education for the Handicapped in the U.S. Office of Education. I have four questions regarding its formation:

1. Who were the congressmen instrumental in initiating legislation for its creation?
2. What organizations (educational and political) gave impetus to this idea?
3. When did the idea to form a separate Bureau originate?
4. What was your role in the formation of this Bureau?

Any information which you can provide will be most gratefully received.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
December 6, 1967

Mr. William C. Geer
Executive Secretary
The Council For Exceptional Children
1201 Sixteenth Street Northwest
Washington, D.C. 20036

Dear Mr. Geer:

As a graduate student in special education at Central Washington State College, I anticipate making a study of legislative action in educating the handicapped for my master's thesis.

Particular emphasis in this study will concern the role of the Council for Exceptional Children in affecting legislation for special education. I have three questions relative to this concern:

1. When did the Council first become active in voicing the need for federal funds in educating the handicapped?
2. What methods or procedures do the CEC employ in stimulating the concern for federal legislation?
3. What was the role of the Council in introducing legislation for creating the Bureau of Education for the Handicapped in the U.S. Office of Education?

Any information which you can provide will be most gratefully received.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
December 7, 1967

Dr. Romaine P. Mackie
U.S. Office of Education
Department of Health,
Education, and Welfare
Washington, D.C. 20202

Dear Dr. Mackie:

I would like one copy of "Report on Allocations
for Programs Authorized under Public Law 89-313 in
Behalf of the Handicapped" (March 22, 1966).

Thank you.

Yours truly,

Byron R. Holmgren
Graduate Fellow

Central Washington State College

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
January 16, 1968

U.S. Government Printing Office
Superintendent of Documents
Washington, D.C. 20402

Gentlemen:

I am a graduate student at Central Washington State College, working on a master's degree in special education. For a thesis topic I anticipate writing on federal legislation affecting the formation of the new Bureau of Education for the Handicapped.

Please send me a price list of all documents pertaining to legislation, relating to the formation of this Bureau.

Thank you for your prompt attention to this request.

Very truly yours,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
January 22, 1968

Committee on Education and Labor
Congress of the United States
House of Representatives
Washington, D.C. 20515

Gentlemen:

I am a graduate student in special education at Central Washington State College. For a master's thesis I am making a study of legislative action precipitating the formation of the new Bureau of Education for the Handicapped.

Please send me a complete three volume set of the hearings of your subcommittee, which made studies and presented testimony calling for the development of the new Bureau. Any reference and materials you can provide regarding this investigation will be greatly appreciated. If there is a cost for the above items, please advise.

Thank you for your assistance.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
January 23, 1968

Dr. Edwin W. Martin
Deputy Associate Commissioner
Bureau of Education for the Handicapped
Office of Education
Washington, D.C. 20202

Dear Dr. Martin:

Your informative letter of January 16, 1968 was appreciated. This information will be most helpful in furthering my investigation on federal legislation affecting the education of the handicapped.

Could you provide me with the name of a staff director or assistant who worked with the Senate Subcommittee on Education? Also, please send me a chart and/or information explaining the organizational structure of the new Bureau of Education for the Handicapped within the U.S. Office of Education. I would like to know the names and titles of all administrative personnel assigned to this Bureau.

Thank you again for your tremendous help.

Sincerely,

Byron R. Holmgren
Graduate Fellow

Central Washington State College

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
January 23, 1968

Dr. Samuel A. Kirk
Professor of Special Education
University of Arizona
Tucson, Arizona

Dear Dr. Kirk:

I am a graduate student in special education at Central Washington State College. For a master's thesis I am making a study of the legislative action precipitating the formation of the new Bureau of Education for the Handicapped.

My thesis investigation has made me cognizant of your concern for the development of this new Bureau. I am grateful for your monumental contributions to the field of special education. I would appreciate an answer to the following questions, regarding your role in giving impetus to federal legislation for educating the handicapped:

1. Were you the only director of the now defunct Division of Handicapped Children and Youth in the U.S. Office of Education?
2. Why was this Division abolished eighteen months after its creation?
3. Who was the first person to suggest the need for a separate Bureau for the Handicapped?
4. On what date did you testify before the Carey Subcommittee on the Handicapped--recommending the development of the new Bureau?

Thank you.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
January 23, 1968

Senate Subcommittee on Education
Senate Office Building
Washington, D.C. 20510

Gentlemen:

I am a graduate student in special education at Central Washington State College. For a master's thesis I am making a study of legislative action precipitating the formation of the new Bureau of Education for the Handicapped.

Would you please send me the name of the Chairman of the Senate Subcommittee on Education, and the names of all the members of this Subcommittee? I would also like the name of the Chairman and members of the Senate Labor and Public Welfare Committee.

Any additional information you can provide concerning the legislative action and activities leading up to the development of the new Bureau would be appreciated.

Thank you for your immediate consideration of this letter.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
January 26, 1968

Dr. Ernest P. Willenberg
Director of Special Education
Los Angeles City School Districts
Box 3307, Terminal Annex
Los Angeles, California 90054

Dear Dr. Willenberg:

I am a graduate student in special education at Central Washington State College. For my master's thesis I am making a study of the legislative action precipitating the formation of the new Bureau of Education for the Handicapped.

