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~~BACKGROUND AND ANALYSIS OF PROPOSED LEGISLATION TO PROMOTE~~

THE EDUCATION OF THE BLIND

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Background

Blind children require for their education special equipment in the form of books in raised print, tangible apparatus and devices of various kinds. It was recognized early that the supply of such equipment would never be adequate if each state were left to its own resources. The first legislation providing aid from the Federal Government was approved on March 3, 1879 under the title "An Act to Promote the Education of the Blind" (Chapt. 186, 45th Congress). According to this law, a perpetual trust fund of \$250,000 was set up to be invested in United States interest-bearing bonds, the income from which, at 4 per cent in the amount of \$10,000 per year, would go to the American Printing House for the Blind in Louisville, Kentucky. The law also provided that the superintendents of the various tax-supported schools for the blind of the country become ex officio members of the board of trustees of the Printing House, and that books and tangible apparatus equivalent in value to the governmental grant be distributed among the schools for the blind in proportion to their pupil enrollment.

In 1906, the original law of 1879 was changed to provide a direct \$10,000 appropriation to the Printing House to be made annually in perpetuity (Public Law 59-288). In 1919, the first appropriation in addition to the original \$10,000 was authorized in the amount of \$40,000 (P.L. 66-24). Later amendments further increased the appropriation authorization to \$65,000 in 1927 (P.L. 69-584) and to \$115,000 in 1937 (P.L. 75-339), these sums always to be added to the \$10,000 permanent annual appropriation. Then in 1952, Congress increased the authorized annual appropriation to \$250,000

(P.L. 82-354), thus making the possible total annual grant \$260,000. An important change was made in 1956 (P.L. 84-922), when the law was amended "so as to authorize wider distribution of books and other special instructional material for the blind", thus regularly authorizing the Printing House to make available educational materials on a per capita basis to all blind children, either in special schools for the blind or regular public schools. Before this, regular public schools had received such materials as a result of an opinion handed down on January 30, 1912, stating that these schools were entitled to share in the free distribution of materials under this Act. At present, more blind children are being educated in regular public school systems than in special schools for the blind. Furthermore, the law of 1956 increased the authorized appropriation to \$400,000 per year, which, with the permanent annual appropriation, could make a total of \$410,000.

The act of 1879 vested the control of the appropriation in the Treasury of the United States. The administration of the appropriation to the Printing House was transferred by Joint Resolution to the Federal Security Agency.

In the present interpretation, the term "books and tangible apparatus", includes books in raised print as well as talking books, talking book reproducers, and books in large type, in addition to special apparatus and devices. The present law is also interpreted to require that all books and apparatus furnished under its provisions must be manufactured by the American Printing House for the Blind.

Over the years since 1879, when the original law was enacted, there have been very few substantive changes except for the periodic increase in the authorization of appropriations occasioned by the growing population of

blind school-age children. Despite the strong trend toward educating blind children in regular public schools with sighted children instead of in special schools for the blind, the law, which belatedly authorized the distribution of books and materials to them, provides only for a per capita quota system of allocating these materials. Thus, the practical effect virtually negates the advantages which should result from this entitlement. The per capita basis for allocating books and materials similarly discriminates against the smaller special schools for the blind and the separate negro departments in special schools where there is racial segregation, since a substantial portion of the monetary equivalent to which these schools are entitled is used up in purchasing expensive instructional materials, such as braille globes and maps, braille dictionaries, braillewriters, and the like. If the allocation is taken in text books, then not enough money is left for these equally important but expensive items.

The restriction to items manufactured by the American Printing House for the Blind is also archaic. Three dimensional models of plants, animals, the solar system, etc. are in regular use in most public school systems for sighted children and are readily available from established scientific supply houses. These would be invaluable educational aids for the tactual instruction of blind children. In order to supply them under the Act, the Printing House would have to tool up and manufacture them for a small consumer market, a costly process resulting in a high unit cost compared to purchasing commercially available items manufactured for a mass market. Similarly, the Printing House is prevented from purchasing for distribution under the Act special aids and devices made by other agencies for the blind or adapted by commercial manufacturers for the use of blind persons.

In view of the foregoing, ~~the American Foundation for the Blind~~ believes that a substantial overhaul of the Act of 1879 is highly desirable in order to meet the educational needs of blind children in 1961 and future years in a realistic and efficient fashion consistent with current practices in Federal grant programs. The proposed bill is offered as a means of achieving this objective.

