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GRADUATE COLLEGE

A DESCRIPTIVE STUDY OF NONPUBLIC SCHOOL PARTICIPATION IN  
TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT  
OF 1965 IN OKLAHOMA DURING THE 1966-67 SCHOOL YEAR

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

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degree of

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JOHN HENRY KLEFFNER

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A DESCRIPTIVE STUDY OF NONPUBLIC SCHOOL PARTICIPATION IN  
TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT  
OF 1965 IN OKLAHOMA DURING THE 1966-67 SCHOOL YEAR

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DISSERTATION COMMITTEE

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CHAPTER I

THE PROBLEM

Introduction

Education for all citizens has been an accepted responsibility of American government for many decades. This responsibility for public education has been fulfilled to a great extent by local and state government. As this nation moved out of the industrial age into the atomic and space age the problems of adequately educating all children became more overwhelming. Although the national government was willing to help finance education it was unable to enact constructive educational laws for many reasons, paramount being the church-state dilemma. In 1965 one out of every seven children was attending a nonpublic school. Politically it was impossible to pass a general federal aid to education bill without somehow including the nonpublic school students. Therefore, if laws were passed to help alleviate inequality of educational opportunity among public school students without including the nonpublic school students, a new inequality would have been created.

The 89th Congress found a way to circumvent this dilemma and in

April, 1965 passed the Elementary and Secondary Education Act (ESEA). This piece of legislation was directed to the equalization of opportunity for all students and was concerned especially with improving the quality of education for the disadvantaged. A special attempt was made to help the children whose parents were economically deprived. These children were of varied ethnic origin, urban and rural, Northern and Southern, and were found in both public and nonpublic schools. Clearly, the 89th Congress passed legislation which was designed to improve the educational opportunities for all children but especially for the poor.

Although the Elementary and Secondary Education Act was the first federal law to give explicit recognition to the existence of nonpublic elementary and secondary schools it did not solve the church-state issue. A compromise was reached in Congress which provided nonpublic school children an opportunity to share in the educational benefits of this act. Nonpublic schools, however, were specifically forbidden access to public funds but their students could participate in the educational programs of the local public schools which were funded under this act.

#### Review of Related Literature

The Elementary and Secondary Education Act of 1965, containing five individual titles, involved the federal government to a greater extent than ever before in the financing of elementary and secondary education. While there have been numerous other acts<sup>1</sup> which involved

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<sup>1</sup>Roald F. Campbell and Gerald R. Stroufe, "Toward a Rationale for Federal-State-Local Relations in Education," Phi Delta Kappan, XLII(September, 1965), 2-7.

the federal government in helping state and local districts to help finance public school education, the ESEA also included the recognition of nonpublic schools. The Act has demanded that the State agency assume a new responsibility toward the children in nonpublic schools. Both the context of the law and the intent of Congress included nonpublic school students in the benefits of this legislation.

Title I of the Elementary and Secondary Education Act was concerned with helping educationally disadvantaged children. In most cases these children came from low-income families. The money for Title I was allotted to the states on the basis of three criteria: the average expenditure per pupil in a particular state, the number of school-age children (ages 5-17) from low-income families (\$2000 or less annual income), and the number of children who were receiving aid under the Social Security Act. Although the money was appropriated on the basis of income, the services were to be given to educationally disadvantaged children and youth. The local educational agency was given the responsibility of developing the programs which were then approved by the State educational department. The Act itself and the federal guidelines were very broad and allowed for great variety in the types of programs which could be planned. All money under the Act was to be spent by public school authorities but they were to make provision for including educationally deprived private and parochial school children. The only restrictions were that money could not be used to pay salaries of private school personnel, equipment could not remain on the private school premises for an indefinite period, and all title to equipment and property was to remain in public school hands.

Title II, called the library title, had as its purpose to provide for school library resources, textbooks, and other instructional materials. There was no distinction made as to the economic or educational level of the students using such aids for all were to benefit according to the needs of each school. One major provision of the title called for an expenditure by the local school equal to the expenditure of the previous year in the three categories of Title II.

Title III provided for supplementary educational centers and services. These were to assist in the development and establishment of exemplary elementary and secondary educational programs to serve as models for regular school programs. The planning of these Title III programs was also to involve the nonpublic school personnel.

Although Titles IV and V were not directly involved with elementary and secondary school education they nevertheless were important aspects of the total Act. Title IV called for the establishment of twenty regional research laboratories. The functions of these laboratories were to: conduct educational research, provide facilities for research, carry out the training of individuals for research, translate the findings of research into practices and programs, and assist in implementation of productive change by disseminating new programs and practices. Title V was designed to bolster and upgrade the State departments of education.

This study, however, is limited to Title I. To date, one study has been concerned with the participation of nonpublic school children in Title I of the Elementary and Secondary Education Act. Phase I of this study, A National Level Evaluation Study of the Impact of Title I

of the Elementary and Secondary Education Act of 1965 on the Participation of Nonpublic School Children (Boston Study), was conducted by Dr. Vincent C. Nuccio and Dr. John J. Walsh and completed in December, 1967. The study included ten large school systems (one million to 36,000 students), ten medium school systems (36,000 to 10,000 students), and ten small school systems (10,000 or fewer students). A stratified random sampling technique was used for this national study. The school systems from Oklahoma which were included in this study were not representative of either the public or nonpublic school systems in the state.

No definite pattern seemed to emerge from among the thirty cases presented in the Boston Study. The percentage of total participants in Title I projects who were children in nonpublic schools ranged from 23.5 percent to 1.78 percent in the ten large systems, 20.71 percent to 0 percent in the medium size systems and 41.94 percent to 0 percent for the small systems.<sup>1</sup> The study did not indicate the percentage of the total student body attending nonpublic schools in the thirty systems. Likewise, it did not specify the percentage of eligible children attending nonpublic schools and so it was impossible to determine if they were participating on an equal percentage basis with the children from public schools.

The Boston Study concluded that there were three basic factors which affected the extent of nonpublic school participation. These were state constitutional provisions and the rulings of attorney generals on

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<sup>1</sup>Vincent C. Nuccio, and John J. Walsh, A National Level Evaluation Study of the Impact of Title I of the Elementary and Secondary Education Act of 1965 on the Participation of Nonpublic School Children (Washington: U. S. Government Printing Office, 1967), p. 148.

points where ESEA authorized activities may conflict with the intent of the State constitution; the readiness of nonpublic school officials to insist on comparable treatment for their students; and the philosophy of the local school district as reflected in the preparation of project applications<sup>1</sup> considered from the point of view of eligible children in nonpublic schools.<sup>2</sup>

#### Background Information

The Elementary and Secondary Education Act of 1965<sup>3</sup> provided a variety of programs designed to improve educational opportunities for students in the elementary and secondary schools of the United States. Title I of this Act provided money to the local educational agencies according to the number of economically deprived children in their respective districts. The programs developed with Title I funds were to be designed to meet the needs of educationally deprived children regardless of the type of school attended. The law specifically stated:

that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in the private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational television, and mobile educational services and equipment) in which such children can participate.<sup>4</sup>

According to the intent of Public Law 89-10, therefore, benefits were to be provided to both public and nonpublic school students.

<sup>1</sup>Appendix C, p. 69.

<sup>2</sup>Nuccio, loc. cit., p. 150.

<sup>3</sup>U. S. Congress, House, Public Law 89-10, 89th Congress, 2362, pp. 1-32.

<sup>4</sup>Ibid., Sec. 205 (a) (2).

According to the Oklahoma State Constitution, however,

No public money or property shall ever be appropriated, applied, donated, or used, directly, or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.<sup>1</sup>

Because of these conflicting laws the State Superintendent of Public Instruction directed nine specific questions to the Oklahoma State Attorney General to clarify the problem of the participation of nonpublic school students in the Title I programs. The questions and the Attorney General's answers to them were:

1. Can classes of sufficient size, scope, and quality be conducted for eligible pupils in a parochial or private school building which are administered, supervised, and taught by public school personnel?

The first portion of your first question is answered in the negative. Personnel cannot be paid with public funds and furnished to parochial schools.

2. Can eligible pupils enrolled in a private or parochial school participate in approved programs which are conducted in a public school building?

The second portion of your first question is answered in the affirmative providing private or parochial students are enrolled in the public schools of the district under proper rules and regulations of the State Board of Education and of the Board of Education of the local school district and providing no transportation is furnished such pupils by public school buses between the parochial school and the public school.

3. Can special personnel, such as guidance counselors, social workers, psychologists, and health workers who are employed by a school district under an approved program, provide services to eligible pupils in a private or parochial school?
4. Can mobile units acquired under an approved program by a school district be used to serve children enrolled in private or parochial schools?
5. Can appropriate tests under an approved program be acquired and administered to children enrolled in private and parochial schools?

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<sup>1</sup>Oklahoma, Constitution, Article II, Sec. 5.

6. Can individual health and physical needs of eligible children enrolled in private or parochial schools be provided for under an approved program?
7. Can appropriate equipment, books and other kinds of learning materials acquired by a local school district under an approved program be used by pupils enrolled in private or parochial schools?

The third, fourth, fifth, sixth and seventh portions of your first question are answered in the negative. Special personnel, mobile units, tests, health and physical instructors, books and equipment purchased or paid for with public funds cannot be furnished students in private or parochial schools unless such students are enrolled in the public schools and transported by private transportation thereto for classes and services, under proper rules and regulations of the State Board of Education and of the local school district board of education.

8. Can transportation under an approved school district program be used by pupils enrolled in private or parochial schools?

The answer to your part eight is in the negative.

9. Can private or parochial school pupils participate in approved programs of a school district in which regular school district funds have been used to supplement funds allotted under an approved application?

Your part nine of the first question is answered in the negative. We see no essential difference in whether or not federal grant funds only are used in approved programs or federal grant funds and local school district funds are used; both are public money or property within the prohibition contained in Article II, Section 5, Okla. Constitution.

There would seem to be no reason why educational radio and television programs could not be included in a state plan since there would probably be no extra expense on the local public school district on account of the participation of students in parochial schools, providing, no receiving equipment or other materials are furnished private or parochial schools at public expense.

You will also note we have held a state plan could include dual enrollment under proper rules and regulations by the State Board of Education and the Board of Education of the local school district...<sup>1</sup>

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<sup>1</sup>For complete reply, see Appendix A, p. 58.



### Need for Study

According to the law of our land, parents have always had the right to choose the schools which their children attend.<sup>1</sup> Title I of the Elementary and Secondary Education Act of 1965 provided educational benefits to students whether they attended public or nonpublic schools. If some students attended a nonpublic school by virtue of parental choice and were deprived of educational opportunity because of the interpretation of the State Constitution by the Oklahoma Attorney General, then a problem existed. Any limitation or deprivation which restricted nonpublic school students from participating in the benefits of Title I projects for educationally deprived children made it increasingly more difficult for such children to cope with the problems resulting from such deprivation. In the light of these conditions it was necessary to determine the level of participation of nonpublic school students in Title I programs.

### Statement of the Problem

The extent to which the Oklahoma Attorney General's opinion affected Oklahoma nonpublic school students' participation in the programs funded by Title I formed the question for this research study. In view of this opinion this study was undertaken to investigate the level of participation of nonpublic school students in Title I programs for the school year 1966-67.

### Purpose of This Study

The purpose of this research project, therefore, was to de-

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<sup>1</sup>Pierce v. Society of Sisters, 268 U. S. 510.

termine the extent to which students attending nonpublic schools in Oklahoma participated in Title I projects sponsored under local public school auspices during the 1966-67 school term. Furthermore, this study was to ascertain how nonpublic school students became involved in these programs, the factors which conditioned participation, and the individuals responsible for determining the types of activities to be included in the local Title I programs.

#### Definition of Terms

For purposes of this study significant terms are defined in the following statements. These definitions, where possible, are identical with those used in the Boston Study in order to maintain a common basis of understanding.

Boston Study: a National Level Evaluation Study of the Impact of Title I of the Elementary and Secondary Education Act of 1965 on the Participation of Nonpublic School Children.

Dual Enrollment: an arrangement whereby a child regularly and concurrently attends a public school part time and a nonpublic school part time pursuing part of his studies under the control of the public school and the remaining part under the direction and control of the nonpublic school.

Educationally deprived children: those children in a particular school district who have the greatest need for special educational assistance in order that their level of educational attainment may be raised to that appropriate for children of their age.

Eligible children: children within a school district, aged five to seventeen, from families with an annual income of less than \$2,000, as shown in the 1960 census. This low-income formula identified the attendance area to be served. Educational deprivation determined who may participate in the project.

ESEA: Elementary and Secondary Education Act of 1965.

Expenditure per participant: the total amount of funds expended on the Title I program divided by the total number of children participating in the program.

LEA: Local Educational Agency under the leadership of the local public school district.

Level of participation: The number of students participating in Title I activities in comparison to the number eligible.

Nonpublic school: a school established by an agency other than the State, or the Federal Government, which is supported by other than public funds, and the operation of whose program rests with other than publicly elected or appointed officials.

Parochial school: a nonpublic school operated under sectarian auspices.

Program: the aggregate of individual Title I projects within the local school district.

Project applications: a proposal to the State educational agency for participation in Title I, ESEA, incorporating a set of related services and activities designed to help meet the special educational needs of educationally deprived children.

