

89TH CONGRESS
1ST SESSION

H. R. 1695

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1965

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To authorize the Commissioner of Education to make available to students in all elementary and secondary schools textbooks selected by such schools.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Children's Educational
4 Assistance Act of 1965".

DECLARATION OF PURPOSE

5
6 SEC. 2. It is the purpose of this title to authorize a four-
7 year program of financial assistance in the improvement of
8 educational qualities for all elementary and secondary school
9 children in all of the States, the District of Columbia, the
10 Commonwealth of Puerto Rico, the Virgin Islands, Guam,

1 and American Samoa and Trust Territories of the Pacific
2 Islands.

3 It is the intent of Congress that the Federal Govern-
4 ment recognize its continuing responsibility to assist in the
5 achievement of educational excellence and the elimination of
6 inequalities and disadvantages for every American child.

7 In the fulfillment of that responsibility the Congress
8 further intends that there be no distinction or discrimination
9 among the children of this Nation in the distribution of educa-
10 tional benefits in order that every child may be enabled to
11 acquire knowledge to the full extent of his or her capacity.

12 To that end it is the purpose of this title to extend the
13 span and depth of knowledge among all students by provid-
14 ing funds for modern and effective texts and teaching mate-
15 rials, and instructional aids.

16 In order to achieve equality of educational opportunities
17 to the greatest possible degree the Congress intends that the
18 Commissioner of Education should provide such criteria as
19 is necessary to give priority in the use of moneys under that
20 title to these children most in need, handicapped or otherwise
21 disadvantaged.

22 **APPROPRIATIONS AUTHORIZED**

23 **SEC. 3. (a)** The Commissioner of Education (herein-
24 after referred to as the "Commissioner") shall carry out
25 during the fiscal year ending June 30, 1966, and each of the

1 four succeeding fiscal years, a program for making textbooks
2 in certain critical subject areas available on a loan basis to
3 students in public and private elementary and secondary
4 schools in accordance with this Act; the selection of such text-
5 books to be made by the appropriate educational agency.

6 (b) For the purpose of making grants under this Act,
7 there is hereby authorized to be appropriated the sum of
8 \$650,000,000 for the fiscal year ending June 30, 1966; but
9 for the fiscal year ending June 30, 1967, and each of the
10 three succeeding fiscal years, only such sums may be appro-
11 priated as the Congress may hereafter authorize by law.

12 ALLOTMENTS TO STATES

13 SEC. 4. (a) Funds appropriated pursuant to section
14 101 for any fiscal year shall be allotted among the States
15 so that the allotment to each State will be an amount which
16 bears the same ratio to the amount so appropriated as the
17 number of students enrolled in grades 1 to 12 (both inclu-
18 sive) of elementary and secondary schools in such State bears
19 to the total number of students enrolled in such grades in
20 such schools in all of the States. Determination of the
21 number of students in such schools in a State and in all the
22 States shall be made by the Commissioner on the basis of
23 data for the most recent year for which satisfactory data
24 with respect thereto are available to him.

25 (b) The amount of any State's allotment under subsec-

1 tion (a) for any fiscal year which the Commissioner deter-
2 mines will not be required for such fiscal year for carrying
3 out the State plan (if any) approved under this Act shall be
4 available for reallocation from time to time, on such dates
5 during such year as the Commissioner may fix, to other
6 States in proportion to the original allotments to such other
7 States under such subsection for such year, but with such
8 proportionate amount for any of such States being reduced to
9 the extent it exceeds the sum the Commissioner estimates
10 such State needs and will be able to use for such year for
11 carrying out the State plan; and the total of such reductions
12 shall be similarly reallocated among the States whose propor-
13 tionate amounts were not so reduced. Any amount real-
14 lotted to a State under this subsection during a year shall be
15 deemed part of its allotment under subsection (a) for such
16 year.