In your prepared statement before the Ad Hoc Subcommittee on the Handicapped, you recommended that a Bureau for Exceptional Children be established. I have four questions regarding the development of this Bureau; they are:

1. Were you the first person recommending to Congress that a Bureau for Exceptional Children be established?
2. Who introduced the original idea to form a separate Bureau for Exceptional Children?
3. What congressman first gave impetus to this idea?
4. Why wasn't the CEC's recommended title (Bureau for Exceptional Children) adopted?

As a teacher of handicapped children, I am grateful for the time and effort you put forth to help make this Bureau a reality. Thank you for your consideration.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
February 8, 1968

Dr. Evelyn D. Deno, Director
Psycho-Educational Clinic
University of Minnesota
Minneapolis, Minnesota 55455

Dear Dr. Deno:

I am a graduate student in special education at Central Washington State College. For a master's thesis I am making a study of federal legislation affecting the education of the handicapped, and the formation of the new Bureau of Education for the Handicapped.

Knowing you have been active in legislative activities concerned with the education of handicapped children for several years, and Legislative Committee Chairwoman for the Council of Exceptional Children, I have several questions regarding my thesis study:

1. When did the idea for establishing a separate Bureau for administering the program of handicapped children germinate?
2. Who was the first person to recommend the establishment of this Bureau?
3. Why wasn't the CEC's recommended title (Bureau for Exceptional Children) adopted?
4. Did you present testimony before Congress or any other government agency concerning the need for this Bureau?

As a teacher of handicapped children, I am grateful for your efforts in stimulating federal concern in educating the handicapped. Thank you for your consideration.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
February 8, 1968

Mr. Charles Lee
Professional Staff Member
Senate Subcommittee on Education
Senate Office Building
Washington, D.C. 20510

Dear Mr. Lee:

Your name was referred to me by Dr. Edwin W. Martin of the Bureau of Education for the Handicapped, as one who may be able to help me.

On January 23, 1968 I wrote to the Senate Subcommittee on Education requesting the names of the members of this Subcommittee. A letter was also written to the House Committee on Education and Labor requesting specific information. No reply has been received to date. I am enclosing a copy of both letters in order to expedite a response and avoid a duplication of the requested material. I now have the three volume set.

Would you be kind enough to forward this information to me at your convenience. Thank you for your consideration.

Sincerely,

Byron R. Holmgren
Graduate Fellow

Central Washington State College

BRH:uh
Enclosures 2

813 5th Avenue East
Ellensburg, Washington 98926
February 9, 1968

Hon. Carl D. Perkins
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congressman Perkins:

I am a graduate student at Central Washington State College, working toward a master's degree in special education. My thesis study concerns federal legislation affecting the education of handicapped children.

For several years you have been actively concerned with federal legislation providing services for handicapped children. I have several questions regarding your role in aiding the passage of federal legislation for the education of the handicapped:

1. What was your role in aiding the passage of Public Law 89-10?
2. What part did you play in securing the passage of Public Law 89-750?
3. Who (congressman or educator) recommended to Congress the establishment of the new Bureau of Education for the Handicapped?
4. Who recommended the establishment of a National Advisory Committee on Handicapped Children?

As a teacher of the handicapped, I am grateful for your contributions to the education of these children. Thank you for any consideration to this letter.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
February 9, 1968

Hon. Abraham A. Ribicoff
U.S. Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Ribicoff:

I am a graduate student at Central Washington State College, working toward a master's degree in special education. My thesis study concerns federal legislation affecting the education of handicapped children.

In reviewing the literature for this study, I have been made aware of your interest and concern for educating handicapped children. I have several questions regarding your role in the passage of federal educational legislation:

1. When did you recommend that a separate Department of Education be set up to administer federal education programs?
2. Did you introduce a bill to establish a new department in the U.S. Office of Education?
3. Who (congressman or educator) recommended the new Bureau of Education for the Handicapped be established?
4. What role did you have in helping to make Public Law 89-750 a reality?

As an educator of handicapped children, I am grateful to you for your interest and efforts to strengthen the federal programs in education. Thank you for any consideration you can give to this letter.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
February 9, 1968

Mr. Adam Clayton Powell
Bimini, Bahamas

Dear Mr. Powell:

I am a graduate student at Central Washington State College, working toward a master's degree in special education. My thesis study concerns federal legislation affecting the education of the handicapped, and the formation of the new Bureau of Education for the Handicapped.

As a former Congressman and Chairman of the House Committee on Education and Labor, you were instrumental in aiding the passage of monumental legislation affecting educational programs for handicapped children. I have several questions regarding your role in the passage of this legislation, and the formation of the new Bureau:

1. Were you the first Congressman to suggest a separate Department or Bureau for administering the federal education program for the handicapped?
2. What person (educator or congressman) came up with the idea for a separate Bureau for the Handicapped?
3. How long did you serve as Chairman of the House Committee on Education and Labor?
4. What education bills were passed while you headed this important committee?