Public school: a school established by publicly appointed or elected school officials in which the programs and activities are under the control of these officials and which is supported by public funds.

School year 1966-67: September 1, 1966 to August 31, 1967.

Target area: a geographic portion of an LEA district where there are high concentrations of educationally deprived children from low income families.

Title I activities: the various educational services which were provided by the LEA to meet the needs of educationally disadvantaged students.

#### Population and Sample to be Used

The population for this study was composed of 104 nonpublic elementary and secondary schools operating in Oklahoma during the 1966-67 school year according to the records of the Oklahoma University Research Institute. This number included seventy-three Catholic schools, seven Lutheran, six Seven-Day Adventist and eighteen other private and parochial schools.

Thirteen public school districts in which nonpublic schools

were located were selected for this sample according to the following criteria. The thirteen selected districts chosen for the sample included nonpublic schools that were representative of the types of nonpublic schools found in Oklahoma. These districts also included within their boundaries sixty of the nonpublic schools in Oklahoma and enrolled over fifty percent of the total nonpublic school students. Table 1 lists the school districts and the city and county in which each is located. Figure 1 indicates the geographical distribution of the thirteen public school districts.

#### Procedures Used in This Study

Three major sources of data were used in determining the level of nonpublic school participation in Title I projects. The first source was the Title I project applications which were submitted by each of the selected LEA's and approved for implementation by the Oklahoma State Department of Education and the U. S. Office of Education. These project applications provided information regarding the types of Title I programs; the number of eligible students, both public and nonpublic; and the amount of money appropriated for each activity. With the use of this information collected from the project applications the second source of data, a three-part interview schedule, was designed.

Part I of the interview schedule served as a fact sheet and provided a summary of the statistical information and program descriptions as found in each of the school district's project application on file in the State Department of Education. Part II served to structure the interview with the public school administrator of the Title I pro-

TABLE 1  
PUBLIC SCHOOL DISTRICTS USED IN RESEARCH SAMPLE

City	County	District Number in County
1. Alva	Woods	1
2. Duncan	Stephens	1
3. Enid	Garfield	57
4. Guthrie	Logan	1
5. Lawton	Comanche	8
6. McAlester	Pittsburg	80
7. Meno	Major	71
8. Midwest City	Oklahoma	52
9. Muskogee	Muskogee	20
10. Oklahoma City	Oklahoma	89
11. Perry	Noble	1
12. Ponca City	Kay	71
13. Tulsa	Tulsa	1

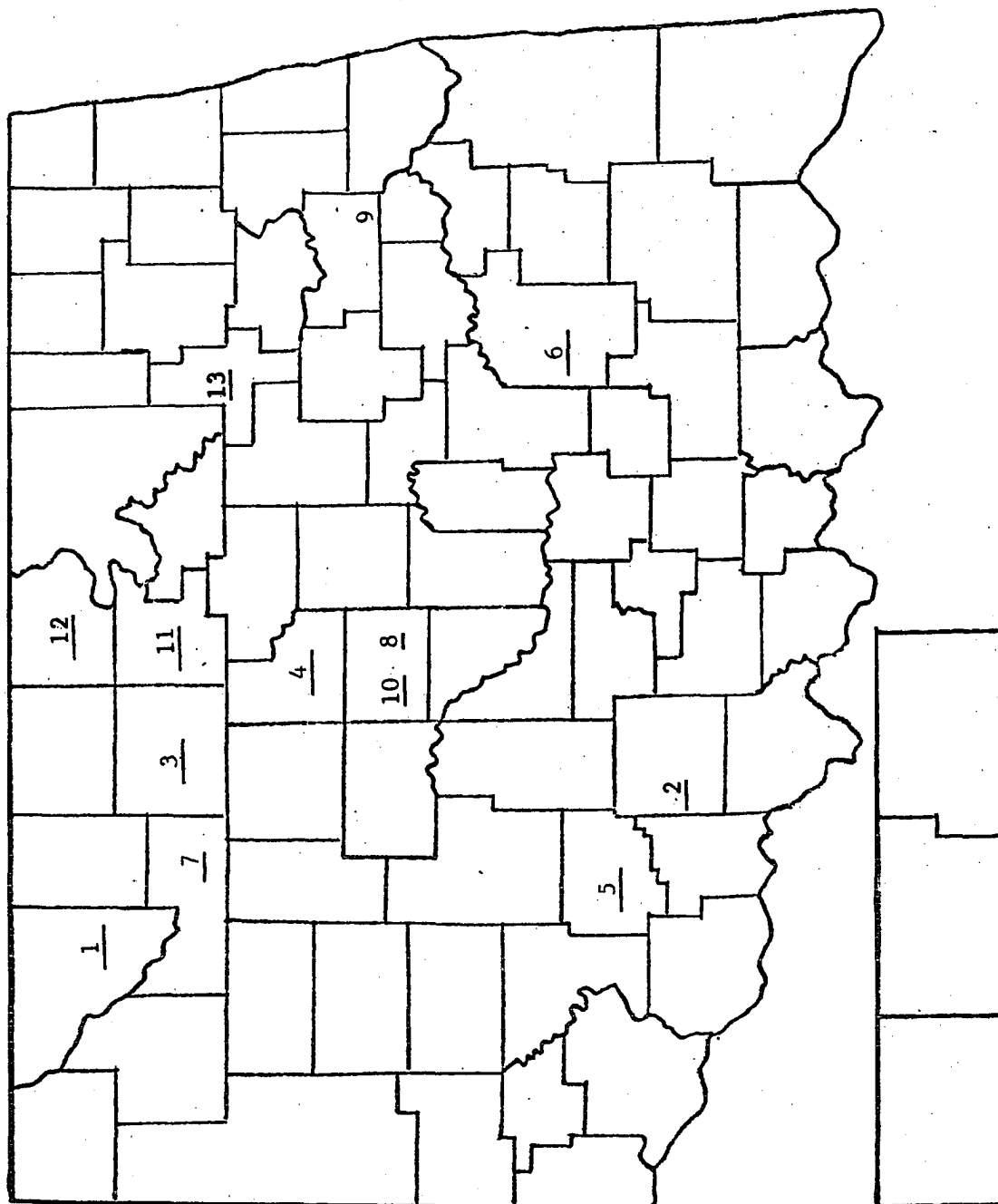


Fig. 1.--Geographical distribution showing location of the thirteen public school districts used in this study.

grams for the local educational agency. It was designed to elicit responses which indicated the individuals responsible for determining the types of activities offered as well as the procedures which were used to encourage nonpublic school participation. Part III guided the interview with the nonpublic school administrator. It provided information about what procedures were used to encourage enrollment and the factors which limited and/or encouraged nonpublic students' participation in the Title I programs.

In general, the interview schedule was designed to ascertain what factors limited participation by nonpublic school students, how well programs operated where there was dual enrollment, and specific suggestions for better operation or for additional participation by nonpublic school students. The interview schedule determined how nonpublic school personnel cooperated with the administrators of Title I programs in their respective districts. Furthermore, it provided information about what programs could have been offered which would have been of more benefit to the nonpublic school children than those which were in operation and what specific suggestions could be made for additional participation by nonpublic school students.

The interviews themselves were conducted in each of the districts with the public school administrator of the Title I programs and with each of the nonpublic school principals in the target areas of the respective school districts. The interviewer was thoroughly familiar with the LEA project application and consequently was able to keep the interviews informal, to secure the desired information through discussion and indirect questioning, and to elicit frank and critical evaluation of the programs and their operations. Each interview was

followed immediately by an analysis and summarization of the information obtained during the interview.

The third major source of information for this study was the annual evaluation report. Every LEA which operated a Title I program was required to submit an evaluation to the State Department of Education. These evaluations were concerned with both the effectiveness and educational benefits provided by the Title I programs.



## CHAPTER II

### SUMMARY OF 1966-67 TITLE I PROGRAMS AND DATA IN THE THIRTEEN SELECTED SCHOOL DISTRICTS

The project applications and evaluations of the thirteen school districts for the 1966-67 school term on file at the Oklahoma State Department of Education was the major source of information included in this chapter. The data included here formed the basis for the analyses and evaluations given in Chapter III.

#### Program Descriptions

A wide variety of Title I programs was offered by the school districts included in this research sample. Following is a descriptive listing of the projects offered in each of the districts:

##### Alva:

1. Corrective Reading -- to provide a special teacher for reading and to reduce class size.
2. Teacher Aides -- to help teachers in performing routine clerical duties.
3. Physical Education -- to furnish a physical education program for the elementary school children.
4. Geometry Assistance -- to hire a geometry teacher to reduce class size.
5. Summer In-Service Reading Program -- to provide clinical experience for reading teachers at Northwestern State College by enabling them to work with students who are two or three years below their grade levels in reading.

##### Duncan:

1. Additional Clerical Help -- to furnish clerical assistants

for instructors.

2. Student Employment -- to provide projects whereby needy students may work at school jobs to earn money to purchase books, supplies, lunch, etc.
3. Coordinator of Curriculum Projects -- to provide personnel to organize, purchase, and catalog curriculum materials for the learning centers at four of the elementary schools.
4. Remedial Reading -- to provide two teachers for helping students with reading problems in grades 1-6.
5. Additional Counseling Services -- to reduce the pupil-counselor ratio so as to improve educational and vocational guidance.
6. Bus Transportation -- to provide additional transportation service to students in economically deprived areas.
7. Teacher Aides -- to assist teachers with grading papers, recording grades, typing, mimeographing, organization of curriculum centers, library research, and general class management.
8. Additional Teachers to Reduce Class Load -- to provide an extra teacher in the Senior high school to reduce the teacher-pupil ratio in the English department.
9. Director of the Federal Programs -- to hire a director to implement the programs and to administer the programs made possible by the ESEA.
10. Physical Fitness -- to provide additional teaching and testing materials for the physical education program in four elementary schools.
11. Additional School Nurses -- to employ two additional nurses to serve students and to do social work in the deprived areas.
12. Summer Remedial Classes -- to furnish remedial instruction for one month during the summer.

Enid:

1. Remedial Reading -- to hire teachers to assist children in the project area who have reading deficiencies.
2. Remedial Arithmetic -- to provide additional support to the classroom instruction program in arithmetic.
3. Pre-School Reading Program -- to provide readiness activities during June and July for pupils who enter first grade in September.

Guthrie:

1. Speech Therapy -- to improve the speech and hearing of children.
2. Teacher Aides and Other Sub-Professional Help -- to free regular teachers from clerical work for more time for individual help for needy students.

3. Physical Education and Recreation -- to provide a physical education program for students not participating in organized games.
4. Reduction of Class Size -- to provide more teachers in English and Social Studies to reduce class size.
5. Business Education and Office Education -- to give courses in business education and to provide job experience for Senior high school students who do not plan to go to college.
6. In-Service Training -- to improve methods of teaching for those who work with educationally deprived students.
7. Library Service -- to furnish the library with attractive and comfortable furniture.
8. Cultural Enrichment -- to supplement the regular program with programs on closed circuit television.
9. Vocational Occupation -- to provide audio-visual equipment on various occupations and careers.
10. Foreign Language Program -- to provide conversational Spanish on the junior high school level in order to increase the number of participants in foreign language classes in the senior high school.

Lawton:

1. Curriculum Coordinators -- to provide an assistant principal at each of the secondary schools with the responsibility of curriculum development.
2. Upholstering -- to provide training so that students enrolled in this activity may be afforded a teaching-learning experience that would contribute to the preparation of each student toward effective and wholesome living.
3. Special Education -- to provide personnel to give individual instruction to needy students.
4. Developmental Reading -- to provide teachers to meet the needs of those students who are reading at least one or more years below grade level.
5. Speech Therapy --to hire a therapist to work with those students who have speech handicaps.
6. Materials Center -- to meet the needs of providing instruction materials for the faculty for the improvement of teaching.
7. Teacher Aides -- to provide teachers with assistance in procuring and preparing materials, thus providing them more time to assist the educationally deprived students.
8. Guidance and Counseling -- to improve and increase the guidance and counseling services to students who are enrolled in the Lawton Public Schools.
9. Developmental Summer School -- to raise the reading and arithmetic achievement level of those students who are one and two years below.

10. Summer Libraries -- to provide librarians for eight weeks during the summer in order to keep libraries open for those students who need to read for improvement during the summer.

McAlester:

1. Business Education and Office Occupations -- to improve a vocational training program for a group of students who probably will not go to college.
2. Reading -- to hire a reading specialist to work with students with reading difficulties.
3. General Elementary and Secondary Education -- to provide personnel to reduce class size, give more individualized instruction, and ungrade the organization of classes.
4. Summer Programs for General Elementary and Secondary Education -- to provide a summer program of concentrated work with students who have learning difficulties or who are behind or handicapped for any reason.
5. Teacher Aides and Other Sub-Professional Help -- to relieve the regular classroom teachers and specialists of routine duties that do not require professional teachers to perform.
6. Lunch Program -- to give regular school lunches to needy students who cannot afford to pay for them.
7. In-Service Training for Staff Personnel -- to enable staff members to participate in in-service workshops and conferences.