Analysis of Proposed Bill

1. Authorization of Appropriations

Section 1 of the proposed bill would increase the authorization of appropriations by removing the present ceiling of \$400,000 annually and leaving the annual appropriation to the discretion of the Congress. The sharp growth in number of blind children of school age due to retrolental fibroplasia in premature babies and regular population growth plus increased production costs make the present appropriation of \$400,000 woefully inadequate.

In view of the fact that the program has been in existence for more than 80 years and that the Committee on Appropriations has had to approve an annual appropriation for more than 40 years, it would seem that a specific ceiling on appropriations is no longer necessary. Elimination of the ceiling would make it unnecessary for the Congress to take action periodically to increase the authorization in such a long-established and vital program and would have prevented the current situation for fiscal 1961, when it was obvious that the \$400,000 annual appropriation would be inadequate, but that nothing could be done until the enabling legislation was amended.

2. Rules and Regulations

Section 1 of the proposed bill also authorizes the Secretary of Health, Education, and Welfare to make rules and regulations governing the

administration of the Act. There are presently no such regulations and, therefore, no clear guide on questions involving administrative procedures in carrying out the intent of the Congress. Such regulations would be extremely helpful to everyone interested in the education of blind children and would be consistent with procedures in other Federal grant programs.

3. Authorization to Purchase Materials

The phrase "manufacturing and furnishing" and similar phrases have been changed to "manufacturing or furnishing" in order to authorize the American Printing House for the Blind to purchase items of equipment specially adapted or useful in the education of blind children from commercial supply houses and other agencies for the blind. The present law is interpreted to restrict everything furnished under the Act to books and devices manufactured by the Printing House itself. As a result, blind children cannot be provided under the Act with valuable tangible educational aids readily available elsewhere. If the Printing House chose to provide these items, it would be required by the law to tool up and manufacture them. The purchasing authority provided under the proposed bill would be a much more economical way of furnishing such items, like three-dimensional tactual models for science instruction mentioned above.

4. Annual Appropriation

Section 2 of the proposed bill merely corrects an oversight when the law was amended in 1919 to provide for an annual appropriation in addition to the permanent annual appropriation of \$10,000. The first sentence of Section 102 of the Act seems to limit the distribution of the books and materials to the value of the \$10,000 permanent annual appropriation, whereas the intent of Congress is to distribute the total annual appropriation.

5. Per Capita Quota

Section 3 of the proposed bill authorizes the distribution of large expensive items of equipment, such as braillewriters, braille dictionaries, braille encyclopedias, and the like on a school, classroom, or other practicable basis. This would make it possible for blind children in smaller special schools for the blind or in regular public schools to have the advantage of these essential educational aids without having their quota for textbooks and smaller aids used up. An Advisory Council on the Education of the Blind (discussed below) would determine what equipment would be provided in this manner. Textbooks and smaller educational aids would still be provided on a per capita quota basis determined by the ratio between the number of blind children enrolled in public institutions at the elementary or secondary school level in each state and the total similarly in elementary or secondary schools for the entire country. In addition, the proposed bill would authorize each state to receive up to 10% of its per capita quota in actual cash to purchase specific items locally or where available. For example, Hawaii or even Oregon or California could purchase record players for Talking Book records much more economically in their local areas instead of having such bulky items shipped from the Printing House in Louisville under the quota, with expensive shipping charges adding to the cost and decreasing the amount these states could have for actual items of equipment. The Advisory Council would develop a list of approved items of equipment which could be purchased directly by the States.

The present law provides for a per capita quota system based on the ratio between the number of blind children enrolled in schools below the college level in all of the states and possessions and the number of blind

children enrolled in special schools for the blind in each state, as well as a separate quota determined by the ratio of children enrolled in all special schools and regular public schools and blind children enrolled in regular school systems in each state. This cumbersome dual quota would be eliminated in the proposed bill in favor of a single quota system for each state.

The term at the "elementary or secondary school levels" in the proposed bill substitutes for "below college grade" in the present law to plug a loophole by which state-operated rehabilitation centers for blind persons are obtaining books and equipment under the Act, which was clearly intended by Congress for blind school children in elementary and secondary schools. Federal Regulations would undoubtedly have prevented this abuse. Federal funds for rehabilitation facilities are available under other laws.

6. State Ownership

Section 3 of the proposed bill not only eliminates the dual quota system for each state, but also gives title to books and equipment to the state receiving them. The state is authorized to assign title, thus providing for flexibility in the use of books and equipment where needed, whether it be in the state's special school for the blind or in regular public schools in the state. Under the present law, equipment and books presumably remain the property of the Federal Government and frequently pile up when use for them is past instead of being reassigned to another school within or without the state.