I applaud you for the tremendous leadership given to the Congress during the passage of legislation for the education of handicapped children. Thank you for any consideration given to this letter.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
February 13, 1968

Mrs. John E. Fogarty
Phillips Lane
Harmony, Rhode Island

Dear Mrs. Fogarty:

I am a graduate student in special education at Central Washington State College. For my master's thesis I am making a study of federal legislation affecting the education of the handicapped.

The late Mr. Fogarty worked diligently in helping to get the bills (affecting the education of the handicapped) before Congress. As a teacher of the handicapped, I am grateful to your late husband for his time and effort to improve the education of our exceptional children. It is in this spirit of gratitude that I would like to dedicate my thesis to the memory of the late Congressman John E. Fogarty. Would you consent to this request, Mrs. Fogarty?

Over the years your late husband was the recipient of many awards and honorary degrees. Could you say anything specifically about these awards and honors as an addendum to his distinguished career? Thank you for your consideration.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 2, 1968

Hon. Floyd V. Hicks
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congressman Hicks:

I am a graduate student (from Tacoma) at Central Washington State College, working toward a master's degree in special education. My thesis study concerns an analysis of Title VI of Public Law 89-750.

Please send me a copy of Title VI, Public Law 89-750, as well as any other documents you feel would aid me in analyzing this legislation.

Thank you for your consideration to this request.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 12, 1968

Mr. William C. Geer
Executive Secretary
The Council For Exceptional Children
1201 Sixteenth Street Northwest
Washington, D.C. 20036

Dear Mr. Geer:

Your letter and enclosures of December 12, 1967 have been a real help in furthering my thesis investigation. Your professional colleagues, Dr. Ernest Willenberg and Dr. Evelyn Deno, have also made contributions to this study.

My master's thesis is entitled "An Analytical Study of Title VI of Public Law 89-750." I am primarily concerned with the people, organizations, and testimony affecting the passage of this monumental piece of legislation. This has been an interesting study which I trust will provide historical background to the bill. My study should be concluded by May 1, and will be dedicated to the memory of the late John Fogarty.

What legislation concerned with educating the handicapped is the Council of Exceptional Children supporting in this session of Congress?

Thank you again for your cooperation.

Sincerely,

Byron R. Holmgren
Graduate Fellow

Central Washington State College

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 12, 1968

Dr. Evelyn Deno, Director
Psycho-Educational Clinic
University of Minnesota
Minneapolis, Minnesota 55455

Dear Dr. Deno:

Thank you for your informative letter and enclosures. I appreciate this help.

My thesis is entitled "An Analytical Study of Title VI of Public Law 89-750." This study is concerned with the people, organizations, and testimony which facilitated the passage of this monumental piece of legislation. I am also concerned with the potential this law has for educating and training the handicapped. Many congressmen, educators, and organizations, vitally interested in the passage of this law, have been contacted. Dr. Edwin Martin, Deputy Associate Commissioner of the new Bureau, has been very helpful. Mr. Geer and Dr. Willenberg have also made some valuable contributions. My thesis will be dedicated to the late Congressman John Fogarty.

I have written to my Congressman for the documents on PL 89-750, and to the Superintendent of Documents for other materials pertinent to federal legislation affecting the education of the handicapped. This is an interesting study; I trust my analysis will do justice to the study.

Thank you again for your cooperation.

Sincerely,

Byron R. Holmgren
Graduate Fellow

Central Washington State College

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 12, 1968

Hon. Lister Hill, Chairman
Committee on Labor and Public Welfare
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Hill:

I am a graduate student in special education at Central Washington State College. My master's thesis concerns the passage of Public Law 89-750. More specifically, I am concerned with the people, organizations, and testimony affecting the passage of Title VI of this law.

Please give consideration to the following questions regarding Public Law 89-750:

1. What role did you have in the passage of this bill?
2. What congressman and/or senator initiated this bill in Congress?
3. What new legislation are you presently considering which will aid the education and training of the handicapped?

Any attention which you can give this letter will be appreciated.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 14, 1968

Hon. Floyd V. Hicks
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congressman Hicks:

Thank you for your early reply to my letter of March 2.
The material you sent will be of great value in completing
my thesis study.

I received a letter today from Mrs. Luise Fogarty granting
permission to dedicate my thesis to the memory of the late
Congressman, John E. Fogarty. Mrs. Fogarty sent me a copy
of the Memorial Addresses delivered in Congress following
his death. This book will provide me with pertinent
information relative to the late Congressman's interest in
the education and training of the handicapped.

Please send me a copy of Public Law 874, 81st Congress;
copies of PL 90-170, and PL 90-247. Thank you.

Sincerely,

Byron R. Holmgren
Graduate Fellow

Central Washington State College

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 14, 1968

Mrs. Luise Fogarty
Phillips Lane
Harmony, Rhode Island

Dear Mrs. Fogarty:

Thank you for your letter granting permission to dedicate my thesis to your late husband. I am also very grateful for the copy of the Memorial Addresses, providing additional resource information on the late Congressman's interest in educating and training the handicapped.

When this study is completed I will send you a copy of the dedication page and a page from the appendix, which will be addressed to the legislative efforts of your late husband, with regard to education of the handicapped.

Words are inadequate in attempting to express my gratitude for your cooperation in making my thesis study an enjoyable and rewarding experience. Thank you.