Meno:

1. Developmental Reading -- to provide a teacher aide to free the teacher of routine duties so that she can spend more time with students who are at least one grade level below their level, and to purchase additional reading materials.

Midwest City:

1. Remedial Reading Service -- to hire a reading specialist who will utilize the mobile reading laboratory to give necessary help to students who have reading difficulties.
2. Reduction of Class Size -- to provide four extra teachers for the purpose of reducing class size in each of the four schools participating in the program.
3. Health Services -- to increase the health services currently being offered and to supply hearing aids and glasses to needy students who cannot afford to buy them.
4. Psychological Services -- to provide necessary psychological services to needy students and to provide the necessary counseling and guidance services for those students and their parents.

Muskogee:

1. Corrective Arithmetic Programs -- to provide the necessary help for students with low math ability.
2. Remedial Reading and Arithmetic Help -- to provide the usual remedial programs with the addition of after school tutoring.
3. Instrumental Music -- to hire full-time instrumental staff members to provide band and string programs for all students desiring the cultural and aesthetic values of music but who have not been able to participate because of lack of staff and ability to purchase instruments.
4. Physical Education Enrichment Activity -- to hire a girls' physical education teacher for one junior high school that previously did not have one.
5. Special Education Activities for the Trainable and Educable Students -- to expand services and special education classes for the mentally handicapped.
6. Speech Therapy -- to provide additional therapists to assist those students who have speech handicaps.
7. Reduction of Class Size -- to hire additional teachers to reduce teacher-pupil ratio.
8. Teacher Aides -- to provide assistants to the teachers to free them from clerical duties.
9. Materials Media Service -- to furnish a center for materials, equipment, testing, evaluating, and special tutoring for the deprived students from all areas of the city.
10. Vocational Counseling -- to hire an additional counselor to provide services to needy students.
11. Tutoring Activity -- to provide a program for students who are not in special education but who are in need of special help in certain academic areas.
12. Food Service -- to provide breakfast and hot lunch for needy students.
13. Special Needs -- to furnish clothing, instructional fees and health needs for those students who need such service.
14. Instructional Coordinators and Supervisors -- to hire the necessary personnel to implement the various projects included in the Title I program in Muskogee.
15. In-Service Training -- to provide in-service training for English teachers, to initiate experimental programs in team teaching, and to furnish assistance to elementary school librarians.
16. Home-School Visiting Counselor -- to expand the services in the area of counseling and home-school cooperation.
17. Guidance and Counseling -- to increase the guidance services in the junior high schools.
18. Psychological Services -- to provide for expanded services at the Muskogee Guidance Center.

19. Teacher Aides -- to provide clerical and secretarial assistance for teachers.
20. Testing and Evaluation -- to furnish necessary personnel and materials to do adequate testing with educationally deprived students.

Oklahoma City:

1. Speech Therapy -- to hire additional speech therapists to work with students who have speech problems.
2. Mental and Physical Health Services -- to provide immediate medical, dental, and psychological assistance, and to provide consultants and arrangements for a preventive program.
3. Guidance, Attendance and Social Work -- to increase counseling services for the educationally deprived students.
4. Special Classes and Added Teaching Programs -- to meet the needs of students who test immediately above the level acceptable for special education enrollment.
5. Library Services and Materials Centers -- to establish materials centers in the Title I schools and to provide certified librarians for them.
6. In-Service and Pre-Service Programs -- to provide training and instruction for all who may be entering into teaching positions or teacher aide positions in Title I area schools.
7. Reading Clinic and Services -- to enable the significantly retarded readers to read at levels which more nearly parallel their abilities.
8. Carver Center for Special Education Opportunity -- to use a total school approach to the problems of education and training which plague handicapped secondary students.
9. Helping Teachers for Instruction Problem Areas -- to hire eighteen master teachers to help teachers with instruction problems in the target area.
10. Food and Fee Waiver -- to furnish financial assistance to those students who cannot afford to buy lunches or pay the regular school fees.

Perry:

1. Special Education for the Educable Mentally Handicapped -- to expand services and opportunities for the mentally retarded students.
2. Art -- to develop and enrich the art program for the educationally deprived students.
3. Physical Education and Recreation -- to hire personnel to coordinate games with traditional subject matter to improve the health and development of deprived children.

4. Improvement of Reading Instruction and Achievement -- to hire teachers and furnish materials to improve reading for those students who are reading at least one year below grade level.

Ponca City:

1. Teacher Aides -- to hire personnel to free teachers from clerical duties and routine jobs.
2. Remedial Reading Program -- to provide reading teachers and materials for students who are reading one year or more below grade level.
3. Reduction of Class Size -- to hire teachers in order to reduce the teacher-pupil ratio in one junior high school and two elementary schools.
4. Tuition-Free Kindergarten Summer School -- to provide pre-school experience for children in deprived areas who cannot afford tuition in the regular kindergarten.
5. Tuition-Free Summer Programs in Reading and Arithmetic-- to furnish opportunity for educationally deprived students who are one year or more below grade level in reading or arithmetic.

Tulsa:

1. Reduction of Class Size -- to hire additional teachers in order to reduce teacher-pupil ratio.
2. Clerical Aides for Teachers -- to provide 104 aides to serve in elementary and secondary schools to assist teachers with clerical and routine duties.
3. Increase of Special Services -- to expand the services necessary to alleviate and remedy emotional, physical and mental deficiencies of educationally deprived children.
4. Corrective Reading Program -- to provide teachers and materials for improving the reading ability of students who are currently reading a year or more below grade level.
5. Developing Reading Readiness Activities -- to provide personnel for developing readiness materials and suggesting activities for disadvantaged children in the primary grades.
6. Materials for Mentally Handicapped -- to build curriculum materials for teachers of junior high school students who are mentally handicapped.
7. Study of Attendance Areas -- to provide opportunity for three principals and two teachers to study organization of attendance units and to make recommendations to the administration.

A careful study of the above programs reveals great similarity as well as great diversity in the types of projects offered in the

various districts. Table 2 is a frequency distribution of the projects offered in the Title I programs included in this research sample.

The nature of the programs offered was clear from the descriptions given in Part II, Section 13 of the project application. Identical activities sometimes had different titles. An example of this was the program Upgrading General Elementary and Secondary Education which was accomplished by reducing class size and is categorized as such in Table 2.



TABLE 2

FREQUENCY DISTRIBUTION OF THE PROJECTS OFFERED IN THE  
THIRTEEN SELECTED SCHOOL DISTRICTS FOR THE 1966-67 SCHOOL TERM

LOCAL EDUCATIONAL AGENCY	PROGRAMS OFFERED														
	Reading	Arithmetic	Health Services	P. E. and Recreation	Special Education	Special Classes	Materials Center	Speech Therapy	Supervisory Personnel	Food and Fee Waiver	Red. of Class Size	Teacher Aides	Vocational	In-Service	Summer
Alva	x			x							x	x			x
Duncan	x		x	x					x	x	x	x			
Enid	x	x													x
Guthrie				x		x		x			x	x	x	x	
Lawton	x		x		x		x	x	x			x	x		x
McAlester	x									x	x	x	x	x	x
Meno	x														
Midwest City	x		x								x				
Muskogee	x	x	x	x	x	x	x	x	x	x	x	x		x	
Oklahoma City	x		x		x	x	x	x	x	x				x	
Perry	x		x	x	x										
Ponca City	x										x	x			x
Tulsa	x		x		x				x		x	x			

Students in the Sampled Districts

Table 3 gives the enrollment of the public and nonpublic school students of the selected school districts as indicated by Part I, Section 3 of their project application form. It also indicates the number of children to participate in the project. This information was gathered from Part II, Section G of the project application.

TABLE 3

## STUDENTS IN THE SAMPLED DISTRICTS

Local Educational Agency	Students Enrolled		Students Qualifying	
	Public Schools	Nonpublic Schools	Public Schools	Nonpublic Schools
Alva	1,428	25	1,428	0
Duncan	4,747	150	4,930	0
Enid	9,312	419	6,381	419
Guthrie	2,645	120	2,551	120
Lawton	18,015	125	10,422	64
McAlester	3,769	135	3,123	135
Meno	40	0	0	0
Midwest City	17,141	531	8,230	389
Muskogee	9,243	201	3,892	0
Oklahoma City	81,956	1,850	31,619	450
Perry	1,109	126	1,109	126
Ponca City	6,678	540	3,912	80
Tulsa	78,584	4,742	37,078	3,569
<u>Totals</u>	234,668	8,964	120,185	5,292

The project applications also indicated the grade level, estimated cost and estimated enrollment of each activity to be offered. From this information the estimated cost per pupil was computed for each activity. The project evaluation submitted by the local educational agency to the Oklahoma State Department of Education after the 1966-67 school year was completed gave the actual number of students who had been served in some of the activities. The number of students was not cumulative because a student may have been counted in more than one activity. The actual cost per child for each activity was computed from the above available information. This information is summarized in Table 4.

TABLE 4

COST OF AND PARTICIPATION IN TITLE I ACTIVITIES  
DURING THE 1966-1967 SCHOOL TERM

Title I Activities Offered by Local Educational Agencies	Estimated Cost of Activity	Estimated Number of		Estimated Cost Per Pupil	Grade Level	Actual Number of		Computed Cost per Pupil
		Public Students	Non-Public Students			Public Students	Non-Public Students	
ALVA								
Reading	\$ 7,676	200	0	\$ 38.38	1- 6	685	0	\$ 11.20
Mathematics	1,376	179	0	7.67				
Physical Education	7,300	650	0	11.20	1- 6			11.14
Teacher Aides	10,450	1,031	0	10.13				
In-Service training	296							
Summer Reading	2,569							
DUNCAN								
Director of Federal Programs					1-12	3,723	0	
Coordinator of	\$11,723	3,723	0	\$ 2.95				\$ 2.95
Curriculum Projects					1- 6	1,337	0	
Remedial Reading	17,255	150	0	115.03	3- 6	147	6	115.10
Teacher Aides	14,128	3,615	0	3.90	1-12	3,615	0	3.90
Physical Fitness	2,818	1,337	0	2.10	4- 6	1,104	0	2.55
Reduction of Class Size	5,260	1,108	0	4.74	10-12	150	0	35.06
Student Employment	11,016	50	0	220.32	7-12	50	0	220.32
Clerical Help	11,488	2,708	0	4.24	1-12	2,708	0	4.24
Counseling	5,529	1,278	0	4.32	7- 9	1,278	0	4.32
Additional School Nurses	10,762	3,723	0	2.89	1-12	3,723	1	2.89
Bus Transportation	939	70	0	13.41	7-12	65	0	14.44
Remedial Summer School Reading and Math	4,675	114	0	41.00	1- 6	200	0	23.37
ENID								
Reading - Elementary	\$36,327	613	15	\$57.84				
Secondary	36,327	657	17	58.89	2-12	1,018	16	\$71.36
Math - Elementary	33,095	613	5	53.55				
	33,095	657	5	49.99	2-12	899	0	73.61
Kindergarten								
Summer School	23,296	150	0	155.30		128	0	182.00

TABLE 4--Continued

Title I Activities Offered by Local Educational Agencies	Estimated Cost of Activity	Estimated Number of		Estimated Cost Per Pupil	Grade Level	Actual Number of		Computed Cost per Pupil
		Public Students	Non-Public Students			Public Students	Non-Public Students	
<u>GUTHRIE</u>								
Business Education	\$11,000	38	0	\$289.47	10-12	77	0	\$142.85
Foreign Language	5,100	98	5	49.51	7- 8	90	8	56.66
Physical Education and Recreation	5,900	213	0	27.69	7- 9	310	0	19.03
Speech Therapy	5,600	63	7	80.00	1- 9	82	0	68.29
Reduction of Class Size	15,480	1,293	0	11.97	1- 9	213	0	72.67
Teacher Aides	29,748	1,293	0	23.00	1- 6	522	0	59.98
Cultural Enrichment	5,467	1,293	380	3.26				
Vocational	5,500	101	0	54.45				
SS* Reading	1,620	181	4	8.75				
SS Arithmetic	960	165	4	5.68				
SS Driver Education	1,600	46	0	34.78				
SS Typing	800	23	0	34.78				
SS English	1,240	17	0	72.94				
SS Library	4,720	2,645	0					
SS In-Service	5,945	382	0	15.56				
<u>LAWTON</u>								
Developmental Reading	\$34,547	2,527	64	\$ 13.33	1-12	1,176	0	\$ 29.37
Industrial Arts	11,011	120	0	91.75	10-12	60	0	183.50
Speech Therapy	7,827	60	0	130.45	1- 6	310	8	25.24
Special Education for the Handicapped	17,0303	60	0	283.33	1- 6	60	0	283.83
Teacher Aides	11,067	2,527	0	4.37	1-12	3,527	0	4.37
Summer School	32,307	1,420	64	21.77	1- 9	1,420	60	21.82
Curriculum Coordinator	51,882	2,527	0	20.53	10-12	1,208	0	42.94
Guidance and Counseling	65,503	2,527	0	29.52	10-12	1,208	0	54.22
Library Services	9,099	2,527	64	3.51	1-12	2,591	75	3.41
Curriculum Materials Service Center	92,617	2,527	0	36.65	1-12	2,527	0	36.65
<u>McAlester</u>								
Reading	\$14,905	850	45	\$16.65	3- 9	126	0	\$118.29
General Elementary & Secondary Education	78,518	10,031	45	7.79	1-12	3,787	0	20.73
Teacher Aides	29,220	10,039	45	2.89	1-12	8,787	0	7.71
Business Education	7,857	300	20	24.55	10-12	151	0	52.03
Food Lunch	5,000	3,123	135	1.53	1-12	347	0	14.46
In-Service Training	701	3,123	135	.21	1-12	3,787	0	.18
Summer School	44,263	980	45	43.18	1-12	759	0	58.31

