

# THE EDUCATION AMENDMENTS OF 1974

An analysis of P.L. 93-380

by

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By signing into law the Education Amendments of 1974 (P.L. 93-380), President Gerald Ford has cleared the way for increased Federal spending for education of handicapped children. Extension of the Education of the Handicapped Act carries through Fiscal Year 1977. A \$631 million emergency authorization is included for FY 1975.

H.R. 69 includes a revised formula for distributing Title I assistance under the Elementary and Secondary Education Act. The per capita support level is reduced from 50 to 40 percent of the average per pupil costs of educating a child within the State (or in the nation, if higher). In addition, no State or local school agency may receive less than 80 percent or more than 120 percent of the national average per pupil expenditure. The revised formula is intended to equalize per capita federal aid among States and local school districts, incorporate a fairer poverty standard, and account for population shifts since the 1960 census. The overall effect will be to give more funds to southern States and rural areas and less to large cities and relatively wealthy States by placing reduced emphasis on the number of children in AFDC families within the State.

In order to avoid cutbacks in Title I aid to State operated and supported schools for handicapped children, the conferees added language which guarantees that no State will receive less in FY 1975 and subsequent fiscal years than it got in FY 1974. Without this provision Title I aid to the handicapped would have been reduced by \$24 million in FY 1975.

The principle of "off-the-top" funding for State agency programs under Title I is retained in H.R. 69. In other words, as in the past, all State operated and supported programs for handicapped, migrant, neglected and delinquent children must be fully funded before Title I aid is distributed to local school districts.

- Expanded Assistance to the States. A slightly modified version of a Senate amendment, initially introduced by Senator Charles Mac Mathias (R-Md.), was adopted by the conference committee. Under the Mathias Amendment, FY 1975 funds to assist in educating handicapped children in the public schools are sharply increased in order to help States faced with meeting court or legislatively imposed "right to education" mandates. A total of \$631 million is authorized in FY 1975. State allotments are based on a system of entitlements, determined by multiplying the total number of children ages 3 through 21 in the States times \$8.75.

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Proponents of this special one year authority see it as a precursor of a major new program of federal assistance for handicapped youngsters. Hearings on such legislation (H.R. 70 - Brademas, and S. 6 - Williams) were recently completed in both Houses of Congress. However, in the meantime, H.R. 69 would extend the existing authority for grants to the States, under Part B of the Education of the Handicapped Act, for two additional years with \$100 million authorized in FY 1976 and \$110 million in FY 1977.

- Education for All Plans. H.R. 69 requires the States to establish a goal of providing full educational opportunities for all handicapped children and submit, by December 31, 1974, a detailed plan and timetable for achieving this goal. In addition, the bill provides procedural safeguards for use in identifying, evaluating and placing handicapped children, mandates that such youngsters be integrated into regular classes whenever possible, and assure that testing and evaluation materials are selected and administered on a non-discriminatory basis. These latter provisions are based on floor amendments introduced by Senator Robert T. Stafford (R-Vt.).
- Deputy Commissioner of Education. H.R. 69 establishes the position of Deputy Commissioner of Education to head up the Bureau for Education of the Handicapped. The bill also assigned several additional "super grade" positions to the Bureau.
- Impact Aid. In computing the amount of federal impact aid a local school district is entitled to receive, a handicapped child will be counted as one and one-half children. To be counted, however, a child must be included in a program which meets his or her special educational needs.
- Adult and Career Education. Up to 20 percent of Adult Education formula funds may be used for education of institutionalized persons. In addition, exemplary career education grants are required to include models in which handicapped children participate.

Before the bill (H.R. 69) reached the President's desk, both Houses of Congress approved a concurrent resolution correcting oversights in the initial conference report. One key provision of the corrective resolution permits a State agency, for purposes of determining its Title I, ESEA entitlements, to continue to count a handicapped child when responsibility for the child's education is transferred from a State operated or supported facility to a local school district. However, the funds received must be forwarded to the local educational agency which is actually providing services to the handicapped child.

If, for example, responsibility for educating a group of institutionalized children is transferred from a State run facility to the local school district, or if a group of Title I eligible children are transferred from a public institution to a community facility and are being educated in the local public schools, the State's Title I entitlements will not be reduced

as they have in the past. This amendment was added by the House, and later accepted by the Senate, in an effort to encourage deinstitutionalization and normalization of educational services for handicapped youngsters.



## NEWS FROM CHAPEL HILL

Dr. Leonard Mayo, Chairman, has announced three new appointments to the Advisory Board of the Developmental Disabilities/Technical Assistance System. DD/TAS is a division of the Frank Porter Graham Child Development Center at the University of North Carolina.

The new members are Bette L. Catoe, M.D., of Washington, D.C.; Harold E. Dent, Ph.D. of San Francisco, California; and Rolf R. Williams, M.S.W. of Burlingame, California.

Dr. Catoe, a pediatrician, is Preceptor, Department of Family Medicine and Clinical Instructor, Howard University. She was formerly Chairman, D.C. Developmental Disabilities Council, Secretary, National Conference on Developmental Disabilities, and Chairman, D.C. Health Planning Advisory Council. She is a member of the National Medical Association, Inc., American Medical Association, Inc., American Medical Women's Association, Inc., American Association of Pediatrics (D.C. Chapter), D.C. Medical Society, D.C. Medico-Chirurgical Society, and Urban League.

Dr. Dent is Director, Consultation and Medical Services, Westside Community Mental Health Center in San Francisco. He is Consultant and Board Member, Psychological and Human Resources Consultants, Inc., Lecturer, California State University, Hayward, Faculty Member, Wright Institute, Berkeley, and formerly Regional Consultant in Mental Retardation, Department of Health, Welfare, San Francisco. He is a member of the American Psychological Association, the Association of Black Psychologists, the American Association on Mental Deficiency, and the National Rehabilitation Association.

Mr. Williams is District Program Representative, United Cerebral Palsy, Western District Office in Burlingame. He is a Member of the California Developmental Disabilities Council and is State Legislative Chairman, UCPA of California. He was formerly Executive Director, San Joaquin Association for Retarded Children. He is a member of the National Association of Social Workers, the California Association of Rehabilitation Facilities, the American Association on Mental Deficiency, and the Council for Exceptional Children.