Sincerely,

Byron R. Holmgren
Graduate Fellow

Central Washington State College

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 27, 1968

Dr. Mamie J. Jones, Director
Services for Exceptional Children
State Department of Education
Atlanta, Georgia

Dear Dr. Jones:

I am a graduate student in special education at Central Washington State College. For my master's thesis I am making an analytical study of Title VI, Public Law 89-750. This study is being dedicated to the memory of the late Congressman John E. Fogarty.

For many years you have been actively interested in federal aid for improving the education and training of the handicapped. Having been recently chosen as a member of the newly formed National Advisory Committee on Handicapped Children, I would appreciate answers to the following questions:

1. When did this Committee have its first meeting with Commissioner Howe?
2. How frequently does this Committee meet with the Commissioner?
3. What is the greatest unmet need (that could be provided by federal aid) in special education at the present time?

Your efforts over the years to make special education a dignified and contributing profession is greatly appreciated by all teachers of exceptional children. Thank you for giving this letter your immediate attention.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 27, 1968

Mr. Rich Boyd
Coordinator of Federal Programs
Department of Public Instruction
P.O. Box 527
Olympia, Washington 98501

Dear Mr. Boyd:

I am a graduate student in special education at Central Washington State College. For my master's thesis I am making an analytical study of Title VI, Public Law 89-750.

Would you briefly answer the following questions:

1. Did Title VI provide your Department with funds for additional personnel to administer this Title?
2. Has this Title significantly increased teaching staffs in local school districts in our state?
3. What area of special education services is the most inadequate in our state?

Thank you for any consideration you may give this request.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 27, 1968

Hon. Hugh L. Carey
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congressman Carey:

I am a graduate student in special education at Central Washington State College. For my master's thesis I am making an analytical study of Title VI, Public Law 89-750. This study is being dedicated to the memory of the late Congressman John E. Fogarty.

Would you please send me copies of H.R. 16847 and H.R. 16848? Were both of these bills incorporated in H.R. 13161? In reviewing the Hearings before the Ad Hoc Subcommittee on the Handicapped, I received a real education on what you, the Subcommittee, and the various national organizations have been doing to legislate categorical aid for educating and training our handicapped children. As a teacher of these children, I am very grateful for your untiring efforts.

What is the greatest need today relative to federal aid for the handicapped, and what bills are before Congress to satisfy this need? Any consideration given these requests will be greatly appreciated. Thank you for your personal and professional dedication to the needs of the handicapped.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 27, 1968

Mr. E. B. Whitten
Executive Director
National Rehabilitation Association
1522 K Street Northwest
Washington, D.C. 20005

Dear Mr. Whitten:

I am a graduate student in special education at Central Washington State College. For my master's thesis I am making an analytical study of Title VI, Public Law 89-750. This study is being dedicated to the late Congressman John E. Fogarty.

It was my pleasure recently to have read your comprehensive testimony given before the Ad Hoc Subcommittee on Handicapped Children on June 15, 1966. I applaud you in retrospect for recommending that a national policy be developed, and a separate federal administrative unit be established to implement this policy.

With the establishment of a new Bureau for the Education of the Handicapped and a National Advisory Committee, do we now have a national policy to integrate these services?

Thank you for giving this letter your attention.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
March 30, 1968

The Editor
The Niagara Falls Gazette
Niagara Falls, New York 14302

Dear Sir:

I am a graduate student at Central Washington State College. For a master's thesis I am making an analytical study of Title VI, Public Law 89-750. This study is being dedicated to the memory of the late Congressman John E. Fogarty.

Your brilliant and forceful editorial of August 6, 1967 interests me as a valuable piece of resource material for my thesis. I concur with your conclusion regarding appropriations for educating and training handicapped children: ". . . The tragedy of Vietnam should not be compounded by a domestic tragedy of shattered hope."

Would you please send me a copy of your editorial, entitled "War Shouldn't Be Excuse For Cutting Needed Plans," for my appendix? May I also have your permission to cite this editorial in my thesis? Thank you for your consideration.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
April 9, 1968

Dr. Leo E. Connor, President
The Council For Exceptional Children
1201 Sixteenth Street Northwest
Washington, D.C. 20036

Dear Dr. Connor:

I am a graduate student at Central Washington State College. For a master's thesis I am making an analytical study of Title VI, Public Law 89-750, under the direction of Dr. Hyrum S. Henderson.

From my review of the literature on federal legislation affecting the handicapped, I have come to recognize you as one of the leaders in the Council's legislative activities. I would like you to answer the following questions to aid my investigation:

1. When did the original idea for a separate Bureau in the Office of Education germinate?
2. Who was the first person (congressman or special educator) to recommend that a Bureau for the Handicapped be established?
3. Do we now have a "true" national policy for the education and training of the handicapped?

Thank you for taking time from your demanding schedule to answer this letter. I appreciate your successful efforts to elevate special education's position in professional education, and for helping the handicapped achieve through better opportunities.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
April 11, 1968

Hon. Edith Green
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congresswoman Green:

I am a graduate student in special education at Central Washington State College. For a master's thesis I am making an analytical study of Title VI, Public Law 89-750. My thesis will be dedicated to the memory of the late John Fogarty.