TABLE 4--Continued

Title I Activities Offered by Local Educational Agencies	Estimated Cost of Activity	Estimated Number of		Estimated Cost Per Pupil	Grade Level	Actual Number of		Computed Cost per Pupil
		Public Students	Non-Public Students			Public Students	Non-Public Students	
<u>MENO</u>								
Reading	\$ 464	41	0	\$ 11.32	1- 8	41	0	\$ 11.32
<u>MIDWEST CITY</u>								
Reading	\$32,186	146	15	\$199.91	2- 7	161	15	\$182.87
Reduction of Class Size	8,339	146	15	51.79				
Health	6,025	146	15	37.42				
Psychological Service	7,379	146	15	45.83				
<u>MUSKOGEE</u>								
English Language Arts	\$ 700	75	0	\$ 9.33	9-12	870	0	\$ .80
Reading	97,805	635	0	153.57	1-12	858	0	113.99
Math	7,335	430	0	17.05	3-10	1,005	0	7.29
Music	7,607	265	0	28.70	5-12	900	0	8.45
Physical Fitness	8,013	405	0	19.78	1-12	2,642	0	3.03
General Elementary & Secondary Education	41,971	3,073	0	13.65	1-12			
Speech Therapy	6,406	360	0	17.79	1-12	224	0	28.59
Special Education	7,235	70	0	103.35	1-12	82	0	88.23
Vocational Counseling	7,535	650	0	11.59	10-12	1,816	0	4.14
Work Study	750	20	0	37.50				
Reduction of Class Size	27,167	180	0	150.92	1,2,6	94	0	289.01
Teacher Aides	56,971	3,073	0	18.53	1-12	7,206	0	7.90
Food - Breakfast	2,220	230	0	9.65	1- 8	258	0	8.60
Food - Lunch	14,513	455	0	31.89	1-12			14.85
Clothing	4,790	269	0	17.80	1-12	297	0	16.12
Waiver of Fees	1,775	390	0	4.55	1-12	514	0	3.45
Health: Physical & Emotional	2,820	158	0	17.84	1- 9	109	0	25.87
Psychological Services	1,500	140	0	10.71				
School Social Work	13,846	750	0	18.46	1-12	1,326	0	10.44
Guidance & Counseling	20,954	225	0	90.40	8	428	0	48.95
Library Service	15,008	201	201	13.84				
Curriculum Materials Center	27,032	3,073	201	4.80	1-12	9,242	0	2.42
Tutoring	20,006	1,645		12.16	1-12	1,011	4	19.78
Transportation (Special Education)	2,231	65		34.32				
In-Service Training	5,441	3,090						

TABLE 4--Continued

Title I Activities Offered by Local Educational Agencies	Estimated Cost of Activity	Estimated Number of		Estimated Cost Per Pupil	Grade Level	Actual Number of		Computed Cost per Pupil
		Public Students	Non-Public Students			Public Students	Non-Public Students	
<u>MUSKOGEE (cont'd.)</u>								
Administrator Coordi- nator and Clerical Assistant	\$ 7,939	3,090	0	\$ 2.26				
New Buildings	25,750	3,090	0					
Equipment	2,505							
Summer School	1,398	325	15	4.11	1- 8	208	0	\$ 6.72
<u>OKLAHOMA CITY</u>								
Carver Center	\$114,964	60	0	\$1,916.06	7-12	46	0	\$2,499.21
Reading Clinic	105,298				3-12	505	14	208.51
In-Service	67,359				K-12	0	0	
Library Service & Materials Center	173,330	20,000		8.66	K-12	0	0	
Special Classes & Added Teaching Programs	356,000	15,000	100	22.25		15,000	2	23.73
Guidance & Attendance	183,076					4,300	0	42.57
Mental & Physical Health	171,868	5,000		34.37		3,500	0	49.10
Speech Therapy	49,578	200		247.89			15	
Food & Fee Waiver	84,863	6,000		14.14				
<u>PERRY</u>								
Art	\$ 3,500	46	0	\$ 76.08	7-12	46	4	\$ 76.08
Reading	7,143	140	0	51.02	1-12	24	0	297.62
Physical Education & Recreation	1,887	70	4	25.50	1- 6	40	5	47.17
Special Education for Handicapped	13,315	48	0	277.39	4- 6	14	1	887.66
<u>PONCA CITY</u>								
Reading	\$ 29,085	293	19	\$ 13.33	2- 6	279	20	\$ 104.24
Reduction of Class Size	39,429	335	0	91.75	1- 3	105	0	
Teacher Aides	17,814	449	19	130.45	8- 9	185	0	
Summer School Kindergarten	7,570	180	20	283.33	K	467	0	16.20
Summer School Reading & Math	11,930	540	60	4.37		116	30	102.84

TABLE 4--Continued

Title I Activities Offered by Local Educational Agencies	Estimated Cost of Activity	Estimated Number of		Estimated Cost Per Pupil	Grade Level	Actual Number of		Computed Cost Per Pupil
		Public Students	Non-Public Students			Public Students	Non-Public Students	
<u>TULSA</u>								
Speech Therapy	\$ 32,980	335	1	\$ 98.44			1	
Special Education for Handicapped	129,770	635	4	203.08				
Reduction of Class Size	280,482	24,102	0	11.63	1-12	1,500		\$186.98
Teacher Aides	200,302	3,700	0	54.13	1-12	41,172		4.86
Reading Clinic	91,140	1,296	12	69.67			10	
Corrective Reading	200,442	2,100	0	95.44	2- 9	1,457		137.57
Special Education					1-12	25,554		
Instrumental Music					7-12	512		
Science Inquiry					6	119		
Gymnastics					7-12	13,360		
Health - Nurses	29,160	1,285	0	22.69			2	
Psychiatric Services	23,060	900	1	25.62			2	
Psychological Services	3,040	252	5	11.82				
School Social Work	20,090	650	0	30.90				
Attendance Services	8,650	130	0	66.53				
Guidance & Counseling	93,970	1,800	0	52.20				
Orthopedic	5,820	93	0	62.58				
Administrative	35,401							
<u>Summer Programs</u>								
Music	9,632	335	0	28.75				
Math	22,239	700	50	29.65	4- 6			35.63
Special Education	2,108	250	20	7.80				
Business Education	38,499	3,100	0	12.40				
Art	4,273	1,232	0	3.46				
Corrective Reading	49,882	1,600	200	27.71	2- 9			95.92
Driver Education	33,314	2,400	0	13.88				
Lunches	3,465	12,000	0	.28				
Testing	411	850	50	.45				
Physically Handicapped	17,325	93	0	186.29				
Curriculum Development	13,340	4,050	0	3.29				
Waiver of Fees	3,465	1,000	0	3.46				



There was a total of \$4,359,869 appropriated for Title I projects in the thirteen selected school districts. Table 5 gives a breakdown of the areas in which this money was spent as proposed in Part II, Section 8 of the project application. The largest single area of expenditure was instruction with \$3,178,414 being approved in this category. Equipment expenditures amounted to \$318,454 involving seven of the thirteen districts. The third largest category was administration which called for an outlay of \$217,612 with the total administration cost being paid out of local funds in four districts

TABLE 5  
COSTS ATTRIBUTABLE TO PROJECT ACTIVITIES AND SERVICES

Local Educational Agency	Expenditure Account													
	Administration	Instruction	Attendance Services	Health Services	Pupil Transportation Services	Operation of Plant	Maintenance of Plant	Fixed Charges	Food Services	Student Body Activities	Community Services	Remodeling	Equipment	TOTAL MONEY APPROPRIATED
Alva	\$ -	\$ 27,817	\$ -	\$ -	\$ -	\$ 75	\$ 25	\$ -	\$ -	\$ -	\$ 1,750	\$ -	\$ -	\$ 29,667
Duncan	8,999	63,683	-	1,093	1,093	-	-	-	-	11,017	-	-	-	95,556
Enid	12,912	112,283	-	11,950	420	-	270	4,342	4,500	400	-	-	15,066	162,144
Guthrie	9,040	69,744	-	-	-	-	-	-	-	-	-	2,712	19,183	100,680
Lawton	17,560	262,467	-	-	-	-	-	10,632	-	-	-	-	41,232	332,892
McAlester	8,620	146,740	-	-	-	-	-	6,669	5,000	-	-	-	13,435	180,464
Meno	-	-	-	-	-	-	-	-	-	-	-	-	-	464
Midwest City	-	44,874	-	5,794	1,468	177	-	1,159	-	-	-	457	-	53,932
Muskogee	42,639	327,188	-	3,254	3,716	3,262	-	14,110	15,953	750	5,707	-	6,669	451,506
Oklahoma City	72,581	814,951	43,050	69,100	15,480	21,880	-	39,683	34,600	-	128,978	9,770	220,136	1,470,209
Perry	2,460	18,905	-	525	-	-	-	774	-	-	-	450	2,733	25,848
Ponca City	-	98,751	-	-	500	780	-	4,268	-	-	-	-	-	104,300
Tulsa	42,801	1,190,011	28,740	31,980	15,000	-	-	43,675	-	-	-	-	-	1,352,207
TOTALS	217,612	3,178,414	71,790	133,365	37,677	26,174	1,454	124,153	60,053	12,167	134,435	10,677	318,454	4,359,869

## CHAPTER III

### ANALYSIS AND INTERPRETATION OF DATA

It was the purpose of the previous chapter to provide all the necessary data for an overview of the types of programs, number of students, and money appropriations in the Title I programs of the thirteen school districts included in this research study. This chapter offers analyses of the information which was presented in the preceding chapter.

#### Analysis of Programs Offered

Eight of the public school administrators of the Title I programs indicated that the projects offered in their respective districts had been determined by central administrative decision. According to the information obtained during the interviews the administrators based their decisions on the knowledge they had of the schools in their districts as a result of several years of service to the schools. They also had knowledge of the results of testing programs which further aided them in deciding which activities were of greatest need for the children in their districts.

Three of the public school administrators met with the school principals of the public schools in their districts to discuss the needs of educationally deprived children in their respective schools. Two

of the administrators sent questionnaires to all the teachers in their districts to survey areas of greatest need. In only one district were the nonpublic school principals consulted regarding the needs of the children in their schools.

The types of programs which these administrators developed were affected by the interpretation of the federal guidelines. Local initiative and need were determining factors of the types of programs offered in the respective school districts. The program descriptions given in the preceding chapter illustrated the fact that a wide variety of educational programs were possible under Title I. It was "the responsibility of local educational agencies to design, develop, and prepare projects that will fulfill the legislative intent of the title."<sup>1</sup>

After the projects had been developed,

...Any State desiring to participate in the program of this title shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance--

(1) that, except as provided in section 207 (b), payments under this title will be used only for programs and projects which have been approved by the State educational agency pursuant to section 205 (a) and which meet the requirements of that section and that such agency will in all other respects comply with the provisions of this title, including the enforcement of any obligations imposed upon a local educational agency under section 205 (a).<sup>2</sup>

This section of the Act clearly pointed out that federal funds would be granted only when the programs planned by the public agencies guaranteed benefits to all children who qualified under the terms of the legislation whether they were in public or nonpublic schools.

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<sup>1</sup>Office of Education, U. S. Department of Health, Education and Welfare, Guidelines: Special Programs for Educationally Deprived Children (Washington: U. S. Government Printing Office, 1965), p. 21.

<sup>2</sup>Public Law 89-10, p. 5.

These benefits, however, were not available to nonpublic school children as attested to by the following quotations taken directly from project applications on file in the Oklahoma State Department of Education. These quotations clearly indicate that those who made application were well aware of the fact that the programs described were not applicable to students in local nonpublic schools.

This program is not applicable to private schools. (Clerical Aides for Teachers and Reduction of Class Size)

No private school children will participate in this program. (Reduction of Class Size)

No nonpublic school children included. (Physical Education, Reduction of Class Size, Cultural Enrichment, Teacher Aides and Other Sub-professional Help)

This program does not lend itself to the participation of nonpublic schools. (Curriculum Coordinators)

This activity is not of the nature to foster nonpublic school participation. (Special Education-Individual Instruction)

This project is of such nature that prohibits participation by private schools. (Materials Center)

This activity does not lend itself to participation of nonpublic schools. (Teacher Aides)

In addition to the quite obvious predetermined exclusion of nonpublic school students from programs as the above quotations reveal, a study of Table 4 will show that most of the districts included in this study had programs funded by Title I that were, by their very nature, unavailable to nonpublic school students. Since the State Attorney General's interpretation of State law made dual enrollment or educational television the requirements for nonpublic school student participation, it was questionable how students could continue to attend a nonpublic school and still share in the benefits of the projects which provided

services only in the public schools. The following are indicative of such projects which by their very nature did not lend themselves to dual enrollment or educational television:

Teacher Aides -- provided only for public school teachers.