17 STATE COMMISSIONS AND PLANS

18 SEC. 5. (a) Each State which desires to have students
19 in all elementary and secondary schools in the State receive
20 textbooks on a loan basis under this Act shall designate an
21 existing State agency which is broadly representative of the
22 public and of educational agencies in the State, or, if no such
23 State agency exists, shall establish such a State agency, and
24 submit to the Commissioner through the agency so designated
25 or established (hereinafter in this Act referred to as the

1 “State commission”), a State plan for its participation in the
2 textbook program provided for in this Act. The Commis-
3 sioner shall approve any such plan which—

4 (1) provides that it shall be administered by the
5 State commission;

6 (2) provides that it will receive applications from
7 educational agencies under this Act and assign them a
8 priority for approval relative to other applications re-
9 ceived by it;

10 (3) provides for affording to every applicant,
11 which has submitted an application to the State com-
12 mission, an opportunity for a fair hearing before the
13 State commission as to the priority assigned to such
14 application; and

15 (4) provides (A) for such fiscal control and fund
16 accounting procedures as may be necessary to assure
17 proper disbursement of an accounting for Federal funds
18 paid to the State commission under this Act; and (B)
19 for the making of such reports in such form and con-
20 taining such information, as may be reasonably neces-
21 sary to enable the Commissioner to perform his functions
22 under this Act.

23 (b) The Commissioner is authorized to expand not ex-
24 ceeding \$1,000,000 during each fiscal year of the program

1 under this Act in such amounts as he may consider necessary
2 for the proper and efficient administration of the State plans
3 approved under this Act, including expenses which he deter-
4 mines were necessary for the preparation of such plans.

5 BASIC CRITERIA FOR DETERMINING PRIORITIES AND
6 AMOUNT OF ASSISTANCE

7 SEC. 6. (a) As soon as practicable after the enactment
8 of this Act the Commissioner shall by regulation prescribe
9 basic criteria to which the provisions of State plans setting
10 forth standards and methods for assigning to applications
11 their relative priorities for approval, and the application of
12 such standards and methods to such agencies under such
13 plans, shall be subject. Such basic criteria shall be such
14 as will best tend to achieve the objectives of this Act while
15 leaving opportunity and flexibility for the development of
16 State plans, standards, and methods that will best accom-
17 modate the varied needs of educational agencies in the several
18 States. Subject to the foregoing requirements, such reg-
19 ulations may establish additional and appropriate basic cri-
20 teria, including provision for considering the degree to which
21 applicant educational agencies are making an effort com-
22 mensurate with their financial resources toward meeting their
23 textbook needs, and for allowing State plans to group or
24 provide for grouping, in a reasonable manner, educational
25 agencies according to functional or educational type.

1 (b) Section 4 of the Administrative Procedure Act
2 shall apply to the prescription regulations under this sec-
3 tion notwithstanding the provisions of clause (2) thereof.

4 APPLICATIONS FOR GRANTS AND CONDITIONS FOR
5 APPROVAL

6 SEC. 7. (a) Each educational agency which desires to
7 obtain textbooks suitable for use in providing education in sci-
8 ence, mathematics, history, civics, geography, modern for-
9 eign language, English, or reading from the Commissioner
10 for use by its students, on a loan basis, shall submit an appli-
11 cation therefor to the Commissioner. Each such application
12 must (1) have been assigned a relative priority for approval
13 by the appropriate educational agency, (2) specify the text-
14 books to be made available by the Commissioner and the
15 estimated cost of providing such textbooks, and (3) be in
16 such form and contain such additional information as the
17 Commissioner may prescribe by regulation.

18 (b) The Commissioner shall approve any application
19 submitted by an educational agency if (1) it meets the re-
20 quirements of this Act, and regulations issued pursuant
21 thereto, (2) the application has been assigned a priority for
22 approval by the State commission higher than that assigned
23 any other application, and (3) there are sufficient funds
24 available in the applicable State allotment to meet the costs

1 which the Commissioner determines would arise if the ap-
2 plication were approved.

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

7 **TEXTBOOK PROGRAM**

8 SEC. 8. (a) When the Commissioner approves an appli-
9 cation under this Act, he shall proceed to acquire the
10 textbooks suitable for use in providing education in science,
11 mathematics, history, civics, geography, modern foreign
12 language, English, or reading provided for in the application,
13 if sufficient numbers thereof are not otherwise available.
14 The textbooks provided for under the application shall be
15 made available to the applicant educational agency which
16 shall distribute them to students as provided in the applica-
17 tion. Such textbooks shall at all times remain the property
18 of the United States.