In the literature on federal legislation affecting the handicapped, your name is mentioned frequently as one being vitally interested in the needs of special education. I would like you to answer the following questions regarding the congressional investment in the education of the handicapped:

1. Is there a national policy with respect to educating the handicapped?
2. Do we have a Commission for Handicapped Children and Youth in the Office of the Secretary of Health, Education, and Welfare?
3. Is there a strong consensus among congressmen and educators for the establishment of a Department of Education?

Thank you for taking time from your demanding schedule to answer this letter. I am grateful for what you have done to provide equal educational opportunities for the handicapped.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

813 5th Avenue East
Ellensburg, Washington 98926
May 3, 1968

Mr. Richard Fay, Counsel
U.S. House of Representatives
Special Subcommittee on Education
Washington, D.C. 20515

Dear Mr. Fay:

Thank you for your letter of April 22, and for the copy of the Study of the U.S. Office of Education and the Advisory Committee's First Annual Report.

Both the Report and Study have been helpful in continuing my investigation of the provision of Title VI, Public Law 89-750. I appreciate your contributions very much. Please give Mrs. Green my sincere thanks.

Sincerely,

Byron R. Holmgren
Graduate Fellow

BRH:uh

APPENDIX C

RESPONSES

HUGH L. CAREY
15TH DISTRICT, NEW YORK

COMMITTEES:
EDUCATION AND LABOR
INTERIOR AND INSULAR AFFAIRS
CHAIRMAN, SUBCOMMITTEE ON
TERRITORIAL AND INSULAR AFFAIRS

Congress of the United States
House of Representatives
Washington, D.C.

DISTRICT OFFICES:
DOWNTOWN:
FEDERAL BUILDING
BROOKLYN CIVIC CENTER
BROOKLYN, NEW YORK
BAY RIDGE:
7718 4TH AVENUE
BROOKLYN, NEW YORK 11209
119

December 11, 1967

Mr. Byron R. Holmgren
813 - 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

In order to expedite your letter, I have taken the liberty of referring it to Dr. Edwin Martin, who was Staff Director of Congressman Carey's Ad Hoc Subcommittee for the handicapped.

Dr. Martin will be sending along information which, I feel, will be of assistance. After you have looked over the material Dr. Martin has sent you, Congressman Carey will be glad to advise you further if you feel that the information supplied is not sufficient.

Sincerely yours,

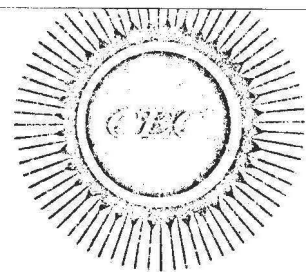
Mildred Akins
Assistant to Congressman Carey

MA:dj

Please note:

The signature has been redacted due to security reasons

THE COUNCIL FOR EXCEPTIONAL CHILDREN



December 12, 1967

120

Mr. Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

This is in reply to your letter of December 6 requesting certain information about activities of the Council for Exceptional Children related to federal legislation and special education.

Sporadically the efforts of the Council go back as far as 1939 when the Council joined other national agencies in support of the Pepper-Boland bill for the education of the physically handicapped.

The really intensive activities of CEC in matters pertaining to federal legislation date back to 1960 when the CEC adopted for the first time a platform statement on federal legislation. This you will find by referring to Exceptional Children.

CEC employs a variety of measures to stimulate the development of federal legislation. We have prepared bills and had them introduced, presented testimony on numerous occasions to Congressional committees, provided systematic information to people in the field about impending legislation and have worked at the request of the Congressional committees to provide information and advice about legislation.

The role of the Council in regard to the legislation which created the Bureau of Education of the Handicapped was to prepare basic testimony to illustrate the need for this and then to work in the abovementioned ways to help secure passage of Title VI in the Elementary and Secondary Education Act Amendments.

I am enclosing a copy of President Ernest Willenberg's statement to the Carey Committee with regard to the need for a strong Bureau for the Handicapped in the U. S. Office of Education.

I hope that this information is appropriate to your needs.

Please note:
The signature has been redacted
due to security reasons

Sincerely yours,

William C. Geer
Executive Secretary

WCG/alr

enclosure



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

WASHINGTON, D.C. 20202

121

January 16, 1968

Bureau of Education for
the Handicapped

Mr. Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

Your letter to Congressman Carey has been referred to me as I worked as Staff Director for the Ad Hoc Subcommittee on the Handicapped of which the Congressman was chairman. I would suggest that you write to the Committee on Education and Labor of the House of Representatives and ask them for a complete three volume set of the hearings of that subcommittee. I think you will find these an invaluable reference.

I think you would have to give Congressman Carey and Senator Wayne Morse prime credit for initiating the legislation for the creation of the Bureau of Education for the Handicapped. There was, however, support from a number of other members in the Congress, both Democrats and Republicans. I think it could be said that this legislation had the support of all the members of the Senate Subcommittee on education and also the members of the House Ad Hoc Subcommittee on the Handicapped who worked with Congressman Carey. You can get the names of those members by writing the Senate Subcommittee on Education, Senate Labor and Public Welfare Committee; the hearings to which I have already referred you will give you the names of the House members.