Reduction of Class Size -- teachers hired only in public schools to reduce class size.

Clerical Help -- secretarial and office help provided only to relieve public school personnel.

Bus Transportation -- service available only for students enrolled in public schools. This service was ruled out even for transporting private school students to the public schools for the special services or classes provided in the public schools under Title I.

Library Service -- personnel, materials, and furniture provided only in the public schools.

Curriculum Coordinators, Master Teachers, and Program Directors -- provided only for public schools. They were not permitted by law to consult with teachers in their class rooms in the private schools.

Materials Centers -- equipment and personnel provided in public schools only. These were not permitted to be taken to the nonpublic schools.

Food and Fee Waiver -- available only for students enrolled in the public schools.

The language of the legislation, which stipulated that all children who qualified under terms of the law should be benefited, indicated that only those programs would be approved for implementation that would admit of equality of opportunity for all children regardless of where they attended school. Since it would have been necessary for students from nonpublic schools to be enrolled as regular students in the public schools to derive benefit from the above described programs, public school administrators were advised to devise imaginative programs that would have provided benefits to all children without transgressing

the State law as interpreted by the Attorney General.<sup>1</sup>

The projects described above, however, were, by their very nature, inaccessible to the nonpublic school students. In spite of the obvious lack of opportunity for nonpublic school students to receive benefits from such projects, the applications on file in the State Department of Education informed the Commissioner that dual participation opportunity had been offered to the students in the nonpublic schools.

That vague and general statements were used to assure the Commissioner that educationally deprived children in nonpublic schools would be included in the projects offered under Title I is exemplified by the following quotations taken from project applications.<sup>2</sup> These statements were made even though the programs offered were clearly such as had no possibility for shared benefits through dual enrollment or educational television.

The nonpublic schools in the district have been informed and will be re-informed of their eligibility to participate in the projects and activities included in this application. (Repeated on every project, including Food, Lunch, Teacher Aides and Other Sub-Professional Help.)

Children from the nonpublic schools will be eligible to participate in this activity on the same basis as eligible public school children. They will participate on the same basis by attending classes in the nearest public school.

The administrators of the nonpublic schools have been informed of all the projects being offered in the public schools under Title I.

Only dually enrolled students from nonpublic schools will be able to participate in these activities.

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<sup>1</sup>See Appendix B for memorandum from the Department of Health, Education, and Welfare regarding the Opinion No. 65-302 of the Oklahoma Attorney General in relation to the Elementary and Secondary Education Act of 1965.

<sup>2</sup>Part II, Number 13 (d) on the forms for Application for Federal Assistance.

A review of the programs offered under Title I which were inaccessible to nonpublic school students, together with a consideration of the above quotations, emphasizes the fact that benefits are not provided for eligible children in nonpublic schools merely by advising their school administrators that certain programs are available in the public schools. Unless the programs were such that permitted children to remain enrolled in nonpublic schools and still receive benefits from Title I programs offered in the public schools, the intent of the legislation was not fulfilled. Unless the programs offered actually admitted of dual participation or educational television as required by the Oklahoma Attorney General's opinion, they did not meet the requirements specified in the Act for the appropriation of federal funds.

Of particular concern to the administrators of nonpublic schools was the use of federal funds to reduce class size in the public schools. On the surface it seemed that reduction of class size was a laudable project and of educational benefit to deprived children. In view of Oklahoma law, however, such programs were of no benefit to the children enrolled in nonpublic schools. The frequency with which federal funds were used to reduce class size in eight out of the thirteen public school districts included in the present research sample can be seen in Table 2.

Besides the fact that nonpublic school children received no benefit from such programs, an even greater problem has developed for the children as a result of the programs to reduce class size. With the use of Title I funds, many additional teachers were hired for the



public schools during the 1966-67 school term for the explicit purpose of reducing class size. During the summer of 1967, the State Board of Education passed a new set of regulations for the state accreditation of schools, one of which read:

It is strongly recommended that beginning with the school year 1968-69, the teacher-pupil ratio in any elementary school in Oklahoma not exceed the ratio of 1 to 25. This ratio to be based on membership as of October 1 of the current school year. This to apply to the school unit. No administrative or supervisory time to be used in calculating the pupil-teacher ratio.<sup>1</sup>

If federal funds were used to accomplish an objective in the public schools, and State law made the nonpublic school students ineligible to receive the benefits of having class size reduced in their schools with the use of such federal funds, double discrimination resulted if state accreditation hinged on class size.

Instructional materials and equipment in the Materials Centers provided under Title I in the public schools are projects which were selected, according to the statements on the application forms, to strengthen the instruction programs for educationally deprived children. Because of the Attorney General's interpretation of the Oklahoma Constitution, however, this equipment and these audio-visual aids could not be taken to the class rooms of the nonpublic schools.

Although educational television was determined, along with dual enrollment, as the alternate way in which nonpublic school students could participate in the benefits of Title I programs, the Attorney General ruled out the provision of television sets for use in the nonpublic schools. To make television one of the two ways of

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<sup>1</sup> Oklahoma State Department of Education, Bulletin No. 113-M, Regulation 12.

participation and at the same time to forbid the use of necessary equipment in the schools, which would enable the educationally deprived children to actually participate, is a cancellation of the alternate way of participation in Title I benefits. Without television sets, the only means of participation was through dual enrollment.

According to Guidelines: Special Programs for Educationally Deprived Children, the provision of "school facilities for the regular school program is not the purpose of Title I."<sup>1</sup> The guidelines further stated that Title I funds could be used for school facilities "only if such facilities are necessary to enable the applicant to carry out specific projects as approved by the State educational agency."<sup>2</sup> Each project in the total program should have made a substantial contribution toward meeting the special needs of educationally deprived children.<sup>3</sup> In view of these conditions three projects--furnishing a library, a foreign language program, and an instrumental music program--included in the description of the various school districts' programs given in Chapter II of this study were considered questionable.

Library furnishings were provided at a cost of \$3,920 in one public school. The purpose, according to the project application was "to furnish the library with attractive furniture." It is questionable how this project made a substantial contribution in the total program toward meeting the special needs of educationally deprived children

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<sup>1</sup>U. S. Office of Education, op. cit., p. 33.

<sup>2</sup>Ibid., p. 34.

<sup>3</sup>Ibid., p. 29.

when the other projects in the total program included teacher aides, physical education, reduction of class size, vocational occupations, foreign language, business and office occupations, etc. The provision of the library furniture was not necessary to enable the applicant to carry out any specific project for the benefit of educationally deprived students.

Foreign language was provided in one school at a cost of \$5,100. The application on file in the State Department of Education clearly stated that the purpose of the project was "to provide conversational Spanish on the junior high school level in order to increase the number of participants in foreign language classes in the senior high school." This statement indicated that the project was not directed toward helping educationally deprived children. It also prompts the question: Is a student to be considered educationally deprived if he is not able to speak a foreign language?

Instrumental music was provided in one district for \$7,607 to "hire full-time instrumental staff members to provide band and string programs for all students desiring the cultural and aesthetic values of music but have not been able to participate because of lack of staff and ability to purchase instruments." This project raises two questions: Can every child who is unable to buy an instrument or participate in band and string music programs be called educationally deprived. Did this project actually contribute substantially to helping educationally deprived students, or was it only a means used to embellish an existing band and music program?

### Analysis of Expenditures

The project applications, Part II, Section 11, required that the public school administrator indicate the enrollment of both public and nonpublic students in each activity. The nonpublic school students were not considered in programs which called for the expenditure of \$2,174,264. This figure was determined by totaling the amount of money appropriated for activities in which nonpublic school students were not included and did not participate.

Complete statistics were not given on the evaluation forms, especially regarding nonpublic school student participation. According to the figures given on the evaluation forms, and the data supplied by the public and nonpublic school administrators during the interviews, the nonpublic school students received a total dollar value of \$16,808. This amount was computed by multiplying the number of nonpublic school students who participated in the activities by the cost per pupil for each activity as indicated on Table 4. This figure did not include the money spent for administration or summer school programs. Nonpublic school student enrollment figures were not kept for summer activities because the public school administrators decided that the distinction did not apply.

By using the same percentage formula for summer school it is reasonable to surmise that the nonpublic school students received educational benefits totaling \$13,900 from summer school activities. If the percentage formula for the number of educationally deprived students was the same in the public and nonpublic schools then the children in

the nonpublic schools should have received services amounting to \$189,839. This would mean that they received a total of \$30,708 worth of educational benefits from Title I activities.

One factor which was not included in the above figures was the cost of transportation which had to be borne by the nonpublic school or by the parents of the children receiving the service. This was especially critical in the very low income areas. If a parent had to transport his child once each day for only one mile it did result in a substantial cost over a period of time in order for the child to receive the benefits of Title I. When a nonpublic school provided transportation it required paying someone to chauffeur the children at various times during the day because not all the children receiving services could be accommodated at the same time.

Table 4 also indicated that there was a great variety in the cost for the same services offered in the various public school districts. This was easily understandable in areas such as reduction of class size and teacher aides. It was not so clear why speech therapy should range in estimated cost from twenty-five dollars to over two hundred dollars per pupil in different districts. There was definite indication that more equitable treatment did result for students in nonpublic school in districts where the Title I funds were used to provide services which lent themselves to dual enrollment. In one district money was used only for remedial classes and summer school projects in which nonpublic school students could participate. When a large percentage of the Title I appropriation was spent on activities such as reduction of class size, employment of teacher aides, etc.,

which could not benefit nonpublic school students then equitable treatment was not possible because these students could not benefit from such activities.

#### Analysis of Nonpublic School Student Participation

##### How many nonpublic school students participated?--Table 4

indicated the number of nonpublic school students who received benefits under Title I programs offered by the public schools. There were many activities in which they were not able to participate. According to information received from the public school evaluations and the interviews a total of 137 nonpublic students did take part in Title I activities through dual enrollment in such activities as speech therapy, remedial classes, tutoring, and psychological services. This number did not include student visits to public school libraries and summer classes or benefits received from nonpublic school teachers who attended in-service training programs offered by the public schools as a Title I activity.

How did nonpublic schools become involved?--In only one of the districts involved were the principals of the nonpublic schools consulted in the planning of the programs. Principals in the other twelve districts were informed of what programs were being offered in the public schools after the programs had already been determined.

Various procedures were used to invite nonpublic school students to participate, through dual enrollment, in the programs arranged in the public schools. In eight of the districts, the nonpublic school administrators received letters informing them of programs which were available and inviting the students from the private schools to parti-

cipate through dual enrollment if the programs served the needs of the children. The Title I administrators in three districts telephoned the nonpublic school administrators and informed them of the programs. Public school administrators in two districts paid personal visits to the principals in the nonpublic schools to discuss available programs with them and to offer dual enrollment opportunity to the students.

What factors conditioned participation?--All administrators of the Title I programs who were interviewed for this study acknowledged the difficulty of affording equitable opportunity for Title I benefits to the nonpublic school children because of the stipulation of the Oklahoma Constitution. All but two of them expressed concern that they could not make the services, materials, and equipment more available under the existing legislation. Although they would have been willing to permit the use of equipment and assigned public school personnel to provide services in the nonpublic schools, such arrangements would have been considered illegal.

Three other factors besides the existing Oklahoma laws were cited by the public school administrators as reasons for the minimal participation of nonpublic school students in the Title I programs. First, the time element was a major factor in planning for the use of Title I funds during the 1966-67 school term. Procedures for making application were new to all concerned and the work of preparing for the new programs was in addition to already heavy responsibilities. Most administrators thought that, under the circumstances, the best programs possible had been arranged. Still another factor involved was

the fact that cooperation between the administrators of the two types of schools in such areas as curriculum planning and program designing had been negligible in the past. There was a definite lack of knowledge about the needs of the nonpublic school children in the district. A third factor was the hesitancy of the public school administrators in approaching the nonpublic school personnel about the Title I programs. They did not want to be considered interfering with the freedom of the private schools. Since they had no control over the nonpublic schools in their districts, these administrators did not know how far to go in encouraging dual enrollment by nonpublic school students in the Title I programs held in the public schools.

Although the above factors were, from the point of view of the public school administrators, the chief reasons for the minimal participation by nonpublic schools in the programs funded by Title I, they were aware of the other difficulties on the side of the nonpublic schools. In the order of their frequency, the factors which limited participation as indicated by the private school principals were: programs not applicable, scheduling difficulties, transportation problems, loss of school time, chose not to participate, and overlapping of district boundaries.

The analysis given in Chapter II of the types of programs offered in the thirteen school districts included in this research sample makes it understandable that the very nature of the programs offered would be the chief factor given by the nonpublic schools for limiting participation. Many of the projects offered did not lend themselves to dual enrollment or to educational television and so nonpublic school students could not benefit. Equitable participation for the educationally



deprived children in the nonpublic schools did not always result even in projects in which dual enrollment was feasible. Scheduling difficulties, transportation problems, and loss of school time are closely related factors and made dual enrollment either difficult or impossible to manage in some of these districts. By way of example, students dually enrolled in remedial reading classes in the public school had various times for their classes depending on their levels of achievement. It was not always possible to schedule a regular reading class in the nonpublic school at the same time as the remedial period in the public school so time was lost from some other subject. Different students from the same classroom had to be at the public school at different times according to their respective reading levels. Not only did this make scheduling difficult, but it necessitated a continuous transportation of students back and forth between the two schools.