19 (b) The Commissioner shall make appropriate regula-
20 tions to assure that textbooks made available under this
21 Act are used in accordance with the provisions of this Act
22 and regulations issued thereunder throughout their useful
23 life, or returned to the Commissioner.

24 **ADMINISTRATION OF STATE PLANS**

25 SEC. 9. (a) The Commissioner shall not finally dis-

1 approve any State plan submitted under this Act, or any
2 modification thereof, without first affording the State com-
3 mission submitting the plan reasonable notice and opportu-
4 nity for a hearing.

5 (b) Whenever the Commissioner, after reasonable
6 notice and opportunity for hearing to the State commission
7 administering a State plan approved under this Act, finds—

8 (1) that the State plan has been so changed that
9 it no longer complies with the provisions of section
10 4 (a), or

11 (2) that in the administration of the plan there is a
12 failure to comply substantially with any such provision,
13 the Commission shall notify such State commission that the
14 State will not be regarded as eligible to participate in the
15 program under this Act until he is satisfied that there is no
16 longer any such failure to comply.

17 DEFINITIONS

18 SEC. 10. For the purposes of this Act:

19 (a) The term "State" includes, in addition to the
20 several States, the District of Columbia, the Commonwealth
21 of Puerto Rico, the Virgin Islands, Guam, and American
22 Samoa and Trust Territories of the Pacific Islands.

23 (b) The term "elementary or secondary schools" means
24 any public or nonpublic school providing elementary or
25 secondary education which satisfies the compulsory educa-

1 tion law of the State or which is accredited or approved
2 under State law.

3 (c) The term "public" as applied to a school does not
4 include a school of any agency of the United States.

5 (d) The term "educational agency" means a public
6 or other school authority having administrative control and
7 direction of one or more schools in a State.

8 FEDERAL ADMINISTRATION

9 SEC. 11. (a) The Commissioner may delegate any of
10 his functions under this Act, except the making of regula-
11 tions, to any officer or employee of the Office of Education.

12 (b) In administering the provisions of this Act, the
13 Commissioner is authorized to utilize services and facilities
14 of any agency of the Federal Government and of any other
15 public or nonprofit agency or institution in accordance with
16 appropriate agreements, and to pay for such services either
17 in advance or by way of reimbursement, as may be agreed
18 upon.

19 (c) The Commissioner with the approval of the Secre-
20 tary of Health, Education, and Welfare, may appoint one
21 or more advisory committees to advise and consult with the
22 Commissioner with respect to the administration of his func-
23 tions under this Act. Members of any such committee,
24 while attending conferences or meetings of the committee,
25 shall be entitled to receive compensation at a rate to be

1 fixed by the Secretary of Health, Education, and Welfare
2 but not to exceed \$75 per diem, and while away from their
3 homes or regular places of business they may be allowed
4 travel expenses, including per diem in lieu of subsistence,
5 as authorized by law (5 U.S.C. 73b-2) for persons in the
6 Government service employed intermittently.

7 ADMINISTRATIVE APPROPRIATIONS AUTHORIZED

8 SEC. 12. There are hereby authorized to be appro-
9 priated for the fiscal year ending June 30, 1966, and for
10 each fiscal year thereafter such sums as may be necessary
11 for the cost of administering the provisions of this Act.

12 FEDERAL CONTROL NOT AUTHORIZED

13 SEC. 13. (a) No department, agency, officer, or em-
14 ployee of the United States shall, under authority of this Act,
15 exercise any direction, supervision, or control over, or impose
16 any requirement or conditions with respect to, the personnel,
17 curriculum, methods of instruction, or administration of any
18 educational agency or institution.

19 (b) Neither the Commissioner nor any State commis-
20 sion shall attempt to affect the selection by educational
21 agencies of textbooks to be made available under this Act.

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