With regard to organizations, almost all major organizations dealing with the handicapped testified before the Carey Subcommittee and without exception they supported these notions. The Council for Exceptional Children, NARC, the American Speech and Hearing Association, and organizations for the deaf and blind all contributed to the cause. The idea to form a separate Bureau was discussed from time to time over several years and it is very difficult to trace its origin. In the year before the Carey Subcommittee was organized, the late Congressman John Fogarty had called for a centralization of the programs for the handicapped in the Office of Education.

In testimony before the Carey Subcommittee, Dr. Samuel Kirk specifically called for the development of the new Bureau. I know the Congressman himself had already been thinking of this idea when the subcommittee began its studies. In summarizing Congressman Carey's role, I would say that he not only introduced the bill HR 16847, the Handicapped Child Benefit and Education Act which included the provisions for such a Bureau, but he built the legislative case that was necessary to win Congressional approval for this Bureau. While that bill itself was not passed, the features which became Title VI of the ESEA were based on the Carey bill, and the record of testimony, which was developed before the Carey Subcommittee, gave the necessary emphasis to the need for development of the Bureau. Although the final bill was a Senate bill, Congressman Carey's role was recognized. For example, CEC, in its journal issue announcing the passage of Title VI, referred to it as the "Morse-Carey Title".

I hope this information will be of some help to you.

Sincerely,

Edwin W. Martin
Deputy Associate Commissioner for
Education for the Handicapped

Please note:

The signature has been redacted due to security reasons



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

123

January 31, 1968

Bureau of Education for
the Handicapped

Mr. Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

You might address your inquiry to the Senate Subcommittee on Education to Mr. Charles Lee, Professional Staff Member of that Subcommittee. I am enclosing our most recent copy of the organization of the Bureau of Education for the Handicapped and it is relatively much up to date with regard to the names of the various professional people. I hope this will be helpful to you.

Sincerely,

Edwin W. Martin
Deputy Associate Commissioner for
Education for the Handicapped

Enclosure

Please note:

The signature has been redacted due to security reasons

Los Angeles City School Districts

ADMINISTRATIVE OFFICES: 450 N. Grand Ave., Los Angeles, Calif. Tel. 625-8921
MAILING ADDRESS: Box 3307, Terminal Annex, Los Angeles, California 90054

JACK P. CROWTHER
Superintendent of Schools

LOUISE WOOD SEYLER
Deputy Superintendent
Instruction

ERNEST P. WILLENBERG
Director
Special Education Branch

February 15, 1968

124

Byron R. Holmgren
813 5th Ave. East
Ellensburg, Wash. 98926

Dear Mr. Holmgren:

In response to your letter of January 26, 1968, and to the 4 questions you posed, the answers are as follows:

1. No, I was not the first person to recommend a Bureau for Exceptional Children in the U. S. Office of Education. This recommendation is of long standing and I do not really know from whence it originated. I don't really think that it can be credited to any one person since the support for the idea represented the consensus of more than 20 national organizations concerned with exceptional children.
2. The original idea to form a separate division for exceptional children was contained in the report of the President's Panel on Mental Retardation made to President Kennedy about a year before his death. The results of the recommendation contained in the document A National Action To Combat Mental Retardation suggested the formation of a division which President Kennedy acted upon by issuing an administrative order for the formation of the division subsequently headed by Dr. Samuel Kirk. Dr. Kirk remained with the division on an interim basis prior to assignment of Morvin Wirtz. However, the division lasted only 18 months and the various components of the division were dispersed among the several bureaus in the reorganized Office of Education. When this happened the Council for Exceptional Children became concerned and organized sufficient support so that the provision for the bureau was specifically included in legislation introduced by Congressman Carey from New York. Therefore, it can be said that Congressman Carey who headed the Special Education Committee of the House Committee on Education and Labor played a very significant part in carrying the legislation which provided for the special bureau in the U.S. Office of Education.
3. This question is answered in 2 above namely Congressman Hugh Carey from New York.
4. It is my assumption that the recommended title, Bureau for Exceptional Children, was not adopted because the new bureau is not responsible for the mentally gifted. Therefore, the new bureau does not represent all exceptional children and its title is more appropriately identified with programs for the handicapped.

I hope the above information will be of assistance to you.

Please note:
The signature has been redacted
due to security reasons

Sincerely yours,

Ernest P. Willenberg

February 20, 1968

Mr. Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

I don't know how to be of greatest help to you in your study since your letter does not specify the purpose of your study. I can only answer "I don't know" in response to your first three questions and "no" to your fourth but there is much more to the story.

You are probably aware of the November, 1966, issue of *Exceptional Children* which summarizes much of the story. Usually the president of CEC does the testifying. As an example, a copy of one position statement given by Dr. Willenberg is enclosed.

In June, 1964, the national legislative committee drafted the policy statement adopted by CEC in 1965. Subsequent to drafting it went through the channels of the CEC Executive and Governing Boards before being presented to the delegate assembly. We were then accepting the status of a Division on Handicapped Children. Much went on after that which led to the Bureau notion. But it is unlikely that anyone can be pinpointed as being the first to suggest it. You will note E. B. Whitten's reference to need for specific assignment of responsibility on page 6 of his testimony.