Since the public school was not allowed to use Title I funds to provide transportation for the nonpublic school students the educationally deprived children in the private schools usually had to walk several blocks to the public school for their classes. Hence, much valuable school time was lost, particularly on bad weather days. In one of the selected districts the educationally deprived nonpublic school children were so poor that few of their families owned cars. The nonpublic school also was not able to provide the necessary transportation to the public school for the children to receive the benefits of remedial reading classes and speech therapy.

This transportation problem could have been solved in another district which provided a mobile reading laboratory had it not been for

the ruling of the Attorney General. Each day of the week the mobile reading laboratory moved to a different school in the district to serve the educationally deprived children of that school. Instead of stopping at the nonpublic school, however, the mobile had to park several blocks away in the parking lot of a public school. The nonpublic school children then had to be transported when it was their turn to receive services.

It is questionable how the parking lot at the public school could have been considered "public property" any more than the city street in front of the nonpublic school. Had the mobile been allowed to park in the street by the nonpublic school, less school time would have been lost by the children who were already educationally deprived, transportation problems would have been solved, and no greater inconvenience would have been caused to those who had charge of the laboratory. The public school administrator in charge of the program wanted to provide this convenience for the nonpublic school children, but when he checked with the State officials such a practice was interpreted as being illegal.

The same inconveniences were experienced in other projects which were possible through dual enrollment. Without transportation being furnished it was difficult and sometimes impossible to get the students to the centers or to the public schools across town for the nursing services or other such needs of the children.

Nine of the public school administrators stated during the interviews that it would have been much easier and more convenient for the nurses, guidance counselors or psychologists to take care of the nonpublic school children in their own schools. These specialists

would have been willing to make such arrangements if Oklahoma law would have permitted it. Scheduling difficulties, transportation problems and loss of school time would have been greatly reduced if this could have been allowed.

Another reason why a few nonpublic school children did not receive benefits from the Title I programs was the fact that some parochial school administrators in five of the districts chose not to participate. Two of the parochial school administrators did not approve of using federal funds for education. One indicated that the programs offered were not applicable for his students and another decided that the inconveniences of dual enrollment outweighed the expected results.

Only one nonpublic school principal cited overlapping district boundaries as a limiting factor. In this instance the private school drew children from a wide area which encompassed several school districts and only those children who actually lived in the public school district which sponsored the program could participate.

Although participation in the Title I programs by nonpublic school students was limited it was the unanimous opinion of all administrators that, where dual enrollment had been practiced, the programs were operated satisfactorily. No complaints had been made by any administrator or teacher in any of the classes in the public schools as a result of dual enrollment by students from the nonpublic schools.

## CHAPTER IV

### CONCLUSIONS AND RECOMMENDATIONS

#### Major Findings

After a careful study and analysis of the information available concerning the Title I projects and their operation in the selected school districts in Oklahoma during the 1966-67 school year the following findings are reported. Only a total of 137 students took part in Title I programs through dual enrollment during the regular school year. There were other students who took part in summer school projects, but they were not classified by the public school administrators as public or nonpublic school students in reference to their attendance during the regular school year.

Aside from counting the number of students participating, it was possible to arrive at an estimated dollar value of services received. If the nonpublic school students were to receive services equal to their percentage of the total number of students in the sample, they would have received services amounting to \$189,839. They actually did receive services amounting to only \$30,708.

The extent of nonpublic school participation in Title I projects in the various selected school districts was affected by the types of activities which were offered. If most of the Title I money was spent on projects which permitted dual enrollment, there was a high

level of nonpublic school participation in proportion to the number of eligible nonpublic school students. On the other hand, if a large portion of the Title I money was spent on projects which did not permit dual enrollment, the level of nonpublic school student participation was insignificant compared to the number of eligible nonpublic school students.

The public school administrators expressed concern that they could not provide more benefits to the nonpublic school students because of the Oklahoma Attorney General's interpretation of the Oklahoma Constitution. In light of the interpretation, however, they indicated factors which contributed to the level of participation. These factors were: the short time allowed for the LEA to plan and prepare the project application, the lack of any experience of the two systems working together, and the lack of understanding by the public school administrators regarding the willingness of the nonpublic school personnel to have their students participate.

The nonpublic school principals listed other factors which affected the level of their students' participation. These were, in the order of decreasing frequency, programs not applicable for their students, scheduling difficulties, transportation, loss of school time, selective non-participation, and overlapping of school boundaries.

While the number of students participating in the dual enrollment projects was small, both the public and the nonpublic school administrators indicated that there were no major problems in the operation of these programs. Within the programs, there were no distinctions made once the students from nonpublic schools were enrolled.

The types of Title I programs offered in the selected districts were chiefly determined by the administrative decision of the public school personnel. In only one of the sample districts did the public school administration involve the nonpublic school principals in the planning of the Title I program. Because there had been virtually no cooperative planning in the curriculum area by public and nonpublic school personnel in the past, the persons planning the program for the 1966-67 school year had no first hand knowledge of the needs of the educationally deprived children in the nonpublic schools. This was a factor which contributed to the arrangements of programs which did not meet the needs of the educationally deprived students in the private schools.

In all but one of the sampled districts the nonpublic school students were invited to participate only after the programs were developed. These invitations took various forms, from a simple letter explaining that the nonpublic school students could participate to a well planned meeting where a definite program was worked out to insure that the nonpublic school students did participate.

The public school personnel, charged with the administration of Title I programs, were concerned about the lack of benefits available to the nonpublic school children because of the existing interpretation of the Oklahoma Constitution. They unanimously agreed that, where dual enrollment was in effect, the programs were operating satisfactorily. They also were convinced that the programs, in most instances, would have been more efficiently operated for all concerned if the special services could have been provided in the nonpublic schools.

Conclusions

The Attorney General's interpretation of the Oklahoma Constitution limited participation by educationally deprived nonpublic school students in Title I programs to dual enrollment. Many of the Title I programs offered, by their very nature, did not lend themselves to dual enrollment nor did they provide benefits through educational television. Those projects which did lend themselves to shared benefits through dual enrollment were frequently made unavailable to the children in the very lowest economic areas because of lack of transportation. Provision of transportation for the nonpublic school children who enrolled in special classes in the public schools was ruled out by the interpretation of the Oklahoma Attorney General. This interpretation also forbade installation of television sets purchased with Title I funds in nonpublic schools.

Furthermore, the types of activities which were offered under Title I programs affected nonpublic school students participation. The extent of nonpublic school participation in Title I projects in the various selected school districts was affected by the types of activities which were offered. There was a direct relationship between the proportion of Title I money spent on activities which permitted dual enrollment and nonpublic school student participation.

The opinion of the Attorney General also forbade public school personnel working in the nonpublic schools. As a result the nonpublic school students were required to go to the public schools. This provision resulted in difficulties of providing transportation, scheduling

activities, and loss of school time for nonpublic school students. The programs would have been more efficiently operated if the personnel hired for special services in the public schools could have worked with the educationally deprived nonpublic school children in their own schools. It would have been much easier to transport teachers rather than students.

If the State accreditation standards are in any way affected by the improvements, such as reduction of teacher-pupil ratio, made in the public schools by the Title I programs, then nonpublic schools could be adversely affected. Continued use of federal funds for achieving desired objectives in the public school system, when nonpublic schools are deprived of opportunity for such benefits, could result in the phasing out of some of the nonpublic schools in Oklahoma.

#### Recommendations

The above findings and conclusions raise other questions which may deserve consideration in future research. What is the effect on children, already educationally deprived, who are taken from their familiar school setting to receive special remedial services in an environment which is totally strange to them? How are the end results for the educationally deprived children affected when the remedial services received are engulfed in the many difficulties stemming from dual enrollment inconveniences? Is there a lack of identity with the personnel and institution providing the services?

The above findings and conclusions flowing from the present study bring forth the following recommendations. The "By-pass Formula," which is operative in the Title II program of ESEA in Oklahoma could be



used to administer Title I funds to insure equitable treatment for educationally deprived children in nonpublic schools. If a state constitution does not allow the public schools to administer Title II funds for nonpublic school students, the "By-pass Formula" provides for the U. S. Office of Education to contract with an agency in a state to administer, independently of the public schools, the Title II program for the nonpublic school students. This method of administration is not limited by state constitutions and therefore goods and services provided by Title II are equally available to public and nonpublic school students.

Greater cooperative planning should be done by the personnel of both types of schools to insure that the needs of all the children who qualify for Title I programs are met. Without consultation with the personnel responsible for nonpublic school students, it would be difficult to plan an effective program to meet the needs of these students. Furthermore, this cooperative planning might also make possible the elimination of conditions which limit nonpublic school participation.

The evaluation forms required by federal and state guidelines should be revised in such a manner that the local educational agencies would be required to account for the nonpublic school students who actually received Title I benefits in their respective districts. As the forms now stand this specific information is not available to state and federal supervisory personnel. Therefore, it is impossible for them to have full knowledge of the level of nonpublic school student participation.

APPENDIX A

THE ATTORNEY GENERAL OF OKLAHOMA  
Oklahoma City, Oklahoma

September 16, 1965

Hon. Oliver Hodge, Superintendent  
State Department of Education  
State Capitol  
Oklahoma City, Oklahoma

Opinion No. 65-302

Dear Sir:

The Attorney General is in receipt of your letter of recent date in regard to Public Law 89-10 enacted by the 89th Congress entitled the "Elementary and Secondary Education Act of 1965" effective April 11, 1965. Title I of this act provides for basic and incentive grants to local educational agencies for children of low income families.

Section 205 (a) (2) provides in part:

"(a) A local educational agency may receive a basic grant or a special incentive grant under this title for any fiscal year only upon application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)-

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"(2) that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate;\*\*\*"

In connection with the above quoted provision you ask the following question divided into nine parts:

"Under the provisions of this law, the U. S. Office of Education Regulations, and the State's assurance given in its application to the U. S. Commissioner of Education, is it consistent with State

statues to approve application of school districts which permit activities as follows:

1. Can classes of sufficient size, scope and quality be conducted for eligible pupils in a parochial or private school building which are administered, supervised, and taught by public school personnel?
2. Can eligible pupils enrolled in a private or parochial school participate in approved programs which are conducted in a public school building?
3. Can special personnel, such as guidance counselors, social workers, psychologists, and health workers who are employed by a school district under an approved program, provide services to eligible pupils in a private or parochial school?
4. Can mobile units acquired under an approved program by a school district be used to serve children enrolled in private or parochial schools?
5. Can appropriate tests under an approved program be acquired and administered to children enrolled in private and parochial schools?
6. Can individual health and physical needs of eligible children enrolled in private or parochial schools be provided for under an approved program?
7. Can appropriate equipment, books, and other kinds of learning materials acquired by a local school district under an approved program be used by pupils enrolled in private or parochial schools?
8. Can transportation under an approved school district program be used by pupils enrolled in private or parochial schools?
9. Can private or parochial school pupils participate in approved programs of a school district in which regular school district funds have been used to supplement funds allotted under an approved application?"

Title II of Public Law 89-10 provides grants for the acquisition of school library resources, textbooks, and other printed and published instructional materials for use of children and teachers in public and private elementary and secondary schools. Under Title II the state desiring to participate must furnish a state plan for approval by the Commissioner of Education which among other things contains the following provisions in Section 203 (a) (2) (A) and Section (a) (3) (B):

"Sec. 203(a) Any state which desires to receive grants under this

title shall submit to the Commissioner a State plan, in wuch detail as the Commissioner deems necessary, which --

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(2) sets forth a program under which funds paid to the State from its allotment under section 202 will be expended solely for (A) acquisition of library resources (which for the purposes of this title means books, periodicals, documents, audio-visual materials, and other related library materials), textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State, \*\*\*."

"Sec. 203(a) (3) (B)

(B) provide assurance that to the extent consistent with law such library resources, textbooks, and other instructional materials will be provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State; \*\*\*"

In connection with the above quoted provisions of Title II of Public Law 89-10 you ask the following question, divided into three parts:

"Can the Oklahoma State Plan, which is to be approved by the U. S. Commissioner of Education, provide for the following conditions:

1. Can teachers teaching in a private or parochial school within the school district, and can pupils attending a private or parochial school in the school district, use on a loan those materials acquired by the school district under an approved application to the State Department of Education?
2. Can the Oklahoma State Plan provide that an equitable part of the district's allotment be used to purchase eligible materials to be placed in a public library and made available for use by teachers and pupils of private and aprochial schools of the district?
3. Can the State Department of Education in its State Plan, to be approved by the Commissioner, permit a school district to contract with a State agency or some governmental subdivision below the State level, or by an incorporate educational organization, to distribute materials purchased on an equitable basis from the district's allotment to teachers and pupils in a private or parochial school within such school district?"

Article I of Section 5, Oklahoma Constitution, provides in part:

"Provisions shall be made for the establishment and maintenance of a

system of public schools, which shall be open to all the children of the State and free from sectarian control;"

Article II, Section 5, Oklahoma Constitution provides:

"No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such."