7. State Agency

Section 3 of the proposed bill provides for a state agency or agencies designated by the state to receive and distribute books and materials furnished through the American Printing House for the Blind under

the Act and otherwise to administer the program at state level. If the state designates more than one agency then the state department of education must attest to procedures for obtaining and distributing books and other materials within the state, in order to provide for coordinated utilization of books and materials by overseeing their transfer to other schools in the state when there is no longer any need for them in a given school.

A state agency administering the program under the Act could be the state department of education, the special school for the blind, or any logical agency involved in educational programs for blind children which the state might designate.

8. Advisory Council

The Advisory Council on the Education of the Blind mentioned in sections 3, 4, and 7 of the bill would be established in the Department of Health, Education, and Welfare to select publications, to develop lists of approved tangible apparatus and other educational materials provided under the Act, and otherwise to advise the trustees of the American Printing House for the Blind in administering the Act.

The Advisory Council would consist of the Superintendent of the American Printing House for the Blind, serving as chairman, and twelve members appointed by the Secretary of Health, Education, and Welfare, four of whom shall be teachers of blind pupils in special schools for the blind or regular public schools; four of whom shall be administrators of educational programs for blind children, such as superintendents of special schools for the blind or the heads of state departments of education; and four of whom shall be individuals particularly expert in the development of educational aids and teaching methods for blind children. Thus, the Advisory Council would bring to this program a representative group especially

knowledgeable about the problems involved in both types of educational programs for blind children--the special residential schools and the regular public schools. The Council would provide a mechanism which has proved to be effective and efficient in many other Federal grant programs.

The Advisory Council would supplant the ex officio trustees of the American Printing House for the Blind consisting of the superintendents of the special residential schools for the blind, who, under the present law, are responsible for administering the Act. This body of ex officio trustees may have been a logical mechanism for supervising the administration of the Act in 1879, when there were only 38 states and when blind children who were educated at all were in residential schools for the blind. Now there are 50 states plus Puerto Rico, Guam, the District of Columbia, and the Virgin Islands in the program. Now more than half of all blind children are being educated in regular public school systems rather than in special residential schools. Also, the Department of Health, Education, and Welfare rather than the Treasury Department is the Federal agency to which the Printing House is directly responsible. For these reasons, the representative Advisory Council and the regular seven member Board of Trustees of the Printing House will provide an effective and efficient mechanism for administering the program as Congress intends in order to serve the blind children of the nation more adequately.

Furthermore, the existing ex officio trustees mechanism does not provide for representation of educators involved in educational programs for blind children in the regular public school systems, where the problems are completely different from those in special schools. There have been proposals to add the 54 heads of state departments of education (including the District

of Columbia, Guam, Puerto Rico, and the Virgin Islands) to the ex officio trustees of the Printing House; but this would create an unwieldy group of more than 100 members. The Advisory Council, consisting of actual practitioners in teaching blind children as well as administrators, is a much more practical solution.

The twelve members of the Advisory Council appointed by the Secretary of HEW are to serve for four year terms, except for the first group.

9. Buildings, and Salaries and Expenses

Section 4 of the bill broadens Paragraph 2 of Section 102 of the Act, which forbids the use of funds for the erection of buildings, to authorize the expenditure of funds for salaries and expenses of experts and other staff to assist the Advisory Council and for the expenses of the Advisory Council and special committees which may be appointed. Under the present law, the Printing House has had to use private funds to pay the salaries and expenses of staff people involved in carrying out the program.

10. Sale at Cost

Section 5 of the bill merely broadens the wording of the Act which requires the Printing House to charge only the cost of materials it manufactures and furnishes under the program to conform with the broader authority granted in the bill to permit the Printing House to purchase useful educational aids already available from commercial and other sources. Thus, although commercial sources of finished products would be able to charge a profit on items purchased for distribution by the Printing House in the same manner as suppliers of raw materials to the Printing House do under the present law, the net result would still be more economical than if the Printing House were required to tool up and manufacture items already available, as the present law requires.

11. Withholding of Funds

Section 6 of the bill simply repeals the existing obsolete provision of Paragraph 4 of Section 102 of the Act, calling for funds to be withheld from the Printing House if they are misused. Other Federal laws make this specific punitive provision in the Act superfluous.

12. Conforming Amendment

Section 8 of the bill merely corrects an oversight in Section 104 of the Act which was not corrected by the 1956 amendments and still refers to the Federal Security Agency instead of the Department of Health, Education, and Welfare.

13. Effective Date

Section 9 of the bill makes its amendments effective for fiscal years following enactment of the bill.