There is a document abstracting testimony on the education of handicapped children given at hearings of the 89th Congress (1965), first session. It is available from the U.S. Government Printing Office, I think, though it was printed for the use of the Committee on Labor and Public Welfare relative to bills No. S.1400 and S.1650. There are other documents dealing with later sessions which yield interesting details. Your congressman can get them for you.

The congressional records never tell the critical story which goes on mostly in the halls, over cocktails, etc. Bill Geer and Sam Kirk are probably most knowledgeable on the "inside story."

Actually, we have good backing and strong interest in Congress though the death of Congressman Fogarty was a serious loss. We can get

authorization of almost anything reasonable. Our success has exceeded our wildest hopes. The problem is getting appropriations which is a whole separate issue. We got caught in a time where, because of Vietnam, the administration (not Congress) is curbing all domestic programs. If it were not for that, we'd be in business far beyond our capacity to staff services.

Cordially,

Evelyn Deno, Director
Psycho-Educational Clinic

ED:vs
Enc.

Please note:

The signature has been redacted due to security reasons

Congress of the United States
House of Representatives
Washington, D.C. 20515

127

March 8, 1968

Mr. Byron R. Holmgren
813 5th Ave. East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

Thank you for your letter of March 2,
requesting a copy of P.L. 89-750 and material
pertaining to Title VI of this law.

Enclosed is the information you requested.
I hope it will be helpful to you in your research
on this subject.

If I can be of further assistance to you,
please do not hesitate to let me know.

Sincerely yours,

FLOYD V. HICKS
Member of Congress

FVH:d
Enclosures

Please note:
The signature has been redacted due to security reasons

March 11, 1968

Mr. Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

Thank you for your letter of February 13th.
I am sorry I took so long to answer it.

It is very kind of you to offer to dedicate
your master's thesis to my late husband. I would be
pleased to have you do so and I know that my husband
would have been pleased, too.

I am enclosing a copy of the Memorial
Addresses delivered in Congress following his death.
There is a list of ten pages of the awards and degrees
he received during his lifetime. It goes from page 220
to 230. I think you might find a review of this list
rewarding.

Sincerely,

Mrs. John Fogarty

Please note:

The signature has been redacted due to security reasons

LISTER HILL, ALA., CHAIRMAN

WAYNE MORSE, OREG.
RALPH YARDOROUGH, TEX.
JOSEPH S. CLARK, PA.
JENNINGS RANDOLPH, W. VA.
HARRISON A. WILLIAMS, JR., N.J.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
ROBERT F. KENNEDY, N.Y.

JACOB K. JAVITS, N.Y.
WINSTON L. PROUTY, VT.
PETER H. DOMINICK, COLO.
GEORGE MURPHY, CALIF.
PAUL J. FANNIN, ARIZ.
ROBERT P. GRIFFIN, MICH.

United States Senate

129

COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

March 16, 1968

STEWART E. MCCLURE, CHIEF CLERK
JOHN S. FORSYTHE, GENERAL COUNSEL

Mr. Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

In an effort to be of assistance to you in meeting the request contained in your January 23, 1968 letter, I am attaching a committee list. Under separate cover I am forwarding a copy of our hearings on the Elementary and Secondary Education Amendments of last year, which contain much of the testimony received in the area which resulted in the authorities conferred by Title VI of the Elementary and Secondary Education Act, including the establishment by statute of the Bureau.

For a number of years special education of the handicapped has been of major concern to me and to my colleagues. In each of the major educational statutes since 1963 provision has been made for this area of education. You may recall that the committee report which accompanied P.L.89-10 to the floor had incorporated in it a letter from the Under Secretary of Health, Education, and Welfare which was submitted in response to a request of the subcommittee which clearly indicated that the handicapped child would be considered within the definition of educationally deprived child for whom benefits and services are provided under Title I of that act.

I think it fair to say that in the course of our legislative oversight review it was the consensus of the members of the subcommittee that the Office of Education as then constituted was not sufficiently aggressive in implementing committee intent with regard to special education, and that one reason for this was the fact that there was no focus in the Office of Education for special education

Mr. Byron R. Holmgren
March 16, 1968
Page 2

activities. This need, of course, was met through the creation within the Office over Departmental opposition of the new Bureau of Education for the Handicapped.

With kindest regards,

Sincerely,

Wayne Morse

WM-mp
Enclosure

Please note:

The signature has been redacted due to security reasons

Congress of the United States
House of Representatives
Washington, D.C. 20515

131

March 22, 1968

Mr. Byron R. Holmgren
813 5th Ave. East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

I am pleased to learn that you received the material I sent you and that it will be helpful to you. Your decision to dedicate your thesis to the late Congressman Fogarty is certainly an admirable one, and I wish you every success in its completion.

Enclosed are the public laws you requested at the end of your letter.

It is my pleasure to be of this assistance to you.

Sincerely yours,

FLOYD V. HICKS
Member of Congress

FVH:d
Enclosures

Please note:
The signature has been redacted due to security reasons

Superintendent of Public Instruction

132

Olympia

LOUIS BRUNO
TE SUPERINTENDENT

April 2, 1968

Mr. Byron R. Holmgren
Graduate Fellow
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

I am in receipt of your letter dated March 27, 1968, concerning an analytical study which you are making in regard to Title VI, Public Law 89-750.