The Supreme Court of Oklahoma has been obliged to interpret Article II, Section 5, supra, on at least four occasions. In the case of Gurney v. Ferguson, 190 Okl. 254, 122 P. 2d 1002, a legislative enactment of 1939 authorized the transportation of students of parochial schools on public school buses. In holding the Act unconstitutional as violative of Section 5, supra, the Court said:

"It is true this use of public money and property aids the child, but it is no less true that practically every proper expenditure for school purposes aids the child\*\*\*. The State has no authority to maintain a sectarian school\*\*\*"

In the case of Murrow Indian Orphans Home v. Childers, 197 Okl. 249, 171 P. 2d 600, the Court allowed payment of a claim against the State for the care of orphan children as in the furtherance of the general welfare and the obligation of the State to care for its orphan children.

In the case of State v. Williamson OKL. 347 P. 2d 204, the Court held that the construction of a nondenominational chapel on the grounds of a state owned orphans home, did not violate Article II, Section 5, Oklahoma Constitution.

In the more recent case of Board of Education of Independent School District No. 52 v. Antone, (1963), 384 P. 2d 911, our Court was again faced with the problem of the transportation of students of parochial schools on public school buses. In this case it was urged that the decision in Everson v. Board of Education, 330 U. S. 1, 67 S. Ct 504, 91 L ed 711, was controlling since that decision upheld a New Jersey statute authorizing reimbursement to parents of both public and parochial students for fares paid for public transportation. In declining to follow the Everson case, the Court said:

"Notwithstanding the practical effect of the holding, it essentially constitutes a ruling that transportation of parochial pupils is not a federal question, at least when tested by the First Amendment of the Constitution of the United States. As we view it, the decision does not change the effect of state constitutional provisions."

In Antone it was urged by the defendants

"that providing for needy children, providing for the education of all children within the state, and affording facilities therefore (thereby fulfilling an obligation created by required attendance at an accredited school, be it public or church-related) should not be measured by whether the same aids any particular sectarian institution or religion, but whether the purpose is the general welfare of the community."

The court rejected this argument and followed *Gurney v. Ferguson* in holding that,

"when pupils of parochial schools are transported by public school buses such service is an aid of that school. Any such aid or benefit, either directly or indirectly, is expressly prohibited by the above quoted provision of the Constitution of Oklahoma Art. II, Sec. 5."

Several theories have been advanced in the attempt to avoid the provisions of the Federal Constitution and the Constitutions of the States regarding the use of public funds for religious institutions. One theory is advanced by *Everson*, supra, called the "welfare of the general public" used to permit public funds to be used to pay transportation fares for students of both public and parochial school students. A second theory is called the "child-benefit theory" and was used by the court to permit public funds to be used to furnish textbooks to students in parochial schools in the case of *Borden v. Louisiana State Board of Education*, 168 La. 1005, 123 So. 655, 67 A.L.R. 1183. A third theory has been advanced in some cases that since the parochial schools are performing a task which the state itself must perform through the use of public schools, the expenditures are not "aid" but "remuneration" for services rendered and, therefore, not prohibited by the constitutional principle of separation of church and state. See *St. Hedwig's Industrial School for Girls v. Cook County*, 289 Ill. 432, 124 N.E. 629; *Murrow Indian Orphans Home v. Childers*, 197 Okl. 249, 171 P. 2d 600 (1946).

We are persuaded the best reasoned opinions from other jurisdictions have distinguished or refused to follow the *Everson* case, supra. In the case of *Swart v. South Burlington Town School District*, 167 A 2d 514 (1961) the Court was confronted with a cooperative agreement between a public and parochial school whereby tuition was paid a parochial school on certain students out of public funds. The court held the Vermont statute permitting the payment of tuition to parochial schools, unconstitutional and said:

"The Bill of Rights secures to those of the Catholic Faith that the State shall not intrude in the affairs of their church or its institutions. It assures to those of different persuasion that it will not lend assistance to them or those of differing faith in the pursuit of their religious beliefs\*\*\*.

But the same fundamental law which protects the liberty of a

parent to reject the public school system in the interest of his child's spiritual welfare, enjoins the state from participating in the religious education he has selected. See *Pierce v. Society of the Sisters*, 268 U.S. 510, 45 S. Ct. 571, 69 L. ed. 1070, 39 A.L.R. 468."

In the case of *Dickman v. School District No. 62C*, Oregon City, 366 P. 2d 533 (1961), the court had under consideration a statute providing free textbooks for "all pupils" and a constitutional provision far less restrictive than Article II, Sec. 5, Oklahoma Constitution. In this case the court quoted with approval our case of *Gurney v. Ferguson*, *supra*.

This Court discussed all the various theories advanced in cases from other jurisdictions including *Borden v. Louisiana State Board of Education*, *supra*, and quoted from *Judd v. Board of Education*, 298 N.Y. 200, 15 N.E. 2d and *Mathews v. Quinton*, (Alaska) 362 P. 2d 932 (1961) both of which cases struck down statutes authorizing transportation for parochial students on public school buses. The Court, in discussing free textbooks, said:

"books are an integral part of the educational process\*\*\*considering the purpose of Art. 1, Sec. 5, we are unable to see any substantial distinction between the furnishing of textbooks and the furnishing of blackboards, desks, laboratory instruments or other equipment clearly necessary to the operation of a school\*\*".,

and the court laid down the further principle that:

"A decision of the Supreme Court of the United States holding that certain legislation is not in violation of the Federal Constitution is not an adjudication of the constitutionality of the legislation under a state constitution. In such a case it is not only within the power of the state courts, it is their duty to decide whether the state constitution has been violated."

In the case of *Harfst, et al., v. Hoegen, et al.*, 349 Mo. 808, 163 S.W. 2d 609, decided in 1941, the court said:

"With the adoption of the federal Bill of Rights the whole power over the subject of religion, at that time was left exclusively to state governments."

The Missouri Constitution Art. II, Sec. 7, is almost exactly the same as our Art. II, Sec. 5, and in holding their Constitution had been violated, the Court further said:

"Public money, coming from taxpayers of every denomination, may not be used for the help of any religious sect in education or otherwise."

Your attention is directed to the following opinions from this office:

Opinion directed to you, dated August 18, 1954, regarding "released" time for students to attend religious instruction.

Opinion directed to you, dated September 21, 1961, relating to feeding aprochial school students in public school facilities and holding the same could not be legally done without doing violence to Art. II, Sec. 5, Oklahoma Constitution.

Opinion to you, dated May 14, 1962, in regard to remedial reading and speech therapy classes. In this opinion we held that students enrolled in non-public schools, under proper rules and regulations of the State and local boards of education, could be enrolled in a public school for a particular course of instruction.

Opinion No. 65-163 to the Hon. Dewey F. Bartlett, State Senator, dated March 24, 1965, dealing with area vocational schools. We held that under reasonable rules and regulations of the Board of Education of the school district, students from both public and private, sectarian or parochial schools could be enrolled in an area vocational school so long as no public funds were expended transporting parochial students to and from such school.

Based upon the above cited authorities from the Oklahoma Supreme Court and from other jurisdictions, it is the opinion of the Attorney General that your first question consisting of nine parts be answered as follows:

The first portion of your first question is answered in the negative. Personnel cannot be paid with public funds and furnished to parochial schools.

The second portion of your first question is answered in the affirmative providing private or parochial students are enrolled in the public schools of the district under proper rules and regulations of the State Board of Education and of the Board of Education of the local school district and providing no transportation is furnished such pupils by public school buses between the parochial school and the public school.

The third, fourth, fifth, sixth and seventh portions of your first question are answered in the negative. Special personnel, mobile units, tests, health and physical instructor, books and equipment purchased or paid for with public funds cannot be furnished students in private or parochial schools unless such students are enrolled in the public schools and transported by private transportation thereto for classes and services, under proper rules and regulations of the State Board of Education and of the local school district board of education.

The answer to your part eight is in the negative.

Your part nine of the first question is answered in the negative.



We see no essential difference in whether or not federal grant funds only are used in approved programs or federal grant funds and local school district funds are used; both are public money or property within the prohibition contained in Article II, Section 5, Okla. Constitution.

There would seem to be no reason why educational radio and television programs could not be included in a state plan since there would probably be no extra expense on the local public school district on account of the participation of students in parochial school, providing no receiving equipment or other materials are furnished private or parochial schools at public expense.

You will also note we have held a state plan could include dual enrollment under proper rules and regulations by the State Board of Education and the Board of Education of the local school district as more completely discussed in our opinion to you dated May 14, 1962, and our opinion to the Hon. Dewey F. Bartlett, No. 65-163, dated March 24, 1965.

It is the further opinion of the Attorney General that your second question, relating to Title II, Public Law 89-10, should be answered in the negative. The fact that title to the instructional materials remains in the public school district, is immaterial. The furnishing of such materials as those listed in Title II, supra, bought with public money, becomes public property and cannot, legally, be furnished private or parochial school pupils and teachers. Any scheme or plan to furnish such materials through a library or educational organization would only be doing indirectly what is prohibited by law from being done directly.

Yours very truly

FOR THE ATTORNEY GENERAL

W. J. Monroe  
First Asst. Attorney General

## APPENDIX B

Memorandum re Opinion No. 65-302 of the Oklahoma Attorney General in relation to the Elementary and Secondary Education Act of 1965.

This memorandum deals with Opinion No. 65-302, dated September 16, 1965, of the Attorney General of Oklahoma with respect to the participation of children and teachers in parochial and other private elementary and secondary schools in the State of Oklahoma in programs and projects under Titles I, II and III of the Elementary and Secondary Education Act of 1965.

Opinion No. 65-302 relies primarily upon Article II, Section 5, of the Oklahoma Constitution, which provides as follows:

No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

That opinion holds, in effect, with respect to Title I that persons paid with public funds cannot be furnished to conduct classes in parochial or other private schools nor could mobile units, tests, books, or equipment purchased with public funds be furnished to students in private schools; that private school students could be enrolled in programs conducted in a public school building; that transportation cannot be provided with public funds to private school students, including transportation between a private school and a public school in connection with a dual enrollment program; and that the above prohibition in the Oklahoma Constitution applies to public funds derived from Federal grants as well as to regular local school district funds. The opinion does permit children in parochial and other private schools to participate in the benefits of educational radio and television if no receiving equipment or other materials are provided at private schools at public expense. Presumably, the opinion would, by analogy to dual enrollment situations, allow participation by children enrolled in private schools, along with children not enrolled in any school, in projects conducted on public premises outside the regular school hours, although that situation is not directly discussed. It is noted that, although the opinion is based primarily on the above-quoted constitutional provision, it apparently makes no distinction between parochial schools and private schools without religious affiliation.

The opinion seems to preclude the application of the State plan under Title II of the Elementary and Secondary Education Act of 1965 to teachers and children in parochial and other private schools even if title to the instructional materials were to remain in the public school district and even if the instructional materials were to be furnished through a library or other educational organization. In this connection, the Oklahoma State plan under Title II, as submitted to the Commissioner, contains a certification dated December 14, 1965, by the Oklahoma Attorney General that the State Board of Education of the State of Oklahoma is not authorized by law to provide instructional materials for the use of children and teachers in private elementary and secondary schools. The effect of that certification is to render operative the provisions of section 204(b) of the Act, under which the Commissioner of Education is to make provision on an equitable basis of such instructional materials for the use of children and teachers in those schools and to pay the cost thereof out of Oklahoma's allotment under Title II of the Act.

The opinion does not deal specifically with Title III of the Elementary and Secondary Education Act of 1965.

The State of Oklahoma has filed with the Office of Education a State Application to Participate in Title II of Public Law 81-874 (i.e., Title I of the Elementary and Secondary Education Act of 1965), which application is dated September 27, 1965. That application, which is signed by the Superintendent of the State Department of Education, states that the State educational agency will comply with the provisions of that Title "including the enforcement of any obligations imposed upon a local educational agency under section 205(a) of Public Law 81-874". Likewise, the Certificate of the Oklahoma Attorney General states that the Oklahoma Board of Education "has the authority under State law to perform the duties and functions of a State educational agency under Title II of Public Law 81-874 and the regulations hereunder, including those arising from the assurances given in this application." The Oklahoma application has been approved by the Commissioner of Education effective as of September 28, 1965.

Section 205(a) (2) of Public Law 81-874, as added by Title I of Public Law 89-10, provides that the State educational agency, before approving an application by a local educational agency, must determine--

that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate.

While a result of Opinion No. 65-302 is that local educational agencies in Oklahoma must use imagination in order to develop programs which

meet the above-quoted requirements of section 205(a) (2) and still not violate the Oklahoma State Constitution as interpreted by the Oklahoma Attorney General, the Oklahoma Board of Education has given to the Commissioner an assurance that no programs will be funded in Oklahoma unless they comply with section 205(a) (2). Moreover, the Oklahoma Attorney General has certified that the Oklahoma State Board of Education has the power to enforce the obligations imposed on local educational agencies, which include those referred to in section 205 (a) (2). In view of those considerations, the Office of Education expects the local educational agencies to develop programs that meet the requirements of that section, among others. It will, of course, be prepared to give close scrutiny in that regard to programs of local educational agencies in Oklahoma under Title I, as well as to projects under Title III, of the Elementary and Secondary Education Act of 1965.

U. S. Office of Education  
Department of Health,  
Education and Welfare  
400 Maryland Ave., S. W.  
Washington D. C., 20202

December 21, 1965

APPENDIX C

PROJECT APPLICATION

STATE DEPARTMENT OF EDUCATION  
OLIVER HODGE, SUPERINTENDENT  
STATE CAPITOL BUILDING  
OKLAHOMA CITY, OKLAHOMA 73105  
APPLICATION FOR FUNDS

BUDGET BUREAU NO. 51-R518  
APPROVAL EXPIRES 6-30-67

**FOR THE EDUCATION OF CHILDREN FROM LOW-INCOME FAMILIES**  
**under Title I of Public Law 89-10**

## PART II—PROJECT APPLICATION

TO BE COMPLETED BY STATE EDUCATIONAL AGENCY						
STATE CODE	STATE PROJECT NO.	SMSA CLASS	CONG. DISTRICT	SIGNATURE (Authorized SEA Official)	DATE APPROVED	TOTAL AMOUNT APPROVED FOR THIS PROJECT
COUNTY CODE			LEA CODE NUMBER	LEA PROJECT NO.	LEA MAXIMUM BASIC GRANT	AMOUNT APPROVED FOR THIS PROJECT
1			2	3	4	5
A					\$	\$
B						
C						
D						

## PROJECT INFORMATION

***Please read the Instructions before completing this Application.***

### CERTIFICATION OF LOCAL EDUCATIONAL AGENCY

The applicant designated below hereby applies to the State Educational Agency for a grant of Federal Funds to provide activities and services for meeting the special educational needs of educationally deprived children residing in public school attendance areas having high concentrations of children from low-income families as set forth in this application.

I CERTIFY that, to the best of my knowledge, the information contained in this Application is correct and complete, that the local educational agency named below has authorized me, as its representative, to file this Application, and that such action is recorded in the minutes of the agency's meeting held on

\_\_\_\_\_, 19\_\_\_\_

LEGAL NAME OF LOCAL EDUCATIONAL AGENCY		NAME AND TITLE OF AUTHORIZED LEA REPRESENTATIVE	
MAILING ADDRESS (Street, City or Town, Zip Code No.)		SIGNATURE	
COUNTY	STATE	TELEPHONE (Area Code and No.)	DATE SIGNED

NAME AND TITLE OF LEA CONTACT PERSON	MAILING ADDRESS	TELEPHONE NO.

1	BRIEF TITLE OF PROJECT	3 TIME SCHEDULE OF PROJECT (Dates of first and last activity or service)	4	FEDERAL FUNDS REQUESTED	AMOUNT
			A	FOR PROJECT OPERATION (Enter amount from Item 8A, Col. 6)	\$
			B	FOR PROJECT CONSTRUCTION (Enter amount from Item 8B, Col. 3)	\$
2	IS THIS PROJECT A CONTINUATION OF A TITLE I PROJECT APPROVED IN FY 1966?  1 <input type="checkbox"/> YES    2 <input type="checkbox"/> NO  If "Yes," Give FY 1966 State Project No. _____	BEGINNING DATE (Mo., Day, Year)			
		ENDING DATE (Mo., Day, Year)	C	(Sum of A + B) = TOTAL:	\$

[illegible]

6 PROJECT PARTICIPANTS						7 PROJECT STAFF MEMBERS					
<b>A NUMBER OF CHILDREN TO PARTICIPATE IN PROJECT</b>						<b>A NUMBER OF STAFF MEMBERS TO BE ENGAGED BY SOURCE OF SALARY</b>					
GRADE OR GRADE GROUPINGS ( <i>"X" each grade level to be served</i> )		ENROLLED IN		NOT EN-ROLLED IN ANY SCHOOL	TOTAL (Col. 2+3+4)	HAND-BOOK IV CLASS NO.	MAJOR ACTIVITY ASSIGNMENT		SALARY INCLUDED IN PROJECT BUDGET	SALARY NOT INCLUDED IN PROJECT BUDGET	UNPAID VOLUNTEERS
		PUBLIC SCHOOLS	NON-PUBLIC SCHOOLS								
		1	2	3	4	2230-01	TEACHER				
1 <input type="checkbox"/> PRE-KINDERGARTEN							<input type="checkbox"/> PRE-KINDERGARTEN				
2 <input type="checkbox"/> KINDERGARTEN							<input type="checkbox"/> KINDERGARTEN				
GRADES							<input type="checkbox"/> ELEMENTARY				
3 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>							<input type="checkbox"/> SECONDARY				
4 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/>							<input type="checkbox"/> HANDICAPPED				
5 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/>						02	TEACHER AIDE				
6 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/>						03	LIBRARIAN				
7 <input type="checkbox"/> UNGRADED						04-09	SUPERVISION-ADMIN.				
8 <b>TOTAL:</b>						10	CLERICAL				
9 NUMBER OF CHILDREN (in above total) NOT IN ANY OTHER FY 1967 PROJECT						15-17	COUNSELING, PSYCHOLOGIST OR TESTING				
10 TOTAL NUMBER OF CHILDREN IN PROJECT AREA (same grade levels)						18-19	SOCIAL WORK-ATTENDANCE				
						20	NURSE				
						21	PHYSICIAN				
						22-23	DENTAL				
						11-14 24-31	OTHER				
						<b>TOTAL:</b>					
<b>B NUMBER OF PARENTS TO PARTICIPATE IN THIS PROJECT</b>						<b>B NUMBER OF STAFF MEMBERS TO RECEIVE IN-SERVICE TRAINING</b>					
				NUMBER		MAJOR ACTIVITY ASSIGNMENT		NUMBER			
						2230.01	TEACHER				
						2230.02	TEACHER AIDE				
						2230.03-31	OTHER				
						<b>TOTAL:</b>					
<b>8 PROJECT BUDGET (Estimated amount of Federal funds required for project operation and construction of school facilities)</b>											
<b>A OPERATION — Cost directly attributable to project activities and services</b>											
HANDBOOK II CLASS. NO. 1	EXPENDITURE ACCOUNT 2			SALARIES 3	ESTIMATED AMOUNT OF FEDERAL FUNDS CONTRACTED SERVICES 4			OTHER EXPENSES 5	TOTAL 6		
100	ADMINISTRATION										
200	INSTRUCTION										
300	ATTENDANCE SERVICES										
400	HEALTH SERVICES										
500	PUPIL TRANSPORTATION SERVICES										
400	OPERATION OF PLANT										
700	MAINTENANCE OF PLANT										
800	FIXED CHARGES										
900	FOOD SERVICES										
1000	STUDENT-BODY ACTIVITIES										
1100	COMMUNITY SERVICES										
1220C	REMODELING (Less than \$2000)										
1230	EQUIPMENT										
<b>TOTAL:</b>											
<b>B CONSTRUCTION — Cost directly attributable to construction of school facilities required for operation of project (See instructions)</b>											
CLASS. NO. 1	EXPENDITURE ACCOUNT 2			ESTIMATED AMOUNT 3							
1210a	PROFESSIONAL SERVICES FOR SITES										
1210b	SITES AND SITE ADDITIONS										
1210c	IMPROVEMENTS TO SITES										
1220a	PROFESSIONAL SERVICES FOR BUILDINGS										
1220b	NEW BUILDINGS AND BUILDING ADDITIONS										
1220c	REMODELING (\$2000 or more)										
1230	EQUIPMENT (Not included under 8A above)										
<b>TOTAL:</b>											





- 12 DESCRIBE HOW THE LOCAL EDUCATIONAL AGENCY AND COMMUNITY ACTION AGENCY COOPERATED IN THE PLANNING AND DEVELOPMENT OF PROJECT ACTIVITIES AND SERVICES. (Attach "Statement by Community Action Agency Form, OE 4305-2").

- 13 DESCRIPTION OF PROJECT ACTIVITY AND/OR SERVICE (Complete a separate description for each activity or service or set of related activities and services listed in item 11). Each description should include the following items:

- A. TITLE
- B. GENERAL DESCRIPTION OF THE ACTIVITY OR SERVICE
- C. PLANS FOR EVALUATION
- D. PARTICIPATION OF CHILDREN ENROLLED IN NON-PUBLIC SCHOOLS
- E. AMOUNT OF TIME EACH CHILD WILL PARTICIPATE

Attach additional pages (8 1/2 x 11) as required.

## 14 STATEMENT OF ASSURANCES

NAME OF CHIEF STATE SCHOOL OFFICER

NAME OF STATE EDUCATIONAL AGENCY

THE APPLICANT HEREBY ASSURES THE CHIEF STATE SCHOOL OFFICER THAT:

- a. 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 property and funds and apply them only for the purposes for which they are granted.
- b. The local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State educational agency to perform its duties under this Title, including information relating to the educational achievement of students participating in programs carried out under this Title, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.
- c. The local educational agency will adopt procedures for acquiring and disseminating to its teachers and administrators significant information derived from educational research, demonstration, and similar projects, including information about projects carried out under this Title holding promise for the local educational agency's district, and for adopting, where appropriate, promising educational practices developed through such projects.
- d. The Assurance of Compliance (HEW 441) or court order or desegregation plan as modified by the execution of HEW 441B previously filed with the Office of Education in accordance with the regulations of the Department of Health, Education, and Welfare applies to this application.
- e. The amounts of non-Federal funds expended for free public education in the project areas will be maintained at the same level as they would have been maintained if no projects had been approved for those areas.
- f. In the case of construction required for the operation of the project—
  - (1) The applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the State educational agency that funds have been allotted and to be prosecuted to completion with reasonable diligence;
  - (2) The rates of pay for laborers and mechanics engaged in the construction will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law Number 403 of the 74th Congress, approved August 30, 1935, as amended, under standards, regulations, and procedures prescribed by the Secretary of Labor; and
  - (3) The applicant will comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to Executive Order 11246 of September 24, 1965, in connection with any contract for construction for which it receives Federal assistance under Title I of Public Law 89-10.

SIGNATURE OF AUTHORIZED LEA REPRESENTATIVE

DATE

*If cooperative project, signature of LEA designated administrative and fiscal agent is required.*

## APPENDIX D

Bulletin No. 113-M  
New Regulations Tentatively Approved  
Hearing Date Set for July 7, 1967

The regulations, as amended, read as follows:

Proposed New Regulations Pertaining to Accrediting Schools  
In Oklahoma Beginning with the School Year 1968-1969

Regulation 1. Beginning with the school year 1968-1969 each high school in the State of Oklahoma shall offer a minimum of thirty-six (36) units of approved course work. Eight (8) of these units may be on the two (2) year alternation plan with twenty-eight (28) units to be offered in the current school year.

Regulation 2. Provided that a high school, which is a participating member of a vocational-technical school during the current school year, shall be offering 32 units of approved course work with a minimum of twenty-four (24) units to be offered in the current school year.

Regulation 3. Provided that in a three-year senior high school those ninth grade subjects being offered in its affiliated junior high school may be counted toward meeting the total unit requirement.

It is strongly recommended that the distribution of the minimum offering of 36 units be as follows: Language Arts, 5 units; Science, 4 units; Mathematics, 4 units; Social Studies, 5 units; Foreign Language, 2 units; Fine Arts, 2 units; Health-Physical Education-Driver Training, 2 units; Applied Vocations, 12 units.

Regulation 4. No teacher will be approved to teach in excess of six periods per day. It is strongly recommended that teachers not be assigned to teach in excess of 5 periods per day.

Regulation 5. Beginning with the school year 1968-1969 no high school will be accredited whose average daily attendance the previous year was under 55 students in legal average daily attendance.

Regulation 6. Beginning with the school year 1969-70, no high school will be accredited whose average daily attendance the previous year was under 65 students in legal average daily attendance.

Regulation 7. Beginning with the school year 1970-1971 and every school year thereafter, no high school will be accredited whose average daily attendance the previous year was under 75 students in legal average daily attendance.

Regulation 8. In calculating the average daily attendance for a high school under this regulation, the average daily attendance of the ninth grade students in the affiliated junior high school shall be counted.

Regulation 9. Beginning with the school year 1968-1969, no elementary school in the State of Oklahoma shall be considered for accrediting unless the Board of Education, having authority in that district, employs and uses in the instructional program housed in that unit, the full-time equivalency of one (1) full-time teacher for each (2) grades in the organization.

Regulation 10. Beginning with the school year 1968-1969, no elementary school shall be accredited unless the average daily attendance of legal students the previous school year was 30 or more for grades 1 through 6, or 40 or more for grades 1 through 8.

Regulation 11. Beginning with the school year 1968-1969, an elementary school may qualify for isolation for purposes of accrediting if it had an average daily attendance of 20 the previous year and is 20 miles from a school offering an approved program. Provided the school employs a minimum of 2 full-time teachers.

Regulation 12. It is strongly recommended that beginning with the school year 1968-1969, the teacher-pupil ratio in any elementary school in Oklahoma not exceed the ratio of 1 to 25. This ratio to be based on membership as of October 1 of the current school year. This to apply to the school unit. No administrative or supervisory time to be used in calculating the pupil-teacher ratio.

---From minutes State Board of Education, May 26, 1967.

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