The following is in answer to your three (3) questions:

1. Yes, Title VI does provide our Department with funds for additional personnel to administer the Title.
2. No, this Title has not significantly increased teaching staffs in local school districts in our state.
3. The areas of special education services in our state which are the most inadequate are: preschool, blind, deaf, emotionally disturbed, and programs for trainable mentally retarded.

If I may be of any further assistance, please do not hesitate to contact this office.

Sincerely,

DIVISION OF CURRICULUM
AND INSTRUCTION

Please note:
The signature has been redacted
due to security reasons

Rich Boyd
Coordinator of
Federal Programs

RE:sh

INTERNATIONAL REHABILITATION ASSOCIATION



1522 K Street, N.W.

Washington, D. C. 20005

659-2430

133

April 4, 1968

President
GAR B. PORTER
Suite 121
17-18th Street, N.W.
Washington, D. C.
20006

President-Elect
L. D. BECKMAN
10 Wade Hampton
State Office Bldg.
Columbia, South Carolina
29201

Treasurer
DONALD G. HAMPTON
10 Kennedy Road
Lexington, Kentucky
40505

Honorary President
JOHN A. KRATZ

Director
E. B. WHITTEN

Assistant Director
D. PUTH

Mr. Byron R. Holmgren, Graduate Fellow
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

Thanks for your letter of March 27. I wish I could tell you that I thought a national policy with respect to services for children is in existence, but I am afraid it is not. The advent of the Social and Rehabilitation Service, combining as it does the Children's Bureau, the Rehabilitation Agency, and some others, will contribute toward the development of such a policy, as the reorganization of the Office of Education is doing. I guess what I am saying is that we are making some progress, but it is still not clear just exactly how the job needs to be done.

Interestingly, I have been appointed by the Secretary of HEW to a Task Force composed of 15 individuals, the prime purpose of which is to recommend to the Secretary the way that social services should be organized and administered in future years. I think we shall grapple realistically with the problem you have in mind.

With best wishes, I am

Sincerely yours,

E. B. Whitten
Executive Director

EBW:ak

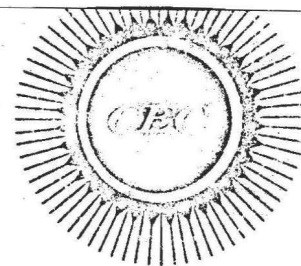
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"DEDICATED TO THE REHABILITATION OF THE HANDICAPPED"



April 5, 1968

Mr. Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

We are pleased to note in your letter of March 12 that our previous letters and enclosures have been of help to you.

This year we have been working for increased appropriations and also to secure amendments to the Vocational Education Act, which would more clearly define the eligibility of exceptional children for vocational education.

These are the principal developments this year.

With best wishes.

Sincerely yours,

William C. Geer
Executive Secretary

WCG/alr

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135

April 22, 1968

Byron R. Holmgren
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

Mrs. Green is out of her office today, but before leaving she asked me to respond to your recent letter. As you probably know, Title VI of Public Law 89-10 under Public Law 89-750 provides for a) program grants for the States, b) creation of the Bureau of Education for the Handicapped within the Office of Education, and c) a National Advisory Committee on Education to the Handicapped. This Advisory Commission has recently completed a comprehensive Report on Education for the Handicapped, and at Mrs. Green's request, the Office of Education is forwarding you a copy directly from their office.

Regarding your third question about a Department of Education, it is difficult to say at this time whether there is a "strong consensus" among Congressmen. I am enclosing a copy of the recent Study of the U. S. Office of Education which was done by my Subcommittee last year. On page 451 of the Study under "Additional Views" you will find the recommendation as made by Congressman Sam Gibbons of Florida and Mrs. Green for a separate Department of Education. She asked that I send you the enclosed copy for your information.

Sincerely yours,

Richard Fay
Counsel

RF:rbc
Encl.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

WASHINGTON, D.C. 20202

136

May 10, 1968

Mr. Byron R. Holmgren
Graduate Fellow
813 5th Avenue East
Ellensburg, Washington 98926

Dear Mr. Holmgren:

This is in response to your letter addressed to Dr. Mamie J. Jones of Atlanta, Georgia, which has been referred to me for reply.

The National Advisory Committee on Handicapped Children met with Commissioner Howe for the first time on August 3-4, 1967 and again on September 28-30 of the same year. The third meeting will be held on June 3-5, 1968. There is no set time as to how many times a year this Committee will meet at this time.

In answer to the greatest unmet need in special education today, I believe the enclosed Report of the National Advisory Committee will tell you in detail the answer to this question, particularly, beginning on page 27. Also, enclosed is a Journal of the Council for Exceptional Children, which devoted its entire March issue to our Bureau; telling of its various programs and the specialists who head them.

Thank you for your interest in special education. If we may be of help in the future, please let us know.

Sincerely yours,

Lee Ross, Public Information Officer
Reports & Information Staff
Bureau of Education for the Handicapped

Enclosures

Please note:

The signature has been redacted due to security reasons